



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 8 Nollaig 2015*

*Tuesday, 8 December 2015*

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

*Paidir.  
Prayer.*

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## Ceisteanna - Questions

### Priority Questions

#### Arts Plan

41. **Deputy Seán Ó Fearghail** asked the Minister for Arts, Heritage and the Gaeltacht the measures she is taking to improve the working environment for artists; and if she will make a statement on the matter. [43877/15]

**Deputy Seán Ó Fearghail:** In asking the Minister what measures she is taking to improve the working environment for artists, I am, if one likes, going to the very essence of the existence of her Department and her role as Minister. Recognising that with the indications of economic recovery spreading across the country, albeit slowly to some regions, I am asking what is being done to make life better for professional artists and the arts sector.

**Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys):** The Government appreciates the importance of the cultural and creative industries to Ireland. The Arts Council is the main mechanism through which it directs funding to the arts and artists. The council provides significant support to individual artists through bursaries and individual grants. It also funds means-tested payments to members of Aosdána. The Arts Council recently published its new strategy statement, Making Great Art Work. The strategy sets out the council's plans to lead the development of the arts in the decade to 2025 and prioritises two policy areas, namely, the artist and public engagement.

The work of the Irish Film Board, which my Department funds, is also a significant support for creative workers. The film sector is also supported by the improved tax incentive system introduced by the Government.

This year, as part of budget 2016, I was pleased to announce a 12% increase in allocations

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across a range of areas. This includes additional funding to the Ireland 2016 centenary programme and a new investment programme for regional arts and cultural centres. Significant benefits will accrue for artists and creative workers from many of the Ireland 2016 programmes supported by this additional funding, including at an international level.

I was also particularly pleased that the Government introduced a 25% increase in the ceiling for the artists exemption from 2015 onwards. This important measure recognises the invaluable contribution artists make to society. The feedback available to me indicates that artists very much welcome the increase in the exemption limits. The scheme ensures that Ireland continues to be a place where the work of artists is valued.

My Department continues to work with other Departments to promote the cultural and creative industries within the framework of the Government's overall objectives under the Action Plan for Jobs.

The place of artists in society has been a significant theme arising from the public consultation process I established for the development of Ireland's first national cultural policy, Culture 2025. This will be reflected in the policy document which I will publish early in the new year.

**Deputy Seán Ó Fearghail:** I thank the Minister for her response. I recently met ARRO, the Association of Artists Representative Organisations, which represents organisations such as Irish Equity, the Irish Playwrights and Screenwriters Guild, Visual Artists Ireland, the Musicians' Union of Ireland, the Screen Directors Guild of Ireland and the Association of Irish Composers, all of which represent working artists. The story ARRO had to tell was one of cuts in the allocation to the Arts Council over the years and their impact on artists. The budgets of the organisations for which ARRO works have been cut and, in turn, payments to artists and the contracts available have all been reduced.

Approximately 60,000 people work in the arts, the great majority of whom make a valued contribution not only to the welfare of the country, but also to its commercial life. Two issues arose from my meeting with ARRO, the first of which related to copyright, while the second related to competition rules for artists. I ask the Minister to address both these issues.

**Deputy Heather Humphreys:** As Minister for Arts, Heritage and the Gaeltacht, I am acutely aware of the impact the economic crisis has had on sectors under my remit, including the direct effect it has had on artists trying to make a living in the sector. The reality is that budgets across my Department were hit hard following the economic collapse. This reflected the burden shouldered by people throughout the country. Thanks to the economic recovery we are now in a position to invest in our arts, culture and heritage sectors in a way that will benefit communities nationwide. I am pleased to have secured a 12% increase in my Department's budget for 2016.

I made clear in my response that the Department principally supports artists and arts organisations through the work of the Arts Council, which is in receipt of €59 million to run a number of programmes and initiatives to support artists and art organisations, events and festivals throughout the country.

**Deputy Seán Ó Fearghail:** I thank the Minister for her reply. Two issues arise in particular. The first is the issue of copyright, which has an impact on people in all disciplines, and the second is the issue of collective pay negotiations. Currently, competition law prevents actors who do voice-overs for advertisements, for example, musicians or freelance journalists from negotiating pay collectively. I understand the previous Government, which was in office up to

2011, was in a position under the Towards 2016 plan to give a commitment to the Association of Artists' Representatives Organisations, AARO, to bring forward legislation to address this particular difficulty in collective bargaining. This is a particular problem. Competition law has an impact on the capacity of many practising artists to generate the sort of revenue they need to operate and maintain a decent standard of living for themselves and their families.

**Deputy Heather Humphreys:** The independent copyright review committee, which was appointed by the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, published a report entitled *Modernising Copyright* in October 2013. The report contains more than 60 recommendations covering a diverse range of copyright issues. Following extensive analysis of the recommendations in the report, the Department of Jobs, Enterprise and Innovation is in the process of developing legislative proposals for consideration by Government.

There is a progressive and evolving framework on copyright at EU and international level. In the EU context, proposals are expected from the European Commission before the end of this year and further proposals are expected in spring 2016.

I am conscious that copyright issues affect several Departments. Officials at the Department of Jobs, Enterprise and Innovation have been trying to influence the development of EU proposals in the copyright area - for example, in the context of the 2013 EU Commission consultation on copyright modernisation and the Commission's digital single market strategy published on 5 May 2015. Work is being carried out in this area and I will continue to watch it closely.

### **National Monuments**

42. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht to outline the status of the national monument at 14-17 Moore Street, Dublin 1; and if she will make a statement on the matter [43863/15]

**Deputy Sandra McLellan:** Will the Minister for Arts Heritage and the Gaeltacht provide a progress update on the national monument at 14-17 Moore Street?

**Deputy Heather Humphreys:** The Government decided to acquire the national monument at 14-17 Moore Street because of its historic association with the events of Easter 1916. The decision demonstrates and acknowledges the historical importance of the site in a clear and substantive way and ensures that the long-term future of this historical landmark will be preserved and safeguarded. Bringing the monument into public ownership also allows for the development of a 1916 commemorative centre on the site.

The legal steps to bring the national monument into my ownership as Minister for Arts, Heritage and the Gaeltacht have been completed. My Department has also concluded a tendering process for the scheme of conservation works initiated when the property was under lien by National Asset Management Agency in order to get construction work under way as speedily as possible and prevent further deterioration to the fabric of the national monument buildings. This conservation work has commenced and will be completed during 2016, the centenary year. Provision has been made in the contract to facilitate managed public access to the monument for some centenary events. I met the 1916 relatives following my announcement on 10 November 2015 that work was about to get under way. They were given a detailed briefing by the project team and I will continue to keep the relatives and other interested parties informed

about the project as it progresses.

**Deputy Sandra McLellan:** I thank the Minister for her update. 2016 is almost upon us and this is a very important issue. The Minister will acknowledge that this question has been raised on Priority Questions since the start of the last Dáil. We have called for a long time for the protection of 14-17 Moore Street, but we also advocated for the retention of the surrounding area as we feel it is of great significance and national importance as a key battlefield site in the 1916 Rising.

The people of Ireland have a vision, which we all share. Would the Government not agree that if 14-17 Moore Street and the surrounding areas were developed as an historic battlefield site it would be a major tourist attraction, bring significant economic value to the city of Dublin and encourage repeat visitors? Perhaps the Minister could give us an update on how much of the project will be completed in time for the centenary.

**Deputy Heather Humphreys:** As Minister for Arts, Heritage and the Gaeltacht, my responsibility relates to the national monument, which comprises 14-17 Moore Street. The historical significance of 16 Moore Street as the final headquarters of the 1916 Rising and the location of the last council of war was the determining factor in the decision to make the preservation order in 2007. Nos. 14, 15 and 17 Moore Street were included in the preservation order to enhance and preserve the amenity and setting of 16 Moore Street.

Collectively, 14-17 Moore Street represent the most significant, original, complete, discrete and continuous section of substantially intact pre-1916 buildings on the street, most of the remainder being post-1916. Unlike adjacent properties, these buildings also retain significant and extensive internal 18th-century elements, including staircases, partitions, plasterwork, doors, floors, fittings and fixtures. The forms and profiles of the 18th-century buildings also survive. Most important, we also have physical evidence of the presence of the insurgents in the form of the openings that were broken through party walls in the houses.

**Deputy Sandra McLellan:** I thank the Minister for her response. We in Sinn Féin and many others across the State feel that, due to the historic nature and importance of the site, it may be beneficial to reconsider its development with the inclusion of the entire battlefield site. Many sites of these nature, in a national historic sense, exist right across Europe. Has the Minister investigated any similar models and examined the benefits they provide to their respective cities?

We have written to Hammerson plc about the acquisition of Project Jewel. Has the Minister had any contact or correspondence with it or does she have any plans to meet it? Perhaps she could make a statement on the matter.

**Deputy Heather Humphreys:** The national monument comprises 14-17 Moore Street, which is where my responsibility lies.

**Deputy Sandra McLellan:** We want to extend that.

**Deputy Heather Humphreys:** Anything outside of that is a matter for Dublin City Council. The Deputy mentioned other buildings and said that perhaps the entire terrace should be saved. Different proposals are coming forward. I understand how passionate a number of groups feel about the Moore Street area, but the reality is that most of the other buildings on the street have been extensively altered since 1916 and retain little of the historical fabric and character of the

time. A number of buildings date from after 1916. This issue has been ongoing for a number of years. Of course I would like to see the wider street developed, and I know Dublin City Council is progressing plans in this regard, but I must re-emphasise that my responsibility is for the national monument and I am happy to be able to say today that work is getting under way to preserve the national monument and develop a commemorative centre at the site, which will be a great visitor attraction on Dublin's historic trail. The improvements and development at the GPO are anticipated to attract 300 visitors and it will be a natural progression for them to go to Moore Street and visit the new interpretive centre. I hope there will be limited access to the buildings for Easter 2016. They will not be finished but I would like to see some access. I expect they will be finished by 2016. I know people will be anxious to visit the buildings because they are very important.

**Deputy Sandra McLellan:** Has the Minister had any contact with Hammerson?

**Deputy Heather Humphreys:** No.

### **National Archives**

43. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht the proposals in the capital plan for the National Archives; the proposals that will be funded in the first phase; how this funding is intended to address the deficiencies in storage capacity, digital archiving and public accessibility at the National Archives; and if she will make a statement on the matter. [43689/15]

**Deputy Catherine Murphy:** This question relates to the capital allocation and the capital plan for the National Archives. What is likely to be contained in the first phase of the plan? Will it address some of the key deficiencies which are putting at risk some of the records in some of the institutions?

**Deputy Heather Humphreys:** It has long been recognised that the National Archives building at Bishop Street is inadequate for the storage of all State archives and future provision. The site has insufficient flooring and archival shelving in which to store records in an accessible manner, and consequently the building is not being used to maximum advantage. Furthermore, there are no exhibition spaces in Bishop Street to allow the display of rare and important collections. To address this, and as part of the decade of commemorations programme, the Government agreed to provide funding of €8 million for the first phase in a capital development plan at the National Archives. The OPW has recently appointed a design team to the project and I expect it to go to tender shortly, with construction starting in 2016.

This development will address many of the issues with the headquarters of the National Archives by providing additional floor space within the existing building. I am confident the investment plan will allow the National Archives to improve delivery of its core objectives, including the protection and conservation of its collections, as well as allowing it to develop as a venue for research, culture, learning and tourism.

In relation to digital archiving, I was very pleased to have been in a position to provide the National Archives with a special allocation of €150,000 for 2016 to assist in the work being undertaken by it in association with the Office of the Government Chief Information Officer on digital records and public sector records management policy.

**Deputy Catherine Murphy:** I have had the benefit of a tour of the National Archives and I have also visited the Public Records Office of Northern Ireland, which was built recently. There is a world of difference between them as one is a purpose-built national archive. Some National Archives records are stored off site, some as far away as Portlaoise, which adds to the inefficiency of retrieving documents. When this work is complete, will there be sufficient floor space to have all of the records stored on site, whereby it would not be necessary to have to retrieve materials from various locations?

A significant number of records, some 70,000 boxes, are not catalogued. This makes it very difficult to retrieve these records and use them in a meaningful way for research. Is it intended to deal with this particular aspect or is it more on the revenue side as opposed to the capital side?

**Deputy Heather Humphreys:** The development will be done in phases. The project involves the creation of a modern archive facility on two storeys inside a warehouse at the rear of the National Archives premises. That warehouse is currently being used to store the backlog of uncatalogued and closed archives. The refurbished facility is urgently required because the archival space available to the National Archives is completely full and the warehouse has no shelving or temperature and humidity controls.

Phase one will see the development of full storage over two storeys in half of the warehouse, with linear, fully accessible racking systems being put in place. This phase will also deliver the plant and machinery requirements to allow phases two and three to proceed. In addition, the first phase will provide capacity for an additional 17,000 archival boxes. Phase two will develop full storage over two storeys in the remainder of the warehouse and provide capacity for an additional 22,000 archival boxes. Phase three will develop a storage area over an existing archive storage area and provide capacity for another 3,500 archival boxes.

The three phases of the plan will increase the archival capacity of the National Archives at Bishop Street by approximately 160%. This substantial expansion is intended to meet the institution's needs for some years to come and obviate the requirement for off-site storage in the future, thereby creating significant savings.

**Deputy Catherine Murphy:** Regarding the allocation on the digital side, is it intended to be used to develop a standard, or is it for the purpose of carrying out specific work? If the latter, will the Minister indicate whether the particular project has been identified at this stage?

**Deputy Heather Humphreys:** At present, there is no common digital records management and preservation strategy with related guidelines for the public service. Implementation of such a strategy would prevent the loss of born-digital records, which are currently being created and filed in a non-co-ordinated manner. Staff of the National Archives are working with the Office of the Government Chief Information Officer to agree a records management policy. The budget allocated €150,000 to assist with this project.

## Údarás na Gaeltachta

44. D'fhiafraigh **Deputy Michael P. Kitt** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil athbhreithniú á dhéanamh ar struchtúr bainistíochta Údarás na Gaeltachta agus ar ghrádú na bpost bainistíochta sinsearach san eagraíocht; cén uair a bheidh an t-athbhreithniú thart; agus an ndéanfaidh sí ráiteas ina thaobh. [43688/15]

**Deputy Michael P. Kitt:** An bhfuil athbhreithniú á dhéanamh ar struchtúr bainistíochta Údaras na Gaeltachta agus ar ghrádú na bpost bainistíochta sinsearach san eagraíocht, cén uair a bheidh an t-athbhreithniú thart agus an ndéanfaidh an tAire Stáit ráiteas ina thaobh?

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh):** Dírím aird an Teachta ar an bhfreagra a thug mé ar cheist Dála ar 19 Samhain 2015 faoin ábhar seo, nuair a thug mé le fios gurb é príomhchuspóir an athbhreithnithe atá luaithe ag an Teachta ná measúnú a dhéanamh ar an struchtúr agus an grádú ag leibhéal na bainistíochta sinsearaí in Údarás na Gaeltachta, ag féachaint do ról, d'fheidhmeanna, do bhuiséad agus do fhreagrachtaí na heagraíochta i gcomparáid le heagraíochtaí eile sa tseirbhís phoiblí; agus ag tabhairt san áireamh na feidhmeanna breise a tugadh don údarás faoi Acht na Gaeltachta 2012. Rinneadh an t-athbhreithniú i gcomhpháirtíocht leis an údarás.

Is iad seo a leanas téarmaí tagartha an athbhreithnithe: an struchtúr foirne ardbhainistíochta is fearr a oireann do riachtanais na heagraíochta agus lena mbaintear an úsáid is éifeachtaí agus is éifeachtúla as na hacmhainní atá ar fáil; a áirithiú go bhfuil an struchtúr molta ailínithe go hiomlán leis an trí réimse is mó de ghnó na heagraíochta, is iad sin fiontraíocht agus fostaíocht, pleanáil teanga agus forbairt pobail, agus rialachas corparáideach; na scileanna agus an taithí is gá chun tacú leis na cuspóirí straitéiseacha a bhaint amach; sainchuntas mionsonraithe poist a ullmhú le haghaidh gach ceann de na poist shinsearacha, rud a chothóidh feidhmiú níos éifeachtaí agus a éascóidh caighdeáin feidhmíochta a leagan síos agus measúnuithe a dhéanamh; a áirithiú go ndéanfar próifílí daoine aonair agus foirne comhtháite a fhorbairt ag leibhéal na hardbhainistíochta chun ceannaireacht éifeachtach an struchtúir nua a éascú; a áirithiú go bhforbrófar cultúr agus creat bainistíochta feidhmíochta, go bhforbrófar na scileanna agus an saineolas agus an taithí a bheidh de dhíth sa struchtúr comhtháite, agus go bhforbrófar straitéis thacúil oiliúna don lucht bainistíochta agus don fhoireann. I gcomhréir leis na rialacháin um sholáthar poiblí, bronnadh an conradh don athbhreithniú ar an chomhlacht Public Affairs Ireland. Is é €15,800 luach an chonartha, gan cáin bhreisluacha san áireamh, agus bhí sé mar choinníoll den chonradh go ndéanfaí an obair leis an údarás agus an Roinn trí Ghaeilge. Tugtar le fios dúinn gur chomhlíonadh an coinníoll sin. Tá an tuarascáil chríochnaitheach curtha ar fáil anois agus tá plé ar bun faoi láthair idir mo Roinnse agus an t-údarás maidir le cur i bhfeidhm mholtaí na tuarascála. Ní dhéanfar cinneadh faoi fhoilsiú na tuarascála go dtí go mbeidh an próiseas sin thart.

**Deputy Michael P. Kitt:** Ní dóigh liom gur thug an tAire Stáit freagra ar an gceist a bhí agam, is é sin, cén uair a bheidh an t-athbhreithniú thart. B'fhéidir gur féidir leis an cheist sin a fhreagairt. Táim ag caint anseo faoi ghrádú na bpost bainistíochta sinsearach. An bhfuil sé ag rá go bhfuil an iomarca príomhoifigeach san údarás? Tá sé deacair comparáid a dhéanamh le poist sa Státseirbhís ach is dócha go bhfuil a fhios ag an Aire Stáit go bhfuil laghdú tagtha ar bhuiséad Údarás na Gaeltachta le cúpla bliain anuas, ó €25 milliún go dtí €6 milliún. D'fhéadfaí an t-airgead sin a úsáid chun an Ghaeilge a chur chun cinn, chomh maith le fostaíocht a chur ar fáil sa Ghaeltacht. Tá muintir na Gaeltachta ag brath ar an údarás chun na poist a choinneáil agus iarracht mhór a dhéanamh chun poist nua a fháil. Tá an t-údarás ag déanamh go maith maidir leis sin ach tá sé deacair agus is dúshlán mór é don údarás mar ní faoi chathair mhór nó baile mór atáimid ag caint. Táimid ag caint faoi bhailte beaga. Tá an t-údarás in iomaíocht leis an IDA agus tá an IDA ag fáil i bhfad níos mó airgid. Caithfidh an tAire Stáit níos mó a dhéanamh chun broadband a fháil, mar shampla, sa tír agus go háirithe sa Ghaeltacht.

**Deputy Joe McHugh:** Aontaím le tuairimí an Teachta fá choinne an dea-scéil atá ar siúl sna ceantair Ghaeltachta. Tá an t-údarás freagrach as an dea-scéal. Chonaic mé an dea-scéal sin an

tseachtain seo a chuaigh thart i mBéal an Mhuirthead i gContae Mhaigh Eo. Bhí cúrsa traenála úr ar siúl agus beidh comhpháirtíocht ann idir an bord oideachais agus oiliúna, Muintearas agus Údarás na Gaeltachta, agus tá dea-scéal ar siúl. Aontaím le tuairimí an Teachta fá choinne na sároibre atá déanta ag an údarás agus an obair atá ag dul ar aghaidh.

Chomh maith leis sin, bhí laghdú mór ann sa bhuiséad chaipitil thar na blianta, mar a dúirt an Teachta. Bhí laghdú €26 milliún ann thar na blianta agus chonaiceamar laghdú chuig €6 mhilliún anuraidh. Fuair mise cúpla milliún euro breise anuraidh agus chonaiceamar an figiúr €6 mhilliún arís i mbliana. Táim ag fáil acmhainní breise fá choinne sin. Maidir leis an gceist, tá suas le 80 duine ag obair go dian dícheallach in Údarás na Gaeltachta agus ba mhaith liom aitheantas a thabhairt d'achan duine atá ag obair go dian. Bíonn siad faoi bhrú ó am go ham ach tá an ceantar níos láidre, ó Thír Chonaill go Ciarraí go Port Láirge go Contae na Mí, Gaillimh, Maigh Eo agus Corcaigh fosta. Tá dea-scéal ar siúl. Tá siadsan faoi bhrú. Níl an tuarascáil críochnaithe. Níl aon chinneadh déanta fós agus tá an bunphlé idir mo Roinn agus an t-údarás ag dul ar aghaidh agus ní maith liomsa cur isteach ar sin.

**Deputy Michael P. Kitt:** Cinnte nach bhfuil freagra fós faighte agam maidir le cathain a bheidh an t-athbhreithniú thart. Agus an t-athbhreithniú ar siúl, mar atá sé anois, an féidir leis an Aire Stáit moladh a dhéanamh maidir le daonlathas san údarás agus go mbeadh toghchán ann? Faoi láthair, tá baill an údaráis roghnaithe ag an Aire agus an Rialtas agus ról ag cuid de na comhairlí contae freisin chun baill a ainmniú. Ní dóigh liom, áfach, go bhfuil an ceangal céanna ann idir an t-údarás agus muintir na Gaeltachta nuair nach mbíonn toghchán ann. Nuair a bhíonn cruinniú poiblí ann le húdarás tofa, is féidir leis na baill ceisteanna a chur ar son mhuintir na Gaeltachta. Tá a lán dúshlán ann do mhuintir na Gaeltachta agus ceisteanna ann maidir le cúrsaí oideachais, sláinte, bóithre agus, ar ndóigh, cúrsaí Gaeilge.

Chuir mé cúpla ceist ar an Aire Stáit faoin aersheirbhís go dtí Oileáin Árann. D'fhéadfadh díospóireacht a bheith ann leis an údarás maidir leis sin chomh maith. B'fhéidir le húdarás tofa go mbeifear in ann níos mó a dhéanamh don Gaeltacht.

**Deputy Joe McHugh:** Tá ról mór ag Údarás na Gaeltachta maidir le cúrsaí sláinte, oideachais agus pleanáil teanga a chur i bhfeidhm do mhuintir na Gaeltachta. Dúirt mé go mbeidh suas le 80 duine fostaithe san údarás. Tá an t-údarás ag obair ar chúrsaí turasóireachta ar nós Slí an Atlantaigh Fhiáin fosta. Tá achan rud ag dul ar aghaidh. Bhí na daoine uilig i gceantair Ghaeltachta ar nós an Ghaillimh agus Gaoth Dóbhair i dTír Chonaill ag lorg post breise i bpáirceanna gnó. Labhair an Teachta Kitt fá dtaobh de leathanbhanda i gceantair Ghaeltachta. Tá plé ar siúl anois idir mo chuid oifigigh agus Údarás na Gaeltachta maidir leis an dea-scéal a bheidh ann. Tá leathanbhanda de dhíth i bpáirceanna gnó agus iad ag lorg comhlachtaí nua ann.

Tá deiseanna ann sa Ghaeltacht. Tá na daoine sna háiteanna iargúlta seo i gCiarraí, i gConamara nó i dTír Chonaill ina gcónaí in áiteanna breátha chun a bpáistí a thógáil. Beidh seans agus deiseanna ann comhlachtaí agus poist bhreise a mhealladh do cheantair Ghaeltachta agus tá an t-údarás ag obair go dian ina leith. Bhí oifigigh agamsa i dteagmháil le comhlachtaí agus b'fhéidir go mbeidh dea-scéal ann maidir leis na díospóireachtaí atá ar siúl idir Údarás na Gaeltachta agus na comhlachtaí breise sin, ina measc comhlachtaí atá lonnaithe lasmuigh den tír. B'fhéidir go mbeidh dea-scéal ann amach anseo maidir leis sin.

*Dáil Éireann*  
**National Archives**

45. **Deputy Catherine Murphy** asked the Minister for Arts, Heritage and the Gaeltacht to what extent an all-Island approach is being adopted to the ongoing digitisation of records at the National Archives, in collaboration with the Public Records Office of Northern Ireland; to what extent the National Archives is co-operating with the United Kingdom National Archives in this regard; and if she will make a statement on the matter. [43690/15]

**Deputy Catherine Murphy:** In some ways, this follows from my previous question about the record management policy. There is a high level of co-operation between the cultural institutions, North and South. There is already a UK standard that they are working to in Northern Ireland. It is important that we do not end up with dual standards which would make it much more difficult for such a level of co-operation where there is a new system being developed, and that is what this question is primarily about.

**Deputy Heather Humphreys:** The care and management of electronic records and the preservation of digital material is a challenge in all jurisdictions. Earlier this year, the National Archives joined the Digital Preservation Coalition to prepare itself for the development of a digital preservation strategy and to ensure it adopts appropriate and relevant standards in this area.

The management of Government and other public documents is, properly, a matter for each jurisdiction. The National Archives has a very good working relationship with the Public Records Office of Northern Ireland, PRONI. Both organisations have digitised material for each other, as and when required. A member of the National Archives staff was on the review group for PRONI's digital repository in advance of its operational roll-out. My Department is supportive of this close working relationship.

Regarding digitisation, as I mentioned in my reply to the Deputy's earlier question, the Office of the Government Chief Information Officer and the Department of Public Expenditure and Reform are working with the National Archives on a strategy and associated plan regarding the electronic management and preservation of digital records. A collaborative approach, based on a pilot and phased implementation of electronic record keeping systems, would have benefits across the Civil Service. In developing this project, regard will be had to international experience, including in Northern Ireland. As I said, I was delighted to be in a position to provide the National Archives with a special allocation of €150,000 for 2016 to commence work on the project.

**Deputy Catherine Murphy:** We do not want to end up with a collection of different standards and a long lead time where various Departments are operating to different standards and there must be an expensive retrofit. We could easily lose records that were generated on different digital platforms or early generation computer systems, for example, records on floppy disks. It will be difficult and expensive if we do not address it in a timely way. To what extent is the Chief Information Officer dealing with the various Government agencies and Departments to minimise what needs to be done? Are we waiting for a standard to be set before it happens?

**Deputy Heather Humphreys:** I agree that we do not want a collection of different standards. They are engaging with the different Departments. The Deputy's question focuses on co-operation with Northern Ireland. I have met my counterpart in Northern Ireland, Carál Ní Chuilín, and we totally agree on it. Our last North-South Ministerial Council sectoral meeting

8 December 2015

was held in the Annaghmakerrig centre, which is, uniquely, funded by both the Arts Council of Northern Ireland and the Arts Council of Ireland. There is good co-operation between the various bodies, such as between the National Museum and the National Gallery and the Ulster Museum. We need to continue this co-operation.

The UK National Archives is working with the National Archives of Ireland on the digitisation of a number of important records around the Easter Rising, including the digitisation of UK court martial reports for the 1916 leaders. Each file contains the statement of the prisoner to the court martial and, sometimes, last letters to loved ones. The National Archives will make such records available next year and the British National Archives at Kew, PRONI, the National Library of Ireland and the National Records of Scotland are members of the Digital Preservation Coalition, and will work together to develop digital preservation strategies for born digital material.

I am very supportive of any initiatives that would encourage more co-operation with Northern Ireland and the UK, where appropriate. Those are the areas in which we are working together. If the Deputy has any examples in which she feels enhanced co-operation between the relevant archive authorities would be beneficial, I would be happy to examine them.

**Deputy Catherine Murphy:** The Minister has outlined shared heritage and the need for it. We will be accessing information that is stored in different locations and it is a very sustainable approach, whereby people will not have to go and physically retrieve material from an archive. The more of this that can happen, the better and the more accessible it will be. I would like to mention before I finish that I had been asking routine questions about allocations to the National Library, so I welcome the allocation that has been made as a good investment in the future.

**Deputy Heather Humphreys:** I thank the Deputy for acknowledging that, having raised this issue with me on many occasions. I am very concerned about the protection of the valuable archives and documents that are in the possession of the National Library, so I am pleased to be able to allocate €10 million to it. I was delighted to go to the library yesterday evening to launch its comprehensive 2016 plan, which focuses on the seven signatories. Personal documents and items relating to each individual signatory will be displayed as part of the library's 2016 exhibition. I acknowledge that and wish the staff of the library well. They have a great deal of work ahead of them as they face into this major project. I have seen the difficult working conditions in the basement with which staff have to contend. The Deputy has rightly raised this matter with me on a number of occasions. I am glad that phase one is under way. I hope it will bring about a huge improvement for staff.

## Other Questions

### Cultural Policy

46. **Deputy Seán Ó Fearghail** asked the Minister for Arts, Heritage and the Gaeltacht when Culture 2025 will be published; and if she will make a statement on the matter. [43497/15]

**Deputy Seán Ó Fearghail:** The Minister has committed herself to the production of a national cultural policy and promised that it will be published in early 2016. I do not doubt that

this is a very worthwhile exercise. I understand that the process of consultation throughout the country concluded on 31 October or thereabouts. Can the Minister guarantee that this report will be published very quickly?

**Deputy Heather Humphreys:** I thank the Deputy for raising this matter. The aim of the new national cultural policy, Culture 2025, is to set out the high level aims and policies of the Government in this area for the period until 2025. It will seek to reinforce the crucial role of culture in society by supporting the cultural sector and providing conditions that will allow the sector to develop and flourish across all sectors of society. Culture 2025 will seek to reflect the modern multicultural Ireland. The Department of Arts, Heritage and the Gaeltacht published a discussion document on 8 August last to facilitate public consultation on the proposed policy. This was followed up by holding a series of local workshops to enable people across the country to have their views heard. Meetings took place in Cavan, Cork, Galway, Limerick, Kilkenny and Dublin. I attended the Dublin event, which followed the participative world café model and was held under the open policy debates programme in line with the Civil Service renewal plan. I am pleased to inform the House that this event, which was held in the Royal Hospital in Kilmainham, was a great occasion with a high level of engagement from those attending. I thank all those who participated in the various consultation events, which were attended by over 600 people, and those who were involved in organising and running them. More than 200 written submissions were received before the closing date of 31 October last. The feedback from the regional meetings and the submissions are being examined in detail as part of the process of drafting the cultural policy. An expert group and a steering group established by my Department and comprising a range of cultural stakeholders are also making an input into the process of consultation and drafting. I intend that Culture 2025 will be a high level and living document that will set out the framework of cultural policy for the next decade. I propose to submit it to the Government shortly with the intention of publishing it early in the new year.

**Deputy Seán Ó Feargháil:** Is this document going to be published before the general election, while the Minister is still in her current position? I assume she values the initiative she has been involved in. Are any big creative ideas emerging from the worthwhile consultation that has happened and the written submissions that have been received? For example, will they address key areas? The Minister spoke about the transition from being a relatively monocultural society to a society which is diverse. I was at a small rural school recently where 26 nationalities were represented, and Culture 2025 has to take some of this on board. It also has to look at the relationship between the Arts Council and the local authorities who have a greater role in arts and culture development. It must also underwrite funding commitments for the national cultural institutions which cannot be left to flounder without adequate funding.

**Deputy Heather Humphreys:** There was a consultation process and it was good to get out there. I attended two of the meetings and all the stakeholders came together for the final one in Kilmainham Hospital, Dublin. It was a great opportunity for stakeholders to make their views known to me and my Department and to network. Some people might say we are moving this too quickly but I am very anxious to move it forward. This is our first ever cultural policy and I am not saying we will get all of it right the first time. As I said, it will be a living document. I promised we would have a cultural consultation day in order that whoever is in this job next year will allow it to take place. It is important that all the stakeholders in the arts and the cultural sector engage.

The core strands to emerge included the intrinsic value of culture. Culture is of value in and of itself to each person living here and to those who visit, as well as something which benefits

the economy. Ireland is an island of rich and diverse cultural activity and the policy should reflect this. Multiculture is for everyone. It should be fully inclusive and celebrate every aspect of every culture in the State. As the Deputy pointed out, schools throughout the country have many different nationalities and it is important to embrace other cultures to make our own culture richer.

**Deputy Seán Ó Fearghail:** The Minister will be publishing a strategy but many of us did not have the opportunity to engage in the consultations to the extent we might have and I have not seen the written submissions to the Department. Will the Minister give Members a commitment that she will publish the submissions, or at least a synopsis of them, in order that we can get an idea of the issues that arose at the consultations? This is important in order that we can all evaluate what came in and what the Department will ultimately produce.

**Deputy Heather Humphreys:** This has been a very open process and we will publish all the submissions. We want to put together the policy on the basis of those submissions so it is important they are all included as far as possible in the policy document. I will check with my officials whether it is possible to put them all online as that would be a very good idea. This is a new venture and we may not get all of it right first time. It is a living document and will evolve and it is not a policy that will be left sitting on a shelf. We will continue to look at it and may change aspects of it in consultation with stakeholders.

### **Artists' Remuneration**

47. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the provisions she will put in place to protect the rights of artists and to provide them with adequate remuneration for the use of their copyrighted works. [43464/15]

**Deputy Sandra McLellan:** Will the Minister outline what provision she plans to put in place to protect the rights of artists and provide them with adequate remuneration for the use of their copyrighted works?

**Deputy Heather Humphreys:** In general, the law on copyright is a matter for the Minister for Jobs, Enterprise and Innovation. My Department is aware of the importance of protecting the rights of artists, including the issues of protection of intellectual property in the digital age. EU policy in this regard is also significant. The issues of supporting artists, including with regard to copyright, has been an area of significant discussion during the public consultation phases of developing the proposed new national cultural policy, Culture 2025. I expect that these complex issues will be reflected in the final policy document.

My primary role is to support artists and the creative industries in Ireland using the mechanisms available to me and working across Government on common initiatives such as the Action Plan for Jobs. The Arts Council is the main mechanism through which the Government directs funding to the arts and to artists. In this regard, the Arts Council recently published its new strategy statement, Making Great Art Work. This sets out the Arts Council plans to lead the development of the arts in the decade to 2025 and prioritises two policy areas, the artist and public engagement.

The work of the Irish Film Board, which my Department funds, is also a significant support for creative workers in Ireland. This sector is also supported by the improved tax incen-

tive system introduced by this Government. This year, as part of budget 2016, I was pleased to announce a 12% increase in allocations across a range of areas, including the Ireland 2016 centenary programme and a new investment programme for regional arts and cultural centres. There will be significant benefits accruing for artists and creative workers from many of the Ireland 2016 programmes supported by this additional funding, including at international level.

I was also particularly pleased that the Government introduced a 25% increase in the ceiling for the artists exemption from 2015. This important measure recognises the invaluable contribution which artists make to Irish society. The feedback available to me indicates that artists very much welcome the increase in the exemption limits. The scheme ensures Ireland continues to be a place where the work of artists is valued.

**Deputy Sandra McLellan:** I note the Minister's comments that some of this might be addressed in the 2025 cultural policy, and I welcome that. The basic principle of copyright is that the creator shares in the economic return from their work and receives equitable remuneration for its use. Remuneration is considered to be equitable if it is proportional to the income earned by the work. Where this produces large quantities of small payments, collective management organisations manage the process. Most European countries consider this to be a good practice, but Ireland is unique. Does the Minister agree that many of our artists are still struggling and that we must ensure they get their fair share of remuneration?

**Deputy Heather Humphreys:** The report of the independent copyright review committee appointed by the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, entitled *Modernising Copyright*, was published in October 2013. The report contains in excess of 60 recommendations covering a diverse range of copyright issues. Following extensive analysis of the recommendations contained in the report, the Department of Jobs, Enterprise and Innovation is in the process of developing legislative proposals for consideration by the Government.

There is a progressive and evolving framework on copyright at EU and international levels. In the EU copyright context there are imminent proposals expected from the European Commission before the end of this year and a further set of proposals is expected in spring 2016. Officials from the Department of Jobs, Enterprise and Innovation have been active in seeking to influence the development of EU proposals in the copyright area, for example, in the context of the Commission's digital Single Market strategy which was published on 5 May 2015.

Work is ongoing in this area. We will watch it closely and continue to work with other Departments on this matter.

**Deputy Sandra McLellan:** The public lending right which provides writers with a small payment when their books are loaned in a public library was introduced by statutory instrument. Private copying levies, rental and lending rights and so forth are standard sources of income for creators and performers in most EU member states. Ireland is unique in adopting an approach of introducing such support schemes only, it appears, when forced to do so by EU directives and then in minimal form. The Minister said there are 60 recommendations in *Modernising Copyright*. Are any other schemes being explored? When might we see some of those recommendations being implemented?

**Deputy Heather Humphreys:** The Deputy mentioned other schemes. In April 2014, the Irish Association of Songwriters, Composers and Authors was awarded a grant from the Department's capital budget of €50,000 for the purpose of introducing a digital music system to be available to all Irish musicians and broadcasters. The association carried out considerable research and identified the digital media distribution system, or DMDS, as the most suitable. DMDS is a secure method of distributing audio and video material via the Internet. It can be used by industry professionals including broadcasters, musicians, music promoters, advertisers and post-production companies. The DMDS service supports functions such as the distribution of broadcast quality music, video and television advertising as well as music distribution to radio and industry professionals. The DMDS was launched in 2003. It works as a middleman between music labels and radio stations to deliver music and promotional information via e-mail.

### **Irish Music Industry Promotion**

48. **Deputy Mick Wallace** asked the Minister for Arts, Heritage and the Gaeltacht the steps she is taking to increase co-operation and co-ordination between the different sources of funding for musicians, Culture Ireland, Irish Music Rights Organisation and First Music Contact, in order to make the best use of available resources; if she has consulted the Department of Social Protection or the Department of Jobs, Enterprise and Innovation regarding the feasibility of developing targeted schemes for those interested in working in the music industry; and if she will make a statement on the matter. [43483/15]

**Deputy Mick Wallace:** Earlier this year, IMRO reported that the Irish music industry contributes more than €470 million to the domestic economy and supports more than 9,000 direct jobs in Ireland. Every €1 invested in the industry generates between €4 and €7. However, the same report found that our industry is struggling to realise its full potential. There is very little co-ordination between the main bodies working to support the arts in Ireland, the Arts Council, IMRO and the various Departments concerned, which presents a huge obstacle to the development of an effective Irish music industry. I asked the Minister months ago whether she would take any steps to increase the co-operation and co-ordination among the different sources of funding, including the various Departments. Has she made any progress in that area?

**Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys):** The Government appreciates the importance of the cultural and creative industries to Ireland, including the music industry. Primary responsibility for the promotion and support of the arts, including music, is devolved to the Arts Council. The council, which is funded by my Department, is statutorily independent in its day-to-day operations and, specifically, in its funding decisions. The Arts Council sets out its approach to its statutory functions in periodic strategy documents. Recently, the council published a new strategy statement, Making Great Art Work. The strategy statement sets out the Arts Council's plans to lead the development of the arts in the decade 2016–25. The new strategy prioritises the two policy areas: the artist and public engagement. The document outlines a range of actions that the Arts Council has set itself in order to deliver on its vision.

In addition to Arts Council interventions, Culture Ireland within my Department provides supports for Irish artists and musicians. Its remit is to promote the Irish arts worldwide by creating and supporting opportunities for Irish artists and companies to present and promote their work at strategic international festivals and venues. Culture Ireland plays a major part in

promoting the Irish arts and music on the world stage. Culture Ireland funds and works closely with First Music Contact, or FMC, to promote and create opportunities for Irish bands to tour internationally. As part of the Hard Working Class Heroes festival delivered by FMC in Dublin every October, Culture Ireland supports the travel of international buyers to attend the festival. As part of the event, seminars on how to maximise international touring opportunities are held for those in the music industry. My Department also provides support for music through its funding of the music capital scheme, which is delivered by Music Network.

As part of budget 2016, I was pleased to announce a 12% increase in allocations across a range of areas, including the Ireland 2016 centenary programme and a new investment programme for regional arts and cultural centres. There will be significant benefits accruing for musicians from many of the Ireland 2016 programmes supported by this additional funding, including at international level.

**Deputy Mick Wallace:** The Minister refers to funding from this area and that area, but she must admit that we compare poorly with international standards. Sadly, the arts are not seen in Ireland as businesses in their own right. Often, the State treats music as a hobby, something that people do before they get jobs. The lack of support is felt at individual level, with many people forced onto the dole or into JobBridge or Gateway. The impression given is that people who are trying to start in music should be playing gigs for free to get exposure.

The lack of support is also felt at community level by local organisations that support music in the regions and rely heavily on the Arts Council for their survival. For example, the Music in Kilkenny group, an organisation that holds 20 concerts throughout the year in the south east and is regarded as one of Ireland's most active and successful classical music promoters, found out last week that its annual grant of €11,000 was being cut completely. Music for Wexford, a similar body, endured a cut recently. This not only affects organisations and deprives local areas of cultural events but also hits artists, who lose out on performance opportunities.

Many sectors get tax exemptions and various supports that are in a different league than what the music industry gets. Despite the fact we are a small island with a small population, music is powerful in Ireland.

**Deputy Finian McGrath:** Hear, hear. Bring back the guitars.

**Deputy Mick Wallace:** It needs more support. This would do wonders for the tourism industry, never mind the artists themselves.

**Deputy Heather Humphreys:** I agree that we need to support artists in reaching their full potential. Funding for artists is provided through the Arts Council, which is independent. The Deputy mentioned a body that did not receive funding, but that must be a decision for the Arts Council. It funds many and various artists, organisations and events throughout the country. We increased its funding this year compared with last year's budget.

My Department principally supports artists and arts organisations through the work of the Arts Council. Culture Ireland plays a major part in promoting Irish artists and music on the world stage through a number of schemes and initiatives. The Irish Film Board works hard to support writers, directors and producers by providing investment loans for the development, production and distribution of film, television and animation projects.

**Acting Chairman (Deputy Derek Keating):** Before handing over, I welcome some visi-

tors to the Public Gallery. They are always welcome. It is good that they are present.

**Deputy Finian McGrath:** Are they from Lucan?

**Deputy Mick Wallace:** Perhaps we should insist on more accountability from the Arts Council in how it operates if the Minister is raising question marks over it. I understand that there is a 10% minimum of Irish artists played on radio, in particular by RTE. Given that the Government controls RTE, perhaps the Minister will have a word with the Minister for Communications, Energy and Natural Resources with a view to improving this figure. For example, France insists on 40% of the music played on its national airwaves being French. It would make a major difference if we increased our minimum to 30%. That would be a threefold increase.

**Deputy Finian McGrath:** That is a good idea.

**Deputy Mick Wallace:** It would be a big break for Irish musicians.

Apart from the Minister for Communications, Energy and Natural Resources, who it would not be worth talking to, given the way he controls RTE, the Minister for Arts, Heritage and the Gaeltacht stated the last time that I raised questions with her that she would discuss grants for artists with the Tánaiste and Minister for Social Protection. Has she done that yet?

**Deputy Heather Humphreys:** Funding for artists is a matter for the Arts Council, which does a good job and is independent. It receives funding of €59 million, which is approximately one third of my budget. It decides who qualifies for funding, has set up a panel and does assessments. Any decision in that regard lies with it. I understand the Deputy's remarks about more Irish music being played on radio. That is a complex issue, as we all know. If he has suggestions, I would be happy to hear them.

### Architectural Heritage

49. **Deputy Gabrielle McFadden** asked the Minister for Arts, Heritage and the Gaeltacht the main recommendations in the recently launched historic houses action plan report; and if she will make a statement on the matter. [43479/15]

**Deputy Gabrielle McFadden:** I am grateful for the opportunity to raise this matter. My question is on the recommendations in the recently-launched historic houses action plan report.

*(Interruptions).*

**Acting Chairman (Deputy Derek Keating):** I call on Deputies to carry on private conversations outside while a Member is speaking.

**Deputy Gabrielle McFadden:** I compliment the Minister on her clear commitment to protecting our historic houses for future generations. Could she broadly outline the proposals in this regard and the effect she expects them to have on historic houses?

**Deputy Heather Humphreys:** As Minister for Arts, Heritage and the Gaeltacht, I am aware of the growing risk to the sustainable future of the remaining stock of Irish historic houses in private ownership, where owners have consistently struggled, throughout the past century, to

find sustainable alternative means of meeting the ongoing costs of their maintenance. I have also recognised that these houses are often a significantly important resource for local communities and a vital attraction for tourists. They can and do contribute significantly to the local economy.

It is within this context that I had the action plan for Irish historic houses in private ownership developed, and I secured Government approval for it. I was very pleased, therefore, to launch the action plan on 30 November last. The objective of the action plan is to assist historic houses in general with their ongoing protection, management and promotion. Specific actions include working with the local authority to develop a more streamlined partnership approach with the local economy, seeking to optimise the provision of existing supports and fiscal incentives, and seeking to develop new initiatives that might help to establish priorities by way of targeted support mechanisms.

**Deputy Gabrielle McFadden:** I thank the Minister. Certainly, the report is most welcome. There are a number of wonderful historic houses in my constituency — I am obviously being parochial — that have been recognised as tourism landmarks, including Belvedere House and Ballinlough Castle. If one visits one of these wonderful buildings, one certainly gets a strong sense of place. It helps us to appreciate our cultural identity. Many of the owners of such historic houses, including those in my constituency, have done Trojan work to protect them by applying considerable business acumen. Many of the houses are not just open to the public, but are also strong focal points for cultural events. I very much enjoy going to these houses to see how the other half used to live. Cultural events promote the houses and generate important income to protect and preserve them. The maintenance of the houses comprises a very significant ongoing financial challenge for the owners. Many of them have to develop business models so their houses will continue to be open in future.

While I understand the historic house report rules out the State fully funding or purchasing properties, I welcome the possibility of historic houses benefiting from a tax relief. Could the Minister elaborate on that?

**Deputy Heather Humphreys:** A number of actions contained in the initiative will be interdependent. This has been recognised by the committee formed to develop the action plan for historic houses. I thank it for the work it did in developing the report. It has been recognised that a number of specific actions will be prioritised. These are the review, in collaboration with the Department of Finance, of the provisions of section 482 of the Taxes Consolidation Act 1997; the development of an historic house living museum programme for private houses open to the public; the development of a specific visitor promotional programme focused primarily on the Irish historic house in private ownership; and the establishment, in collaboration with local authorities and others, as applicable, of a sector-specific building conversation advisory service for owners of historic houses and related structures.

**Deputy Gabrielle McFadden:** I understand I am under time pressure so I will not go into a lot of detail. I am glad to learn the recommendations will not just emphasise the marketing of the houses, but also the protection of the infrastructure. In the context of protecting infrastructure, I welcomed the proposal to establish the building conservation advisory service for the owners, which will provide important advice on the maintenance and upkeep of houses.

I commend the Minister and all the stakeholders on their work in the preparation of this report and I look forward to the implementation of its recommendations. Is there a timeline for

the implementation of the report?

**Deputy Heather Humphreys:** I thank the Deputy. The report has been published and we will continue to work with all the stakeholders. It is a matter of working together. The local communities, local heritage groups and various others involved need to work together to protect what are tremendous assets in our communities. The houses are such an attraction in terms of heritage. The owners have a special story to tell, and that the owners are in the houses adds to the vibrancy of the houses. I have already mentioned the concept of the living museum.

### Topical Issue Matters

**Acting Chairman (Deputy Derek Keating):** 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) Deputies Jim Daly, Denis Naughten, Dara Calleary, Charlie McConalogue and Robert Troy —

the need to provide assistance and funding for households and businesses across the country that have been severely affected by the recent flooding; (2) Deputy Michelle Mulherin —

the need for the Minister to ensure Pobal provides additional funding to community service programme projects for 2016 to cover the increase in the minimum wage to €9.15 from 1 January 2016; (3) Deputies Michael McCarthy, Thomas Pringle, Pat Breen, Ciarán Cannon, Tom Fleming, Noel Harrington, Colm Keaveney, Michael P. Kitt, Jonathan O'Brien, Éamon Ó Cuív, Lucinda Creighton and Brian Stanley —

the need to discuss the severe flooding caused by Storm Desmond, to implement storm-prevention measures and flood-relief plans, and to provide the necessary funding and resources on a nationwide basis; (4) Deputy David Stanton —

to ask the Minister for Communications, Energy and Natural Resources to discuss the strategic importance and future of Ireland's only oil refinery, in Whitegate in County Cork; (5) Deputy Mattie McGrath —

the need to reinstate urgently ambulance services for respite care residents at Cluain Árann community nursing unit in County Tipperary; (6) Deputy Thomas P. Broughan —

the need for the Minister for Transport, Tourism and Sport to direct the Road Safety Authority to compile and monitor statistics on the operation of the penalty points system, especially with regard to drink driving and dangerous driving; (7) Deputy Michael Colreavy — to discuss the planning of wind farm projects in light of the recent RTE "Prime Time Investigates" programme; (8) Deputy Billy Timmins —

the need to re-examine ethics legislation in light of the RTE "Prime Time Investigates" programme on the failure of persons required to meet declaration requirements satisfactorily to do so; (9) Deputy Clare Daly —

to discuss the serious dysfunctional and systemic problems in An Garda Síochána revealed in its latest inspectorate report; (10) Deputy Martin Ferris —

the technical difficulties at the Department of Agriculture, Food and the Marine prevent-

ing the processing of farm partnerships and access to the green low-carbon agri-environment scheme; (11) Deputy Mick Wallace —

to discuss the latest Garda Síochána Inspectorate report; (12) Deputy John Browne —

the need for the Minister for Health to prescribe the title “physical therapist” as a variant of the title “physiotherapist”; (13) Deputy Ruth Coppinger —

the practices of county councillors shown in the RTE “Prime Time Investigates” programme broadcast on 7 December 2015; (14) Deputy Paul Murphy —

the need for a review of the tendering process for the award of State contracts in light of recent press reports on the senior alert scheme; and (15) Deputy Seamus Kirk —

the need for the Minister for Justice and Equality to state when section 52 of the Child and Family Relationships Act will commence, and if she is aware that its non-commencement is preventing students from accessing grants.

The matters raised by Deputies Jim Daly, Denis Naughten, Dara Calleary, Charlie McCollon and Robert Troy; and Michael McCarthy, Thomas Pringle, Pat Breen, Ciarán Cannon, Tom Fleming, Noel Harrington, Colm Keaveney, Michael P. Kitt, Jonathan O’Brien, Éamon Ó Cuív, Lucinda Creighton and Brian Stanley have been selected for discussion.

### **Leaders’ Questions**

**Deputy Micheál Martin:** The storms of the past week, in particular, have devastated families, homes, businesses, farms and entire towns. Storm Desmond has wreaked havoc and caused severe dislocation in Bandon, County Cork, and in Ballinasloe, Ballybofey and Crossmolina, in particular. There has been a very serious impact, and potential impact, on the entire Shannon region and in a number of counties beyond that region. Roads, schools and many facilities remain closed as a result of the damage caused.

Having listened and spoken to councillors across the country, I believe it is difficult for those who are not affected to comprehend the impact of the storms on so many communities and the depth of destruction. The problem is that some of these communities have been hit before, both in 2009 and 2013. As a result, many people cannot get insurance. The affected communities are very angry and feel let down by the Government and authorities in general. They feel there is a lack of urgency and proactivity in prioritising the capital flood relief works. Some 1,500 people marched in Bandon last evening. Councillor Margaret Murphy O’Mahony rang me to say enough is enough, thereby summing up the problem. The councillor was very clear on that and has been speaking to many people in her community.

What is worrying is that the funding allocated for flood relief works remains unspent to a significant degree. For 2015, some €87 million was provided.

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

**Deputy Micheál Martin:** Some €60 million or €61 million of that was capital, but up to the end of October only €35 million of the allocation was actually spent. Incredibly, the budget for 2016 is €73 million, with only €44 million for capital works. Therefore, the Government is to

spend less in 2016 than was provided in 2015. That is what gives rise to people feeling there is a lack of real proactivity and urgency.

Deputy Keaveney questioned the Minister of State at the Department of Finance, Deputy Simon Harris, over a month ago on the circumstances in Peterswell and the need for drainage works there. The Minister of State replied that money was not provided because no one could see the benefit of doing so. If the Taoiseach were to speak to people in the area now, they would tell him about the benefits that would have accrued. If the money had been spent on relatively minor works, it would have spared schools and houses the significant damage that has been done.

Will the Taoiseach indicate when flood relief works in the worst affected areas will proceed? Will the Government introduce emergency measures to address the lack of access to insurance and enable people to deal with this matter? How does the Government propose to allocate humanitarian relief funding? In previous episodes of flooding the money did not reach people. There is anxiety about how this funding will be administered.

**The Taoiseach:** I thank Deputy Martin for his comments. This is an ongoing situation and it is not the first time it has happened. On behalf of everybody in the House, I empathise with those whose homes and businesses have been devastated by the impact of serious flooding and those involved in agriculture whose lands have been flooded, causing difficulties for the movement and feeding of stock and so on. We should also express our sympathy to the family of the late Ivan Vaughan, who was caught in the flood waters in Caledon, County Tyrone.

Most areas are on high alert. The River Shannon is slow moving and it takes a number of days for the situation to evolve. Ballina was on high alert because people feared that high tide and surging waters would result in the river walls being breached, although that did not happen. Rainfall for November was more than 50% above average and the Office of Public Works reported that many rivers were at bank level before the rainfall started on Friday. November was a wet month in many areas and the ground was exceptionally saturated. One fifth of the country drains through the River Shannon. It is expected that the lower estuary will be in spate and flood later this week. Further episodes of rain and wind are forecast and there may well be further instances and episodes of flooding. Experience indicates that the waters will not recede for days, weeks and, in some cases, months. Local authorities and supporting agencies remain on high alert in terms of response, and the national co-ordination committee meets again today to discuss threat assessments at national level.

In the past 20 years, Governments invested €410 million in flood relief schemes. In comparison, more than €430 million will be spent on managing flood risk in the coming six years as part of the capital programme that has been set out. This will fund schemes that are either under construction or at design stage, with flood relief works to be carried out in various locations. Flood relief schemes in Mallow, Fermoy, Clonmel and other areas have been successful, although weather may dictate heavier rainfall at different times in these towns.

I met the chairman of the national co-ordination group yesterday to receive a report and discussed the matter with the Minister for Defence, Deputy Simon Coveney, and the Minister of State, Deputy Simon Harris. The Government also considered the matter at today's Cabinet meeting and a number of actions were taken immediately. The Department of Social Protection has in place a humanitarian fund of €10 million for homes that have been affected by flooding. This funding was sanctioned by the Government in 2012 but was not drawn down. It is avail-

able for emergency assistance and will be deployed. Community welfare officers are calling to homes in towns that were flooded, including Crossmolina and Bandon. Staff from the Department of Social Protection are on the ground in the affected areas and a three-stage process is in place for immediate relief. The first stage involves determining whether a house is habitable, the second involves providing cash to meet basic requirements, and the third is a longer-term assessment of the house once the flood waters have been pumped out or removed.

This morning, the Government allocated €5 million to be distributed as emergency assistance to small businesses that have suffered flood damage and which, through no fault of their own, were unable to take out flood insurance. I expect that assessments will take place in the coming days with a view to making arrangements to provide whatever assistance can be given in the immediate future.

The Department of Agriculture, Food and the Marine has introduced a number of measures to deal with the movement of animals from flooded land, to sensitively take into account flood damage when carrying out farm inspections, and in respect of making arrangements for the transportation of slurry from flooded slurry tanks. The Government will receive a full report this week and again at its meeting next week on the damage and scale of what has taken place, including in respect of roads, bridges and other structures that have not yet been assessed, in the same way as when major storms hit just a few years ago.

I again empathise with people facing difficulties only a few weeks before Christmas. The immediate response is as I have outlined for Deputy Martin.

**Deputy Micheál Martin:** I genuinely do not want to make a political issue out of this. The Taoiseach gave a good weather forecast, and it is important that people know what is coming down the tracks, but I get the sense in the towns that have been affected that people want to know when action will be taken. The relief scheme for Bandon, which was badly flooded in 2009, has not been carried out and the capital works have not been put in place. A report in the *Irish Examiner* from 27 February 2014, referring to a meeting of the Committee of Public Accounts, noted the following: “The slow-paced attempts to protect vulnerable communities after the January 2014 storms ravaged the country were revealed by officials tasked with overseeing the funding yesterday.” The phrase “slow-paced attempts” sums up the official response to the flooding crisis.

In the context of the Taoiseach’s uninspiring speech on climate change in Paris there is a real sense that the Government does not get what is happening. It must dramatically upgrade this issue in terms of its priorities. The Taoiseach summed it up when he stated that most of the €10 million humanitarian relief scheme introduced in 2012 had not been drawn down. The scheme is not working, as anybody in the areas affected will agree. I remember sending off hundreds of applications for funding in Cork city after a dam was opened during a flood, but no one received anything. There is no confidence in the humanitarian relief scheme and people will not even bother applying for it. There is no point in the Taoiseach’s stating that the Government provided €10 million for a scheme in 2012 but no one drew down the funding or that the scheme is still in place. Something is not working.

New measures are needed to address the insurance issue. They could include joint Government-backed insurance programmes for flood areas. Even in areas such as Clonmel, which is in a better position than previously as a result of a good flood relief scheme, people continue to find it difficult to get insurance. The key issue is that less will be spent on capital relief works

next year than was spent last year. That sums up the lack of prioritisation.

**An Ceann Comhairle:** We are way over time. The Deputy should ask a question.

**Deputy Micheál Martin:** Will the Taoiseach indicate whether capital works will proceed and what the timescale involved will be?

Deputy Keaveney's parliamentary question to the Minister of State, Deputy Simon Harris, specified works that were to be done. If these works had been done, much of the damage that has occurred could have been averted. Will the Taoiseach undertake to have this matter reviewed and an inquiry carried out into how this situation was allowed to unfold?

**The Taoiseach:** I disagree with the Deputy's statement that he gets the sense that the Government does not appreciate this. Does he not understand that we have had reports collated from local authorities and people on the ground whose homes and businesses have been flooded as well as from many other sources?

The schemes that are at the construction stage are those for the River Wad in Clanmoyle, Dublin, which is nearly completed; Fermoy south in Cork, where the scheme has been completed and is operational; Ennis lower, which has been completed; Waterford, phases 2, 3 and 4, which are substantially completed; south Campshire in Dublin, which is to be completed in 2016; Bray, which is to be completed in late 2016 or early 2017; and the River Dodder, phases 2c, 2d and 2e, which are also to be completed in 2016 or early 2017.

Schemes that are likely to go to construction in 2016 include Templemore, Claregalway, Bandon, County Cork, Skibbereen, County Cork and Foynes, County Limerick. Deputies will have heard the Minister of State clarify that we lost two years with legal objections to the tender process for Bandon. While people are perfectly entitled to make objections, those have now been overcome and the Minister of State has given his commitment on the matter.

**Deputy Micheál Martin:** I do not think that is good enough.

**An Ceann Comhairle:** Sorry, please. We are over time.

**The Taoiseach:** In respect of the capital works, the tender documentation issued to a short-list of contractors.

**Deputy Finian McGrath:** They are building walls in Clontarf as well.

*(Interruptions).*

**The Taoiseach:** They are due back in early January for Bandon. The assessment process will take place. The scheme will be constructed between 2016 and 2018. The main elements include new walls and embankments; excavating the channel by approximately 1.6 m for a distance of 3.5 km; replacement of the pedestrian bridge; underpinning Bandon Bridge; construction of new fish passages; and the associated drainage works, including new pump stations. That is in place.

There is a scheme designed for Crossmolina but the town had its worst flooding in 52 years with the result that the bridge through the centre of the town is incapable of taking flood waters and may have to be replaced completely.

**Deputy Dara Calleary:** Clean the river.

**The Taoiseach:** The Office of Public Works is currently refining a preferred option for the Crossmolina flood relief scheme.

**Deputy Dara Calleary:** Clean the Deel.

**The Taoiseach:** The humanitarian process to address the situation on the part of the Department of Social Protection is already in place. There are three phases. There is an immediate assessment if people have to be moved to accommodation. Then there is provision of cash for the immediate situation in any house as well as a longer-term analysis when the water is pumped out. The same will apply in respect of assessments on the €5 million allocated for businesses in the towns. This is now open in respect of Crossmolina, Bandon and the other locations flooded in recent days.

**Deputy Finian McGrath:** A sum of €10,000 would be a good start.

**The Taoiseach:** Next week, we will have a further report on other areas that have been damaged, including bridges and roads and so on.

**Deputy Gerry Adams:** Citizens are understandably incensed at the revelations of outright corruption by a number of politicians exposed by the “RTE Investigates” programme last night. As the Taoiseach knows, this is not new. Mr. Justice Mahon has said that corruption in Irish political life is both endemic and systemic. Fully 18 years after that tribunal began its work, three years after it made its final report and almost five years after the Taoiseach assumed office, the Government has yet to implement the recommendation of Mr. Justice Mahon to appoint an independent planning regulator.

The Taoiseach promised a democratic revolution but he has not delivered it. The Government went as far as cancelling inquiries into planning irregularities. One of Mr. Phil Hogan’s first acts as the Minister for the Environment, Community and Local Government was to scrap planned inquiries into six different local authorities. Why was that? The then Minister of State, Deputy Jan O’Sullivan, subsequently established reviews instead of inquiries to deal with these matters at the councils. Why was that? The reviews were discredited as a result of the testimony in the High Court of the whistleblower, Mr. Gerard Convie, a former senior planner with Donegal County Council. This year, in May, Sinn Féin brought forward a Private Members’ motion calling for an independent planning regulator, as recommended by the Mahon tribunal. The Government voted against that proposal. The Government promised at the time that further reviews would be completed by June of this year, but that has not happened. Last night, the Taoiseach signalled that the issue will not be dealt with before the next general election. The Government has had five years to deal with this - five wasted years. It is not good enough.

We have legislation. An Teachta Brian Stanley has brought it forward. There is no point in the Taoiseach condemning corruption unless he is going to tackle it. Will the Taoiseach allow time for an Teachta Stanley’s Bill - I have it before me - to be taken and to proceed through the Oireachtas as a matter of urgency to deal with this issue? It would put in place an independent regulator, as recommended by Mr. Justice Mahon.

**The Taoiseach:** Let me assure Deputy Adams-----

**Deputy Gerry Adams:** I sense a change in tone from the Taoiseach.

**The Taoiseach:** Let me assure Deputy Adams that it is utterly unacceptable for any public representative to use his or her position for financial and personal gain. There can be no place in public life for the kind of behaviour that was witnessed on the RTE programme last evening. Public representatives are required to comply fully with the codes of conduct governing the performance of their duties. Obviously, the cases involving local authority members are, in the first instance, a matter for the local authority, which can refer the cases to the Standards in Public Office Commission for investigation. Cases involving Members of the Oireachtas are, in the first instance, a matter in for the Oireachtas, which can also refer cases to the Standards in Public Office Commission for investigation.

Notwithstanding these arrangements the Government is bringing forward new legislation to improve the disclosure system and the ability to investigate complaints. The public sector standards Bill will see the establishment of a public sector standards commissioner to replace the Standards in Public Office Commission and oversee the reform, complaints and investigations process. The heads of the Bill were published in June together with a public consultation process. One submission was received. It was sent to the Oireachtas committee and considered. The final draft is almost completed. I hope that, all going well, it can be brought to next week's Cabinet for publication. It will also provide a new consolidated framework to govern officials at national and local level. As a result, we will have a uniform and strengthened ethics code. It will apply across the public service, it will include politicians and officials and there will be a significant increase in disclosure requirements.

The new planning Bill to establish an independent regulator and the new criminal justice (corruption) Bill to replace and update the offences of giving or receiving bribes are at an advanced stage. I put it to Deputy Adams that those Bills are in addition to what has already been produced and implemented by Government. We have brought in legislation to regulate lobbying, bring about the effective banning of corporate donations, the restoration of the Freedom of Information Act, the Protected Disclosures Act to protect whistleblowers and the extension of the powers of the Ombudsman. Following consideration of the final Mahon tribunal report, the Government published a general scheme of a Bill in January this year to provide for the establishment of the office of the planning regulator. Under the provisions of the Bill, the office will be fully independent of the Department and responsible for the independent assessment of all local authority and regional assembly forward planning, including zoning decisions of local authority members in local area development plans, to ensure compliance with relevant national and regional policy. It will be empowered to review the organisation, system and procedures. It will be enabled to drive a national research, education and public information programme. All of these things take time. Those Bills have gone through and are in place. They will be followed by the three I have mentioned. In conclusion, there is no place in public life for what was witnessed by the people on the RTE programme last night.

**Deputy Gerry Adams:** If there is no place in public life, then the Taoiseach needs to bring forward regulations to take sanctions against these people. The Government has not done that. The Government Bill is totally and absolutely inadequate. The so-called independent regulator envisaged by Fine Gael and the Labour Party is not independently appointed. The regulator is accountable to the Minister. As far as I know, the regulator does not have the power to prosecute. That is simply not good enough. It merely serves to highlight the style of this Government, which is loud on rhetoric and slow on action. It is another part of the Taoiseach's five-point plan biting the dust.

In 2012, the Minister, Deputy Alan Kelly, who now has responsibility for planning but has

ignored this issue entirely, said Fianna Fáil polluted this country with corruption. I do not disagree with him on that point, but those involved were not on their own. Fine Gael is the “what is in it for me party?” and the mé féin party. It is being disgraced by the actions of some of its representatives. Last night’s programme illustrates that clearly. I ask the Taoiseach to support Deputy Stanley’s Bill, which establishes the independent planning regulator envisaged in the Mahon report. I set out the three grounds on which it is different from what the Taoiseach is putting forward. Deputy Stanley’s Bill gives to the regulator the power to prosecute. It also allows for the regulator to be appointed independently and for him or her to not be answerable to the Minister. He or she would be independent of the Oireachtas and any political influence.

The Taoiseach has never had a problem rushing legislation through to give money to the elites or to take it away from the poor. He has guillotined every social welfare Bill since he came into office. He said he hopes, all going well, that his inadequate Bill will be passed. I ask him to free up time now for the Sinn Féin Bill to be taken before Christmas.

**The Taoiseach:** Deputy Adams only hears what he wants to hear. I said the planning reform and planning regulator Bill came from a recommendation of the Mahon tribunal many years ago. The office will be fully independent.

**Deputy Gerry Adams:** You say. Who appoints the regulator?

**An Ceann Comhairle:** Through the Chair, thank you.

**The Taoiseach:** The relevant provisions in Deputy Stanley’s Bill will be incorporated into this Bill. It makes him or her responsible for the independent assessment of all local authority and regional assembly forward planning, including zoning decisions of local authority members in local area and development plans, to ensure compliance with relevant national or regional policy or both.

The office will be independently empowered to review the organisation, systems and procedures used by any planning authority or An Bord Pleanála, the national planning appeals board, in the performance of its planning functions under the planning Acts, including risks of corruption and on foot of individual complaints from members of the public. The office will be utterly independent. It will be enabled to drive a national research, education and public information programme to highlight the role and benefits of proper planning. In establishing this office, the aim of the Government is to ensure proper independent oversight of the systems and procedures used by planning authorities. It will ensure public confidence in the delivery of quality outcomes while avoiding the overlap procedures regarding individual cases operated by An Bord Pleanála and the role of the criminal justice system.

I recall watching the “Spotlight” programme on Northern Ireland.

**Deputy Gerry Adams:** It is too little, too late.

**The Taoiseach:** I did not hear Deputy Adams shouting about the need for an independent review of the management of property and the ethics of working property in Northern Ireland with relevance to his party. I condemned that as much as what I saw last night.

**Deputy Gerry Adams:** There was no member of Sinn Féin-----

**Deputy Brian Stanley:** Maybe a mirror should be employed.

**The Taoiseach:** This Bill will bring independence and objectivity to all these things, including what the Deputy mentioned regarding corruption, zoning, regional planning, local planning and all that goes along with that.

**Deputy Gerry Adams:** If the Taoiseach keeps digging he will end up in Australia.

**Deputy Catherine Murphy:** I also express my revulsion at what I saw last night on the “RTE Investigates” unit programme. While it was sickening, I cannot honestly say I am hugely surprised. The culture of non-compliance and the absence of effective enforcement ensures an utter lack of transparency in corporate and political life. It is a system that the public instinctively mistrusts. We have had the banking inquiry, the Cregan inquiry, the Fennelly inquiry and the Moriarty tribunal. Round and round we go, and we will keep doing that until the penny drops. Unless we implement an effective and modern system with real consequences, nothing will change.

The lack of consequences drives people nuts. The refrain is that “Nothing ever changes” or “Nothing ever happens and there are no consequences”. I hear that over and over again. I do not know how many times I have heard people say to me, over the past year in particular, that they genuinely expected a change after 2011 when the Taoiseach promised them a democratic revolution and that he would end the toxic political culture. Things have not changed and we saw that last night.

The Taoiseach wrote to me last Friday regarding the problems with the Cregan inquiry, the investigation into IBRC and transactions involving Siteserv and Topaz, which was in the news recently. With respect, the letter appears to kick these issues to touch given that the measures require emergency legislation which does not appear to be on the agenda, at least this side of a general election. In the same way, the legislation to tackle corruption like that seen on the “RTE Investigates” programme last night has been put beyond the general election. The story never changes. There are a lot of words, but what we need is action.

In recent days Topaz was sold at a significant profit by the person who purchased it at a significant discount from IBRC, the same person who acquired Siteserv from IBRC at a significant discount. At the same time he was one of the biggest debtors of IBRC. Both of these transactions were flagged by Department officials as being included in the six large transactions about which the Department had serious concerns in terms of the poor quality of decisions made by the board of IBRC.

Given that the Mahon tribunal in 2012 found endemic and systemic corruption in political life and the Moriarty tribunal in 2011 was critical of the political culture and clandestine donations, it is hard to be shocked by last night’s television programme. When are we going to accept that a new regime is required to tackle corruption in Irish life? The subject of today’s Private Members’ motion is an anti-corruption agency. It is a document published by the Social Democrats which I sent to the Taoiseach last week. It will be very interesting to see whether the motion is agreed or an amendment is passed. It proposes the kind of system that is in place in other countries where corruption has been identified and where there has been a comprehensive response to it. I urge the Taoiseach to read the paper with a view to accepting the proposal.

**The Taoiseach:** The situation that arose in respect of the case mentioned by the Deputy happened in the House. To define a response to it, when the entire Oireachtas wanted an answer to the question, and following a case made by quite a number of Deputies, a facility was put

in place. Mr. Justice Cregan made his determination in respect of particular aspects of that. I am as open to new ideas as anybody else, and I look forward to hearing the contributions from Deputy Murphy and others today.

We would all like to think we could have an immediate answer to an issue that is raised. If somebody in the House makes a comment, statement or allegation, as the case may be, which is a matter of public interest or concern, to prove it is not that simple. It is an easy thing to make a statement, but to find a facility to have it proven is the question. The Deputy put forward her views and I look forward to hearing her contribution to the Private Members' debate.

The Bill I mentioned to Deputy Adams is one that will bring absolute independence to a regulator. It will have the authority to oversee processes to evaluate and investigate issues that may arise in the course of any of the areas I mentioned. It will also include the current facilities that are completely independent, such as the Comptroller and Auditor General, the Criminal Assets Bureau, the fraud squad and so on. The Government condemns all instances of corruption, anti-competitive behaviour, breaches of ethics legislation, breaches of the Companies Acts and all other forms of white-collar crime.

I recognise there is a need for a strong public standards legislation system and to prevent wrongdoing on behalf of elected or public officials. The Ombudsman (Amendment) Act 2012, the Protected Disclosures Act 2014, the Regulation of Lobbying Act 2015, the Freedom of Information Act 2014 and the major overhaul of the Companies Act 2014 were major pieces of legislation to put in place objectivity and a standard by which proper business should be conducted. The amalgamation of the Competition Authority and the National Consumer Agency into the Competition and Consumer Protection Commission was also a worthy advance. Quite a number of improvements have been made to legislation enabling the investigation into, and prosecution of, white collar crime, which was occasioned by the Criminal Justice Act 2011. I hope the improvements in respect of the recommendations of the Mahon tribunal dealing with unethical and corrupt behaviour will come to the Government next week. They will be introduced in the forthcoming public sector standards Bill and the criminal justice (corruption) Bill.

All of these are areas that cover particular sectors and they are in the interests of having transparency, accountability, confidence and trust. As I said, I look forward to hearing the presentations and contributions from the Deputy and her colleagues, but we need a system which is able to provide answers to questions, given that we went on a particular route arising from legitimate queries and questions from people. It is never as easy to find and prove an answer as it is to make a comment or give a piece of information to the House.

**Deputy Catherine Murphy:** The Taoiseach listed much legislation, but what we have is a fragmented response to enforcement. It is fairly toothless and this keeps on happening. The Moriarty and Mahon tribunals combined cost more than €200 million, and at the same time they did not flag a response or produce an organisation that is capable of dealing with it. The official line on the Moriarty tribunal is that the Government is waiting for guidance from the DPP on whether to proceed with a full investigation, but the Statute of Limitations runs out next year. This is the type of thing that absolutely demoralises people.

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

**Deputy Catherine Murphy:** It is one thing to have legislation, but we need an agency with teeth that can operate across sectors and have a cross-sectoral response. This is what we

propose. Will the Taoiseach accept the proposal this evening? Given that tomorrow is international anti-corruption day, the revelations last night on RTE and the ongoing unsatisfactory arrangement we have, the response to the proposal we will table will be very closely scrutinised.

**The Taoiseach:** I share Deputy Murphy's view on corruption, unethical behaviour and corrupt activities. In the State we have completely independent operations with the fraud squad, the Comptroller and Auditor General, the Garda and CAB, which has brought so many people before the courts with a serious amount of money recovered for the taxpayer. Everybody can agree we do not want to see a situation whereby we continue to set up tribunals, such as the experiences we have had over many years, with an enormous cost to the public taxpayer. People tend to forget these things over a period of years. We have Oireachtas inquiries, commissions of investigations and tribunals of inquiry. The recommendations arising from the commission of investigation into unfair activities in respect of write-offs of more than €10 million require further consideration and I expect to meet the leaders of the various parties about this.

**An Ceann Comhairle:** Thank you.

**The Taoiseach:** I am willing to hear new ideas, but the list of legislation put in place has gone a great length to providing accountability and transparency. Deputy Shortall may shake her head, but I will be happy to hear her contribution about the nature of what she speaks about. Everybody wants to stand over having answers to these issues and prevention if it is at all humanly possible. It will be an interesting debate. The Minister of Justice and Equality will take it for the Government and will set out the work that has been done and what is in place, with more to follow in respect of the independent regulator and the anti-corruption bill.

## Ceisteanna - Questions (Resumed)

### Cabinet Committee Meetings

1. **Deputy Joe Higgins** asked the Taoiseach when the last meeting of the Cabinet committee on health took place. [31777/15]

2. **Deputy Joe Higgins** asked the Taoiseach when the last meeting of the Cabinet committee on health took place.

3. **Deputy Micheál Martin** asked the Taoiseach if the Cabinet committee on health met to discuss health services during September 2015. [32869/15]

4. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on health last met. [42221/15]

5. **Deputy Gerry Adams** asked the Taoiseach the number of meetings of the Cabinet committee on health that have taken place in 2015 to date. [42222/15]

6. **Deputy Richard Boyd Barrett** asked the Taoiseach when the last meeting of the Cabinet committee on health took place. [42433/15]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

The Cabinet committee on health last met on 2 November. The Cabinet committee also met on 13 July and 29 September.

There have been eight meetings of the committee to date in 2015.

**Deputy Micheál Martin:** The committee met on 2 November and 13 July.

**The Taoiseach:** And 29 September.

**Deputy Micheál Martin:** I presume the other five meetings were before July-----

**The Taoiseach:** Yes.

**Deputy Micheál Martin:** -----if there were eight meetings.

**The Taoiseach:** Correct.

**Deputy Micheál Martin:** The health situation is in chaos, morale is at an all-time low and a fundamental decision has been taken by the Government to end the implementation of the universal health insurance scheme, which was a pillar of Government policy for the past five years and of the Fine Gael Party for the past decade. The programme for Government was consistently very clear over the past five years that universal health insurance would be introduced. We have had an announcement from the Minister for Health, Deputy Varadkar, that the scheme will never be introduced, following a report by the Economic and Social Research Institute stating it would cost families and children thousands of euro more, and would cost the country billions, with no great outcomes.

In many ways I am surprised there was only one meeting, which was on 2 November. Prior to this, the Taoiseach will recall that on Leaders' Questions and the Order of Business I consistently asked about the universal health insurance scheme and the legislation on it. The Taoiseach kept telling me it would be introduced and would happen. It seems the meetings have dried up in the latter half of the year despite the fact a fundamental reversal of policy was under way and being considered, and the only issue was when to announce it. The Minister took his opportunity when other events were grabbing the headlines to try to slip through the reversal and fundamental U-turn on Government health policy. Will the Taoiseach indicate why there has been only one meeting of the Cabinet committee on health since 13 July given the fact such a fundamental policy U-turn and change was under way and given the fact the emergency departments in our hospitals have been consistently reporting record numbers of patients on trolleys?

*4 o'clock*

Waiting times and waiting lists have gone through the roof and spiralled out of control in almost all hospitals across the country. We are facing the first national nurses' strike in a long time as a consequence of the chaotic, unsafe and very worrying practices under way in our overcrowded emergency departments, the circumstances and conditions that have been created as a result of that overcrowding and the low morale within the health service. In all these circumstances, why has there been only one meeting of the Cabinet committee on health since 13 July?

Does the Taoiseach agree there has been no meeting because the system is not working? All we have witnessed has been decline and more decline in terms of the quality of service and the working conditions of doctors, nurses and other health care staff in hospitals across the country. Is the paucity of meetings in the latter half of the year reflective of the Minister go-

ing it alone and not really taking heed of the wider Cabinet? I recall the Taoiseach saying two years ago that he was taking charge of the health service himself, but he abandoned that fairly quickly. Whatever system is in place in terms of the Cabinet sub-committees, the lack of any regular meetings in the latter half of the year more or less stands up the view that from a policy perspective, nobody really knows what is going on now at the heart of Government and that the entire programme for Government on health lies in tatters as a consequence.

**The Taoiseach:** I do not accept that at all. The Government has been absolutely united in making the decisions that enabled us to be recognised as the fastest-growing economy in Europe for the second year running, to have created, by virtue of people's ability, more than 135,000 jobs, and to have driven the engine that is providing the resources to fund the public services we need. The Government set out its stall very clearly in undertaking to introduce universal health insurance. We then had the courage to face up to the situation when it became clear the specific model of universal health insurance was going to prove too costly. When political parties or governments decide to do things and have big ideas, it sometimes transpires that the nature of the specific issue turns out to be different but, because of a sense of allegiance to or pride in the original idea, they drive on through. This was the case, for instance, with the setting up of the Health Service Executive. That seemed to be a very good idea but it was foisted on top of a health board system that was not able to absorb it. Another example is the PPARS system, which went out of control. When the ESRI came forward with its analysis of the cost of the particular model of universal health insurance we had proposed to introduce, this Government said clearly we will not introduce that particular model because it would be too costly.

**Deputy Micheál Martin:** The Taoiseach is chancing his arm.

**An Ceann Comhairle:** This question is being stretched too far.

**The Taoiseach:** The Government remains very committed to a model of universal health care that will provide patients with affordable, quality care at all times. That service will be funded through a different model of universal health insurance from what was originally proposed. Building on the reforms that are already in place, we will continue to move away from the wasteful, inefficient and unfair approach to health service provision we inherited some years ago. Moreover, it must be done in a way that is affordable to both taxpayers and the buyers of health insurance. Deputy Martin is well aware there are different models of universal health insurance and that the ultimate cost of insurance to families and the Exchequer depends upon the nature and type of model chosen and the level of subsidy to be provided by the State. The Government commissioned the ESRI to examine the financial implications of implementing a particular model of universal health insurance based on data from 2013, a time when health budgets had been cut significantly and systems had not been put in place to control costs more effectively. The high costs for health insurance customers estimated by the ESRI are not acceptable either now or at any time in the future. The ESRI report vindicates the Government's decision not to rush into the implementation of that particular model of universal health insurance.

**Deputy Micheál Martin:** Did the Taoiseach use the word "rush"?

**The Taoiseach:** Indeed, it is clear from the ESRI report that the foundations are not in place to meet the Government's original timeline of introducing universal health insurance by 2019. Those foundations include sufficient capacity to satisfy unmet demand and the provision of enhanced primary and social care. The introduction of free GP care for under sixes and over

70s has been done seamlessly and is very much welcomed by the people who are benefiting from it. The next move as part of that strategy is to provide free GP care to the children of all working families. We also intend to put in place reformed structures to replace the HSE with hospital groups and trusts, community health care organisations and other new structures. I look forward to the implementation of those hospital groups, under which the contracts for medical personnel will be with a group rather than an individual hospital and where the groups will have the capacity to evolve into trusts which will be able to make the decisions that reflect what they consider to be the best options for their hospitals in the years ahead. We intend, too, to introduce financial reforms and advance the Healthy Ireland and public health and patient safety agendas.

When all of those measures are completed, we will be able to compare the advantages and disadvantages of a number of funding options for universal health insurance. It is true to say that reform in the past was rushed and, as a result, serious mistakes were made, such as with the construction of the HSE in 2005. The intention of Government is to continue to provide a better health service for the Irish people and carry out further research on the models of universal health insurance, how they can be funded and what the subsidy should be. The decision on the exact nature of the model will be made by the next Government and implemented in the term after that.

**Deputy Gerry Adams:** Will the Taoiseach clarify whether the Cabinet committee on health met six times or eight times?

**The Taoiseach:** The committee's last three meetings were on 13 July, 29 September and 2 November. There have been eight meetings in the year to date.

**Deputy Gerry Adams:** I thank the Taoiseach. We are not allowed to discuss the business of the committee, but I am concerned with getting a handle on how it does its work and holds the Government to account. The Government's position on health, or at least what was outlined to us, was that we would see free GP care for all, an end to prescription charges, universal health insurance, abolition of the Health Service Executive, an end to trolley waits and an end to two-tier waiting lists. There were more details given but those are the highlights of the Government's health policy. One presumes the Cabinet committee on health meets to deal with all of these matters. Surely, in the course of its deliberations, it would have discussed the fact we have not seen free GP care for all, an end to prescription charges, universal health insurance, abolition of the HSE or an end to trolley waits. In fact, in November, the month in which the committee last met, the Irish Nurses and Midwives Organisation revealed there was a 4% increase in the numbers on trolleys, the figure being 7,407 admitted patients, and a 24% year-on-year increase, the total figure being 87,000 admitted patients. That is a Croke Park full of citizens on trolleys. Of 29 emergency departments, 25 have increased overcrowding. Today, there are 401 citizens on trolleys, 27 of them in Our Lady of Lourdes Hospital in my own constituency. We also have 2,000 fewer nurses. The Minister is making public statements, which include, for example, the proposal that hospital groups should be able to conduct business in the manner of semi-State companies, outside the constraints of public service rules. He also says he is going to scrap the universal health insurance plan because it could not work and it never could have worked. This Government has created chaos in the health service because its firm ideological position is not to have a universal public health service, but to privatise it and to have a for-profit system, as revealed by the Minister, outside the constraints of public service rules.

**An Ceann Comhairle:** I will have to take the Deputy back to the question.

**Deputy Gerry Adams:** My instinct is to ask the Taoiseach - it will be ruled out of order, but I will ask him anyway - whether the committee considered any of those matters. The Taoiseach once talked, famously, about having a report card. As we approach the end of the year, if this committee had a report card, how would he mark it up? No free GP care for all, no end to prescription charges, no universal health insurance, no abolition of the HSE, no end to trolley waits and no end to two-tier waiting lists. Behind those statistics are, as I raised last week, the case of Denise and Jake Tuohy or Orlaith, a five week old baby girl. I am sure every Teachta Dála could raise equally poignant cases. I have already said to the Taoiseach previously in this type of discussion that I am not against this type of focused approach on co-ordinating the necessary priority at any given time, but surely this Cabinet committee on health, in its eight meetings, has not justified its own existence?

**The Taoiseach:** Deputy Adams spoke about the report card. The report card for Ireland reads of many things: unemployment down from 15.2% to 8.9%, employment up by 135,000-  
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**Deputy Gerry Adams:** Two thousand fewer nurses.

**The Taoiseach:** -----interest rates down from 15% to less than 2%-----

**Deputy Gerry Adams:** Half a million people across the globe.

**The Taoiseach:** -----the deficit will be below 1% next year, the national debt is falling rapidly, confidence is rising, new companies are being formed, and people are returning home to take up jobs. The more people we have working, the less tax each will pay and the greater the engine we will have to invest in the provision of services, including in health.

**Deputy Gerry Adams:** Why has the Government not done it?

**The Taoiseach:** Sinn Féin's report card says abolish water charges, abolish property charges, increase income tax, drive down disposable income and drive jobs out of the country. The question the people will face in the spring-----

**Deputy Gerry Adams:** Yes. They are smarter than the Taoiseach thinks.

**The Taoiseach:** -----the central question for the Irish people, which will be the most important question to be answered for a very long time, is who they believe can keep this recovery going in the interest of the people.

**Deputy Gerry Adams:** A fair recovery.

**The Taoiseach:** Is it Sinn Féin's operation, which will increase income tax, drive jobs out of the place, drive down disposable income and assume that people will say "Of course, abolish all the property charges, abolish all the water charges, abolish everything else, and pay for nothing"?

**Deputy Gerry Adams:** Answer the question, for God's sake.

**The Taoiseach:** Deputy Adams mentioned the nurses' strike. I believe-----

**An Ceann Comhairle:** Hold on a second. This is about a Cabinet sub-committee. It is not about-----

**Deputy Gerry Adams:** He has not even talked about health in his answer. He is neglecting the whole area.

**An Ceann Comhairle:** There are other questions and I want to move on

**Deputy Gerry Adams:** He is at the church gate.

**The Taoiseach:** The INMO has given notice of strike action to take place in Beaumont Hospital, the Mercy Hospital in Cork, Tallaght hospital in Dublin, Cavan General Hospital, University Hospital Waterford, the Midlands Regional Hospital in Tullamore and Galway University Hospital on Tuesday, 15 December. I hope this can be avoided. It should be possible for health service management and the INMO to reach agreement on the key issues. Industrial action will not solve any problems. We have shared objectives: the delivery of patient care and the health and well-being of nursing staff working in the emergency departments.

Negotiations took place on Thursday at the Workplace Relations Commission and they are continuing until tomorrow. All parties are committed to intensive engagement in these negotiations so that a solution can be reached. If it is not reached by the close of business tomorrow, management will seek further talks on Thursday so that a comprehensive contingency plan can be put in place.

There are plans in place to deal with emergency department overcrowding. The numbers on trolleys are now down by 20% on the same period last year for each morning and the focus has to continue to be on working hard together to implement that plan. The Government recognises that bed capacity has to be increased. We have put in place related measures to make that happen, including an additional 450 beds, 129 of which were closed before and an additional 326. To date, 200 have been opened, with the rest to open over the next few weeks. I hope people can sit down and talk rationally about this in the interests of both the quality of facility the nurses have but particularly for the patients in their care. They do a very good job.

**Deputy Richard Boyd Barrett:** Is it not a fairly stinging indictment of the strategy and work of the health sub-committee and of this Government's policy on health that the nurses, who want to care for people, feel forced to go out on strike next week because of the utter disaster in emergency departments? Is that not just about the most serious indictment one can have? Today, according to Trolley Watch, there are 411 people on trolleys across the country, suffering that indignity when they should be in beds.

It is interesting that the Taoiseach uses the word "recovery". The 50,000 people who are waiting over a year on waiting lists to get into hospitals will not be recovering from the real physical pain or ailments they are suffering from because of an utterly unacceptable situation. Some people are waiting far longer than that. I am dealing with several cases of elderly people who have worked all their lives and who need hip replacements. It will take 18 months, but that is after they have managed to get a consultant's appointment to get on the list. In reality, people will have to suffer chronic pain for two and a half years. This situation is getting worse. There is no recovery for them, just pain. They cannot believe, when they hear the Taoiseach talk about recovery, that this is the reality they are suffering.

This sub-committee, in its strategy to resolve the mess that is our health service, has failed disastrously because the Government pursued this notion of universal health insurance, which it has now accepted is a fantasy that will never materialise. Those of us who said from the beginning that the health insurance model for solving the crisis in our health system was al-

ways going to be expensive and would not work have been vindicated. What we have asked all along is for the Government to look at the National Health Service single-tier model as the most effective way to deliver health care for everybody. It does not involve the profit-taking of private health insurance companies or private for-profit interests essentially sucking money and resources out of a health service. What we need is a not-for-profit universal national health system. That is how we will deliver the desperately needed health care to people on those lists and end the indignity of people sitting on trolleys for hours and days in our hospitals every day of the week.

**The Taoiseach:** I might say to the Deputy that-----

**An Ceann Comhairle:** We are not having a broad discussion now in the House on this, please.

**The Taoiseach:** -----a great deal of progress is being made. The Government provided €51.4 million to deliver on the Minister's target of maximum waiting times of 15 months by the year end, and significant progress is being made. As of 3 December last, a total of 23,924 outpatient appointments and 3,549 inpatient or day case procedures are required to achieve the 15-month maximum waiting time by the end of December, that is, 27,473 in total. To put that in context, on 12 November 2015, the equivalent numbers were 39,374 for outpatients and 7,231 inpatients or day cases, or 46,605 cases in all.

The moratorium has been lifted and very significant numbers of nurses and medical personnel are employed now who were not employed last year. For instance, the number of applications for registration of nurses received at 1 July last was 974 and 1,841 at 31 October. That was an increase of 223% in July 2015 over the same period in 2014 and an increase of 139% in October 2015 over the same period in 2014.

The moratorium being lifted allows for the recruitment of professional nurses. In fact, I was speaking to a young graduate nurse the other day who had just qualified from UCD.

**Deputy Gerry Adams:** Had the Taoiseach two pints with her?

**The Taoiseach:** She made the point to me that, of the 200 nurses who qualified, 150 had been offered permanent employment in Ireland, which is a big change from what applied previously. Of the other 50, most, being young people, wanted to go to different countries for a number of years. I thought that the point she made, as one of 150 young professional nurses employed in hospitals throughout the country, was a significant expression of modern youthful enthusiasm to assist in the work of giving patients the very best care and attention.

While Deputy Boyd Barrett naturally will say that everything is deplorable, there is a great deal of beneficial activity going on. The Minister secured substantial funding over past year and we hope to continue the improvement.

**Deputy Richard Boyd Barrett:** It does not explain why they are going on strike.

**The Taoiseach:** It is the firm intention of Government to work towards the implementation of a single tier system to eliminate the inequitable two-tier system which has been around for many years. This new system is to be funded by universal health insurance but not the model that Government set out with the intention of implementing in the first place because it has been proven to be too costly for families and those who would buy health insurance in the first place.

**An Ceann Comhairle:** We are now moving on to Question No. 7.

**Deputy Micheál Martin:** Can I ask a brief supplementary?

**An Ceann Comhairle:** No. Those questions were about when the Cabinet health committee met. We have gone over the whole track of the health service and I am moving on now to Question No. 7.

**Deputy Micheál Martin:** I would make the point that somebody who tables a question gets the same treatment as somebody who does not even bother tabling one.

**An Ceann Comhairle:** The three Deputies had questions tabled.

**Deputy Micheál Martin:** I do not think Deputy Boyd Barrett did.

**An Ceann Comhairle:** He did. Let us get this straight. Deputies Higgins, Martin, Adams and Boyd Barrett had questions-----

**Deputy Micheál Martin:** Okay, I had two questions.

**An Ceann Comhairle:** -----and everybody got a chance.

### **Official Engagements**

7. **Deputy Joe Higgins** asked the Taoiseach if he will report on his recent visits to the United States of America, and his meetings with officials there. [32853/15]

8. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to the United States of America in September 2015; and if he will make a statement on the matter. [33923/15]

9. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the former President of the United States of America, Mr. Bill Clinton; and if he will make a statement on the matter. [33927/15]

10. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to Quinnipiac University in the United States of America; and if he will make a statement on the matter. [33928/15]

11. **Deputy Gerry Adams** asked the Taoiseach if he will report on his visit to the United Nations General Assembly; and if he will make a statement on the matter. [33924/15]

12. **Deputy Gerry Adams** asked the Taoiseach if he will report on his individual meetings with international leaders during his visit to the United Nations General Assembly; and if he will make a statement on the matter. [33926/15]

13. **Deputy Micheál Martin** asked the Taoiseach the position regarding his address to the United Nations in September 2015; and if he will make a statement on the matter. [33971/15]

14. **Deputy Micheál Martin** asked the Taoiseach the bilaterals he had while he attended the United Nations in September 2015; and if he will make a statement on the matter. [33973/15]

15. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will provide a report on his

visit to the United Nations General Assembly in New York in the United States of America; and if he will make a statement on the matter. [40155/15]

16. **Deputy Richard Boyd Barrett** asked the Taoiseach if he had discussions regarding human rights abuses in Palestine while attending the United Nations General Assembly in New York in the United States of America; and if he will make a statement on the matter. [40156/15]

17. **Deputy Richard Boyd Barrett** asked the Taoiseach the leaders he met while attending the United Nations General Assembly in New York in the United States of America; and if he will make a statement on the matter. [40157/15]

18. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent visit to the United States of America and the meetings he participated in while there; and if he will make a statement on the matter. [42434/15]

**The Taoiseach:** I propose to take Questions Nos. 7 to 18, inclusive, together.

I made a short visit to the United States on 24 and 25 September. The main focus of the visit was my participation in the United Nations summit on sustainable development. Prior to this, on my arrival in New York on Thursday, 24 September, I travelled with my delegation to Connecticut for a number of engagements, including a visit to Quinnipiac University, on foot of a long-standing invitation from the university's president, Dr. John Lahey.

My visit to Quinnipiac began at the Great Hunger Museum, which has one of the world's largest collections of visual art, artefacts and printed materials relating to the Irish Famine. It also plays a crucial role in promoting public understanding of the Famine through a number of important educational outreach programmes to schools in the state of Connecticut and beyond. I recommend to all Irish people who happen to be in the vicinity of Quinnipiac to visit that outstanding exhibition which portrays different aspects of the Great Hunger in this country in a powerful way. I was honoured to be awarded an honorary degree from the university, which I accepted in honour of all those who lost their lives in the Great Hunger, and those who sought refuge from it in the USA and elsewhere.

I then addressed an invited audience comprising university leaders and benefactors, members of the Irish-American community as well as representatives of business, community, cultural and sporting groups. I was pleased to meet members of the region's vibrant Irish-American community after the ceremony.

Before leaving Connecticut, I visited the corporate headquarters of United Technologies Corporation, UTC, and met the company's senior leadership, including the chief executive, Mr. Gregory Hayes. UTC is an IDA Ireland client company that provides high technology products and services to the global aerospace and building systems industry and which has recently made significant investments in its Irish operations in Shannon and Cork. During my visit, the company announced an expansion of its Irish operations, with an additional investment of €6 million and the creation of a further 20 high-skilled jobs at Shannon.

Later that evening, I met former US President, Mr. Bill Clinton. We had a wide-ranging discussion, including on the Irish economic recovery, a number of international and development issues and the Northern Ireland peace process.

The following morning, I participated in the United Nations Sustainable Development Sum-

mit. This was one of the largest gatherings of Heads of State and Government in the history of the United Nations and included an opening address by His Holiness, Pope Francis. The summit formally adopted the post-2015 development agenda, agreed by consensus by the 193 member states of the United Nations, entitled Transforming our World: the 2030 Agenda for Sustainable Development. This new agenda sets out 17 sustainable development goals and 169 targets aimed at tackling key systemic barriers to sustainable development, such as inequality, unsustainable consumption and production patterns, inadequate infrastructure and lack of decent jobs. The environmental dimension of sustainable development is covered in the goals on climate change, oceans and marine resources, and ecosystems and biodiversity.

I pay tribute to Ireland's ambassador, H.E. Mr. David Donoghue, and his team at the Irish permanent mission to the United Nations in New York because it was he who co-facilitated the negotiation of this agreement together with the ambassador of Kenya to the United Nations. One should be under no illusions about the scale of the work H.E. Mr. Donoghue put into that document, which was accepted unanimously by 193 member states of the United Nations. The selection of this country as one of the two co-facilitator member states was an important and appropriate recognition of our country's proud record, both within the United Nations processes and as a strong supporter of the development agenda.

In my address to the summit I indicated Ireland's strong commitment to this agreement which should galvanise action to end extreme poverty, hunger and under-nutrition as well as expediting progress on gender equality and the empowerment of women and girls. I also took the opportunity to reiterate that Ireland's development aid programme will remain central to our foreign policy and that we will continue to work with our partners towards the elimination of extreme hunger and malnutrition by 2030. This was not a suitable opportunity to raise specific issues such as Palestine.

As I indicated in the House on 6 October, in the margins of the summit I held a bilateral meeting with President al-Sisi of Egypt. I was accompanied by Minister of State at the Department of Foreign Affairs and Trade with responsibility for development, trade promotion and North-South co-operation, Deputy Sean Sherlock, and officials. During this meeting, I raised the case of Ibrahim Halawa, the young Irish citizen on trial in Egypt. I made very clear the Government's desire that Ibrahim should be able to return home to Ireland. I said it would be in the interests of both our countries for us to resolve the position in a positive way. I also stressed to President el-Sisi the considerable public interest in Ireland regarding Mr. Halawa's case, as well as the concerns which have been expressed in the Oireachtas. President el-Sisi and I also discussed regional issues including development co-operation and the aid programmes that Ireland undertakes in sub-Saharan Africa in the context of the refugee crisis. The discussions I had over the course of this visit did not touch upon the situation in Palestine.

Following my attendance at the summit, I officially opened Irish TV's new office on Park Avenue in New York, further expanding the international reach of the company. I also met briefly with representatives of Irish groups in New York, including a group of young Irish entrepreneurs and digital executives who were honoured that week as top-40 digital leaders, and representatives of the GAA community. Representatives of the Irish Government agencies in Ireland House, namely, the IDA, Enterprise Ireland and Tourism Ireland, were also present.

Before leaving New York, I met briefly with Professor Klaus Schwab, the executive chairman of the World Economic Forum. We discussed the organisation's work, as well as Ireland's ongoing engagement with the forum, which continues to provide an exceptional opportunity to

interact with key investors and business representatives. Overall, it was a successful visit, with much ground covered in a very short time. I am pleased that it afforded such useful opportunities at bilateral level and a platform from which to articulate Ireland's firm commitment to the sustainable development goals.

**Deputy Gerry Adams:** I agree with the Taoiseach about An Gorta Mór museum at Quininiac. I commend the work of Mr. John Lahey, the president of the university. As the Taoiseach outlined, the university has compiled a unique collection of art, research and resource materials on the Gorta Mór and the subsequent period. It tells the story of Ireland in many ways, and the work is significant and invaluable. I was very impressed, as I am sure the Taoiseach was, by the sculpture and other artwork from the 19th, 20th and 21st centuries by foremost artists such as Daniel McDonald, John Behan, Robert Ballagh, Paul Henry, Margaret Allen and many others. I echo his appeal for anybody who is in the vicinity to visit it.

I am also pleased that the Taoiseach found the time to meet President Clinton, who retains a very deep and insightful interest in affairs in this part of the world, across the island but not least in the North. Recently, the 20th anniversary of his first visit to the North was celebrated. The Taoiseach will remember the event, during which he travelled from Belfast to Derry and Dublin. I try to keep in good contact with him, given that he is a true friend of Ireland on many issues about which we are concerned.

The major issue for many Irish Americans, which the Taoiseach did not mention, is the plight of the undocumented. It is estimated that 500,000 people left Ireland during the past eight years, going not only to the US but also to Australia, Canada, Britain, Europe and Asia. There are tens of thousands of people in the US due to the austerity policies. While some travelled legally, it is estimated that there are 50,000 illegal or undocumented Irish. They did not go for the craic, as a lifestyle choice or for the experience. While they might get all that when they are there, it was not the reason they went. They went because they had no long-term employment prospects, meaningful work or proper terms and conditions here. Many of them have families in the US, pay tax and contribute positively to US society. However, when it comes to a bereavement, christening or wedding, they cannot return home. While they contribute significantly to the US economy and are generally recognised as model citizens, they are the Skype generation.

President Obama's executive order last November presents an opportunity for some of them to come out of the shadows and regularise and legalise their presence. It also opens up frustrations given that, for some of them, the ability to acquire a social security card, work legally and get a drivers' licence conflicts with their ability to return to Ireland. If they return, they might not get back to the US. They are caught idir eatarthu, between two worlds. A man from Mayo whom the Taoiseach knows well, Ciarán Staunton, is known to many in the Oireachtas for his hard work on behalf of the undocumented. Mr. Staunton is arguing that the introduction of a waiver policy that would remove the obstacle of the three-year and ten-year bar for undocumented Irish citizens in the US would be an important step forward. A similar waiver scheme is operated by the US mission in Mexico. I recently spoke to Mr. Staunton in New York, and he was in the Oireachtas a few days ago. He is lobbying in this regard, and he believes a waiver scheme, if introduced, would benefit 25% of undocumented Irish citizens. If the United States Embassy in Dublin waived the three-year and ten-year bars, people could go through sponsorship or investment and re-enter the US legally with a regularised status. Has the Taoiseach discussed the proposal with the US Government? Has anybody from the Government discussed it with the US ambassador to Ireland, Mr. Kevin O'Malley, here in Dublin?

I am pleased that the Taoiseach raised the case of Ibrahim Halawa with President al-Sisi. I have been very disappointed with and critical of the Government's refusal to be active on the issue. This young Irish citizen has been held without trial and was on hunger strike for some weeks. He should not be in prison. While it is good that the Taoiseach raised it with the President of Egypt, it is not good enough that our Government is not exhausting all the opportunities open to it.

The Government must have taken a decision not to officially recognise the status of the state of Palestine. This is contrary to the Oireachtas all-party and non-party agreement on the issue. There is no other explanation. If the Government wanted to recognise the state of Palestine, it would do so. The Government recognises the State of Israel, which is fair enough, but to recognise one without recognising both shows a considerable bias. Such tilting against the underdog drives the warmongers in the region. If we cannot uphold international law and the international status of the people of Palestine, who will?

**The Taoiseach:** I thank the Deputy for his comments on Quinnipiac, a fine, young, growing university. President Clinton continues to express a very knowledgeable and far-seeing view on Ireland and Northern Ireland and the issues that evolve there. He has never lost his passion for and interest in the issues surrounding Northern Ireland, for which I always commend him.

The issue of the undocumented takes up much time. It appears as though the agencies that issue the J1 visas will discontinue it for people who do not have employment in place before they go to the US. It will be very difficult to deal with, as the Deputy knows. The consequences will be twofold. First, it will certainly lessen the number of J1 visas issued to Irish students. This important link between Ireland and America has led to the development of new acquaintances, opportunities and businesses over many years. We want to keep that link very much established. Second, if some of those who travel to the United States on holidays or on vacation decide to look for jobs, they will create real problems for themselves for years to come if they are found to be working illegally and without documentation. Ambassador O'Malley has been very strong in trying to ensure nobody who wants to go to America next year is denied such an opportunity. The Irish ambassador to the US, Ms Anne Anderson, has been working very hard on Capitol Hill, but the agencies that authorise J1 visas are completely independent. That is an issue.

I have spoken to Ciarán Staunton on many occasions in respect of various opportunities that might exist for different kinds of visas or waiver schemes that could involve taking up the slack of other countries. To be honest with Deputy Adams, I cannot see much happening in this regard in light of the state of political play in Washington at the moment. We have all heard of the opportunities that exist to tag sections onto legislation going through the Senate or the House of Representatives. Given the tensions that exist between both houses at the moment, I cannot see that this will move on. I might just say in passing that some of the comments I have heard recently about closing down America, in effect, are not the America that we know. I suggest, in the context of globalisation and the movement of people throughout the planet, that openness, diplomacy, understanding and education are the sorts of wars that should be fought in the future so that people have opportunities to work with one another and share their common humanity.

I spoke to President al-Sisi in New York. I had a good meeting with him. He was very frank and open about the difficulties that exist in Egypt and in his response to my comments about the number of visits our consul general has made to the prison and our considerable interest in the ongoing situation of young Ibrahim Halawa. As I have pointed out previously, of course

it is not for me or for this country to say we want to throw aside the judicial system that exists in Egypt. President al-Sisi was very clear in his remarks about the authority that is vested in him to use presidential pardons and when they might be used. I might add that the Egyptian ambassador here recently sent me a letter about this case. I will forward copies of it to Deputies Adams and Martin for their information. I met President al-Sisi briefly in Paris last week in the context of all the leaders who were there. I had a brief conversation with him about the Halawa case. I mentioned to him that the Egyptian ambassador here had sent a further piece of correspondence.

I think we should return to the question of Palestine and Israel again. Obviously, it is a matter that is still under consideration here.

**Deputy Micheál Martin:** Regarding the Taoiseach's visit to the United States, I accept fully that the issue of the undocumented is not one that can now be resolved by the Government here alone. As a former Minister for Foreign Affairs, I have been involved in this issue. It seems to me that the situation is deteriorating, given the political environment in the United States and the hardening of attitudes towards inward migration into that country. I put it to the Taoiseach that we need to return to the bilateral track and seek to ensure that bilateral agreements with the United States are reached. This is very difficult in itself. I know other groups do not want us to do that. The Latinos, in particular, are watching to see if any separate bilateral deals are done. I managed to initiate and conclude a working holiday agreement with the then Deputy Secretary of State, Mr. Negroponte, who is a Republican. The agreement was more restrictive than the Japanese one in so far as it required graduates to look for work specific to their degrees in the United States. Nonetheless, it was a bilateral agreement of sorts that dealt with a limited cohort of graduates - those who had graduated from college in the previous year.

I am concerned about the J1 visa, which has been identified by the Taoiseach as critical. One issue in terms of Ireland's global perspective arises here. In previous generations, emigration created a critical mass of Irish Americans. The great influence of these people has helped significantly to shape opinion in America towards Ireland and issues on this island from an economic, social and political perspective. There is a need to maintain that engagement with the United States through bilateral formats. It would be useful if the Departments of the Taoiseach and Foreign Affairs and Trade were to develop a strategic team that would take a long-term approach to working out how to develop bilateral arrangements and engagements with the United States. The reality we now face is that it will be difficult to achieve any fundamental change in the immigration policy of Congress. I have been listening to this for a decade. People attack Governments on this issue in the full knowledge that it is kind of shallow to do so. The real change has to happen on the other side of the Atlantic. There is no sign of such a change in US politics, which is going in the opposite direction. To be fair, President Obama made an executive order. I think we need to clarify or outline what the practical impact of that will be for many of the undocumented Irish.

I am delighted that the Taoiseach visited the United Technologies Corporation. I was involved in some of the first meetings with representatives of that corporation when I served as Minister for Enterprise, Trade and Employment. I initiated relationships with them and helped to further their engagement with Ireland. That has borne fruit. For a long time, this country's longer-term industrialisation policy has been based on low corporate taxes, long-term investment in education and good availability of skills as key ingredients to attract inward investment. I am glad that the Taoiseach is continuing that approach.

I am pleased that the Taoiseach has met President al-Sisi. We need to take a strong stance on what is happening to Ibrahim Halawa because it is not acceptable. He has been held without trial for far too long. If I may say so, behaviour of this kind by Governments in the Middle East and elsewhere exacerbates the alienation that is felt by people and unfortunately leads to their radicalisation. I think we need more intelligent responses to situations like this. It is a basic issue of justice for an Irish citizen. As I have said, what is going on is unacceptable. I do not know whether the Minister for Foreign Affairs and Trade has had any meetings with his Egyptian counterpart. Has he visited Cairo? The Taoiseach might indicate whether the Government has considered the possibility of a ministerial visit that would endeavour to put pressure to secure Ibrahim Halawa's release.

I commend the Permanent Representative to the United Nations, David Donoghue, on his outstanding work on the sustainable development goals. Ireland has a proud tradition as a distinguished contributor at the United Nations. I refer, for example, to the involvement of Frank Aiken in the emergence of the nuclear non-proliferation treaty. More recently, Dermot Ahern and I worked on the convention on the banning of cluster munitions, which was agreed in Croke Park a number of years ago. While I was involved in the later stages of the work on the convention, it was Dermot Ahern who did much of the running on it. We worked with approximately five other countries. This shows the work that small countries can do at UN level. Mr. Donoghue, who has been working on the sustainable development goals, is a very committed diplomat who holds substantial viewpoints and has a hard work ethic. I am pleased for him and for Ireland. Along with his team at the UN and at Iveagh House, he worked with the ambassador of Kenya to lead the way for agreement on the sustainable development goals to be reached.

I ask the Taoiseach to set out what the realistic prospects are for Ireland to achieve its development aid contribution target. For a long time, 0.7% of GDP has been a globally accepted target. That can be fine when economic growth is not going well. Paradoxically, it can be easier to get to a 0.7% target with low growth but when economic growth is very high one allocates a lot of resources very quickly, which there might not be adequate capacity to absorb. There needs to be some reflective thinking on this to bring about a more sustainable, long-term contribution that rides the cyclical nature of our economy better than has been the case over the past decade. In the first ten years of this century huge moneys went out in aid but huge growth rates meant we still did not make the 0.7% target. We ended up pumping lots of money into UN funds which were good for emergencies but when recession or retraction came this changed. We are a cyclical open economy and that is going to happen so there needs to be a more even-stein approach, which is very project focused and also focused on the key issues of education and governance in other countries. Does the Taoiseach have any thoughts on that?

The approach of the United Nations to global warming is unequivocal. I support the need to protect agriculture and food development because food security is essential but one gets the impression that, over the past five or six years, Ireland has been pulling back and we do not get the whole idea of climate change and how serious it is for the future. One only has to witness the recent storms, which are happening with far more regularity and frequency than 20 or 30 years ago. This is a global phenomenon but one that is impacting on Ireland. I am disappointed we have not had a radical plan on transport to reduce our emissions or new technologies and innovations that could save energy and reduce CO2 emissions so that we can make our targets. Our approach is not ambitious but seems, instead, to be to excuse ourselves from ambitious targets in transport, technology and innovations. There is a lot more potential to engage, particularly in research and development as a third pillar of Science Foundation Ireland, which we

initiated in our last term in Government. To what degree has that kind of thing materialised or been developed?

**The Taoiseach:** I agree that we have to look at all the opportunities the Deputy mentioned and at the bilateral situation but I get the feeling from talking to people in Congress and the Senate that it is not going to happen. I hope we could make some sort of an arrangement but it is not going to be easy. I spoke to the new speaker of the House, Paul Ryan, who was here earlier this summer or last summer with his family and is very clued into Ireland's position. I wish him the very best in his job as Speaker. Deputy Martin is right that, over the years, the cohort of Irish travelling to America built up a unique connection in many fields all over the States and now that the digital world is moving so rapidly that is even stronger than before. It seems as if the decision being made here resulted from different nationalities congregating in different places across the States. The potential impact of losing J1 visas is not to be underestimated. We do not know at this stage what the requirement for paperwork will be from the far side and what the requirements will be for a young man or woman applying for a J1 visa in order to comply with the conditions of employment which are set by these agencies in Boston, Chicago or wherever, the traditional haunts of the Irish looking for summer work. It would be a terrible shame if young people were denied the opportunity because they go on holidays and find themselves working for a day only to be declared undocumented and deported, giving them difficulties for years afterwards. David Donoghue did a wonderful job.

On Paris, we have signed on for collective reductions with our European colleagues for 2030 but no targets have been allocated yet for any individual country. We are not looking for any escape routes or exemptions or to be treated as a special case but our profile is different from every other country except New Zealand and Uruguay and we want full value for our agricultural land and forestry. We unanimously agreed this at the October meeting of the European Council, as the Minister of State, Deputy Tom Hayes, will be well aware. The Commission seems to have changed the assessment of what that actually means. This makes it more difficult for Ireland to make progress in that regard. We will achieve whatever target is set for us from 2020 to 2030 but no targets have been allocated yet so we are not resiling from anything. If we can produce X amount of food for a growing population and can produce X plus Y in the future while conforming to the current carbon footprint standards, we should not allow inferior food with higher carbon emissions to be produced in other places by knocking down rainforests. We want to and will play our part. Ireland, as part of Europe, will achieve the 40% reduction by 2030 and will achieve whatever target is eventually set for us between 2020 and 2030.

We approved the White Paper today. The energy Bill is going through and it works in four areas, namely, building, energy, transport and the agrisector. The Minister for Transport, Tourism and Sport, Deputy Paschal Donohoe, is working hard to see that charging points for electric cars are set up all over the country. Deputy Martin's party has a particular view on how that may be incentivised for some cars and such ideas are to be commended. The legislation and the White Paper on energy set out very ambitious targets for Ireland. The debate is moving way beyond the narrow confines of one particular sector and there will be public consultation and discussion. The Bill will allow for people to be very ambitious in the four sectors I mentioned, which are building, energy, transport and the agrisector.

*Written Answers follow Adjournment.*

*5 o'clock*

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 13, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the Framework Agreement on Comprehensive Partnership and Co-operation between the EU and its member states and the Socialist Republic of Vietnam; and No. 1, Mental Health (Amendment) Bill 2008 [Seanad] - Second and Remaining Stages. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn on the adjournment of Private Members' business; No. 13 shall be decided without debate; the Second and Remaining Stages of No. 1 shall be taken today and shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. tonight and the following arrangements shall apply: the proceedings on the Second Stage shall, if not previously concluded, be brought to a conclusion at 8.10 p.m. by one question which shall be put from the Chair, the opening speeches of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and such Members may share their time, the speech of each other Member called upon shall not exceed ten minutes in each case and such Members may share their time, and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Health. Private Members' business, which shall be No. 205, motion re establishment of independent anti-corruption agency, shall be taken on the conclusion of No. 1 and shall adjourn after 90 minutes, if not previously concluded.

Tomorrow's business after Oral Questions shall be No. 2, Legal Services Regulation Bill 2011 - amendments from the Seanad.

**An Ceann Comhairle:** There are four proposals to be put to the House. Is the proposal for dealing with the late sitting agreed to? Agreed. Is the proposal for dealing with No. 13 agreed to?

**Deputy Gerry Adams:** This is not agreed. The original intention regarding this framework agreement with Vietnam was that it would be sent to the select committee on foreign affairs without debate. Now the Government is trying to pass it in the Dáil without debate. I appeal to the Taoiseach to allow this to go to the select committee-----

**Deputy Paul Kehoe:** It is going to the committee. The proposal is to refer it to the select committee.

**Deputy Gerry Adams:** Okay, I misunderstood.

**An Ceann Comhairle:** Is the proposal for dealing with No. 13 agreed to? Agreed. Is the proposal for dealing with No. 1 agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed.

**Deputy Micheál Martin:** First, I commend the "RTE Investigates" programme last night

and the team involved in it. As the Taoiseach said already, what was revealed was truly shocking and also very damaging to the body politic in general, with the actions of a few tarnishing the many public representatives who give of their best in the public service. No public official and no politician should seek to benefit themselves by using or abusing their office. What was revealed last evening is truly unacceptable.

In that context, it is important that the Taoiseach gives us a timescale for key legislative measures that would respond to some of the issues raised in the programme last night. I refer in particular to the timescale in advance of the next general election. The Taoiseach spoke earlier about the planning Bill, which he says includes provision for an independent planning regulator. When can we expect the conclusion of that Bill? Is it the Taoiseach's intention to circulate to other parties a schedule for the completion of that Bill and its enactment before the general election? What are the Taoiseach's thoughts on that?

There is also legislation promised relating to the Standards in Public Office Commission. Is it proposed that there would be the power of initiation of investigation by the commission, so it could initiate its own investigations as opposed to having to wait for a complaint to be made? That is an important point.

Furthermore, the Taoiseach will recall that the former Minister, former Deputy John Gormley, had initiated independent inquiries into allegations of planning irregularities in a number of counties, including Cork, Carlow, Meath and Galway. Public advertisements had been produced and so forth. His successor, former Deputy Phil Hogan, suppressed those investigations and said they were not to proceed. He considered them to be inappropriate for some reason. Then there was an internal review. Can the Taoiseach indicate what happened to that internal review? It may have been quashed by the High Court. A barrister was supposed to be appointed to review complaints in Donegal. However, none of this has been published. The Taoiseach might not have immediate answers on the matter now, but perhaps he would revert to me on the internal review that replaced the investigations John Gormley had initiated and on the status of the review in County Donegal, where allegations were made and a barrister was brought in to examine them.

In practical terms, the legislative response is the crucial response to the issues that were raised in the programme. It is important that we get a timescale for that. We are open to agreeing a timescale with the Government in terms of bringing through the House the vital legislative measures that would make a difference for the future.

**The Taoiseach:** I am glad Deputy Martin agrees with the observation that nobody in public life should be involved in what we saw in the programme last night. I do not wish to say more because it might well be the case that criminal charges could follow from the Garda Síochána.

Earlier, I referred to the planning Bill and the criminal justice (corruption) Bill. They will be the follow-on Bills to the other five legislative measures I mentioned relating to the powers of the Ombudsman, protected disclosures, restoration of the Freedom of Information Act, the effective banning of corporate donations and the legislation to regulate lobbying. The heads of the planning regulation Bill were published in June. They were sent to the Oireachtas committee for consultation, were considered and now the final draft is practically complete. The Minister for Public Expenditure and Reform, Deputy Howlin, tells me that he hopes this can be brought to the Cabinet next week. In that event, the Bill will be considered and, if approved, will be published. That provides for independent assessment, independent and objective over-

sight and the capacity to ensure there is proper planning with a proper process and analysis of these matters. I will refer back to the Deputy in respect of-----

**Deputy Micheál Martin:** On the planning Bill, the Taoiseach is saying it will be published next week after going to the Cabinet. The Dáil reconvenes in January. Is it the Government's commitment that this legislation will be put through both Houses before the general election?

**The Taoiseach:** The Dáil will resume in January. If we can get agreement on a timescale-----

**Deputy Micheál Martin:** I am offering our assistance and co-operation on it-----

**The Taoiseach:** I appreciate that.

**Deputy Micheál Martin:** -----as a practical response. There will be many rhetorical responses and the like.

**An Ceann Comhairle:** That is a matter for the Whips.

**The Taoiseach:** I accept the Deputy's offer. The Whips can work it out.

**Deputy Micheál Martin:** If I may, a Cheann Comhairle, I omitted to mention something in my first contribution. The Taoiseach invited me and other party leaders to a meeting next Tuesday regarding Judge Cregan's investigation into the Irish Bank Resolution Corporation, IBRC, assets. Will there be an outcome before the general election in terms of an inquiry being established? Next week is the last sitting week for the Dáil, so there will not be a chance for debate. We have sent our proposals.

**The Taoiseach:** We need to have a rational discussion about this. There are a number of recommendations in respect of serious legislation in that regard and I must talk to Deputy Martin, Deputy Adams and the other leaders about how it will be possible to draft legislation that will be quite complex and which could be objected to - I do not wish to rush something like that through the House - and which will get the answers that every Member of the Oireachtas requires. The commission was set up in good faith on foot of views expressed by Members of the Opposition. Judge Cregan has given his independent view and we must discuss the implications of that. I have written to the party leaders and other Members because we must meet to discuss that and to see what options are available and how best to proceed on this. I wish to engage with Deputy Martin, Deputy Adams and other Members in that regard.

**Deputy Gerry Adams:** I refer to the issue of emergency legislation in respect of the commission of investigation into the IBRC, the criminal justice (Stormont House Agreement) (implementation) Bill and the Climate Action and Low Carbon Development Bill. I have huge concerns that what we have just heard from the Taoiseach is him kicking for touch on this issue. I raised the matter of emergency legislation last week.

**An Ceann Comhairle:** We cannot have a debate on this now.

**Deputy Gerry Adams:** It is 12 minutes into this and I have only spoken two sentences.

**An Ceann Comhairle:** I know, but there are other Deputies waiting to get in.

**Deputy Gerry Adams:** I am a Deputy as well, so let me say my piece.

**An Ceann Comhairle:** I give the Deputy a fair crack of the whip. Is it about promised legislation?

**Deputy Gerry Adams:** Yes.

**An Ceann Comhairle:** Then do not debate.

**Deputy Gerry Adams:** The Taoiseach has written to me and others. I have read his letter. He says that he put forward legislation the previous time based upon what the parties here said. He rejected every amendment we tabled. We voted against the legislation for exactly the reasons that have been vindicated because we are now in the mess the Taoiseach has created for us. He says he cannot publish the Attorney General's advice. That means he has decided not to. He could publish the advice if he wished. Of course, I would be pleased to meet the Taoiseach and other Opposition leaders, but I have no confidence he is going to deal with this issue.

On the criminal justice (Stormont House Agreement) (implementation) Bill, the key issue relates to dealing with the past. I met last week with the family of Seamus Ludlow who was shot dead by a Unionist paramilitary gang. His case was recommended by the Barron report and the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights in its final report of March 2006 recommended that there be two commissions of investigation. The Government has not moved on that. Will the Government act on the recommendations? Will it agree to implement the joint committee's recommendation to establish the two commissions of investigation?

On the Climate Action and Low Carbon Development Bill, I have asked the Taoiseach for as long as three weeks to set time aside for a debate on the outcome of the Paris climate change conference. We saw with Storm Desmond the impact of climate change on communities, families and small businesses.

**An Ceann Comhairle:** Thank you.

**Deputy Gerry Adams:** The Paris conference concludes on Friday. The Taoiseach's position on matters of climate justice is contradictory. Will he allow a debate in the House as soon after Friday as possible?

**The Taoiseach:** I do not agree with the Deputy. I merely set out the situation in so far as we as a country are part of the European Union and have signed on for serious reductions in targets. I merely point out that in the technical discussions that will take place, we have a different profile. We will meet our target between 2020 and 2030 but no targets have been set for our country yet. The climate Bill has gone to the President for signature. I will ask the Whip to consider the time allocations to see whether it might be possible to have a debate or some comments in respect of the Paris COP21 discussions.

I look forward to meeting Deputy Adams, Deputy Martin and others to discuss the IBRC. On the criminal justice (Stormont House Agreement) (implementation) Bill, Seamus Ludlow, God rest him, is not the only one who has been involved here. Let us see how the North-South ministerial meeting on Friday progresses. It is First Minister Robinson's last one. I hope Stormont can stand up to the test. I will consider the implications of what Deputy Adams has said in regard to the late Seamus Ludlow.

**Deputy Gerry Adams:** My question was on a recommendation of a committee in this State

that there be two commissions of investigation into the killing of Seamus Ludlow.

**The Taoiseach:** We must consider the implications of these given where we are at the moment.

**Deputy Jim Daly:** The Taoiseach is well aware at this stage of my concerns about the lack of any grievance procedure for parents of school-going children. It is an ongoing issue and an ongoing failure on the part of the State to address this issue adequately. Among a number of key indications we want to see brought forward is the school admissions Bill. When will it be brought in? It would enable us to progress this issue and ultimately to move to the establishment of an ombudsman for education. It is important to bring the legislation before the House as speedily as possible.

**The Taoiseach:** The Bill is awaiting Second Stage. I cannot see it being taken before Christmas but it will be taken early in the new year.

**Deputy Denis Naughten:** It is 22 months since the motorised transport grant and mobility allowance scheme left people with a disability marooned in their homes awaiting the establishment of an alternative scheme in the health (transport support) Bill which was to be published in September 2014. What is the delay in the publication of the Bill and when will we see it?

**The Taoiseach:** The Deputy will see it in the new year, as he is well aware. There have been quite a number of complications about that.

**Deputy Ray Butler:** When is publication of the building control Bill expected to place construction industry registry Ireland on a statutory footing thereby providing in law for the registration of builders, contractors and specialist subcontractors?

**The Taoiseach:** I do not have a date for Deputy Butler on that. It will be in the new year.

**Deputy Peter Mathews:** I remind the Taoiseach that there are five working days left to get the one-year bankruptcy Bill enacted and operational. There should be no more than two years' income attachment as one of the provisions.

**An Ceann Comhairle:** We are not discussing the matter now.

**Deputy Peter Mathews:** I am just reminding the Taoiseach. It is helpful to be reminded. The second issue is that the life of a constituent, Ibrahim Halawa, may be under threat. A phone call before the 15th-----

**An Ceann Comhairle:** That is not on the Order of Business. It was discussed during Taoiseach's questions, if the Deputy was here.

**Deputy Peter Mathews:** Sorry, I missed that. Lastly-----

**An Ceann Comhairle:** On promised legislation, now.

**Deputy Peter Mathews:** This is legislation. It is the game-changing promise in June 2012. We have €25 billion of promissory bonds long-dated to 40 years outstanding at the moment.

**An Ceann Comhairle:** Please do not start off again, Deputy.

**Deputy Peter Mathews:** I am not starting again. Please bear with me, a Cheann Comhairle.

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**An Ceann Comhairle:** I am not bearing with you. This is about promised legislation and it happens every time I call the Deputy. I was not going to call him and in future I will not if he keeps going on like this.

**Deputy Peter Mathews:** The Taoiseach understands we need legislation.

**An Ceann Comhairle:** Everybody else has to adhere to the rules of the House bar you in your mind.

**Deputy Peter Mathews:** The National Pensions Reserve Fund was raided, Taoiseach.

**An Ceann Comhairle:** The Taoiseach is not going to answer your question. We are moving on to the Equality in Education Bill 2015. I call Deputy Jonathan O'Brien.

**Deputy Peter Mathews:** The National Pensions Reserve Fund was depleted by €17 billion in 2012. We have a crisis in housing, a hospitals crisis and a homelessness crisis.

**An Ceann Comhairle:** Please resume your seat. You will be taking a walk once again if you are not careful.

**Deputy Peter Mathews:** We have €25 billion of bonds that should be torn up.

**An Ceann Comhairle:** Please resume your seat. The Deputy's microphone is to be turned off.

**Deputy Peter Mathews:** This is becoming a nonsense.

**An Ceann Comhairle:** Resume your seat or I will have to name you, which means you will be out for three days.

**Deputy Peter Mathews:** Would that not be awful? There are five working days left.

**An Ceann Comhairle:** Take the choice. Resume your seat.

**Deputy Peter Mathews:** Why not ask the Taoiseach if he would like to answer the question?

**An Ceann Comhairle:** You are out of order. Resume your seat, please.

**Deputy Paul Kehoe:** Deputy Mathews could be going for an early shower.

**Deputy Peter Mathews:** I will resume my seat in 30 seconds.

**An Ceann Comhairle:** You will not take 30 seconds.

**Deputy Peter Mathews:** The €25 billion in bonds should be torn up.

**An Ceann Comhairle:** Resume your seat. I am on my feet and, in accordance with Standing Orders, the Deputy must resume his seat while I am on my feet.

**Deputy Peter Mathews:** We are all on the same side. We want to serve the people.

**Deputy Paul Kehoe:** You are not on our team, Peter.

**An Ceann Comhairle:** Leave the House.

**Deputy Peter Mathews:** The Order of Business is what we arrange. This is really upsetting.

### **Equality in Education Bill 2015: First Stage**

**Deputy Jonathan O'Brien:** I move:

That leave be granted to introduce a Bill entitled an Act to repeal without exception provisions of law allowing for discrimination on religious grounds against children in admissions to school; to mandate the Minister for Education and Skills to modernise the curriculum and to provide for related matters.

The Bill we introduce today seeks to repeal the provisions which allow an educational establishment to discriminate against children on religious grounds, specifically the indefensible discrimination against children contained in section 7(3)(c) of the Equal Status Act.

It is outrageous that people are discriminated against. To attend local schools, most parents are forced to baptise their children for the sole purpose of getting places that are not a 40-minute drive from their homes.

Every week I have been contacted by parents who are active on this issue. Throughout the year, I have also heard from parents who are not activists but ordinary people who want their children to attend their local schools with the kids they play with every day in their estates. It is outrageous that the State-funded education system allows religious discrimination in this manner. Every time the matter has been raised, the Minister has fobbed us off with the response that a programme of divestment of patronage will address it. We have all seen how painfully slow that process is. The Minister's plans for divestment of patronage are not delivering. Even if they provide a diversity of patronage in a small number of areas, we will always be left with a situation in which some children will be prevented from attending their local schools due to religious discrimination.

The Bill that we are introducing will not prevent the teaching of religious studies in the multid denominational sense. Children should be educated in the belief systems of the various world religions in a non-faith-formation setting, just as happens in multid denominational schools. Should parents wish to have their children engage in faith formation or religious ceremonies, that would be their choice, but it should take place outside of normal school hours so that those parents who want their children to opt out can do so.

The separation of church and State must be completed. We must move to a democratically controlled education system that is truly representative of the community, respectful of the rights of people of all religions and none and child-centred. The education system must allow every child to reach his or her full potential and should be universally available as a right. It is essential that we have a school system that is fit for purpose and reflects the diversity of Irish society. Archbishop Diarmuid Martin has acknowledged that faith should not be imposed. There is a litany of human rights bodies that have stated that the current system contravenes human rights.

The State has an obligation to ensure that the rights of children and families are respected. This means ensuring that the price of admission to the education system is not opting into reli-

gious ceremonies that may go against an individual's religious, philosophical or ethical standpoint. Such a practice does not live up to Article 42.3.1° of the Constitution, which reads: "The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State."

When there is nowhere else to send a child, what can a parent do? Even if parents do not need to christen their children to gain access to their local schools, rule No. 68 is still on the books. It has been applied rigorously, with faith formation permeating many aspects of the curriculum to which it has no business being applied. There is no educational reason for religious terminology to be used in the teaching of primary school maths and English. The public good does not require it.

I recognise that the Bill does not do everything that is necessary to rectify the indefensible control that the religious orders have over the school system, but I introduce it as a genuine initiative to begin a dialogue on the matter. For this reason, I urge the Minister of State to allow it to proceed to Second Stage.

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

**Minister of State at the Department of Finance (Deputy Simon Harris):** No.

Question put and agreed to.

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

**Deputy Jonathan O'Brien:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

### **Equal Participation in Schools Bill 2015: First Stage**

**Deputy Ruth Coppinger:** I move:

That leave be granted to introduce a Bill entitled an Act to end religious discrimination in admission to primary and post-primary educational establishments and to provide for full participation of pupils of all faiths and none in primary and post-primary educational establishments.

This is aimed at ending religious discrimination against children in our schools, treating all children equally, giving them equal access to our schools without the religion of their parents being a factor and, during the school day, affording children of all religions and none due consideration in the curriculum.

The first Part of the Bill aims to delete section 7(3)(c) of the Equal Status Act 2000. Unfortunately, the Government refused to do this when given the opportunity last week despite the Labour Party's commitment to parents that it would do so. The second Part amends several sections of the Education Act 1998 so that when children gain equal access to a school, they will not be unfairly subjected to indoctrination in one religion.

Section 7(3)(c) is unbelievably backwards, socially divisive and discriminatory legislation. It is past time for it to go, in recognition of the fact that we have a different type of society now. There are State-run, taxpayer-funded schools, buildings and teachers, yet the boards of management or school patrons are allowed to draft admission policies that are based on inequality. Of two parents who attended the Dáil last week, one was a Hindu living in south Dublin whose daughter has to travel 6 km to school. He had to apply to seven schools and was told by the archbishop that the only way around the situation would be to baptise his child. To tell a Hindu that was crass. Another parent's son was turned down by eight schools and needed to stay back a year in order to find a school in the local area.

In Dublin, the problem is most acute where school places are few, forcing the Catholic Church to introduce a Catholic-first policy or the quotas that we have seen in operation in a number of schools in my constituency of Dublin West. Ludicrously, parents are driving miles from their local schools and criss-crossing with other parents on the same streets, which adds to traffic and causes other problems. They should be entitled to have their children attend their local schools.

Last week, there was considerable interest in and debate on this issue. Unfortunately, the Government chose to say "No". It is rank hypocrisy to tell parents to wait until the next Government comes along. Flawed as the Constitution may be on the question of religion, there is nothing in it that obliges religious discrimination in schools.

The second Part of our Bill amends sections 9, 15 and 30 of the Education Act 1998, essentially moving schools in a secular direction and away from a role as centres for passing on faith. This is a recognition of a changing society. A growing number of people are no longer of the majority religion - that is, Catholic. There is more diversity, with people from different nationalities and backgrounds. Parents want to see their children attending schools with other children from their communities. We propose the removal of the phrase "the characteristic spirit of the school," which obliges boards of management, the Minister and school managers to allow religion to pervade all teaching in schools. For example, maths must be taught in line with the school spirit. I have heard examples of a triangle being compared with the Holy Trinity. This is happening in our schools. The teaching of science must give due recognition to evolution and so on.

We need to remove the obligation on schools and allow children to be taught in an objective and pluralistic way. We also need to stop forcing school managers to ensure that religion forms part of the curriculum. That should be the choice of parents, with religion taught at the end of the school day. We need to decouple boards of management from school patrons so the latter, which are generally of just one religious denomination, will not have undue control over the ethos of schools. We must ensure children are not compelled to attend classes in religious instruction. We have seen cases only in recent weeks where schools have been compelling pupils in this regard despite their constitutional right not have to have religious instruction. It is past time that we allowed children equal access to schools.

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

**Minister of State at the Department of Finance (Deputy Simon Harris):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under

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Standing Orders, be taken in Private Members' time.

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

Question put and agreed to.

### **EU Framework Agreement with the Socialist Republic of Vietnam: Referral to Select Committee**

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

That the proposal that Dáil Éireann approves the terms of the Framework Agreement on Comprehensive Partnership and Co-operation between the European Union and its member states, of the one part, and the Socialist Republic of Vietnam, of the other part, signed at Brussels on 27 June 2012, a copy of which was laid before Dáil Éireann on 7 December 2015, be referred to the Select Committee on Foreign Affairs and Trade, in accordance with Standing Order 82A(3)(b), which, not later than 17 December 2015, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

## **Topical Issue Debate**

### **Flood Relief Schemes**

**Deputy Jim Daly:** I thank the Ceann Comhairle for the opportunity to speak on this matter. Bandon town was devastated last Saturday night by a serious flood for the eighth time in the past 40 years. While much of the conversation in its aftermath has been on the flood relief scheme and the need to prioritise it, my priority right now is to support the businesses that have been affected, particularly those that have been hit for the second time in six years and which have been wiped out.

I commend the OPW on the work it has done on making progress on a scheme for Bandon town. There has been more progress on the scheme in Bandon in the past four years than in the previous 44 but the harsh reality is that, for the next two and a half years, Bandon town will be vulnerable to flooding. The scheme will start within six months but it will take two years to complete. It will not be until the scheme is completed that the town will finally have protection from the dreadful, awful nightmare that is flooding. In the meantime, society needs to do everything in its power to ensure it protects the businesses in the centre of the town.

The business of Mr. Frank O'Leary of O'Leary & Daughters, across from my constituency office in the town of Bandon, has been in operation for 97 years. It was completely devastated by the flood of 2009 and devastated again last Saturday night and Sunday morning. The torrential waters ruined Mr. O'Leary's drapery business for a second time and he has no insurance. It is incumbent on us as a society to address this issue. It is a matter for the Department of Social Protection because I am seeking social protection for the businesses that have been paying rates

for 97 years and that have been the lifeblood of our community by giving employment and supporting everything that moved in the town. It is now time to address this. If it happened abroad, we would all be rushing ahead of ourselves to send money to the affected region as part of a humanitarian crisis response. It is time we helped our own. I very much welcome the €5 million announced by the Cabinet today and look forward to its immediate distribution to the businesses in Bandon town.

**Deputy Denis Naughten:** The flooding of homes and businesses after the severe rainfall as a result of Storm Desmond has been absolutely devastating. Since the last serious floods, in 2009, there have been some remedial works. These are very welcome. More have been postponed pending the completion of consultants' reports and the catchment flood risk assessment and management, CFRAM, studies. As a result, families and businesses have been left without flood insurance. In the past six years, we have seen two floods of a kind that tend to occur but once in 100 years. Sadly, we are by no means out of the woods.

There has been a delay in the distribution of pumps and sandbags to flood-prone communities due to delays by the national co-ordination committee in providing appropriate warnings to the local authorities. What we now need is immediate financial support for the victims. Families need a fund that is easily accessible. Staff from the Department of Social Protection should be deployed to assist with completing the forms. The families need funding immediately to cover the costs associated with being out of their homes. Furthermore, provision needs to be made for relocation and for the refurbishment of homes. Individuals in marooned communities who need to be relocated as we speak, particularly in the Shannon Callows, need to be provided with alternative accommodation, and the associated costs need to be met.

Businesses, particularly businesses with no flood insurance, need to be compensated for the loss of income and stock and for the staff wages that must be paid at the end of this week. Provision needs to be made for the extension of bank loans until compensation kicks in for landlords, and overdraft and term facilities must be made available to businesses in respect of their stock. Funding needs to be made available for refurbishment costs, and there needs to be rates relief.

Fodder has been destroyed on farms, and funding needs to be put in place to replace it. Where stock have been taken out of sheds, bed-and-breakfast costs need to be covered.

**Deputy Dara Calleary:** I thank the Ceann Comhairle for the opportunity to raise this matter. On Saturday evening, water levels were rising in Crossmolina and other areas across Mayo to a level very near tall people's shoulders. Such is the extent of the damage. It was not six or nine years ago but three weeks ago when the last flood was experienced in Crossmolina. I have discussed this with the Minister in the interim. We are all awaiting major capital projects but simple jobs such as cleaning rivers and lifting debris from them are not being done. It seems the OPW attaches more importance to pearl mussels, or other forms of marine life and animals, than to people. As long as that is happening, the Department of Social Protection will bear the brunt of trying to compensate and come up with a scheme. As long as the OPW continues to forget the small things while it focuses on the big things, this will happen.

Businesses are uninsured because they cannot obtain insurance, not because they are irresponsible. I refer in particular to businesses that have rented premises or public houses. These businesses are finding it impossible to obtain insurance. Retail businesses that had peak stock in the first weekend in December saw that stock completely destroyed. Stock, including food,

valued at hundreds of thousands of euro had to be destroyed on Sunday and yesterday because of the damage.

I endorse what Deputy Naughten said. Not enough preparation work was done. Can the Minister for Social Protection outline how the new scheme will work? The Taoiseach said the community welfare officers will be going from house to house in the affected areas in respect of the humanitarian assistance scheme. It is a very difficult and complicated scheme. Can we ensure that it works as easily and quickly as possible? The notion of looking for receipts and records with a view to having vouched expenses is nonsensical where somebody's house has been washed away in front of them. We will have to be incredibly flexible about this. It is time that the OPW stood up for the people in the country as much as for pearl mussels and various other creatures at the bottom of our rivers.

**Deputy Charlie McConalogue:** I thank the Ceann Comhairle for allowing me to raise this matter today. All our thoughts are with those connected to the many homes and businesses that have suffered owing to serious flooding over the past weekend. It was a very traumatic time for many people. Unfortunately, many suffered two floods within a few weeks. I commend those who worked so hard over the weekend. Donegal County Council, the fire service, the Army, ESB and members of the local community volunteered to help the businesses and homes affected in my county and they did their best to prevent the flooding that was taking place. Across Donegal, there was very severe flooding. In some cases, it was unlike any seen in many years. Towns such as Lifford, Ballindrait, Castlefinn, Kilmacrennan, Glenties and Pettigo all suffered from very serious flooding, as did many other towns and villages to a greater or lesser extent. I hope the Minister for Social Protection will be able to assure the public today that we will see a compensation scheme that will help those people who are in tremendous distress financially and in terms of facing the task of trying to remedy the problem. Compensation must be accessible and appropriate to the type of damage experienced, and prevention measures must be expedited to ensure there is no repeat of the flooding. Clearly, we cannot prevent rain from falling from the sky, but we must do everything in our power to ensure lessons are learned from previous flooding patterns and introduce appropriate flood defences to prevent flooding where this is possible, as is often the case. We must ensure we are prepared for similar events in the future by learning lessons from what occurred in recent weeks in order that people do not fear a repeat of this experience.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this discussion, unfortunate as it is. I speak on behalf of people in Athlone, business owners, residents and farmers, who find themselves in the same precarious position in which they found themselves in 2009. I acknowledge the great work Westmeath County Council has done in rapidly activating an emergency response, providing sandbags and industrial pumps, assisting the elderly and taking all possible preventative measures. Last night, Councillor Aengus O'Rourke and I visited Deer Park Road and Parnell Square, where we saw at first hand the anxiety and worry of residents. Thanks to the topography of the land around Athlone, the worst flooding is still to come as flood waters make their way down the River Shannon. People in the area face a difficult few days as they worry about what lies in store. It is predicted that up to 50 or 60 houses will be flooded by Saturday, not only in the areas to which I referred, but along the River Shannon in Carrick-on-Shannon, Conbonny and Golden Island.

What supports will the Department provide for people who do not have insurance and will have to move out of homes that are destroyed by flooding? How quickly will people be able to access these supports? As Deputy Calleary stated, the system must not be excessively bureau-

cratic, as people will otherwise be afraid to apply for the supports they need.

This is a case of *déjà vu*, because similar floods occurred in 2009. As recently as several weeks ago, I asked the Minister of State, Deputy Simon Harris, what progress had been made on the provision of flood relief measures in Athlone. The response from the Department referred to the CFRAM report. Six years after the publication of that report, no progress has been made on the installation of preventative measures to ensure there is no repeat of the flooding of 2009. We must support those affected here and now and discuss preventative measures at a later date.

**Tánaiste and Minister for Social Protection (Deputy Joan Burton):** I commiserate with all the individuals and families affected by the very difficult weather conditions. I visited Counties Kerry and Cork on Thursday and Friday. Anyone looking at the rivers in the area will have understood the amount of rain that has fallen in a short period and the difficulty this has presented.

The Department of Social Protection closely monitors weather forecasts and activated its humanitarian assistance scheme some weeks ago. We also had episodes of flooding in Counties Clare and Waterford, where we had to render assistance to a small number of families. Since the weekend, in response to flooding in Tralee, County Kerry, we placed in temporary accommodation a number of families who are tenants of the local authority and had to leave their homes. We also issued humanitarian assistance to families and application forms for such assistance. As the days pass, we expect more families to make contact with our services. We are working closely with the local authorities and I commend all the services that have responded to the floods, including staff who have been working heroically in very difficult conditions to protect people, properties and businesses.

The community welfare service and humanitarian assistance scheme have been activated and the former is open and available for contact. If Deputies are aware of people who are in a difficult position and do not know about the service, I would be grateful if they could pass on the relevant information to enable these individuals to make contact with the community welfare service. Staff are assessing and meeting the demand for assistance by members of the public as needs arise and, where necessary, visiting the homes of persons affected. This is occurring in the Athlone area, where departmental officials are in constant contact with Westmeath County Council, and they will provide whatever supports are required in Athlone and all other counties.

We are also conscious that, as a number of previous speakers noted, people have mounted a watch to ascertain when runoff water flowing through the River Shannon and other rivers may flood homes.

The Department is experienced in providing emergency humanitarian assistance. I assure the House that this is not a bureaucratic or difficult process. We have dealt with very difficult circumstances, including in King John's Island, Limerick, where staff went from door to door and established emergency premises. We will do this again where required and remain as close as possible to those who have been affected by flooding.

The Department has an allocation of €10 million to expend on emergency assistance. It can therefore meet all the assistance requirements as they arise. The Department generally adopts a three-stage approach. The first stage involves providing emergency income support payments for food, clothing and personal items in the immediate aftermath of the event. A relatively small amount of financial assistance is generally provided, with payments ranging from €100 to

€500 depending on family size. The second stage generally involves the replacement of white goods, basic furniture items and other essential household items. It is not until flood water recedes somewhat that the Department is able to establish the full extent of damage to homes and what level of intervention will be required to address it. Deputies with experience of flooding will know what I am talking about. The final stage is to identify what longer-term financial support or works are required. It could take several months before this stage commences because flooded homes must first dry out and expert advice and assistance may be required.

Deputy Calleary referred to a case in which a bridge may have to be replaced, which is a matter for structural engineers and other experts. This is also the case with houses, and we have dealt with similar cases in conjunction with the Office of Public Works and local authorities. No limit is applied to the level of assistance provided under the scheme, which will depend on the needs of the individual household.

**Deputy Jim Daly:** I refer specifically to the new departure of compensating businesses, and I welcome the decision the Cabinet took in that regard today. While we can discuss the delivery of schemes and so forth, it should also be placed on record that even if the flood relief scheme for Bandon had commenced six months ago, the town would still have been flooded last Saturday night. It will take another two and a half years to complete the scheme. In the meantime, we have a responsibility to protect and look after those who are affected by flooding. For this reason, I highlight and strongly welcome today's development, which means that, for the first time in the history of the State, the Government has acknowledged its duty and responsibility to protect the business community as well as home owners. The €10 million fund to which the Tánaiste referred was already in place.

Businesses affected by flooding will go to the wall this side of Christmas because their hopes of receiving a long-awaited boost over Christmas have been destroyed. They are trying to get back on their feet. Thankfully, every business is back open in the town of Bandon but we need to ensure the funding is made available. It must not be tied up in bureaucracy, knots, form-filling and all the associated difficulties. The money should get speedily and efficiently to where it is needed most.

**Deputy Denis Naughten:** I thank the Tánaiste for her response. We have had severe flooding in County Roscommon as well. In places like Athleague, Roscommon and Shannon Callows there are homes that will be flooded or that have already been flooded. I have two specific questions. Will provision be made for relocation down the road, as has been the case in the past? The Tánaiste said the Government is considering or will introduce a fund for businesses. What are business owners going to tell the bank this Friday when they have to make repayments? What information do they need to satisfy whatever criteria will be laid down? They need answers on the matter now. I am meeting representatives of some of those businesses this evening and they want to know. They want to start cleaning up their premises. However, if they do not know the criteria and conditions, they have to leave it there. Do they leave it until the coming weeks when a decision is made? I need to know what to tell them this evening and what they should tell the banks this Friday.

**Deputy Dara Calleary:** Like previous speakers I believe we need to see information about the scheme for businesses. For most businesses this four-week period pays for the next three months. This is the time of year when they get the chance to get back in shape after some difficult trading conditions. They are not going to be able to do that now. We need to give some information.

The Tánaiste referred to staff on the ground in Athlone and Tralee. Can we put staff on the ground in Crossmolina? There is no social welfare office there as such, but it would be helpful if staff were available there in the coming days.

I realise farming is not an area of responsibility for the Tánaiste. However, a great deal of fodder and winter stock has been washed away and a great deal of land is under several feet of water. We need to put in place a package with rules and regulations for farmers as well. Unfortunately, the damage that has been done and that will be done is extraordinary. In Ballina we are living from tide to tide this week. We need information on all these packages in order that the matter is out of the way within the coming days.

**Deputy Charlie McConalogue:** I thank the Tánaiste her for her reply. The crucial point now is that those affected by the flooding can see how to access the compensation fund. It must be made easy for them to do so and they should be assisted as much as possible. The already complicated situation facing them should not be made more difficult by the process of engaging with local services.

It is also crucial that the decision on access to a fund by businesses is made promptly. This should not be allowed to drag. They deserve to know that this decision will be made rather than being left in limbo.

The Minister of State with responsibility for the Office of Public Works, Deputy Harris, is beside the Tánaiste. It is crucial to ensure any remaining CFRAM reports are expedited in key areas. Some weeks ago I raised the issue of the CFRAM reports for the Letterkenny, Raphoe and Ramelton areas, all of which were flooded previously. The reports are required to make recommendations on the possible remediation works.

Two councillors, Councillor Paddy McGowan and Councillor Jack Crawford, have raised the matter of responsibility for the River Finn in County Donegal. Ballybofey and Stranorlar experienced very bad flooding, as did many towns along the River Finn. There is confusion over who exactly is responsible for maintaining the River Finn and carrying out works on the river. I call on the Minister of State and the OPW to look into this matter to bring clarity. There should be a lead agency to take responsibility for addressing and putting in place proposals for remediation.

**Deputy Robert Troy:** Farming is a business to many people. Will the farmers who have suffered savage losses in recent days be accommodated? Many people are going to have to relocate. Do we have confidence that we will have homes for them to relocate to, given the serious housing shortage at present? Can we guarantee the families who have to relocate that they are going to have a home for Christmas? Friday two weeks from now will be Christmas Day. Some people are going to have to move out over Christmas. Can we guarantee the position for them?

I was meeting people quietly last night. People were asking questions about supports. As far as they were aware, no community welfare officer was going from house to house yesterday. Perhaps it started today, but I am unsure. Anyway, we need to ensure that applications are taken now and processed without delay.

There is a necessity for new schemes. We are waiting on a report that is going to confirm what we already know, in other words, where there are serious difficulties with flooding. We need to ensure that action is taken now for the sake of the people who have gone through this

terrible ordeal in 2009 and who are going through a terrible ordeal now. It seems the cornrake is dictating what is happening at a time when houses are being flooded. We need to prioritise and ensure that we do not have a situation where €14.5 million allocated for flood relief measures remains unspent at a time when houses are going underwater.

**Deputy Joan Burton:** Reference was made to small businesses and the development of a €5 million fund to assist them in the run-up to Christmas, when many businesses would have been anticipating an active and successful Christmas season. That fund will be administered on behalf of the Government through the Irish Red Cross. It will allow for maximum flexibility of the type described by a number of Deputies. Like the humanitarian assistance scheme of the Department of Social Protection, it is highly flexible. We have sorted out many issues in respect of housing and locating homes if people have to be relocated. The idea is that they are as close as possible to where they were but out of flood danger.

Obviously, there are issues with places where, unfortunately, in the past, some homes were built on floodplains. When I became Minister I worked to sort out some of the issues arising from the terrible things that happened during the 2009 floods and rains. Ultimately, we were able to assist almost all of the families affected. Nonetheless, it is an incredibly difficult thing for a family. I think I met most of the people affected. I have been in most of the flood locations throughout the country.

Department of Social Protection officials, in particular those from the community welfare service, are on standby and have been on standby with no particular public fanfare. We have already been addressing issues that arose in recent times in Waterford and Clare. Over the weekend our officials were on the ground in Tralee sorting out and relocating families as well setting up humanitarian assistance for families.

I understand that in Athlone and further up the Shannon the people affected are incredibly apprehensive, as are people further down the river in Limerick. All these people have experienced dreadful flooding before. We are on standby to address this. We work through the local agencies. We act on any advice or information that we receive from other organisations, including the Society of St. Vincent de Paul, immediately. We have made the process as simple as possible.

Deputies should bear in mind that in a flood it may not be possible to identify instantly everything that arises, either in respect of a business or a family home. Therefore, in the first stage, we concentrate on emergency payments. In the second stage we concentrate on essentials, such as white goods, fridges and so on, which may have been destroyed. In the third stage when we have expert assessment we concentrate on what needs to be rebuilt. Obviously, if people have private insurance, generally speaking, they look after themselves. I am mindful of the fact that because of the history of flooding many people do not have insurance. That is where the flood schemes and humanitarian relief scheme come into their own.

### **Flood Prevention Measures**

**Acting Chairman (Deputy Brian Walsh):** The second Topical Issue is in the name of 12 Deputies, including Deputies McCarthy, Pringle, Breen, Cannon, Tom Fleming, Harrington, Keaveney, Kitt, Jonathan O'Brien, Ó Cuív, Creighton and Stanley. Each Deputy has two minutes.

*6 o'clock*

**Deputy Michael McCarthy:** At the weekend Bandon and, to a lesser extent, many other towns throughout the country suffered enormous flooding. There is an element of having been there and done that. This happened in Bandon in 2009 when there was great devastation. Since that flood we had the usual political responses one would expect. As well-meaning as they may have been at the time, solutions did not come in time to prevent the current deluge.

There are a number of issues. One is the legal action that was threatened in the case of Bandon, a point made by the Minister of State during the week. The second is the configuration of the schemes. As Deputy Daly quite rightly pointed out, that does not matter at this stage because if schemes start in the new year, which it is to be hoped they will, they will still take two years to complete. One is left wondering what will happen in the meantime. We need to consider the configuration of the schemes that have allowed for incessant delays not just in Bandon, but also in Skibbereen. Another issue in Bandon is the fact that the drainage scheme came to an abrupt halt. In the meantime, a couple of issues can be examined, namely, what Cork County Council and Irish Water can do in terms of resources and measures that can be put in place to alleviate the consequences of flooding until the new schemes are up and running.

I welcome some other measures. The response of the emergency services has been outstanding. The response from the Government is encouraging. We are always trying to beat the clock in regard to these issues. We need to consider what we can do to assist devastated communities in light of what has happened, apart from the schemes announced by the Government, the Minister of State's Department and the Department of Social Protection. We also need to consider giving businesses a break in terms of rates between now and when towns are sufficiently able to recover economically from the devastation caused.

**Deputy Thomas Pringle:** I thank the Ceann Comhairle for taking this issue today. It is a sign of the extent of the damage throughout the country when one sees that many Deputies submitted a Topical Issue matter on this subject today.

I pay tribute to the members of the emergency services and staff of Donegal County Council who worked tirelessly over the weekend to help residents and citizens across the county. I also pay tribute to the many members of the public who came out to try to save property and help people who were devastated by the flooding.

A number of rivers across Donegal were impacted this weekend. The River Eske in Donegal town was flooded for the second time in three weeks. Many residents who had started work to repair damage from previous floods were devastated when they were flooded again this week. It is soul destroying for these people to have to go through that on a second occasion in a matter of weeks. The River Finn flows through Ballybofey, Stranorlar, Castlefinn and Lifford. Some areas in Lifford, which never flooded before, were affected. While there was a large amount of rainfall over the over a 24-hour period, we need to take action to ensure measures can be taken very quickly to try to alleviate the problems.

Glenties and Ardara on the River Owenea were affected, as well as Pettigo which has been affected on a number of occasions in recent weeks. It is a major problem. While we are looking for a response in terms of long-term measures, the Minister of State also needs to provide a short-term response, whereby Donegal County Council or the Office of Public Works can immediately carry out emergency measures to try to alleviate some of the problems. They may

not be 100% successful, but they may help in the short term while long-term funding is being put in place. That is what I would like to hear from the Minister of State today.

**Deputy Pat Breen:** Like other counties, County Clare suffered from extensive flooding on Saturday as a result of Storm Desmond which caused widespread road closures in the county and submerged thousands of acres under water. Houses were cut off and a number of houses were evacuated. Businesses were also affected.

It is anticipated that in the coming days more houses, property and roads could be damaged along the lower banks of the River Shannon in the Springfield area of Clonlara in south-east Clare as the ESB is set to increase the release of water from the Parteen Weir. I spoke to residents and householders affected by flooding and one issue arises constantly, namely, the maintenance and cleaning of our smaller rivers. Many have not been maintained or dredged for more than 20 years. Over time the build-up of silt and falling trees is holding back the water and increasing the risk of localised flooding.

I ask the Minister of State, the OPW and local authorities to carry out an assessment of rivers in my county, including rivers such as Fergus, O'Garney and Doonbeg, and to introduce a programme of river dredging and maintenance through the provision of a multi-annual funding programme. It could solve some of the problems and prevent further flooding.

I commend the OPW on the flood relief work it has done in Ennis, where two areas have been completed and, thankfully, we did not have the same type of flooding we had in 2009. However, problems remain on the Limerick Road side. St. Flannan's College was closed over the weekend. Many residents in the area were very worried in case they experienced the type of flooding they did in 2009.

I refer to the Ennis south flood relief project. I understand some technical issues need to be ironed out, and I ask the Minister of State to finalise the outstanding issues in order that the scheme can commence in the new year. There are other areas of concern throughout the county, but I wanted to raise two or three issues today.

**Deputy Ciarán Cannon:** All of us have raised this issue because we are very much aware of the severe anguish and stress suffered by families in our constituencies over the past 72 hours. In Galway East and, in particular, south Galway, that anguish and distress was exacerbated by the fact that people knew what was coming and the torture they would face. They saw floodwaters and river levels rising in the immediate vicinity of their homes. This happened in 1995, 2009, 2014 and again this year. They knew their houses would be inundated with water. There was nothing they could do and they prepared to leave their houses.

They were particularly distressed by the fact that, in their eyes, they have seen nothing but inaction on this issue over decades. If one searched for the term "Dunkellin drainage" in the Official Report of the House, one would see debates on it going back to the 1930s and 1940s because the issue has been ongoing for so long. I ask for that distress be brought to an end. The Minister of State and his predecessor, Mr. Brian Hayes, MEP, have worked very hard on the current flood relief project. I ask that we confirm once and for all that a budget is in place. I understand there is one and to know its amount would be very helpful.

I also ask that we expedite as quickly as possible the delivery of the Dunkellin flood relief project. I also ask that the Minister of State exert as much influence as he possibly can on An Bord Pleanála to make a planning decision immediately on the Dunkellin flood relief project.

The project planning application has been with it since October 2014. I find it very difficult to understand how it has taken more than a year for it to make a decision on this matter. Once the decision is made - one hopes it will be a positive decision - I hope we can expedite this project and bring it to fruition as quickly as possible.

**Deputy Tom Fleming:** County Kerry bore the brunt of Storm Desmond, with gusts up to 93 km/h recorded in Valentia Observatory. Up to 77 mm of rain were recorded in Tralee. These conditions were prevalent throughout the county. I pay tribute to Kerry County Council's emergency services, the fire services, the Civil Defence, all the road crew staff and the Irish Red Cross.

An elderly couple had to be evacuated from Foiladown in the parish of Glenflesk on the Flesk river, an area which has been subject to flooding down through the years. It is a blackspot. We were very fortunate to have the inland inshore rescue group from Killarney and the Kerry mountain rescue team come to the aid of an elderly couple who were in a devastating position. They were brought out safely and I thank everybody concerned for their assistance. A large amount of voluntary work took place. Hundreds of people carried out tremendous work over long hours.

I do not have to state the amount of damage that has been caused by fallen trees, and a vast amount of damage has been done to road structures. A bridge on a minor road near Ballydesmond on the Kerry side of the Cork border was swept away. The River Feale near Listowel is still rising. We cannot forget that rain is forecast for the coming week. Army crews went out with the HSE and helped the people in a nursing home on the Castlemaine road outside Tralee. People in Ballymullen, Caherwisheen, the Dingle road and Ballard in Tralee are in a precarious position. Given the circumstances, very good assistance was given.

**Deputy Noel Harrington:** I thank the Ceann Comhairle's office for selecting this issue. I welcome the Minister of State, Deputy Harris, and I thank him with regard to events over the weekend. One of his officials was in west Cork in the late hours of Saturday and the early hours of Sunday morning monitoring the situation, which was very welcome. The Minister of State is here representing the Minister, Deputy Howlin. Even though some of the schemes we have in west Cork are at a very late stage in terms of confirmation, they will begin, I hope, in the coming months. There have been some pitfalls that should be dealt with for communities that have been hard hit recently, particularly those in Bandon and Skibbereen in west Cork.

The development of a flood relief scheme involves prioritisation, selection, public consultation, design, another public consultation, an environmental impact statement, procurement, independent evaluation of the first environmental statement, confirmation and the appointment of a contractor, and then the project begins and takes another two years. Every single community throughout the country, and not just Bandon and Skibbereen, has a feeling of huge exasperation with the entire process of delivering flood relief schemes, which we understand are very complex. I am not standing here today to say that any of these stages are not necessary, because we have signed up to conventions such as the Aarhus Convention, which provides for public consultation, and we cannot steamroll over public objections where they are appropriate, but I often get the feeling that we are gilding the lily on this one in terms of procuring schemes. There are many consecutive stages, whereby one cannot start until the other has finished. I ask the Minister of State to ask the Minister for Public Expenditure and Reform to allow concurrence in the stages to minimise the delays in delivering these schemes. The information for any community beginning the process is that it will take five years from the minute it is confirmed

before construction will even begin.

**Deputy Colm Keaveney:** Like previous speakers, I acknowledge the dedication, commitment and, above all, the actions of the emergency services over the course of the weekend. I acknowledge the fact that the Minister of State got an opportunity to send his people to Cork, so he had some notice. He got there within 24 hours. We left here last Wednesday, and some left on Thursday, knowing Storm Desmond was on its way. I find it appalling that we had sufficient notice of the degree and scale of the storm but did not have a greater reaction and response on the ground.

In November, I asked the Minister of State two parliamentary questions about Peterswell, a village which is not a million miles away from Deputy Cannon's area. It was with regard to small remedial work and a proposal from Galway County Council which asked the OPW to take some responsibility at little cost. This proposal was based on local knowledge and contribution from the community along with Galway County Council. Will the Minister of State review these parliamentary questions, because today the village is under water? We could have made an intervention at some point prior to this at little cost, which could have saved significant amounts of money. I am conscious of the fact that we spoke in some detail about the role of the Department of Social Protection, but we should be preventing these situations. In his response, will the Minister of State give me some idea of the immediate, medium and long-term strategies in respect of dealing with these matters?

**Deputy Michael P. Kitt:** I welcome the Minister of State and I also welcome this opportunity to contribute. I listened to "It says in the Papers" on RTE radio this morning, during which reference was made to a photograph that appeared in a number of newspapers of Army personnel and local people trying to hold back rapidly rising waters in Ballinasloe in County Galway. Great credit is due to the Army personnel, the local people and the emergency services. There was also a quote from a senior local authority engineer, who stated that things might get worse before they get better. If there is information on this it should be put out there because, as my colleagues have said, there was an early warning weather forecast before the heavy rain of the weekend and we should let people know the situation if the information is there.

It is very important that sandbags are provided as a first step. They were available from certain places in Galway, such as the Loughrea depot, and this is important. I visited a number of premises in recent days and it was obvious that it is very difficult to remove water. This means it is important to put preventative measures in place. It is particularly sad when one notices that Ballinasloe also has a precautionary boil water notice because of untreated water getting into the plant when the River Suck began to rise at the weekend. More than 10,300 customers in the Ballinasloe area were affected, as were residents served by the Kiltormer and Clontuskert group water schemes. I hope this can be resolved. Will the Minister of State explain whether it is true that there was an underspend? A figure of €14.5 million was mentioned as an underspend in 2015.

I have been campaigning for approximately 40 years to deal with flood relief on the Dunkelinn river. There have been many false dawns and much nonsense has been spoken over the past 40 years, but will the Minister of State deal with the Dunkellin scheme, which has been with An Bord Pleanála since October 2014, and get a decision, hopefully favourable, on it? It would mean a lot of progress for the people of south Galway, and the village of Craughwell would not be cut off as it is at present. It is on the R446 Dublin Road between Loughrea and Oranmore.

**Deputy Jonathan O'Brien:** I want to pick up on the points made by Deputies Harrington and McCarthy, particularly with regard to Bandon and Skibbereen. It is a very long process and perhaps we can look to see whether it can be sped up, but every stage of the process is important in its own right and we should not just drop stages to try to speed up any particular scheme. What we do need to look at, particularly in areas such as Bandon, whose flood relief scheme was unfortunately held up for legal reasons, is what other measures can be taken while there is a significant delay in the implementation of a flood relief scheme. I have no doubt that if we had not had those legal delays in Bandon it would not have been flooded. Nobody can calculate these delays, because everyone has the right to object, but we need to look at factors that could mitigate flooding in areas where we are waiting. For instance, in Blackpool, with which the Minister of State is very familiar, a flood relief scheme is being put in place because the village has been flooded on numerous occasions. Through the Minister of State's office, and in conjunction and in partnership with Cork City Council, we were able to carry out some remedial works which, although the works were minor and it was not a finished flood relief scheme, was enough to prevent the village from flooding again. This is what we need to look at in areas such as Bandon, where we have huge delays, and Skibbereen, where we are hoping the flood relief schemes will be completed within two years, to see what can be done in terms of remedial works in the short term.

**Deputy Éamon Ó Cuív:** We must all have great understanding for those who were affected at the weekend. In these cases, the biggest problems are the human tragedies as businesses or homes are destroyed. We can all live with closed roads. There was nothing anybody could have done about the amount of rain that fell in recent days, but there are things we can do to ensure a better response when flooding occurs and to reduce the likelihood of flooding in the first place by ensuring the countryside can handle more water.

In the short time available to me, I will focus on two or three issues. First, there has been a policy in recent years not to clean drains on farms or clear small rivers. The Office of Public Works, which used to do a lot of drainage work of this type, has considerably reduced its efforts in that area. Blocked swallow holes, for example, present a major challenge. We need a comprehensive examination of how we can get more water off as it falls. What is happening at the moment is that water is holding, even where there is only moderate rain. This means that when a big storm comes, large volumes of rainfall are coming in on top of an already sodden countryside. We must review farm drainage policies and small rivers policy. There may be a need to co-ordinate the work of local authorities and the OPW to ensure every river is covered. As I said, swallow holes are not letting water through because there is plastic or a mattress or something else stuck in them. There is a role, too, for the National Parks and Wildlife Service in determining how we balance the need to keep the country dry with the ecological requirements coming from Europe.

That leads me to a very important issue, which is that we must accept that it takes longer than it used to do to get any measure through planning. Therefore, we need to put more things into planning if we are to ensure progress. It is these planning delays which account for the underspends in Departments that have been a consistent feature in recent years. If we do not put enough on the conveyor belt at the beginning, we will not get enough off at the end. If we accept it will take five or six years for a project to go through planning, then we need to put more into planning to ensure there is something coming out the other end.

I conclude by noting that the information given out to the public on blocked and closed roads has been very haphazard. We need to have national protocols in respect of diversions and

closed roads so that people know which routes are blocked and what the alternatives are. I had to go down two or three routes at the weekend before I found one that was passable.

**Deputy Lucinda Creighton:** I thank the Minister of State for taking this Topical Issue matter. Flood relief works for the River Dodder were committed to by the Minister of State's predecessor in 2012. We fought very hard in very challenging economic circumstances to secure funding for a very extensive works programme after the huge flooding experienced by residents along the banks of the river. At the time, a schedule of approximately two years was set out for those works, which means they should have been almost complete by now. Unfortunately, that is not the case. Instead, a new schedule of implementation for the works programme was circulated recently, indicating the Dodder project will not be completed until 2017. The residents in question are living in absolute fear. We in Dublin were very lucky not to experience the deluge of rain seen in other parts of the country over the weekend. Had we experienced it, I have no doubt that several of these homes close to the Dodder would have been flooded again. The people living there are at permanent and constant risk. They are enormously disappointed at the lack of action and have a real sense of having been let down by the slow pace of the works. They are living in fear of high tides and heavy rains and of their homes being obliterated again. Many of them had to move out for months on the last occasion in order to accommodate remedial works on their properties.

An issue on which the Minister of State's predecessor made no progress is that of access to flood insurance for persons whose homes have been flooded. None of the residents to whom I referred can acquire insurance, notwithstanding the fact that some of the works have been completed. The so-called comfort letters being provided by Irish Water and Dublin City Council are not worth the paper on which they are written. The Minister of State's predecessor talked tough and promised to take on the insurance industry on this matter but nothing was achieved. I hope the Minister of State has a plan to achieve progress. People cannot live in homes that are repeatedly flooded in a situation in which the OPW will not act promptly and they are unable to access flood insurance.

**Deputy Brian Stanley:** I am grateful for the opportunity to raise the flooding that occurred in County Laois at the weekend, including on Botley Lane in Portarlinton, in the Crossneen area of Graiguecullen and on the Manor Road in Mountmellick. The area that is worst affected is Clonterry in Mountmellick, which was flooded by the River Barrow. Residents living on Clonterry Lane are trapped, with the roadway flooding at both ends, and can only get in and out using a high tractor. A van or jeep will not go through the floodwaters, never mind a car. This is causing great problems for residents trying to get to school, work and medical appointments. I spoke to a hospital worker resident this morning who was struggling to get to work.

This is an area, located on the banks of the Barrow river, that floods every year but for which there is a fairly simple solution. There is a short section of roadway close to the Barrow bridge that needs to be raised by at least a metre, and strengthened. I spoke to the local county engineer about it this week and was told that this measure, together with some drainage works, would address the issue. The problem is that Laois County Council does not have the funding to do what is needed. It has no flood relief budget but only a very thin roads budget to cover large areas of the county and the huge lengths of public roads that have to be tarred. Indeed, the council is not even able to keep up with the demand in that regard, let alone provide additional funding. We are looking at funding in the region of €40,000 to put this right. It does not require a long study to figure out what needs to be done. The solution is there; the engineers have looked at it, and what is required, as I said, is to raise a short section of road, some 75m to 80m long. That

would allow residents to travel out to the Portarlinton Road and get to work, get their children to school, and attend hospital and other appointments. They can put up with not being able to go the other way, even though some of them will have a longer journey. It is better than not being able to get out of the area at all. Most colleagues have emphasised the role of the OPW. In this case, it is Laois County Council which needs to step up, but it will require some €40,000 of emergency funding to do so.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Simon Harris):** I thank Deputies for their contributions and for allowing me the opportunity to address the House regarding the severe weather which affected the country over last weekend and well into this week. I pledge my willingness to work with Members on all sides of the House to address the many challenges facing communities right across the country. I take this opportunity, too, to express my heartfelt sympathy for all those householders and businesses affected by the flooding. I assure them the Government will do everything it can to assist in getting their properties and lives back to normal as soon as possible. Storm Desmond, which affected the whole country but particularly the western seaboard and the River Shannon, was a severe weather event dominated by record high-intensity, short-duration rainfall together with storm-force gales, with the greatest impact experienced along the western seaboard from Donegal to Cork. Indeed, parts of the country had the equivalent of one month's rain within a 24-hour period. Local authorities, the Defence Forces and all other relevant parties are clued in to the situation. Mr. Seán Hogan, the excellent senior official who chairs the national emergency co-ordination committee, is keeping local authorities very much aware of the current weather situation.

The short-term impact of this extreme rainfall was predominantly fluvial flooding of roads, transport networks and hard surfaces in urban and paved areas. As the road drainage and urban drainage systems became overwhelmed, the flooding extended to a fluvial event and affected properties in multiple urban centres of the north west, west and south, including Ballybofey, Sligo, Crossmolina, Craughwell, Ballinasloe, Bandon, Skibbereen, Kenmare, and Tralee. The national co-ordination group for severe weather, which is chaired by the Department of the Environment, Community and Local Government, has been meeting almost daily since last Friday, initially to assess the forecast and the associated risks and later to deal with the aftermath of the storm. All local crisis management arrangements through local authorities were put in place last Thursday. Every county has a severe weather protocol, which it was instructed to activate at that stage, and the full services of the Civil Defence and fire services as well as local authority staff were deployed over the weekend. I believe there were 7,000 front-line staff on call and on duty throughout the weekend. I take this opportunity to extend my appreciation to all the emergency responders and volunteers in local communities who worked tirelessly over the weekend. I understand 97 members of the Civil Defence were out in Donegal alone and 9,000 sandbags were filled in Deputy Calleary's constituency of Mayo. Much of this was done by volunteers and I commend their efforts to deal with a very difficult situation.

I welcome a number of decisions taken by the Government today, including the humanitarian assistance scheme, the €5 million that will be given to the Red Cross and which needs to be administered as quickly as possible. The Minister for Defence, and Agriculture, Food and the Marine, Deputy Coveney, will provide clarity on that and on measures that have been put in place to support our farming community. I assure the House that the Government is absolutely and fully aware of the problems of flooding and prioritises the need to find effective and workable solutions to the problem on a national basis. In this regard, the Government is starting the final part of its proactive planning programme to develop feasible flood risk management solu-

tions for those 300 areas across the country at most significant risk from flooding.

Through the catchment flood risk assessment and management, CFRAM, programme, the Office of Public Works, OPW, has completed extensive and systematic hydraulic modelling and hydrological examination for each of these 300 areas, including 90 coastal locations. To date, the CFRAM programme, which is being implemented with the cooperation of progress and steering groups involving local authorities, has surveyed and modelled 6,700km of watercourse. It has produced approximately 40,000 individual flood maps, including those required by the EU floods directive. It has also held extensive public consultations, inviting comments and meeting local representatives and local communities to explain the CFRAM programme, as well as exhibiting and proactively discussing draft flood maps to gain any additional local insight and knowledge to inform their development.

The OPW, informed by the draft maps, is currently and actively engaging with local communities towards developing feasible options for both structural solutions, such as flood defence schemes, and non-structural solutions to address the known fluvial and tidal risks. This is not just another report; this is a process of introducing proactive schemes and finding solutions, where possible, for these 300 communities throughout the country. I am out of time, but I plead the indulgence of the House for a moment. The Government is taking up the suggestion of Deputy Ó Cuív that we need to be putting more schemes into the planning process so that we have a constant pipeline of schemes to invest in, because we are going to see more severe weather in this country. The final flood risk management plans - not maps but plans and solutions - for these 300 areas are on target to be completed by the end of 2016. The CFRAM programme is the core implementation strategy for the Government's flood risk policy. It is also the principal vehicle for implementing the EU floods directive. Engineering consultants have been appointed by the OPW to implement the programme, through six regional studies. Local authorities and other stakeholders are involved and steering groups are in place.

This is not a report. This is about trying to predict flood hazard and coming up with solutions, and I look forward to working with all Deputies. This only works if there is money behind it. That is why we have put in place, through the capital plan, €430 million to be spent on such capital and flood projects between 2016 and 2021. To date, as a State, successive Governments have spent €410 million since 1995, and we will be spending more in the next five years on capital flood relief schemes than we have in the past 20 years. That is a sign of commitment, as a Government and as a State. However, there are currently up to seven flood relief schemes in construction - we are not waiting for CFRAM to be completed. There are a further 27 schemes at various stages of design, including those in Cork city, Bandon, Skibbereen, Crossmolina, Claregalway, Enniscorthy and others.

I want to address the situation with the Bandon flood defence scheme briefly. There has, understandably, been much comment and criticism from local residents over the delays in bringing the scheme to construction. Following the major flood event in the town in 2009, the OPW, along with Cork County Council, commenced work on devising proposals to deal with the problem. In late 2010, consultants were appointed and the process of designing a scheme commenced. Designing a flood defence scheme is very complex and it takes many years to get from A to B, but it is vital that the best possible solution to the flooding problem is found and this requires very detailed analysis of hydrological data and assessment of all possible options. The process of procuring contractors to carry out the scheme can also lead to delays. This, unfortunately, is what happened in Bandon, where there were legal challenges to the process in both 2013 and 2014. The proposed scheme, however, is now at tender stage for a civil works

contractor, with tenders due in January 2016. This should allow shovels to be in the ground in Bandon in the middle of 2016. The scheme will be submitted very shortly to the Minister for Public Expenditure and Reform for confirmation under the Arterial Drainage Acts. The Minister will be required, under environmental legislation, to carry out an independent assessment. I will be monitoring this very closely and give Deputies my personal commitment that I want to see this scheme completed in the timeframe I have outlined. There are a number of other schemes I will come back to in response to some of the specific queries.

**Deputy Michael McCarthy:** I welcome the Minister of State's fairly detailed response, outlining the issues, some of which are within the control of the Department and others which are not. For a household, it is very important to have access to the humanitarian assistance scheme through the community welfare offices, but there is a major role in these difficult times for insurance companies. By and large, they are being let off the hook, and that is not good enough. The Oireachtas select sub-committee on the environment, community and local government carried out discussions on this issue about a year ago. The report is almost ready for publication, but there is a particular role here for insurance companies to do the decent thing.

In so far as it is practicable, we can deal with those who are not insured through the €5 million scheme announced by Government this morning. That is very welcome. There is also an issue regarding the resources local authorities have in areas where the schemes are not up and running to do what they can, as Deputy Ó Cuív pointed out, in so far as is practicable, to ensure culverts, drains and so on are kept clear. There is a particular onus on local authorities at the moment to look at those affected businesses which have no insurance cover and which were struggling as it was and to give them a remission of rates, given the extraordinarily difficult circumstances that have been heaped on them.

**Deputy Thomas Pringle:** The Minister of State's response gives a good outline of the long-term programme and the planning that has taken place regarding how some of these problems can be alleviated. The catchment flood risk assessment and management programme has produced flood maps and so on, but there is a need for urgent funding to be made available to local authorities to take some measures now to alleviate the problems because looking at the way the programme is laid out, it will be years and years before many towns will get to the point of having approval to go ahead and start drafting plans. There may be works that can be identified straight away by the OPW and the local authorities that can go some way to alleviating the problems. There is no doubt that we will be here every year, if we are still in the Dáil, for the next ten or 15 years, talking about these very specific areas. The Minister of State needs to outline to the House that there are some emergency works and emergency moneys available now to alleviate some of these problems.

**Deputy Pat Breen:** I thank the Minister of State for his reply and for travelling down during the year to the various areas to see for himself the work that is being carried out by the OPW. In the short time he has now, perhaps the Minister of State could give me an update on the current situation in Ennis and when he expects the Ennis south scheme to commence. He might also have some updated information from the ESB regarding the potential flooding of south east Clare, in Springfield and Clonlara, which is a real worry for the many residents and landowners in that area.

**Deputy Ciarán Cannon:** I thank the Minister of State for his immense personal interest in the flooding that occurs regularly in south Galway. He has visited the area three times since he was appointed to that role. I know he did not have time in his initial contribution, but could he

confirm that a budget is in place for the Dunkellin flood relief project, the extent of that budget and whether there are mechanisms to expedite the delivery of that project once An Bord Pleanála grants planning permission? Also, €400,000 has been allocated to the Kiltiernan-Ballinderreen flood relief project, which will be the subject of a planning application and decision by An Bord Pleanála. Is there any way of expediting that planning process and attaching an urgency to the planning application for Kiltiernan-Ballinderreen, so that the people who have been experiencing great anguish and strife in the last few days do not have to experience it again and so that both the Dunkellin and Kiltiernan-Ballinderreen projects can get under way next year?

**Deputy Tom Fleming:** As the Minister of State is aware, most of the town of Kenmare, particularly around the square, was totally submerged over the weekend. This is the third time this has happened over the past decade. I ask that the Minister of State intervene immediately to ensure an interim programme is put in place there because a certain amount of works can be carried out. Only for the rapid response to alleviate the problems over the weekend, there would have been a lot of destruction. There already has been flooding to both commercial premises and homes.

Naturally, Kerry County Council needs immediate help to respond to many of the problems around the county. Also, it is an opportune time because consultation on the flood risk management programme is going on in the county at present.

The Minister of State met a delegation here and was favourable and receptive to the people of Rossbeigh, where 14 homes are cut off. As he will be aware, they only have pedestrian access. Funds have been put in place but the programme to be carried out will not be finished until 2017. I ask the Minister of State to expedite it and move it forward so that it would be ready to start, for instance, in the spring, with all the preparations and planning done. With the influx of revenue into the Exchequer at present, perhaps the Minister of State will be able to do something along those lines.

**Deputy Noel Harrington:** I also thank the Minister of State for his response. I welcome the €5 million package specifically for businesses that have been affected. It is unprecedented in the State and a positive development.

I ask the Minister of State to refer again to the Minister for Public Expenditure and Reform the need, as these schemes are being rolled out, for greater efficiency within the agencies to ensure that undue delay in any of these schemes is not entertained. There are now a few in his court, namely Bandon and Skibbereen, and I ask that these would be confirmed at the earliest possible stage.

I take this opportunity to thank the Civil Defence, the emergency services, officials from the OPW, Cork County Council employees throughout the county, local authority employees throughout the country and volunteers in each of the towns and areas. I am sure that without their work much more damage would have been done. I refer, in particular, to Skibbereen where much of the damage was alleviated by great work and anticipative effort.

**Deputy Michael P. Kitt:** I join Deputy Cannon in supporting what the Minister of State said about the Dunkellin river and Kiltiernan. The Minister of State said that a decision on the Dunkellin river is expected from An Bord Pleanála before the end of the year. That is certainly welcome because it is one of the long-standing issues that affects south and east Galway.

I repeat what has been said about small funding for cleaning and dredging rivers. As a mem-

ber of the River Suck drainage scheme, I have positive personal experience where Galway and Roscommon representatives worked together to get work done. The issue of removing dirt, silt and rushes from rivers was important. We need to get those small rivers clean. There was also the important issue of plastic bags preventing water flowing away through swallow holes or trying to get to the sea in south Galway. Finally, when one looks at forestry programmes, they also need to be compatible with drainage in the particular area where it is happening.

**Deputy Éamon Ó Cuív:** I thank the Minister of State for his reply.

We need to ensure in the future that the town defences are done. There is no question about that. In parallel, there is a need for a small works scheme for all the rural areas. In all of those areas, by their nature, quite modest funding would do a major amount of work but, normally, the hold-up there is administrative. A number of things need to be done, the first of which is to put a budget aside not only for the towns, but also for rural areas that are affected because a house is a house no matter where it is located.

Second, we need to speed up putting schemes through the process. The Minister of State dealt with that issue. He recognises that one will always get the conservative line of the Minister stating that we will not have the funding, but what most of us found in the end is that one often wound up with more money than schemes because there are inordinate delays with such matters as planning and the National Parks and Wildlife Service, NPWS.

The third issue, as I mentioned earlier, is that there should be a uniform protocol put in place to deal with traffic diversions that span counties because often at a county border the neighbouring county will not have signs up to say that one cannot get down a particular road. That sort of thing was evident over the weekend.

**Deputy Lucinda Creighton:** It is disappointing that the Minister of State referred to the River Dodder almost like an afterthought in the official reply, which, I assume, was prepared for him by his officials. This issue has been going on since 2012. I cannot impress upon the Minister of State enough just how serious this is for the residents. I commend the Minister of State on travelling around the country to visit other flood areas but I urge him to commit to travelling less than 2km-----

**Deputy Simon Harris:** I was there.

**Deputy Lucinda Creighton:** -----to meet the residents who live in Anglesea Road and the surrounding areas whose homes have been devastated and who are absolutely frustrated with the lack of progress and the tardy nature of this works programme. It is a relatively short stretch of river. The funding was allocated in 2012 and the reasoning and excuses that have been offered for the delays would make one wonder. That is a polite way of putting it. Otters that nobody was aware of when the works began have delayed some aspects of the works by up to 18 months. It is just not acceptable and it is not professional. It completely ignores the fact that these residents are exposed not only in terms of the potential damage to their homes, but also financially in terms of the absence of any flood insurance. I submitted this issue for a Topical Issue Debate but, unfortunately, it was not accepted by the Ceann Comhairle. Clearly, however, it is connected.

Will the Minister of State agree to meet the residents in the Anglesea Road area to discuss this matter and see if the works can be expedited? I would like it if he would commit to that in the House. Is that a “Yes”?

**Deputy Simon Harris:** I could respond in a moment rather than shouting across the Chamber at the Deputy.

**Deputy Brian Stanley:** I welcome the Minister of State's reply. In so far as Laois is concerned, I want him to address the situation because it is very different from the other issues raised today in that families are trapped. There is a simple solution.

We spoke earlier about unspent money in the Government's flood relief coffers. The Minister of State might confirm how much of the fund has not been spent. If the local authority in this case makes a submission directly to the Department, we do not want it to be pushed around by civil servants, here, there and everywhere. If the local authority, which, in this case, is Laois County Council, wants to address the Clonterry situation and if it puts in a submission to the Department, will the Minister of State give me a commitment now that he will at least examine it to see if it can be fitted into this package? I do not want to get into a bureaucratic argument about whether it is a matter for the OPW or Laois County Council. In days gone by, it would have been the Barrow Drainage Board but it was abolished.

This is a ready-to-go scheme and all we need is a little dry weather. We do not need anything else for it. I ask the Minister of State to address the Laois situation in his reply. It is important for the families that are hemmed in and cannot get out in the Clonterry area.

**Acting Chairman (Deputy Brian Walsh):** Unfortunately, two minutes is all the Minister of State has to respond.

**Deputy Simon Harris:** I will do my best. There were a lot of questions and, obviously, Members had a lot longer to ask them than I have to answer them.

On immediate works, let me be clear that there is an ongoing scheme called the minor flood mitigation scheme, for which any local authority can apply to the Office of Public Works. It has clear criteria. All the local authority engineers are well aware of it and it is published on the OPW website. They can apply for up to €0.5 million for what we describe as minor flood works but could end up making a very big difference. We are continuing to pay that out to local authorities to carry out works. I encourage all Members to familiarise themselves with that scheme. There are criteria attached to it, but they should have a look at the scheme. I am happy to have further engagement with any Deputy, including Deputy Stanley, if he wants to come back to me on his issue in Laois.

The issue of delays is a fair point. We have acknowledged that it takes time to get the schemes right, and we have to get the right schemes. We have seen in other countries with bad weather in recent times what happens when the schemes are not necessarily right. Having said that, we need to get them done as quickly as possible. We have shown that we will look at elements on a stand-alone basis where it makes sense. Blackpool was supposed to be part of the River Lee scheme, and I gave a commitment that if Blackpool was ready to proceed before the River Lee, we would go ahead with it. I was in Blackpool approximately two weeks ago, moving it on. I also intend to ask the Office of Government Procurement, OGP, for which I have responsibility, to ensure that we are optimising every opportunity we have under EU procurement directives so there is no delay. I will ask OGP to prepare a report for me on it and to engage at a European level to ensure there are no delays.

The confirmation process which Deputy Harrington raised is relatively new and he is right. We are starting to run the tendering at the same time as the confirmation process in order to

prevent any undue delays. I want to see more of it. There is a budget of approximately €6 million for the Dunkellin scheme which Deputy Cannon raised, and we will deliver the scheme by direct labour. While we are in the hands of An Bord Pleanála, I hope, if there is a positive result, we can proceed as quickly as possible. I am very sorry Templemore was flooded. Deputy Coonan has contacted me about the scheme, which we are pursuing and will progress in 2016. I will return to the Deputy with more details.

I agree with Deputy Creighton about flood insurance. We do not have it right yet. I was asked to chair an interdepartmental group on flood insurance. When the country floods, everybody says it is the job of the OPW but it is not. It is the job of many State agencies and local authorities. The Department of Finance is reviewing its policy on flood insurance and is due to report as part of the interdepartmental group in the spring. I am not satisfied that, if the State is potentially going to spend €1 billion of taxpayers' money over the next ten years delivering CFRAM, we could still have a scenario in which homes and businesses cannot get flood insurance. We are examining what other countries are doing. I am more than happy to meet with the residents and I have already visited the Dodder. I stand over the professionalism of the OPW staff, who do a very good job. I will seek a detailed note on the status of the scheme and, if the Deputy wants to follow it up, I will be happy to meet the residents. I tend to meet with as many delegations as I can.

Deputy Tom Fleming raised the situation of the people of Rossbeigh. I met them, and it is an extraordinarily difficult situation. We have made very clear what the OPW can do, and other agencies and Departments may need to participate, for example, the OPW does not maintain roads. I am waiting to hear from Kerry County Council on it and I am very happy to engage regarding it. Deputies Breen and Joe Carey asked about Ennis, which has been the focus of a number of flood relief schemes during recent years with the completion of both the contractors to carry out the scheme. This can lead to delays on occasion. The River Fergus Ennis upper and River Fergus Ennis lower flood relief schemes have been completed. Further works at Aughanterroe and Fíor Uisce are ongoing and Clare County Council is progressing a scheme for Ennis south, which is expected to commence next year. A scheme for Clonakilty is at design stage, with the expectation that confirmation and tender processes will take place in the second half of 2016. I was pleased to launch the scheme in Clonakilty earlier this year.

There is a lot happening and I am willing to keep engaging with Deputies on it. While the OPW has very clear responsibilities, so, too, do the local authorities. They are doing the job very well. We all need to work together. The minor flood works scheme is there for some of the immediate issues that may be worth pursuing for local authorities.

### **Mental Health (Amendment) Bill 2008 [Seanad]: Second Stage**

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

I am pleased to present the Mental Health (Amendment) Bill 2008 to the House. I acknowledge and thank the Opposition Deputies for their support for this short but important Bill. Their co-operation in this matter is much appreciated and has allowed me to secure Dáil time to debate the changes I plan to bring forward on Committee Stage this evening. The purpose of this short Bill is to amend the Mental Health Act 2001 so that when a person with capacity refuses electro-convulsive therapy, ECT, or medicine after a three month period, the decision will be

respected. This is a very important change that has been requested for many years by mental health support and advocacy groups, including Mental Health Reform, Amnesty International and the Irish Advocacy Network. The mental health regulator, the Mental Health Commission, and the medical professional body, the College of Psychiatrists of Ireland, have also called for the amendment to be introduced on a priority basis.

I will give a brief history of the Bill and explain why it is only now coming before the House. The Bill commenced in the Seanad in 2008 as a Private Members' Bill sponsored by then Senators Deirdre de Búrca and Dan Boyle and Senator David Norris. The original intention of the Bill was to allow ECT to be administered to patients only with consent but also to delete section 58 of the Bill which included safeguards about the administration of psychosurgery. During the debate in the Seanad there was also a call to consider the case for banning ECT altogether. The Final Stage of the Bill was passed in the Seanad in 2011, very shortly after I took up office in the Department of Health.

Given the discussions in the Seanad and elsewhere about ECT, I indicated to the Seanad that, given that I was planning to establish an expert group to undertake a comprehensive review of the Mental Health Act 2001, I thought it best to allow the group reflect on the issues raised first. I wanted the group to look at all aspects of the administration of ECT and give their opinion on the extent of the changes that should be made. While the expert group took longer than expected to complete its review, the group's report was finally published in March this year. It is a comprehensive and robust review of the 2001 Act and contains 165 recommendations which will provide a roadmap for how we amend our mental health legislation for the better to ensure individuals with mental illness are afforded quality care in the most appropriate environment suitable to their needs. I have received Government approval for the drafting of a general scheme of a Bill to reflect the recommendations of the group in revised mental health legislation. Work is under way in the Department on the Bill. It is, however, at an early stage of drafting and while many recommendations of the group are worthy of extensive debate in themselves, today our work is to focus solely on the priority amendments which I am bringing before the House.

The expert group specifically recommended that the change with regard to ECT that I am planning today should proceed as a matter of priority in advance of other changes recommended.

*7 o'clock*

Under section 59 of the Mental Health Act 2001, the written consent of the involuntary patient is currently required if a programme of ECT is to be administered. If the patient is "unwilling" or "unable" to give such consent, however, the programme may be administered as long as it has been approved by the consultant psychiatrist who is responsible for the care and treatment of the patient and authorised by another consultant psychiatrist. The expert group was very clear in its recommendation that the authority to give ECT without consent in any circumstance in which the patient is capable of giving consent but unwilling to do so should be removed. As I have mentioned, the group recommended that the first possible opportunity should be taken to effect this change. I identified the Mental Health (Amendment) Bill 2008 as the quickest way to revise the existing legislation. In July of this year, I received Government approval for the Committee Stage amendments I am bringing before the House today.

In addition, I am proposing an amendment to section 60 of the Mental Health Act 2001

which deals with the administration of medicine after a three-month period. This section, which uses similar phraseology to section 59, currently provides that where medicine has been administered to a patient for the purposes of ameliorating his or her mental disorder for a continuous period of three months, the administration of that medicine shall not be continued unless the patient gives consent in writing. It provides that if the patient is “unable” or “unwilling” to give such consent, the continued administration of that medicine may only be continued if the consultant psychiatrist responsible for the care and treatment of the patient approves the administration and it is also authorised by another consultant psychiatrist. The members of the expert group were again agreed that the word “unwilling” should be removed from section 60. This will ensure that where any patient who has the capacity to make a decision refuses to take medicine after three months, this decision will be respected.

Everyone in this House and in the wider community of mental health stakeholders is aware that there have been divergent views on the use of ECT for many years. No one denies that it remains a contentious treatment for some people. Anyone with an open mind on the subject will agree that the case to ban this treatment outright has never been fully articulated. Regardless of the views that people in this House may have about the efficacy of ECT, I would be surprised if any of them would seek to have it banned. It is important to remember that international evidence shows that ECT appears to be the only treatment that offers any real possibility of improvement for people with severe resistant depression. I note that a recent publication by the Mental Health Commission, *The Administration of Electro-convulsive Therapy in Approved Centres: Activity Report 2013*, indicates that in over 90% of cases the treating consultant psychiatrist reported an improvement in the condition of the patient following the administration of ECT. The activity report also notes that in 2013, there was just one case in which both consultant psychiatrists were of the view that the patient was in the “unwilling” category. There were a further six cases in which one consultant psychiatrist indicated that the patients were in the “unwilling” category while the other consultant psychiatrist indicated that they were in the “unable” category. In all the remaining cases, the patients were in the “unable” category. In other words, the vast bulk of cases approved in 2013 under section 59 related to patients who lacked the capacity to consent to treatment, rather than patients who refused treatment. The changes I am bringing forward today will eliminate the “unwilling” category.

The expert group was clear on the need to retain the right to give ECT to patients who are unable to consent to treatment. This view is supported by professional groups. These cases involve patients with depression so severe or intellectual disability so profound that they cannot understand their options, even with the decision-making supports which will be available to them when the Assisted Decision-Making (Capacity) Bill 2013 is passed. I consider it appropriate that people who lack capacity are not denied the full range of services that are provided to other people with capacity. This view is in keeping with the UN Convention on the Rights of Persons with Disabilities. While these patients should never be denied such treatment options, important and robust safeguards must be put in place to ensure their rights are fully respected and such treatments are administered in accordance with procedures laid down in law. This is what sections 59 and 60 of the Mental Health Act 2001 seek to do. They provide the appropriate safeguards for the safe administration of ECT and medicine over three months. The expert group has recommended that after the forthcoming enactment of the Assisted Decision-Making (Capacity) Bill 2013, and in the context of the full revision of mental health legislation, references to the decision-making supports to be provided under the aforementioned Bill should be added to the Mental Health Act 2011 in due course, including where ECT is concerned.

I will briefly set out the specific measures in the Bill before the House. Section 1, as it stands, amends section 59(1)(b) of the Mental Health Act 2001 by deleting the word “unwilling”. This covers the essence of the changes I am making. I will come back to this section on Committee Stage as I intend to introduce a new section 1 to the Bill. Section 2 of the Bill as it stands is incorrect. Although it was agreed in the Seanad, I do not believe it reflects the intention of that House. The section as it stands seeks to delete section 59 of the Bill in its entirety. This is simply incorrect as without section 59, there would be no protections in the Bill with regard to ECT. Section 3 relates to the Short Title, collective citation and construction.

I thank Deputies for their support for this Bill and in particular the amendments which I will shortly bring forward on Committee Stage. These amendments have all-party support and will further enhance the rights of people who are involuntarily detained in our mental health approved centres. It will end the practice of forcing patients with capacity to take certain treatments when they are unwilling to do so. I commend the Bill to the House.

**Deputy Colm Keaveney:** Fianna Fáil welcomes this Bill and will support it. We believe the wishes of involuntary patients in psychiatric hospitals who have the capacity to refuse electro-convulsive therapy, ECT - to say “No” - should be respected. The expert group on the Mental Health Act 2001 published strong recommendations in this regard earlier this year. The law currently provides for two consultant psychiatrists to authorise the application of ECT. The Minister of State will recall that I asked a question on this issue last March. I was alarmed by the parliamentary response I received. The Minister of State and I agreed that something needed to be done in this area. According to figures released to me on foot of a parliamentary question, some 42 patients with mental ill-health were subject to ECT throughout 2014. That figure continues to increase. It is appalling in this day that service users are exposed to ECT. I suppose we have assumed for some time that the practice of ECT has had a positive consequence. There is no doubt that ECT can be an extremely traumatic treatment. The Minister of State and I will agree that this is a human rights issue. People have the right to say “No” to a particular treatment. A couple of years ago, the UN special rapporteur on torture urged this country to ban the practice of ECT in its entirety. We have spent too many decades on this issue. I am delighted to have an opportunity to speak in support of the Minister of State. I am limiting my speaking time to encourage as much participation as possible in this debate. We will support all of the Minister of State’s amendments on Committee Stage to facilitate the successful and immediate expedition of this legislation through the House.

**Deputy Caoimhghín Ó Caoláin:** I would like to share time with Deputy Crowe.

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

**Deputy Caoimhghín Ó Caoláin:** Over many years, I have called on this Government and its predecessors to promote awareness of the unacceptability of certain practices in mental health care and to urge that the use of such practices be discouraged. One such practice is the application of electro-convulsive therapy, ECT, on detained persons against their will. That is a very important point. Under the Mental Health Act 2001, the consent of the patient must be received before ECT treatment, which involves sending an electrical current through the brain via electrodes applied to the scalp, can be used. If a patient decides not to consent to ECT treatment, that decision can be overridden if two psychiatrists believe this treatment is in their best interests. Therefore, a patient who is capable of giving or withholding informed consent can be forced to take ECT treatment against his or her will. Mental health organisations have been actively campaigning against such a practice for many years and their stance was vindicated

following a report by the Mental Health Commission who expressed their continuing concern at this practice.

This Bill comes on the back of the review carried out by the expert group on the Mental Health Act 2001 and will see the word “unwilling” removed. It will no longer be possible to administer the controversial therapy to a person who has capacity and does not consent to the treatment. Despite its short length, this Bill is of significant importance and my party and I are happy to support its swift passage through these Houses.

Given the time, I will reflect on a number of other areas. Less than three weeks ago, we had statements on developments in mental health services. I believe that the allocation of time to such a topic is most important in order to establish where we are at and, indeed, how far we have to go in terms of where we want to bring these services. It is imperative that we all work together to push for improvements and progress at all times. This has demonstrated itself in this Chamber and in the Oireachtas all-party mental health group. It is my hope that we not only continue but build on the spirit of interparty co-operation and working together on these issues post the upcoming general election.

There is no doubt that there has been fundamental change in the care regime available to patients with a mental illness over this past decade. The review of the Mental Health Act 2001 was a key step in the provision of revised and more appropriate mental health legislation in this country. Aside from its recommendations in relation to ECT, it contained a number of proposals to strengthen patients’ rights, placed a greater emphasis on children’s services and supported the extension of responsibility to community mental health teams, something Sinn Féin has advocated for a long time.

A Vision for Change is a very significant but, regrettably to date, a very long-term project. It requires maximum support to ensure that it proceeds apace and that it is not allowed to stall again, as has happened too often in recent years. I believe that there is commitment to the policy objectives contained in A Vision for Change across the political spectrum represented in this Chamber. However, apart from its slow pace, the reality is that the policy is being implemented unevenly and inconsistently across the country.

Mental health is an area in which successive governments have struggled to provide an adequate level of service. This is despite the fact that 644,000 people, one in seven adults, have experienced a mental health difficulty in the past year. The number of suicides has remained high, with between 495 and 554 deaths per year from 2009-2012. The human cost of this on families and on communities is devastating, a point I have made recently but which I make no apology for repeating. The reality is that all sections and all generations of our society are affected, from the very young to the very old, in rural and urban areas alike. The funding allocated to mental health is insufficient. The overarching framework document for this sector, A Vision for Change, proposed a mental health funding target of 10% of the overall health budget. While there have been attempts made to reconfigure health spending in order to afford mental health greater priority, we continue to see funds which have been earmarked for mental health diverted to other areas. Nine years on from the publication of the strategy, just 6% of the total health budget went to mental health in 2014 compared to 7.2% in 2006. In 2015, it is predicted to account for just 6.5%. To reach the budget target of 10% would require an estimated increase of €400 million in its annual allocation.

Lack of staff in the sector is a major problem. Despite a greater need for mental health

services, there are 1,200 fewer mental health staff now than there were in 2006. Between 2008 and 2015 there was a loss of over 1,000 mental health staff and staffing levels were only 77% of the recommended level in A Vision for Change. In child and adolescent mental health services, CAMHS, the situation is more severe with just over half of the staff required in post. In terms of crisis supports, more than nine years after the publication of A Vision for Change mental health services are still not uniformly providing the basic model of care that includes 24-7 crisis intervention and home-based and assertive outreach treatment, with crisis houses as the norm in all areas. A clear framework for collaboration and referral between mental health services is lacking and this must be addressed.

Sinn Féin believes that A Vision for Change still needs to be implemented. Additional funding should be provided and directed towards community mental health services. Ireland's new strategy for suicide prevention, Connecting for Life, needs to be incorporated. This sets a target to reduce suicide and self-harm by 10% over the next five years, based on WHO targets. A continuation of the roll-out of suicide crisis assessment nurses, SCANs, is needed. These nurses liaise with GPs where there are concerns about patients who may be suicidal. SCAN deployment has resulted in significantly better outcomes for patients than traditional mental health services and they may result in lower costs. Only 24 of the 35 nurses approved for this programme have been recruited and this is unfortunate.

In January 2015, some 429 children were waiting more than a year to be seen by CAMHS. We need to focus on early intervention. There has been investment in child and adolescent mental health teams but just half that which was recommended in A Vision for Change and not enough to meet the 50% increase in demand for the service. By the end of 2014, there were 63 partially complete community CAMHS teams in place while A Vision for Change had recommended 77 teams. Sinn Féin recognises the merits of the proposed suicide prevention authority and is favourably disposed to the establishment of such an overarching body on an all-Ireland basis to lead the way and set the standards for all who are involved in suicide prevention initiatives.

I reiterate and stress my support, and that of my colleagues, for this Bill. This is a progressive step forward and its importance cannot be underestimated. I commend the Minister of State on pushing ahead and ensuring that it progresses while we still have the opportunity, here today. We are on the right path but so much more needs to be done. I believe that some of the suggestions I have put forward today have the potential to deliver to the greatest extent possible for all those who, from time to time, may require mental health services, treatment or care. Furthermore, I ask the Minister of State to ensure that the heads of the legislation needed to give effect to the other recommendations of the expert group on the review of the Mental Health Act are published as soon as possible, bringing the long-awaited reform of Ireland's mental health services to fruition.

**Deputy Seán Crowe:** Electro-convulsive therapy is vitally important and a highly complicated procedure. I believe there is general agreement in the House that every time a patient undergoes such an extreme procedure, it must be in the patient's best interest. Under the Nice guidelines, ECT should be used to gain fast and short-term improvement of severe symptoms after at least two other treatment options have failed or when the situation is believed to be life-threatening. The patient should be assessed after every session of ECT with checks for any signs of short-term memory and rigorous medical checks at the end of each treatment.

While it works for many and is described by some as "life changing", it still has a very

negative public image. I have talked to many patients and medical practitioners. This morning, I spoke to a nurse who had over 30 years of experience in this field, who said she had full confidence in the procedure and would authorise it for herself or a loved one, if needed. We all agree that relapse is also an important issue, and more studies must be carried out both here and abroad into why it happens. The National Office for Suicide Prevention states that there were 459 deaths by suicide last year and 475 in 2013. A total of 80% of people who die by suicide in Ireland are men. It is a lucky family that has not been impacted by suicide.

There have been many positive advances in combating the stigma of mental health. Thankfully, an increasing number of people are ready to talk about their mental health challenges. However, many still struggle to get help when they need it. This is a sad fact which compounds and sometimes worsens their problems. If one cannot afford private health care insurance, the chances are that one will struggle to get immediate help when one most needs it through the public care system. The obstacles to mental health care become more acute outside urban areas, as the professional resources required to deal with the demand are simply not there or are so scarce that they are not up to the task.

Austerity has crippled our health service. One cannot make very significant funding cuts over a period of years and, with the flick of a switch, somehow hope that matters will return to how they were previously. A large number of doctors and nurses have emigrated. They will not return through simple recruitment drives, as they are aware of the ongoing chronic problems in our health service. More nurses are leaving the mental health service than are leaving any other sector. That must be addressed.

While this amendment to the Mental Health Act deals specifically with ECT, the Government must reform its entire approach to mental health in Ireland. As Mental Health Reform has stated, there must be a nationwide school programme to build good mental health. We must also ensure that there is easy access to counselling and to 24-7 crisis supports. No family should see a loved one turned away in accident and emergency departments, particularly at weekends, because no psychiatrist is available. Unfortunately, the practice of people being turned away is one we hear about continually. There must be a right to advocacy support and a right to make one's own decisions about mental health treatment through advance health care directives that work and deliver for patients.

People from both sides of the argument might criticise this Bill. Some will say it does not go far enough, and others will say it endangers patients. I believe it goes some way towards achieving a better balance by giving patients a greater say in their treatment. That is positive. On that basis, we will support the Bill.

**Deputy John Halligan:** This legislation is long overdue and very necessary. The current situation allows for two consultant psychiatrists to authorise a course of ECT to a patient who has been admitted involuntarily for treatment, even if that person has capacity and refuses such treatment. That is absolutely in breach of international norms, not to mention an infringement of the patient's human rights.

I take this opportunity to raise an issue which is becoming an increasing problem for patients in psychiatric care in the south-east region, an area where the rights of mentally ill people to appropriate treatment are being infringed due to where the person happens to live. The amalgamation of the mental health services in Waterford and Wexford has been a disaster, and has had a disastrous impact on the level of services being provided to patients in the south east.

The Waterford-Wexford mental health services, which serve a population of approximately 278,000, have spending in the mental health area of approximately €148 million. In Carlow-Kilkenny, the spend is €223 million while in south Tipperary it is €198 million.

Wexford now has no 24-hour mental health service and proposals for an acute mental health ward for Wexford General Hospital appear to have gone by the wayside. Mental health is not a 9 a.m. to 5 p.m. issue. When people are in crisis, they must be able to access the services at all times. Patients in Wexford are obliged to go to the accident and emergency department and wait for hours to be assessed. If it is decided they must be admitted, they are given a letter and sent to the accident and emergency department in Waterford. These are people who are distraught, and perhaps suicidal. That has been described by a doctor in Waterford as inhumane. A worker in the Waterford mental health services recently told me that should a loved one of theirs require mental health treatment, Waterford is the last place they would want that person to be sent.

Staffing shortages and inadequate facilities have resulted in a situation where severe mental health cases are being mixed with less acute cases, with adolescents being accommodated on the same wards. That is shockingly inappropriate. A total of 13 children from the Waterford-Wexford area were admitted to adult mental health services in 2014. The most recent 2015 data indicated that there were 12 such admissions of children to adult services. This is mainly because a bed was not available in the child services. I have encountered more than one horrifying case in which an individual presented at the department of psychiatry, DOP, in Waterford, was given a pill and sent away and then committed suicide. That has happened. There appears to be a complete lack of access to front-line assessment facilities in the community.

Furthermore, delays in accessing child and adolescent mental health services in Waterford are causing untold difficulties, particularly for children waiting for an autism diagnosis. Just months ago, I read, and had it confirmed, that the position of psychologist in the Waterford child services was advertised on JobBridge. That is unbelievable. There is currently no adolescent psychologist available in Waterford. Without a fully trained psychologist, children cannot be given the full diagnostic assessment for autism, which means they cannot access the service to advance in school. A new consultant psychiatrist was appointed to the service in October following a five month vacancy during which the region, with a population of 71,000 minors, had no psychiatrist available. We are still awaiting the appointment of a further two consultants, which have been promised for the Waterford unit. These staff shortages are having a detrimental effect on service provision.

Finally, last April, when a consultant with the child services resigned, there were 138 referrals on the books. A further 95 referrals were received between May and September 2015. The most recent data indicated there were 251 referrals, of which 136 were accepted. The rest are children and adolescents who are continuing to fall through the cracks in an overloaded system. Children and adults in the south east with various mental illnesses are not being given access to the full range of interventions they urgently require. While I support this Bill, I urge the Minister to address these issues in Waterford and Wexford without further delay.

**Deputy Maureen O'Sullivan:** When considering this Bill certain people come to mind - the Minister of State for her persistence on this issue, consultant psychiatrist Pat Bracken and the late John McCarthy of Mad Pride Ireland. Wherever he or his spirit is, he must be smiling and saying it is about time this has happened. We know how long he campaigned on this and of his total opposition to a system whereby doctors could administer treatments such as ECT

without the patient's consent under certain circumstances. He was not opposed to the use of ECT, just the forced use of it.

I do not have the recent figures on ECT but some years ago there was a wide divergence among the counties where this was being administered. Some counties had a much higher rate of use than others. There was also a very high number of senior citizens. Undoubtedly, certain psychiatrists were exceptionally happy to administer ECT treatment. It is an invasive and controversial treatment. Despite what the Minister said, there is conflicting evidence about the benefits of ECT. There is evidence of the short-term benefits for a very small minority, but in the views of some people that does not justify the risks of memory loss and the slight, but significant, risk of death. While I welcome this Bill, a wider debate must be had about the use of ECT at all.

There is a need for advance directives so that people who are in a position to make a decision that they never want to be given ECT at any point can know that their decision will be legally binding. It is immoral and surely unethical that a psychiatrist could decide on forced treatment. We should oppose any forced treatment at any stage as an abuse of human rights. Nobody who is diagnosed with cancer is forced to take chemotherapy or radiotherapy. He or she discusses it and makes a decision. I hope no one lacking mental capacity has been forced into chemotherapy or radiotherapy at any point.

The late John McCarthy was very practical man with a lot of common sense. He spoke very clearly and passionately of his experience with mental health services. Sadly, he was in a position to compare mental health services with those dealing with physical health, as he contracted motor neuron disease, which led to his death. When he went to accident and emergency with a leg pain, his pulse, temperature and blood pressure were checked regularly and there were scans and X-rays. A tumour was found in his kidney and he was admitted to hospital and had more tests. A team of highly qualified medical experts looked at the test results and decided on an operation because the tumour was malignant. That had been suspected by the doctor at the first point of contact, who nevertheless insisted that all of those tests be carried out. When Mr. McCarthy presented to mental health services with a nervous breakdown, the psychiatrist decided after 20 minutes that he suffered from unipolar depression and prescribed medication. That contrast is stark. While progress is being made, there is a long way to go before those presenting with mental health issues get the range of care strategies available to those presenting with physical health issues. Pat Bracken spoke about the need for dignity, respect and time so that people presenting with mental health issues are listened to, feel empowered and are in control. A Vision for Change was highly lauded in 2006 as the guiding force but we are still looking for its implementation. We know what to do but it is taking a long time to do it. The basis must be equal rights for those with mental health issues. One of the ways to progress that is for an independent complaints mechanism to be put in place.

I am a member of the Oireachtas group on mental health. Deputy Ó Caoláin, who is here, is also a member. We were able to agree a pre-budget submission to the effect that investing in mental health services meant savings in other areas such as housing, health care and social protection. We acknowledge as a group that progress has been made, but the strains are still there. Deaths from suicide and readmission rates to acute inpatient units are static. Staffing of mental health services is still below the recommended strengths. Primary care is not advancing as it should, even though we know that early intervention across the board, including in relation to mental health issues, is vital. Robert Frost, in his poem *Stopping by the Woods on a Snowy Evening*, spoke of having "miles to go before I sleep". We are taking steps, but there are still

miles to go before this issue is resolved.

**Deputy Finian McGrath:** I am grateful for the opportunity to speak on the Mental Health (Amendment) Bill. I welcome the Bill warmly, as it directly affects thousands of people with mental illnesses, all of whom need our support and commitment to ensure they are treated with respect. Above all, the rights of these people must be guarded and protected. We all know friends, family members or neighbours who have a mental illness, and we must stand up for them in tonight's debate to include them in a modern, inclusive and compassionate Ireland. For too long we have seen many of these people hidden, including, historically, in institutions. We must all open our minds and hearts to ensure that the rights of these people are protected. That is why this legislation is important.

As a society, we must act. As the State, we must be proactive and put in place high-quality mental health services that suit the patient and that also deliver practical benefits for patients and their families. This aspect of public health should never be without the necessary resources to fund services. We must all be strong and implement A Vision for Change. We have had a lot of talk, but now the Government and all Members of the House must act. It is not acceptable to leave a person with a mental illness without services. That is the bottom line. That is the important thing to say in this debate. I accept that a great deal of good work has started on this issue, but we must keep moving and developing so that people can get the maximum benefit. I know exactly where I stand and I urge all colleagues to support the policies in A Vision for Change.

This amending legislation has long been awaited. It will ensure that where an involuntary patient who has capacity refuses ECT, that patient's wishes will be respected. "Respect" is the key word. It is important to draw the attention of the Minister of State to the recent report of the expert group on the review of the Mental Health Act. While I welcome the deletion of the word "unwilling" from the legislation, some analysis shows that there are gaps remaining in mental health legislation - namely, the need for legally binding advance health care directives and an independent complaints mechanism. These gaps must be highlighted. There are people with concerns about the legislation. It is important to reflect their views. Taking the term "unwilling" out of the Mental Health Act in respect of ECT will not necessarily prevent forced treatment and the administration of electro-convulsive therapy, because only those people who are deemed to have capacity will have their wishes respected. Psychiatrists and perhaps other professionals will continue to decide who has capacity rather than support the decision-making, will and preferences of the individual. Legal capacity must be respected as per the Convention on the Rights of Persons with Disabilities, but the change outlined above does nothing to eliminate the palpable fear experienced each day by individuals who have been given ECT against their express wishes. That is a view that must be considered.

Forced treatment is contrary to that convention and to international human rights standards. The UN Committee on the Rights of Persons with Disabilities issued a general comment in September stating in clear terms that forced treatment was not acceptable. The chairman of the UN sub-committee on the prevention of torture, Professor Malcolm Evans, informed a number of groups, including the Tallaght Triologue group, publicly that his committee hopes to assess the general comments soon, having regard to the issues raised by those groups. Ratification of the convention is not dependent on legislation being in place first. In fact, the UN has concerns about our approach. In June, the UN Committee on Economic, Social and Cultural Rights asked the Minister of State, Deputy Sean Sherlock, and the Government to ratify the convention and then to introduce legislation in line with it.

The voices of civil society groups are not being listened to. It appears the Minister of State has refused to meet the capacity coalition chaired by Dr. Eilionóir Flynn of the Centre for Disability Law and Policy at NUIG. The coalition includes, *inter alia*, the Mental Health Lawyers Association, the Disability Federation, Inclusion Ireland, the Alzheimer Society of Ireland, and the Tallaght group. Is this true? These groups have expressed concern about the Assisted Decision-Making (Capacity) Bill, which will not make advance directives legally binding in the context of mental health. This again denies people the right to refuse forced treatment, including electro-convulsive therapy. These issues have been raised with me in the last 24 hours and I ask the Minister of State to respond to them. I support strongly the coalition of organisations working to promote improved mental health services and the implementation of A Vision for Change. We must support mental health reform in this society. We must move forward and guarantee maximum rights for all people with a mental illness.

**Deputy Joe O'Reilly:** I wish to share time with Deputy Neville.

**An Leas-Cheann Comhairle:** The Deputies have five minutes each.

**Deputy Joe O'Reilly:** I welcome the Bill and commend this proactive Minister of State on the Bill, which reflects the recommendations of the expert group on the Mental Health Act 2001. The legislation is progressive and to be welcomed in that regard.

Fundamental to everything we do in the area of mental health must be the absolute dignity of people with mental health issues and respect for and full recognition of their rights. This is something that is developing and we must be at the forefront of assisting its further development. People with mental health issues must be fully respected as complete human beings and there must be a recognition that their illnesses are no different from physical illnesses. They deserve everybody's full respect and regard. Any treatment they receive should be provided in the context of an awareness of their dignity as human beings. They should be treated in the way a person with any physical illness would be treated. I liked the comparison drawn by our colleague, Deputy Maureen O'Sullivan, when she stated that, if a person wished to refuse chemotherapy or radiation treatment, that would be his or her permitted prerogative. We all know of such instances occurring at various stages of people's cancer treatments. The same dignity and right should pertain in this instance.

The Bill seeks to amend the Mental Health Act 2001 to ensure that electro-convulsive therapy, ECT, cannot be administered to a patient who is capable but unwilling to give his or her consent to such a treatment. Deputy Finian McGrath referred to people lacking capacity, but neither is there a reason to deny them a specific treatment should it be deemed appropriate. Obviously, that must be done in a rights environment and in a controlled and considered way.

There are diverging views on the practice of ECT. Some international studies have found strongly against it as a treatment for severe depression and catatonia, viewing it as outdated, unethical, high risk and low benefit. Many individuals and organisations in Ireland share this view. They refer to two side effects, those being, short-term and long-term amnesia. In 2011, however, the College of Psychiatrists of Ireland produced a paper that explored these side effects in some detail. It found that, in the majority of cases, instances of short-term amnesia cleared up after a few weeks. The long-term effects were more difficult to quantify, but this had to be balanced against the condition that the patient had prior to the treatment. The paper differentiated between the extent of memory loss secondary to ECT and the patient's perception of that loss.

It is a vexed and debatable issue. In some extreme cases, ECT might be necessary, but it should never be practised except in a very considered way. Currently, two psychiatrists can use ECT to treat someone who refuses it despite having capacity. It is correct that this provision is being removed, as the individual's human dignity and rights gives him or her the right to refuse.

According to the statistics, 500 people receive ECT in Ireland every year and 1 million worldwide. Some 90% of those in Ireland seek treatment and give their fully informed consent. This therapy is given in cases where a patient's depression is so severe that it has not responded to any anti-depressant drug or psychotherapy. The fundamental point is that ECT is used only when it is unavoidable. In essence, it must be something that one does not want to do. There are anecdotal suggestions that ECT was administered willy-nilly in the past and was too arbitrary and easy an option to take, but that should never be the case. ECT should only be used when it is an absolute necessity, after every other option has been explored and the alternative is unthinkable.

If a person has capacity, the Bill will give him or her the right to opt out. If he or she does not have capacity, there will be a set of controls as well as measures to support the person's rights. The Bill is progressive to the extent that it is a further restatement of the rights and dignity of an individual with a mental health illness. In this regard, it is to be welcomed. This Bill should form part of the forthcoming raft of legislation to ensure the dignity of mentally ill persons further, as they are no different than physically ill persons. Their conditions should be seen as temporary and they should have the same rights and dignity as everyone else. This Bill is an important leap forward. We are not there yet, so we must do everything to get there.

**Deputy Dan Neville:** I welcome the Bill, which has been in gestation for seven years, and the Minister of State's decision to progress it. ECT is a controversial issue and, in that respect, the removal of the "unwilling" category from the 2001 Act is important. The question of medical professionals involving, consulting and informing mentally ill people has been neglected in psychiatry for decades, if not centuries. We must challenge that in this context.

ECT is a medical procedure in which an electric current is passed briefly through the brain via electrodes applied to the scalp to induce generalised seizure activity, as we often do not understand what takes place. The person receiving treatment is placed under general anaesthetic and muscle relaxants to prevent body spasms. ECT's purpose is to treat specific types of major mental illness. My mother, who was a psychiatric nurse in the 1940s, told me of the level of abuse of ECT at the time. We are moving from an era of extreme abuse to one in which there is a great deal more research and understanding of ECT and an appreciation of the need to inform the patient while ensuring that the psychiatric professional understands the situation.

It is the considered opinion of the College of Psychiatrists of Ireland that ECT is an important and necessary treatment for various serious psychiatric conditions, most commonly severe depression. For some severely ill patients who do not respond to any other treatment, there is no effective alternative. These patients would be seriously disadvantaged if they were denied access to a treatment that might restore them to health.

ECT has a bad image. In some ways, this is due to a misunderstanding, but it is also down to overtreatment or, in some people's words, the misuse or abuse of ECT. It raises anxiety and fear in many people and is usually seen as controversial. It should be used rarely and only where other treatments have failed or treatment is life saving. ECT is given in a clinical setting in the presence of the various psychiatric and other professionals required.

We must inform people of all aspects of mental health and reduce stigma. Like many of those aspects, we need the general public to be informed about ECT so that, when it is proposed by the psychiatric profession, patients and their carers and families can challenge and seek understanding of why it is being administered, the likely outcome and the relevant safety procedures.

**Deputy Seamus Healy:** I welcome the opportunity to contribute on this legislation. It is a short but significant and progressive Bill and I am happy to support it. As the Minister of State mentioned, its inception was in 2008 as a Private Members' Bill in the Seanad. I suppose it was given fresh impetus by the report of the expert group published this year.

The Bill provides that ECT cannot be administered to a patient who has capacity but is unwilling to consent to the treatment. The same applies in the case of the administration of medication beyond a continuous period of three months. It is a progressive Bill that I am happy to support and welcome.

It is widely acknowledged by all stakeholders that mental health services, including those referred to in this Bill, should be provided locally and as near as possible to the service user. Unfortunately, that is not the case in Tipperary. I appeal to the Minister of State to examine acute inpatient mental health services in that county. As she will know, the decision to close St. Michael's inpatient unit in Clonmel, which provided services for north and south Tipperary, was made by the last Government, the Fianna Fáil–Green Party Government, and implemented in 2012 by the current Government. It has been a disaster. There is no doubt that the inpatient services provided to citizens of Tipperary in Kilkenny and Ennis are completely dysfunctional. The decision was taken and implemented without any consultation and against the wishes of almost all stakeholders, particularly those in south Tipperary. They include consultant medical practitioners, general practitioners, the public, service users, carers and their families. Unfortunately, the worst fears of all those individuals who advised against the course of action have been realised.

The Kilkenny unit, in particular, is overcrowded daily. It is running at 110% to 115% of capacity. I am told by patients and their families from south Tipperary that it is difficult to be admitted to the unit and that, having gained admission, one is discharged rather quickly. As we have always said, it is difficult for carers and family members to visit and support patients in the Kilkenny unit. This is what service users and their families have told me and other public representatives throughout the county. There is no continuity of care. When patients are discharged from the unit, they are discharged to a different consultant psychiatrist. There have been quite a number of unexplained deaths, 13, associated with the Kilkenny unit in recent times. Circumstances have been disastrous for service users in Tipperary. I appeal to the Minister of State to review them and provide inpatient beds in Clonmel for Tipperary patients.

I have been asked to draw the Minister of State's attention to the question of assessment of mental health service users in the accident and emergency departments throughout the country, particularly in South Tipperary General Hospital. I am told the assessment procedure is very difficult for all concerned in the units. It is inappropriate and unacceptable that this should continue. This would be dealt with if an inpatient acute unit were provided in South Tipperary General Hospital.

We were promised a Rolls-Royce-standard community-based service. We have a good service but the difficulty is that, despite the best efforts of staff, the community-based teams are not

staffed to the standard outlined in A Vision for Change. I ask the Minister of State to address that also. I ask her to review the circumstances associated with the inpatient unit and to agree to reopen beds in South Tipperary General Hospital.

**Deputy Michael Fitzmaurice:** I am thankful for the opportunity to speak on this Bill. Last week, a High Court judge stated the mental health services in Roscommon are in chaos. That is a regrettable statement to have to make. I have been saying this for months on end. I am not laying the blame at the foot of the Minister but ultimately the Minister must call the shots. People seem not to be worried about how people have been looked after in Roscommon and east Galway. The Minister of State is aware of the circumstances in Ballinasloe, where services were withdrawn. We are opting for the new idea of community service. Perhaps there are good parts to it — I am not an expert — but people I have encountered in the past seven to nine months have faced many walls they could not climb because, sadly, the system has failed us.

One night at 8.30 p.m. a woman telephoned me whose brother was suicidal. As a public representative, I spent two hours talking to the hospital trying to get the man assessed but I could not achieve that. Sadly, he had to be brought that night to a private hospital in Dublin to help him. These are the circumstances on the ground in Roscommon and east Galway. We cannot and should not condone the activity of people who are running the service in this way. Ultimately, lives are lost unnecessarily.

I do not know what is wrong when there are good mental health services in some parts of the country and not in others. It may be a matter of personnel but, ultimately, if one does not deliver the goods one should not be doing the job. That is the bottom line with me. People working in the HSE who are not delivering the goods should not be left in their positions. What we have seen in our area is regrettable. No one takes pleasure in saying that. The service is in disarray and there is no joined-up thinking about how to solve the problem.

I know elderly people with a son or daughter with a mental illness and they are afraid of their lives at present. We do not have the answers. Consider the provisions in the mental health legislation that might help those with a drink problem and mental illness at the same time. I can talk about this personally because someone who belongs to me has faced it. Having such people admitted is difficult. They may not hit skid row or realise they have a problem, or they may just keep stonewalling to the extent that one faces a battle to have them admitted anywhere. Everywhere one telephones the staff say the person with the problem must walk in and want to deal with it. In America, circumstances are different if people have a major problem. There are those who never can see the problem but a family member, doctor or member of the police force can go to the courts to secure admission. I am not suggesting a patient should be admitted for a year or six months but for ten, 15 or 20 days. In that period, he may see the light. We have to do this because there are many families throughout the country suffering torture tonight and every night who do not know where to turn. As politicians, we need to address this. It must not be allowed to continue. I have encountered this problem and it is like facing a stone wall. For the betterment of people in every part of the country, we must change admission procedures because families are being torn apart by the obstacle being put in their way.

*8 o'clock*

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank Deputies for their contributions. Deputy Maureen O'Sullivan referred to the late John McCarthy. While the Department carried out a review of the Mental Health Act, my view on electrocon-

vulsive therapy, ECT, was informed by Mr. McCarthy. While he was not entirely opposed to ECT, which continues to be the subject of debate, he certainly opposed its use when people were unwilling and had the capacity to make a decision on the treatment.

I plan to group the amendments to this short Bill, as they relate to only two sections of the 2001 Act. The changes involved are similar involving the removal of the word “unwilling” from sections 59 and 60 of the Mental Health Act 2001. Amendment No. 1 to section 1 relates to definitions and is a small, technical amendment recommended by the Office of the Parliamentary Counsel. It defines what the principal Act being amended is. The new definition being included confirms that the principal Act being amended is the Mental Health Act 2001.

**An Leas-Cheann Comhairle:** We must conclude Second Stage before discussing Committee Stage amendments.

**Deputy Kathleen Lynch:** I apologise. I am anxious to complete the passage of the Bill. I thank Deputies for their contributions on Second Stage.

Question put and agreed to.

### **Mental Health (Amendment) Bill 2008 [Seanad]: Committee and Remaining Stages**

#### NEW SECTIONS

**An Leas-Cheann Comhairle:** Amendments Nos. 1 to 5, inclusive, are related and may be discussed together.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I move amendment No. 1:

In page 3, between lines 14 and 15, to insert the following:

#### **“Definition**

1. In this Act “Principal Act” means the Mental Health Act 2001.”

This is a small technical amendment recommended by the Office of the Parliamentary Counsel and merely defines what the principal Act being amended is. The new definition being included simply confirms that the principal Act we are amending is the Mental Health Act. I intend to group the amendments.

Amendment No. 2 has the effect of deleting the original section 1 of the Mental Health (Amendment) Bill 2008 and replacing it with revised text, which reads, “Section 59(1) of the Principal Act is amended by the deletion, in paragraph (b), of “or unwilling”.” The language used is that favoured by the Office of the Parliamentary Counsel which has a similar import to that originally set out in section 1. This section is the essence of the change we are making and removal of the word “unwilling” from section 59 will ensure that, in future, where a patient has capacity and refuses the administration of ECT, his or her choice will be respected.

Amendment No. 3 amends section 2 of the existing Bill which, as it stands, purports to remove section 59 of the Act in its entirety. It was never the intention to delete section 59. The intention, as shown in section 1, as agreed in the Seanad, was only to amend the section.

For this reason, I am amending section 2 and removing the reference to section 59 as it is no longer relevant. In its place, I am adding a change which mirrors the change to section 59 and seeks to delete the word “unwilling” from section 60 of the Act. This is the second substantive amendment I propose and it will ensure that where an involuntary patient has been administered medicine for a continuous period of three months, the continued administration of that medicine will not be allowed if the patient has capacity and is unwilling to consent to the continuation of the treatment. This proposed amendment will also bring section 60 into line with the changes I am making to section 59.

Amendment No. 4 amends section 3. This change is of a technical nature and deletes the original section 3(2) of the Bill which relates to the citation of the Act. Section 3(2) is being replaced with the following text, “This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.” This is a simple, technical drafting amendment recommended by the Office of the Parliamentary Counsel which allows for the coming into operation of the Act by commencement order or orders made by the Minister for Health. I hope to sign the relevant commencement order in January with a view to commencing the changes to the Act by 1 February 2016 to give the Mental Health Commission time to prepare for the change. It should be borne in mind that the commission will be charged with either enabling or enforcing the new legislation.

Amendment No. 5 amends the Long Title of the Mental Health (Amendment) Bill 2008 by the insertion of the text, “for the treatment of certain persons and, for that purpose to amend the Mental Health Act 2001; and to provide for related matters”, after the word “procedures” in the original Bill. This is a small technical change recommended by the Office of the Parliamentary Counsel which ensures the Title is fully accurate.

In the event that it is acceptable to the Leas-Cheann Comhairle to do so, the following is a request for amendment to side notes in page 3, lines 18 and 19, to substitute “Short title and commencement” for “Short title, collective citation and construction”. This change is self-explanatory.

**Deputy Caoimhghín Ó Caoláin:** As the amendments are being discussed in one group, I take this opportunity to record my party’s support for all five amendments tabled by the Minister of State to facilitate the speedy passage of the legislation.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Acceptance of amendment No. 2 involves the deletion of section 1 of the Bill.

**Deputy Kathleen Lynch:** I move amendment No. 2:

In page 3, between lines 14 and 15, to insert the following:

**“Amendment of section 59 of Principal Act**

**2.** Section 59(1) of the Principal Act is amended by the deletion, in paragraph (b), of “or unwilling”.”.

Amendment agreed to.

Section 1 deleted.

#### NEW SECTION

**An Leas-Cheann Comhairle:** Acceptance of amendment No. 3 involves the deletion of section 2 of the Bill.

**Deputy Kathleen Lynch:** I move amendment No. 3:

In page 3, between lines 16 and 17, to insert the following:

#### **“Amendment of section 60 of Principal Act**

**3.** Section 60 of the Principal Act is amended by the deletion, in paragraph (b), of “or unwilling”.”.

Amendment agreed to.

Section 2 deleted.

#### SECTION 3

**Deputy Kathleen Lynch:** I move amendment No. 4:

In page 3, to delete lines 20 to 22 and substitute the following:

“(2) This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

Amendment agreed to.

Section 3, as amended, agreed to.

#### TITLE

**Deputy Kathleen Lynch:** I move amendment No. 5:

In page 3, line 13, after “procedures” to insert the following:

“for the treatment of certain persons and, for that purpose to amend the Mental Health Act 2001; and to provide for related matters”.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments and received for final consideration.

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

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank everyone who has contributed. As well as mentioning John McCarthy tonight, it is important to mention the people who introduced this Bill in the Seanad in 2008. It seems such a long time

ago, but I imagine that is because of the circumstances we have come through. The former Senators Déirdre de Búrca and Dan Boyle, along with Senator Norris, were the original proposers of this legislation. We have amended it, but only to achieve the purpose they sought to achieve. That is an important point.

The numbers affected by this are not substantial in terms of the population. However, in terms of the effect, what it says about us and how far we have moved in the mental health area, it says a great deal, and that will continue to be the case in future.

Electroconvulsive therapy is controversial. I say to people that only way I can ever judge the matter is by asking how I would feel if someone belonging to me was despondent, catatonic and not eating or drinking. If someone said to me that a treatment was available and there was a possibility of it working, I imagine, like most of us, I would jump at it with both hands. That is really where this needs to be. It is a question of when it is at the last stage and it is the only possible remedy. That is why people are undecided about it. The word “unwilling” is unacceptable. If someone has capacity and says “No,” then it is unacceptable.

Wider issues were raised. I very much understand what Deputy Healy has said and I have taken note of it. I have noted what other Deputies have said as well. We will have plenty of time to air these issues with the general scheme and the review of the Mental Health Act. I thank those involved for the work they have done. I have taken note of the concerns people have raised and I will make further inquiries. I am not deaf to these things - I hear them. Equally, when we are changing a service we need to allow time for the changes to bed in. Perhaps we have given it enough time and now it is time to look again. I am not making any promises. That is not something I do, as Deputy Healy knows well. However, I understand what he is saying.

I will bring the Bill before the Seanad on Thursday week, 17 December. Assuming the proposed amendments are passed, I plan to sign a commencement order in January 2016 with a likely effective date of 1 February 2016. We need to give the Mental Health Commission time to take a serious look at what this will mean, even for the small group of people affected.

I have received Government approval to develop the general scheme of a Bill and a review of the Mental Health Act. This is already being worked on. There will be substantial amendments, possibly up to 165 in total. Within these recommendations, we anticipate other issues arising.

I thank the Members of the Opposition for their co-operation. It is a sign of what we all know to be right and proper when the entire Opposition decides this is the right thing to do and no barriers are put in our way. It is a significant step. I believe that in years to come we will look back and, as with other areas, wonder what in God’s name we were thinking. I thank Deputies for their co-operation. This is a measure well worth introducing.

**Deputy Dan Neville:** I welcome the passage of the Bill. The removal of the word “unwilling” is very welcome. Now, the term is “willing.” This involves consultation in all aspects of the treatment of patients with mental health illness by those providing services. I trust it will ensure a consciousness within the mental health services of the need to consult patients and their carers in respect of the treatment they receive.

There has been an approach over the decades in the psychiatric profession to the effect that they know everything and they should decide what happens without consultation. Let us consider any general medical treatment in hospital and cases in which a doctor discusses the

treatment he is proposing and informs the patient of it. The same level of information and consultation and ensuring that the patient understands the treatment is vital in mental health treatment. It should be similar to the approach for physical treatment. Many psychiatrists do this, but too many do not.

Question put and agreed to.

**An Leas-Cheann Comhairle:** The Bill, which is considered to be a Dáil Bill in accordance with Article 22.2 of the Constitution, will be sent to the Seanad.

### **Message from Seanad**

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Social Welfare and Pensions Bill 2015 without amendment.

### **Message from Select Committee**

**An Leas-Cheann Comhairle:** The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the Credit Guarantee (Amendment) Bill 2015, and has made amendments thereto.

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

**An Leas-Cheann Comhairle:** The Select Committee on Communications, Energy and Natural Resources has completed its consideration of the following Supplementary Estimate for public services for the year ending 31 December 2015: Vote 29 – Communications, Energy and Natural Resources.

The Select Committee on Education and Skills has completed its consideration of the following Supplementary Estimate for public services for the year ending 31 December 2015: Vote 26 – Education and Skills.

The Select Committee on Health has completed its consideration of the following Supplementary Estimate for public services for the year ending 31 December 2015: Vote 38 – Health.

### **Establishment of Independent Anti-Corruption Agency: Motion [Private Members]**

**An Leas-Cheann Comhairle:** There are 40 minutes in total in this speaking slot.

**Deputy Catherine Murphy:** I will be sharing time with Deputy Shortall, Deputy McGrath and so on. We have sent in a list. I propose to take ten minutes.

**An Leas-Cheann Comhairle:** The list includes Deputies Pringle, Fitzmaurice, Finian McGrath and Maureen O’Sullivan.

**Deputy Catherine Murphy:** I move:

That Dáil Éireann:

recognises that corruption in public and commercial life represents a great threat to the democratic functioning of the State;

finds that culturally ingrained concepts of patronage, clientelism and favouritism have pervaded political institutions and have led to serious failures in corporate governance, particularly where inappropriate links between business and politics have been exploited;

concludes that such failings have eroded public confidence that politics and commerce operate to benefit the many over the few;

notes that Bunreacht na hÉireann places in the care of the Oireachtas a responsibility to ensure that the operation of free competition shall not be allowed to develop as to result in the concentration of the ownership or control of essential commodities in a few individuals to the common detriment; and that the Oireachtas has failed to adhere to this guidance in recent years;

recognises that the State has no effective means of preventing, investigating or prosecuting corruption or white-collar crime as responsible agencies are too disconnected, lack appropriate powers, or lack necessary resources;

further notes:

— that prosecutions arising from cases of proven corruption have been rare;

— the failure of the Government to adequately act on the findings of the Tribunal of Inquiry into Certain Planning Matters and Payments (Mahon Tribunal) nor the Tribunal of Inquiry into Payments to Politicians and Related Matters (Moriarty Tribunal);

— that there have been eight tribunals of inquiry in the past twenty years, and where they made findings of impropriety in public or commercial life, very few consequences, if any, have arisen; and

— that five commissions of investigation are currently in operation, and that in some cases, commissions have sought additional powers to ensure they can fulfil their terms of reference; and

recommends, in order to effectively address these matters, that the Government:

— establish a permanent, independent Anti-Corruption Agency to, initially, assume the functions of the Standards in Public Office Commission; the Office of the Director of Corporate Enforcement; the Registrar of Lobbyists and the Competition Authority, but not confined to these bodies;

— mandate the Anti-Corruption Agency to act as a Standing Commission of Investigation;

— confer the Anti-Corruption Agency with powers of:

- investigation;
- compellability and testimony-taking;
- court-authorised search and seizure, including access to bank records;
- prosecution at District and Circuit Court level only; and
- arrest;

— empower the Anti-Corruption Agency to initiate and conduct investigations and sectoral reviews of its own volition;

— consolidate and reform legislation tackling corruption, official malfeasance and white-collar crime, and place the Anti-Corruption Agency at the apex of the State's legislative architecture countering corruption;

— confer the Anti-Corruption Agency with a monitoring and investigative role over public procurement activities, both ongoing and historic;

— mandate an advisory role, initially upon the Anti-Corruption Agency in relation to the Garda Síochána Ombudsman Commission; the Comptroller and Auditor General; the Ombudsman for the Defence Forces; the Garda Bureau of Fraud Investigation;

professional bodies and any future Electoral Commission, but not confined to these bodies;

— draw on the experience in other jurisdictions in establishing an Anti-Corruption Agency, in particular the Independent Broad-Based Anti-Corruption Commission (IBAC) of Victoria, Australia, the Serious Fraud Office (SFO) of the United Kingdom, and the Hong Kong Independent Commission Against Corruption;

— create a new joint Oireachtas oversight committee, to be called the Public Interest Committee, a majority of whom shall be Opposition members; and

— establish annual reporting by the Anti-Corruption Agency to both Houses of the Oireachtas, and ensure reports are debated in both *Dáil Éireann* and *Seanad Éireann*.”

I wonder whether it is really appreciated how upset people feel after the programme on RTE last night about corruption. They are upset because they do not believe there will be consequences. Their ambition for this country is bigger and better than what we saw last night. This applies across the spectrum, from people who are living on social welfare to wealthy people.

In the past year I have met many business people who want a business culture in which everyone is playing by the same rules. Many are demoralised and some are embarrassed, particularly when it comes up in front of international colleagues, by a system they believe gives a major advantage to insiders - in other words, those in power or those who are well connected.

Only 100 years ago on this island we were subjects. We are about to commemorate a blow that was struck that allowed us to become a sovereign State. The ambition went beyond that, to a republic in which each citizen is equal. That was the aspiration. Those involved aspired

to create a state in which people had individual rights but no one had absolute rights, one in which rights would be measured against the common good. They envisaged a state in which the common good would be upheld by those in authority on behalf of the individual citizen. They believed only this would ensure a genuine republic.

Last week the Social Democrats launched a proposal for the establishment of a new body to tackle corruption and white-collar crime in Irish life - an independent anti-corruption agency. There can be no denying that in Ireland we do not have an effective means of preventing, investigating and prosecuting corruption. We deal with it in the aftermath rather than opting for prevention. We have a fragmented approach which ensures that many things go unchecked and unpunished. We need a consolidated, overarching approach if we are to tackle corruption effectively. That is the premise on which the independent anti-corruption agency is placed.

We are proposing a root-and-branch reform of the anti-corruption regime in Ireland, similar to that recently undertaken in Victoria, Australia. The establishment of the agency will ensure full oversight of public procurement, new anti-corruption legislation and a standing commission of investigation, along with other measures.

The two associated tribunals, namely, the Mahon and Moriarty tribunals, cost the taxpayer in excess of €200 million, and yet the implementation of any of the findings or recommendations has been wholly unsatisfactory. In 2016 the Statute of Limitations will expire for action on Moriarty. If that occurs without action people will have a right to feel cynical.

Speaking on “Claire Byrne Live” last night, a former Standards in Public Office, SIPO, official, David Waddell, said the need for an agency akin to the one proposed by us is unquestioned. SIPO currently has no teeth and is essentially little more than a warning flag, but with no real powers of enforcement. Good people are involved with it, but they are very frustrated, something they have been making known for a long time.

There has been, and continues to be, a calculated removal of oversight by previous Governments and, unfortunately, by this Government. The most recent example, whereby my trek through the arduous freedom of information process was stymied with replies to parliamentary questions, shows just how difficult it is to see beneath the veil on matters of vital public interest. This calculated removal of oversight is evident at almost every level of Irish political life.

Just yesterday, Social Democrats councillor and candidate for Dublin Central, Gary Gannon, received a reply from Dublin City Council, telling him that it would not disclose the details of the tendering process for the modular homes in Ballymun as the information was commercially sensitive. The Minister for the Environment, Community and Local Government, Deputy Alan Kelly, despite refusing to acknowledge the housing emergency, has seen fit to implement emergency public procurement measures which ensure that information regarding the tendering process is restricted. The removal of oversight is exactly the kind of thing that makes people livid and destroys trust in our systems.

When I pursued issues surrounding IBRC, the Cregan inquiry was established and every other avenue to seek clarity was immediately closed down. I had pending freedom of information requests into the relationship between the Department and IBRC during the period July 2012 to the infamous promissory note night in February 2013, when banking debt was turned into sovereign debt. Those freedom of information requests were refused, but they predated the establishment of the inquiry. It is not my reading of the legislation that such requests can

be refused.

I sought information because previous freedom of information requests had indicated an extremely fractious relationship between IBRC and the Department, and I wanted to understand how we came to the chaos that was the promissory note night and whether something could have happened to accelerate the extremely hasty decision. It is an issue of extreme public concern. There may well be nothing in the freedom of information requests, but we need to see the information. This is what oversight looks like, yet every avenue I pursued was closed down to me. In other words, it was, yet again, the calculated removal of oversight.

The Department had concerns about six particular transactions, of which Topaz was one. An article written by Kevin Daly in *The Sunday Times*, states:

The price, not disclosed on the day, is close to €500 million, making it a whopper payday ... Dennis O'Brien who acquired Topaz two years ago paid about €150 million for Topaz debt, which was sold by the liquidators to IBRC the state-owned bank, and has just forked out another €75 million to acquire ESSO Ireland. Even allowing for hefty capital investment in Topaz, they have cleared about €250 million in 24 months. "It looks like the deal of the decade" one industry source said.

These were distressed assets that were owned by the State. Is it any wonder that the Department had concerns about them?

In a letter to me last Friday, the Taoiseach kicked the interest rate issue into the long grass by claiming it is difficult to resolve, but it is a key issue. One debtor, Denis O'Brien, alleged that he was offered an interest rate via a verbal agreement outside of the normal functioning of the IBRC credit committee. It is not sufficient for the Taoiseach to say it is difficult to resolve. The question is whether this was an acceptable practice for a bank tasked with getting the optimum return for citizens. When suspicions of insider trading regarding the now notorious Siteserv transaction occurred, I wrote to the Stock Exchange, which transferred me to the Office of the Director of Corporate Enforcement, which in turn referred me to the Central Bank, which eventually referred me back to the Stock Exchange. Nobody had answers and nobody knew who was supposed to answer, which was worse. It is hardly a coincidence that there has never been a conviction for insider trading in this country. This is the precise point I want to make, namely, that legislation on its own is not enough. We need an agency with the power and teeth to do more than that.

In the letter sent to me by the Taoiseach, he referred to conflicts of interest in regard to members of the commission not sitting in on the work of any transaction that they may have had a connection to, yet the issues to be addressed by the commission are awash with conflicts of interest, none more so than Blackstone, one of the transactions about which the Department raised serious concerns. IBRC retained an American company, Blackstone, to advise on the disposal of its remaining loans which were worth €30 billion at nominal value. The same company, that is, Blackstone was permitted to bid for IBRC loans. When questioned about this, the Minister for Finance, Deputy Michael Noonan, dismissed the contention that there was a conflict of interest because the company had put in Chinese walls. Quoting from [www.namawinelake.wordpress.com](http://www.namawinelake.wordpress.com), the Minister, Deputy Noonan, declined to disclose to the Dáil what money IBRC paid Blackstone for advice on its UK and Irish loan book, citing confidentiality. We do not know how much we, who own 100% of IBRC, are paying Blackstone to get advice on the sale of assets whose buyer might well be Blackstone. I have to take a deep breath when I read

that because I find it upsetting.

This is taking place under the watch of a political party which in 2011 made a commitment to do something about such things. A Fine Gael document stated the same small network of professional advisers, accountants, lawyers, financial advisers or other consultants are linked to NAMA, the NTMA, the bailed-out banks, the Central Bank and the Department of Finance. This presents an obvious conflict of interest which undermines confidence in Ireland's public and private sector governance.

Is it any wonder that the people will be disappointed? This is precisely why we believe the new agency we propose is required to deal in an overarching way with the issues that constantly present so that we can get to grips with them in real time, rather than acting retrospectively.

**Deputy Róisín Shortall:** I congratulate RTE on the superb piece of public service broadcasting we saw last night. The "RTE Investigates" programme on corruption was journalism at its best. While some people might be shocked by the blatant "I'll scratch your back, you scratch mine" approach we saw displayed by a number of councillors, for most of us it just confirmed what we have suspected for a long time. Corruption remains a significant problem in Irish public life.

The truth is that Ireland does not have an effective way of preventing, detecting and prosecuting corruption. The law on corruption is scattered across several pieces of legislation. Responsibility for detecting corruption is spread across a number of different public bodies. It is very difficult and rare to see successful prosecutions of corrupt practices in business or public life. This is the case even after tribunals of inquiry have spent millions of euro on investigations, and even when they have made adverse findings against particular individuals or bodies.

Ireland's chequered history with tribunals, *ad hoc* commissions of inquiry and the various investigations into ruinous banking practices instil very little public confidence in our ability to tackle corruption in Ireland in any kind of meaningful way. Indeed, the most recent inquiry, the Cregan inquiry, appears to be on the point of collapse as it does not have enough powers to investigate properly. As we have seen, the Taoiseach is scrambling around to try to get advice from people on both sides of the House as to how he might proceed. We have heard the same complaints from the Fennelly inquiry into Garda whistleblowing. It has made a request for more powers, resources and lawyers. When will we ever get anything arising from either of those inquiries? There is no sense at all that the regime is robust, effective or, indeed, free from the clutches of those in power. There is a strong public perception that a golden circle continues to exist in Irish society, the members of which regard themselves as being accountable to no one and untouchable.

Accountability is a core pillar for us in the Social Democrats, and is a central part of our vision for a new republic. Of course, we know there can be no accountability without consequences for those who are involved in wrongdoing. This is the standard we have seen; we seem to be incapable as a society of tackling problems with corruption or wrongdoing. We have had a series of tribunals which all cost a fortune. We have had commissions of inquiry, five of which are current. We know that at the end of the process, after all of the time and all of the talk, what we will get out of them is a report and there will be no significant consequences for any of those people found to be involved in wrongdoing in the course of those inquiries. We know those reports are left to gather dust.

Earlier this year, I tabled questions to the Minister for Justice and Equality asking what is the latest on a number of the recommendations made in the Moriarty report. I was told the Department is still looking at the two reports from March 2011 and 2012 and the likely timeframe cannot be indicated with any certainty at this point. There is no sense of urgency about any of the very serious matters which arose in the Moriarty tribunal. The Minister went on to state that following the examination by An Garda Síochána of the report of the Moriarty tribunal, the advice of the DPP was sought with a view to determining whether a full Garda investigation should be commenced. The advice is still awaited four years later. How can anybody be expected to believe the Government gives a damn about accountability? No system is in place to ensure people involved in very serious wrongdoing and corruption will pay any price. Fine Gael has a very ambiguous relationship with a number of public representatives who have been found to be involved in very serious wrongdoing by tribunals and other investigations. All we get is silence, hand-wringing and a hope that it will just go away.

What exactly will be the consequences for the three councillors highlighted in the “RTE Investigates” programme? The most that has happened to them so far is that they have resigned from their parties but, of course, that is just not enough. They should be resigning from their posts. The type of behaviour we saw in the programme last night renders these people unfit for office. A very clear judgment should be taken on this by their respective parties. I call on the leader of Fianna Fáil, Deputy Martin, and the Taoiseach to address these issues. Their respective councillors, albeit very recently resigned from their parties, have been engaged in practices that are completely and utterly unacceptable. The Taoiseach remarked today that it is indefensible but he has not moved to ensure the councillor from his party will resign. The two party leaders should call on those councillors to do the decent thing and resign from office.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Róisín Shortall:** They are not fit for office. I heard one Minister welcome the fact that one of the councillors had resigned from his party. Of course he does, because it gets Fine Gael out of a spot. People will not just move on and forget about this. Fine Gael has a responsibility to address this issue properly, but it has failed spectacularly to do so in the case of a number of other public representatives of theirs in recent times. Fine Gael continues to harbour people involved in wrongdoing who have faced few, if any, consequences.

Accountability matters because without it there can be no trust in public institutions or fair dealings in business or public life. Many people feel that to succeed they must play the game. A lack of accountability damages the reputation of the country and corrodes people’s self-confidence. It undermines the authority of our public institutions and tarnishes our image as a place in which to do business. Without accountability there is only impunity. If people are used to getting away with it, or suffering little or no consequences when they are found out, then why would they stop?

If there is any good news to come out of Monday’s “RTE Investigates” revelations, it is that surely the Government cannot ignore the problem any longer. We in the Social Democrats certainly do not intend to continue to ignore it, as other parties do. We are a new party, and one of our main aims is to clean up politics once and for all. This is why we propose an independent anti-corruption agency which would have all the powers necessary to examine, investigate, pursue and, most importantly, prosecute those involved in wrongdoing, whether in public life, politics, the public service or business. We need a single agency with a single focus and all the necessary powers. The power to prosecute is critical because, as I said earlier, we cannot have

accountability without consequences for those involved.

The proposal before us is detailed and if the Government is serious about tackling the corrosive problem of corruption in Irish public life, it should support the motion. The “RTE Investigates” programme has reminded us all, yet again, that we will never end corruption in Ireland unless we tackle it head on. The Social Democrats’ plan for an independent anti-corruption agency would do just this. I strongly urge the Government to consider supporting the motion and start the process of cleaning up Irish politics.

**Deputy Thomas Pringle:** I fully support the motion on behalf of the Technical Group and commend Deputies Murphy, Donnelly and Shortall on tabling it. It is very timely and should be given serious consideration and supported by all Members of the House. It was really brought home to us when we saw the “RTE Investigates” programme at 9.30 p.m. last night, which featured images which were shocking for many. While we have all heard stories about things that go on, and we may have received submissions, for me and many people in Donegal it was shocking to watch it taking place on camera. This brought home the message to people throughout the country that there are still practices going on which need to be weeded out and ended. A number of councillors in Donegal have called for Councillor John O’Donnell to resign from Donegal County Council and I support these calls. He should resign to reinstate the good name of the council. It is important that this happens.

I am Chairman of the Select Committee on Members’ Interests of Dáil Éireann. The committee was established under the Ethics in Public Office Act 1995 as part of the overall architecture of dealing with ethics in public office. Committee members have the role of investigating and examining how Members comply with the guidelines laid down in the Act. The committee’s main role is to produce the guidelines every year and advise Members on how to fill in their declaration of interest when they make their returns in January. The programme last night showed how some people still do not fully understand what is required of them in the declaration of interest.

I support the proposal to establish an independent agency to investigate allegations of corruption in public life. Moreover, I would like to see the Select Committee on Members’ Interests of Dáil Éireann and the Select Committee on Members’ Interests of Seanad Éireann being subsumed into the new body because both are totally ineffective. One of the number of problems with how the Select Committee on Members’ Interests of Dáil Éireann works is that its role is not clear in terms of what its members can and should be doing. Perhaps that is by design rather than by accident. There is a sense of ticking the boxes in terms of having the committees in place in accordance with the legislation. However, nothing is really being done to implement the spirit of that legislation. Another issue is that although the committee has the power to initiate investigations and does not rely on members of the public to that end, it is not clear how it can actually do so in practice and whether, for example, it has the ability to carry out preliminary investigations to see if there is enough evidence to proceed into full investigative mode. In addition, the standard of evidence required to sustain a complaint is very difficult to ascertain. The Standards in Public Office Act provides that Members may be found guilty of a “specified act”, which is extremely difficult to define. The only definition that has been put forward is that specified acts be defined according to monetary value. The guideline is that if the action in question does not have a value of more than €12,000, it is not a specified act. It is very difficult to define that.

The problem, in short, is that while we appear to have the architecture in place to investigate

corruption in public life, we do not have anything that can work effectively in practice. The Standards in Public Office Commission, for example, has been trying for ten years to have its powers and investigative role enhanced. Its pleas have fallen on deaf ears within successive Governments. The current Government set itself up as being determined to deal with these issues but, like its predecessors, it has not done so. The Select Committee on Members' Interests of Dáil Éireann and the Select Committee on Members' Interests of Seanad Éireann should be dissolved and subsumed into the anti-corruption agency proposed to be established in this motion. It would send a very important message if the Government were to support the motion tomorrow, 9 December, which is UN International Anti-Corruption Day.

**Deputy Finian McGrath:** I welcome the opportunity to contribute to this important debate on the urgent need for an independent agency to deal with corruption generally in Irish public life. I commend Deputies Catherine Murphy, Shortall and Donnelly on bringing forward the motion. They are seeking to make this a priority issue rather than sweeping it under the carpet - which has been too long the case - along with so many other issues affecting our society. Most of us in the current Dáil are old-fashioned public servants who came into politics to do the right thing and help people. We consider it a great honour to win an election. I spent ten years trying to get in here. Most of us, as councillors formerly and now as Deputies, entered politics to support the people of our constituency and our country.

This debate is particularly relevant as we approach the commemorations of the 1916 Rising. If we are serious about building a new Ireland, we must support these proposals to ensure that openness and accountability are practised, and not just spoken about, in public life. Ireland was once known as the island of saints and scholars but we all know what happened in recent years. We have seen corruption, bribery, banking scandals and greedy individuals riding roughshod over the lives of ordinary people. Those involved have let the people, the country and politics down. It really gets under my skin when some of these people, particularly those who are prominent members of political parties, are caught with their hand in the kitty, yet do not resign from public office but instead come out a week later and proclaim themselves to be independent. That damages the integrity of Independent Members and councillors. Even though these individuals are small in number, they have greatly damaged Irish public life. They must be rooted out of politics regardless of any party political concerns or where they come from. It is not acceptable in any form to condone corruption.

The excellent motion before us this evening recognises the reality that corruption of public and commercial life represents a great threat to the democratic functioning of the State. That is a key element of the motion. Rules regarding the links between business and politics and the whole issue of corporate governance must be clearly defined so that everybody understands them. We must acknowledge that the State has no effective means of preventing, investigating or prosecuting corruption or white-collar crime as the responsible agencies are too disconnected. There is a lack of powers and necessary resources. I am saddened by the failure of the Government to act effectively on the findings of the Tribunal to Inquire into Certain Planning Matters and Payments, known as the Mahon tribunal, and the Tribunal of Inquiry into Payments to Politicians and Related Matters, known as the Moriarty tribunal. We must act on the recommendations of those tribunals and we must do so without delay. There have been eight tribunals of inquiry in the past 20 years and where they have made findings of impropriety in public and commercial life, very few consequences have arisen. That has led to cynicism among the public. In my constituency, 35% of people surveyed said they are distrusting of all politicians and do not intend to vote in the next election. That is sad for the voters themselves and also for

Irish politics. The RTE programme last night has highlighted this issue once again. We must tackle it head on.

I strongly support the establishment of a permanent and independent anti-corruption agency to initially assume the functions of the Standards in Public Office Commission, the Office of the Director of Corporate Enforcement, the Register of Lobbying and the Competition Authority but without being confined to those functions. We must mandate the new agency to act as a standing commission of investigation which will have powers of compellability and testimony taking and be able to initiate court-authorized search and seizure operations, including access to bank records. Those are key elements of the motion. We also need to consolidate and reform legislation tackling corruption and white-collar crime. I emphasise the latter because we have a situation where people in the poorer sections of society look on in dismay as they are locked up for minor and petty criminal acts while those engaged in corporate crime walk away with millions or billions in their pockets. I am strongly supportive, too, of the provision in the Private Members' motion to create a new joint Oireachtas oversight committee.

This very effective motion is about dealing with corruption and restoring trust in Irish politics. Weaker and poorer sections of society must be represented in this House. For many years, they were excluded because the wealthy and powerful backed particular people. I urge the Government and all Members to support the motion when it is put to a vote tomorrow night. It strives to create a new brand of politics in this country.

**Deputy Maureen O'Sullivan:** This debate is very opportune in view of last night's RTE report and the discussion which followed it. There were three points that struck me having watched the programme and the debate. The first, obviously, was the extent of the corruption that was revealed. Second was the pathetic quality of the excuses we heard such as that the forms were too difficult to fill in properly. My own experience of the Standards in Public Office Commission is of its readiness to answer any questions and assist on any points on which one might have a difficulty. The third point that struck me was the use of a sting operation employing actors and cameras to discover cases of corruption. What this showed up is the need for proper and independent investigation where allegations of wrongdoing are made.

This motion is about what the programme highlighted, namely, the requirement for integrity and honesty in public life. I was a teacher for 30 years and I have always been proud to say so. I am not sure I can say the same about being a politician. It should be a badge of honour that one has been elected by one's constituents to Ireland's national Parliament. We have had many scandals and controversies which are undermining that, so public confidence is at a low. That accounts for the low turnout to vote in elections. We hear the mantra that we are all the same, there will not be any change and, as one radio caller said today, that politicians are on this gravy train. It is very unfortunate that this is the public perspective.

How has this been addressed in the past? We could look at the Mahon and Moriarty tribunals, for example. They cost a tremendous amount but what tangible result came from that, apart from lining the pockets of certain professions? In regard to Storm Desmond, while flood prevention measures have been put in place after other storms, much preventative work still needs to be done to address some of the difficulties that are now arising for people. With that storm and with what we are talking about tonight, so much is reactive instead of proactive. There is a need to address issues in a much more proactive way rather than waiting for controversies and difficulties to arise and then reacting to them.

Why are Governments not more proactive in eliminating corruption and cronyism? I looked at the Government's amendment and it condemns corruption, breaches of ethics and all other forms of white-collar crime. There is a list of Acts and the quote is that the Government is "committed to ensuring that the necessary measures are in place to effectively combat corruption" but if that were so, what was shown on last night's programme - I am not just talking about the three individuals but also about the other instances that were mentioned - would not be a reality. Legislation is not worth anything unless it is effective and it is clear the legislation to date is not effective. Therefore, why is the very valid, sensible suggestion regarding the need to establish a permanent, independent anti-corruption agency, with powers as set out in the Private Members' motion, not being considered?

There is one aspect of the motion with which I do not agree and that is to set up a new Oireachtas public interest committee. Politicians should not sit as judge and jury over fellow politicians. Any investigation must be independent and impartial. We have an unfortunate culture in Ireland of not taking responsibility for our actions. Responsibility means taking the difficult step of resigning from the position but we do not have that culture here. We also have the mentality of the loveable rogue but I see nothing loveable about somebody whose self-interest dominates everything he or she does. As Rousseau said, "[a]s soon as public service ceases to be the chief business of the citizens, and they would rather serve with their money than with their persons, the State is not far from its fall". We know progress has been made in eradicating complicity between commercial business interests and elected and unelected officials but we still have quite a way to go before that is completely eradicated. The suggestions in the Private Members' motion could contribute. We are a small country, so certain people move in the same social and sporting circles. That has contributed to the perception that it is about who one knows.

In 2014, Ireland ranked 17th in Transparency International's corruption perceptions index. Its definition of corruption was the abuse of public office for private gain. Private gain was not just confined to finances but also personal and partisan value for those involved. It was the tribunals of the late 20th and early 21st century that exposed the corruption in Irish public life. It was summed up in the phrase "shady dealings between businesses and political elites". The common denominators in the findings of the beef tribunal and the McCracken, Moriarty and Mahon tribunals were improper dealings, tax evasion, corrupt payments and donations and gifts to Irish political figures by businessmen and corporations to win influence. The RTE programme discovered the same, that is, donations, gifts and corrupt payments. What is in the Government amendment has not been a deterrent. Despite all the tribunal findings, very few politicians or businesspeople were criminally convicted or charged.

On the positive side, according to Transparency International, organised crime is relatively non-existent in Irish politics, which we will be glad to hear, and despite the degrees of corruption that have been found, we are one of the least corrupt countries in the world. Today is International Anti-Corruption Day. I was very struck this morning when I was at the launch of the ATD Fourth World handbook, entitled Making Human Rights Work for People Living in Extreme Poverty. Those in positions of trust, elected to high office or working in positions of influence should surely be the leaders when it comes to promoting and protecting human rights rather than abusing them. The actions of that so-called elite in politics, business and corporations are responsible for the extreme poverty of so many others. As we are such a voice in the UN on human rights, we must start looking at human rights in this country and looking at ourselves is probably the first step in that.

**Acting Chairman (Deputy Bernard J. Durkan):** I call the Minister of State, Deputy Tom Hayes, who I understand is sharing time with Deputies Jim Daly and Michelle Mulherin. They have 30 minutes between them.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Tom Hayes):** I move amendment No. 1:

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

“condemns all instances of corruption, anti-competitive behaviour, breaches of ethics legislation, breaches of the Companies Acts, and all other forms of white-collar crime;

recognises the need for a robust system of public standards legislation and enforcement to prevent wrongdoing on the part of elected and public officials;

notes:

— the significant programme of reforms introduced by the Government to protect whistleblowers, reform lobbying and increase transparency and oversight, which includes the Ombudsman (Amendment) Act 2012, the Protected Disclosures Act 2014, the Regulation of Lobbying Act 2015, and the Freedom of Information Act 2014;

— the major overhaul and reform of companies legislation introduced by the Companies Act 2014;

— and approves of the reform of competition and consumer protection regulation by the amalgamation of the Competition Authority and the National Consumer Agency into the Competition and Consumer Protection Commission;

— the significant improvement to legislation enabling investigation and prosecution of white-collar crime occasioned by the Criminal Justice Act 2011;

— the further legislative improvements in regard to the prevention and prosecution of unethical and corrupt behaviour, including measures recommended by the Tribunal of Inquiry into Certain Planning Matters and Payments (Mahon Tribunal), including those to be introduced by the forthcoming Public Sector Standards Bill and the Criminal Justice (Corruption) Bill; and

— the reform of planning legislation undertaken by the Government to implement the recommendations of the Tribunal of Inquiry into Certain Planning Matters and Payments (Mahon Tribunal) including the forthcoming Planning and Development (Amendment) (No. 2) Bill 2015 which is to be published shortly;

recognises and strongly supports:

— the work of the Garda Síochána and the Criminal Assets Bureau in tackling and investigating white-collar crime; and

— the work of the Office of the Director of Corporate Enforcement;

acknowledges the close cooperation between the Garda Síochána and the Office

of the Director of Corporate Enforcement and the significant success in terms of recent convictions for white-collar offences;

recognises and strongly supports the work of a range of other specialised bodies who are charged with the investigation of elected and public officials and commercial activities including the Standards in Public Office Commission, the Competition and Consumer Protection Commission, and the Garda Síochána Ombudsman Commission; acknowledges the vital independence of the Office of the Director of Public Prosecutions in bringing prosecutions for complex white-collar offences;

recognises that the Government is strongly committed to ensuring that the necessary measures are in place to effectively combat corruption and recognises the significant investment in Garda resources through investment in information communications technology, vehicles, buildings and most importantly through renewed recruitment which will see 600 new trainee Gardaí enter the Garda College in 2016;

further notes:

— that Ireland is a party to a number of inter-governmental conventions which set international standards in the fight against bribery and corruption;

— that Ireland is subject to ongoing external evaluation of the effectiveness of its anticorruption measures under a number of international evaluation mechanisms including the Council of Europe's Group of States Against Corruption (GRECO), the Organisation for Economic Co-operation and Development (OECD) Working Group on Bribery in International Business Transactions, the Implementation Review Group of the United Nations Convention against Corruption and the European Union Anti-Corruption Report;

— the significant work done and currently being undertaken by various Commissions of Investigation; and

— the engagement by the Taoiseach with opposition leaders to seek a consensus on how best to address certain challenges that have arisen in relation to a Commission of Investigation; and

supports the Government's programme of legislation and reform to improve standards in public office and the private corporate sector, tackle corruption, anti-competitive behaviour and all forms of white-collar crime."

There is not a state in the world, not even the most open democracy, that has succeeded in fully eliminating the greed, self-service and corruption of those few who abuse political office for their own gratification or enrichment. Last night's "RTE Investigates" programme highlighted how the greed and self-service of a few in public office persists in our democracy. I stress that it is only a few. The vast majority of our elected representatives, whether in this building or in council chambers nationwide, are in it for the right reasons. Their service to their communities, to the State and to the public good must not be allowed to be tarnished by the carry-on of the few. This carry-on is absolutely unacceptable. It is disgusting and it will not be tolerated.

Let us not forget that corruption is not a victimless crime. Families whose homes are flooded

because a corrupt vote resulted in housing being built on a rezoned floodplain are victims. Residents of areas left years without basic community facilities because a planned town centre was shelved in favour of a privately-developed shopping centre are victims. The question before this House is about how we prevent such future victimisation and how we tackle corruption.

This Government recognises the need for robust systems of regulation, for effective enforcement of such systems and for effective sanctions when people transgress. Since taking office in 2011, the scale and pace of reform in terms of overhauling the regulation of the financial services sector, the corporate sector and the public sector have been far beyond the efforts of any previous Government. We have seen the enactment of the Central Bank (Supervision and Enforcement) Act 2013; the Companies Act 2014; the Electoral (Amendment) (Political Funding) Act 2012; the Ombudsman (Amendment) Act 2012; the Protected Disclosures Act 2014; the Regulation of Lobbying Act 2015; and the Freedom of Information Act 2014, to mention some of the key Acts. In the area of criminal law, the Criminal Justice Act 2011 has provided the Garda Síochána with innovative tools for the investigation of white-collar crime. While much has been done, I would like to point to three Bills due for publication shortly, which will implement various recommendations of the Mahon tribunal and from the Standards in Public Office Commission, namely, the public sector standards Bill, the planning and development (amendment) (No. 2) Bill 2015 and the criminal justice (corruption) Bill.

I will say more on each of these Bills in turn but first I would like to touch on some of the issues raised in last night's "RTE Investigates" programme.

*9 o'clock*

The Garda Síochána is examining the programme to see if any action is required on its part. One of the key issues addressed in last night's programme was that of preplanning application consultations. Section 247 of the Planning and Development Act 2000 sets out comprehensive procedures for such consultations, which the Act specifically states should not in any way prejudice the final decision of the planning authority and require that records must be kept. Furthermore, it is already a criminal offence for a member or an official of a planning authority to take or seek any favour, benefit or payment, direct or indirect, in connection with any such consultation.

Following Government consideration of the final Mahon tribunal report, the Minister for the Environment, Community and Local Government published a general scheme of a Bill on 12 January 2015 to provide for the establishment of the office of the planning regulator, OPR. Establishment of the OPR will ensure that there is full public scrutiny and democratic accountability over the significant power to overturn the decisions of local authorities as regards the forward planning and zoning of their areas. It will also ensure that zoning decisions will continue to be scrutinised but in a new and independent manner, separate from the Minister's Department, where that function currently resides. The proposed detailed Bill to underpin the establishment of the new independent office of the planning regulator is intended to be submitted to Government next week for approval of publication.

Turning to the new ethics framework, the proposed public sector standards Bill is a commitment in the Statement of Government Priorities 2014-2016 and is required to give effect to the recommendations of the Mahon and Moriarty tribunal reports relating to regulation of conflicts of interest. Conflicts of interest are currently regulated at national level by the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001, and at local level by

the Local Government Act 2001. The effectiveness of the current system in identifying and addressing potential conflicts of interest raises concerns, such as were raised by the RTE investigation programme. The proposals in the general scheme of the Public Sector Standards Bill are for a comprehensive and far-reaching reform, consolidation and modernisation of the current ethics framework, streamlining provisions at local and national level and ensuring greater consistency in ethics legislation across the public sector.

The proposed Bill provides for the following reforms: the Standards in Public Office Commission to be replaced by a single, dedicated public sector standards commissioner and deputy commissioner, with increased powers, who will implement improved complaints and investigations procedures; the commissioner will have stronger powers of sanction and enforcement in a range of contraventions as well as a broader role in the provision of advice and guidance; all public officials will have to disclose as a matter of routine actual and potential conflicts of interest that arise in the context of the performance of their duties; there will be significant extension of the personal and material scope of disclosures for public officials in line with the Mahon tribunal report recommendations, with common definitions applying at both national and local levels; a graduated approach will apply, with the declarations of interests of politicians and senior officials being made to the commissioner and published; statutory prohibitions will apply on the use of insider information, on the seeking by public officials of benefits, including gifts and favours, to further their private interests, and on local elected representatives from dealing professionally with land in certain circumstances; and standards of integrity will apply to all public officials which will be used to provide a framework for codes of standards and behaviour of public officials.

The proposed corruption Bill will clarify and strengthen the law criminalising corruption and replace the seven overlapping Prevention of Corruption Acts dating back to 1889. Penalties of up to ten years imprisonment and unlimited fines are envisaged for persons convicted on indictment. In addition, the courts are to be given new powers to remove certain public officials from office.

The recommendations of the Mahon tribunal report have been taken into account in provisions to be contained in the Bill, including a new offence of making payments knowingly or recklessly to a third party who intends to use them as bribes; and a new offence for public officials who use confidential information to corruptly obtain an advantage. It is intended to enhance the ability of the Director of Public Prosecutions to bring prosecutions by providing for the presumption of corruption where a person with an interest in the functions being discharged by a public official makes a payment to the official or a close relative, for example, where an applicant for planning permission makes a payment to a planning official; a public official fails to declare interests as required by ethics legislation; and a public official accepts a gift in breach of ethics codes. Suspected bribes can be seized and forfeited under current legislation. These provisions will be strengthened by allowing courts to order the forfeiture of assets equal to the value of any bribe given or received.

The proposed Bill will give better effect to our international obligations under the UN Convention against Corruption, the Council of Europe Criminal Law Convention on Corruption and the OECD Convention Combating Bribery of Foreign Public Officials in International Business Transactions. It also contains an innovative provision outlawing intimidation with the intention of influencing a person to do an act in relation to his or her job or office. The Bill will be published shortly.

In their motion, Deputies Catherine Murphy, Donnelly and Shortall propose the establishment of an anti-corruption agency. It would also be granted wide powers, including those of investigation, compulsion of testimony and prosecution. I appreciate that the Deputies are motivated by a concern to enhance the way in which a broad range of wrongdoing is addressed but in proposing the merger of such a broad range of regulatory and enforcement bodies I believe they are overlooking the complexity of what is involved. In particular, it is not clear how the amalgamation of a wide range of agencies with widely varying functions would, of itself, enhance the capacity of the State to fight corruption.

Let us look, for example, at the areas of competition and corporate enforcement.

The Competition Authority no longer exists by that name. The main mission of the Competition and Consumer Protection Commission is to make markets work for both consumers and businesses. This entails a wide range of functions from advocacy and information functions to enforcement and investigations to merger determinations. The majority of these do not fall within the realm of corruption, and I am advised that the proposal to include the Competition and Consumer Protection Commission in a broad anti-corruption agency would not be appropriate and could be detrimental to consumers' interests.

There is inter agency co-ordination in appropriate areas, and on appropriate tasks. The Garda Bureau of Fraud Investigation works closely with other bodies with relevant enforcement functions, including the Office of the Director of Corporate Enforcement, ODCE, the Central Bank, the Revenue Commissioners, and the Competition and Consumer Protection Commission. A detective sergeant is seconded to the Competition and Consumer Protection Commission, and a detective inspector, two detective sergeants, two detective gardaí and a garda are seconded to the ODCE. The success of this co-operation is evident in recent convictions for breaches of the Companies Acts. In his letter of 4 December to Opposition leaders, the Taoiseach noted that he had asked his officials to assess how the regulatory, investigatory and enforcement framework can be improved.

Deputies have referred to the challenges arising regarding the Cregan commission of investigation. The interim report and the issues it raises have been subjected to detailed consideration by officials in the Attorney General's office. There also have been consultations with the commission to explore possible solutions to the issues raised. Following consideration by the Government last week, the Taoiseach wrote to the Opposition parties on 4 December setting out possible options for proceeding with the work, while also identifying some legal and financial risks that need to be considered. The Government has made clear its wish to ensure an effective and timely investigation of these matters of public concern, and believes it would be beneficial to secure the greatest possible degree of consensus across the Oireachtas on the optimum approach. The Taoiseach, therefore, intends to meet with the leaders of the Opposition this week to explore these options in greater depth.

I share the concerns expressed by Deputies regarding what we saw on "RTE Investigates" last night. There should be no place in Irish politics at local or national level for anyone who seeks to turn what is, for most of us, an opportunity to serve the public interest into a venal, self-serving, money-grabbing, corrupt practice. The Government has done much to reform the legislative and regulatory landscape. There is more to be done, and the coming weeks will see publication of further key reforms in the area of planning, public standards and corruption law. We will continue to work to ensure that we have better laws, better enforcement and a renewed culture of propriety that will leave no hiding place for those who would betray the public trust.

It is in all our interests, on every side of the House, to ensure the public has confidence in what we are doing.

**Deputy Jim Daly:** I welcome the opportunity to speak on the motion. I have been a practicing politician since 2004, approximately 11 years, seven of which I spent in local government and the remainder here in Dáil Éireann. One of the starkest differences I noticed when I moved from local to national Government is how the agenda is set. It often disappoints me. Local government genuinely reflects the wishes and issues of the people on the ground, and the motions that are put down in county halls for the meetings every Monday come from the grassroots and are led by the people. It is real democracy in motion. However, since coming to the Dáil, I border on resenting the way the media continuously sets the agenda. I find it very difficult to understand. If anything is eroding our reputation, democracy and how the House works, it is the reactive pandering to the agenda set by the media. “Morning Ireland” has admitted it is “setting the agenda” for the day, and the House goes off on a tangent following whatever the media is talking about.

When I saw the motion, the first thing that struck me was that it was very curious timing, the day after the programme on RTE. The programme, which I did not see, was the most hyped, sensationalised and advertised programme. I have not seen RTE promote anything with the gusto with which it promoted the programme last week, and here we are in the House reacting to the agenda led by the editors in Montrose. Maybe we should hand over the Order of Business to the editors in Montrose and let them dictate the pace and what we discuss here.

**Deputy Catherine Murphy:** We did not even know the programme would be on when we tabled the motion.

**Deputy Jim Daly:** That is fine. The Deputy must have been living under a cloud, given that it was the most hyped, sensationalised and advertised programme. I wish we politicians would set the agenda ourselves. Politics should be about leadership, and if we are to be real representatives of the people and show the courage and conviction required of this leadership, we should set our own agenda, not react to the media. I have no difficulty with the motion and I welcome the opportunity to debate ethics, how we all perform and standards in public office and public life. While I would welcome the focus on it any day of the week, I have an issue with the media. The motion, while essentially good, is a knee-jerk reaction to the events of the past 24 hours.

**Deputy Róisín Shortall:** We submitted the motion last Friday morning.

**Deputy Jim Daly:** I did not see the programme, and context is required. I have heard most of the references during the debate to the “RTE Investigates” programme. RTE trawled through details on every single politician, councillor, Deputy and Senator, and came up with a couple of bad apples. Given that everybody is presumed innocent, I will not take anybody’s character in this forum. I am very proud to be part of this profession. If we, as practicing politicians, do not have the courage of our own convictions, to stand up for ourselves and our own integrity, rather than pandering to a media-led race to the bottom, God help us all. Balance must be brought in while we are debating the matter. Care and caution are required in the media’s portrayal of politicians, and it has a responsibility not just to publish cheap sensationalist headlines, of which many have been put about. This must be challenged, and we are the only people who can stand up for ourselves. It is eroding the political system. The less respect people have for the political system, the less they will engage and interact with the system. This is the most significant threat to our democracy, which we all have a responsibility to protect. An anti-corruption agency is

not necessary as it would duplicate the work of a number of existing agencies and bodies such as the Garda Síochána, the Standards in Public Office Commission, the Office of the Director of Corporate Enforcement, the register of lobbyists, the Competition Authority and the Garda Bureau of Fraud Investigation.

If I were to look at this proposal in a helpful way, I would agree that there is room for some of the powers of some of the bodies I have mentioned to be strengthened. I do not believe, however, that the creation of another organisation - I hesitate to use the word “quango” - to do this work would solve any issue or be any more helpful. I would certainly support a strengthening of some of the roles and responsibilities of existing agencies. I would love to see the Standards in Public Office Commission, for example, being more proactive as that would help the political system. Although we self-declare our interests, or do not declare them in some cases, the checks and balances that are in place are insufficient. To be fair to RTE, it was very proactive in trawling through these documents and doing background checks. Perhaps we need a more proactive approach. I believe the existing bodies could do more of that. I suppose that is basically my contribution.

**Acting Chairman (Deputy Bernard J. Durkan):** There are four minutes left in the slot, so the Deputy can continue if he wishes.

**Deputy Jim Daly:** I am all out of ideas.

**Acting Chairman (Deputy Bernard J. Durkan):** I will go to the next speaker.

**Deputy Niall Collins:** Fianna Fáil is pleased to support the broad thrust of this motion, which involves the establishment of an anti-corruption agency, and to condemn without reservation or qualification corruption in all its forms. The Fianna Fáil Party has accepted the resignation of Councillor Joe Queenan on foot of last night’s “RTE Investigates” programme which looked at standards in public office. Some of the behaviour displayed in last night’s programme was shocking and completely unacceptable. The instances in which the law appeared to be clearly breached need to be fully investigated by the Garda. Prosecutions should be brought where appropriate. Separately, Fianna Fáil will immediately commence an internal inquiry under the auspices of its national executive, or ard-chomhairle, to establish the full facts in respect of each allegation that was made against a current member of the party and to determine what appropriate action should be taken. Fianna Fáil expects the highest standards from its public representatives. There is no tolerance within the party for any breach of such standards.

In that context, I will set out its track record in tackling corruption. Since 1997, Fianna Fáil has introduced a comprehensive series of measures to ensure the highest ethical standards are maintained in public office. Planning laws have been strengthened and reformed to reduce the potential for corruption in future. In opposition, we have strongly maintained our commitment to open and transparent politics, for example, when we published legislation on lobbying and political donations.

I will give an overview of some of the legislation that was enacted when Fianna Fáil was in government. The Standards in Public Office Act 2001 created the Standards in Public Office Commission, which supervises the disclosure of interests and tax compliance by public representatives. The commission was designed to ensure greater transparency in politics and the maintenance of the highest ethical standards in financial affairs by public representatives. The 2001 Act compels all officeholders to provide this information. Fianna Fáil introduced the

Prevention of Corruption (Amendment) Act 2001 which implemented the highest international OECD and EU standards in relation to anti-corruption laws, comprehensively set out definitions of corruption and those agents involved and established strong and clear punishments for those found guilty of corruption. The code of practice for employees of local authorities, which was introduced in 2001, covers a raft of areas to ensure local authority staff maintain their impeccable reputation in their execution of their official duties and avoid any conflict of interest. The Local Government Act 2001, which was a fundamental innovation in the sphere of local government, sets out the requirement for councillors to publicly declare their interest in any matters before the council. It obliges local authorities to hold a public register of an annual declaration of interests by councillors.

The Civil Service code of standards and behaviour, which was introduced in 2004, sets out the requirements to which civil servants must fully adhere. As a supplement to the ethics Act, the code underpins the high standards the Civil Service has consistently lived up to since the foundation of the State. The Local Elections (Disclosure of Donations and Expenditure) Act 1999, which ensures donations to the campaigns of local election candidates are made publicly available, has created a more transparent system of electioneering and ensured all democratic elections are subjected to strong oversight in terms of who funds them. In 2009, the changes in the limits that apply to local election candidate expenditure placed spending restraints on local election candidates to reduce the role of money in such elections and restore public trust in the democratic process.

The Mahon tribunal recognised that the planning framework has been fundamentally changed in recent years. A hierarchical framework of plans has been created to ensure there is a sustainable development process. Furthermore, checks and balances have been placed on elected members of local authorities to reduce the scope for future corruption and unsound planning decisions. The Planning and Development Act 2000 consolidated and updated previous planning law along the principles of sustainable development. It strengthened the overall planning framework and set down the basis for proper planning into the future. The national spatial strategy and the regional and county development plans are all integral parts of the 2000 Act which created a hierarchical framework of plans that constrains the potential for corruption in local areas. Environmental impact statements were also provided for in the Act to ensure strong environmental standards are fully maintained in the planning process. The Planning and Development (Strategic Infrastructure) Act 2006 provides for the making to An Bord Pleanála of applications for planning permission in respect of certain proposed developments that are of strategic importance to the State. It also made certain other amendments to the Planning and Development Acts 2000 to 2004 to ensure strategic issues are rapidly dealt with outside the local authority structure.

After Fianna Fáil went into opposition, it introduced the Electoral (Amendment) (Political Donations) Bill 2011, which proposed to implement key recommendations of the Moriarty tribunal, cut donation limits and introduce an effective ban on corporate donations. The most significant part of the Bill proposed a restriction on corporate donations to parties and politicians which would amount to an effective ban. Specifically, all corporate donations of more than €100 would have had to have been declared within 14 days, authorised by a general meeting and registered with the Standards in Public Offices Commission. In addition, all companies, directors and significant shareholders would have had to have declared current or potential public contracts at the time of making any donation. We proposed such an approach on foot of legal advice that a complete ban would most likely be unconstitutional. Fianna Fáil would be happy

to propose a constitutional amendment to go further on this issue. Other changes proposed in the Electoral (Amendment) (Political Donations) Bill 2011 included a reduction, from €6,348 to €2,500, in the allowable individual donations to political parties, with the level at which these must be publicly declared to fall from €5,078 to €1,000. The Bill would also have required the publication of donation statements within 25 days of polling. This requirement is currently set at 58 days for unsuccessful candidates and 31 March of the following year for successful candidates. The Bill would also have provided for the Standards in Public Office Commission to audit the accounts of political parties each year, with income and expenditure accounts, balance sheets and donations statements to be published. It would also have extended the supervision of the commission to further independent expenditure in referendums and would have implemented the recommendations of Mr. Justice Moriarty on extending provisions to independent or non-party candidates.

In Opposition, Fianna Fáil published a Register of Lobbyists Bill in my name, in January 2012, which set out a new regulatory regime to bring openness and transparency to the lobbying industry in Ireland. The regulation of lobbying is an integral part of our vision for fundamental political reform. Such reform must seek to restore public trust and confidence in the democratic process and ensure a level playing field for all citizens in influencing policy. The following OECD endorsed principles underpinned our legislation: that free and open access for all stakeholders to Government is an integral part of the democratic process; that lobbying public office holders is a legitimate activity; that there should be a strong level of transparency on what organisations and individuals are involved in attempting to influence public policy; and that a system for the registration of paid lobbyists should not impede free and open access to Government. Creating a clear regulatory framework that instils and upholds a culture of integrity and openness is essential to revamping the Irish political system.

We argue that our lobbying reforms directly complement our political donations Bill in creating a more open, fair way of doing politics. Specifically, our Bill set out the following measures: a comprehensive working definition of the term “lobbyist” that reflects the Irish political context; the establishment of a mandatory, publicly available lobbyist register; a register of returns that makes publicly available who is being lobbied and by whom; an OECD principle-based code of conduct by the Standards in Public Office Commission to help foster a culture of integrity; comprehensive implementation and sanction powers to create and enforce a culture of compliance; and a section of the Standards in Public Office Commission committed solely to the oversight of lobbying, avoiding the need for a new quango. We also called on the Government to co-ordinate with the EU on a mandatory EU lobbyist register to ensure that Brussels-based legislation across the Commission and Parliament is subject to fair and open democratic standards of accountability.

The Mahon tribunal set out a comprehensive series of measures to address the grave problems uncovered in its findings. We are calling on the Government to implement as many of the recommendations as soon as possible. However, to date it has failed to implement a number of them, such as the establishment of a planning regulator; that a breach of ethics should be a criminal offence; an increased role for the Standards in Public Office Commission; that public officials should be restricted from land dealings for a period of two years after leaving office; that all political parties should disclose full audited accounts; that a new definition should be established for political donations; and that donations should be strictly limited.

The disclosure requirements for public officials should be expanded to include conflicts of interest, non-material interests, electoral donations and interests enjoyed by a public official as

part of a class of persons. Public officials should also be required to make a periodic disclosure of interests within 30 days of entering public office and to update their disclosures within 30 days of any significant change in their interests.

Fianna Fáil also has a proposal for the establishment of a new electoral commission. We believe that Ireland should have an electoral process with integrity and needs a new electoral commission with a wide remit, strong enforcement powers and sufficient resources. The current system for the administration of elections is totally inadequate. It is of the utmost importance that a new body is established to clean up the archaic electoral register. We have seen continual decline in turnout across elections in this country, yet the Department has said that it does not have the responsibility to address this, nor are there any measures to improve voter turnout. This is a complete dereliction of duty by the Minister and his Department in their responsibility for electoral administration.

A new independent electoral commission is required to take responsibility for the administration of elections and to amalgamate responsibilities for the management of our electoral process which is currently dispersed across several bodies, including the Department of the Environment, Community and Local Government, the 31 local authorities and a host of different agencies including SIPO, the Registrar of Political Parties, the Constituency Commission, the Referendum Commission and the Broadcasting Authority of Ireland. The franchise section of the Department of the Environment, Community and Local Government has shown itself completely unwilling to address failures in electoral administration and elections in Ireland.

What should be the role of an independent electoral commission? For Ireland to have an electoral process with integrity, it needs an electoral commission with a wide remit. Renaming SIPO and adding a few additional functions such as party registration, constituency boundary design and oversight of referendums are not sufficient. It should take over the election oversight role of the franchise section of the Department of the Environment, Community and Local Government in managing candidate nominations, appointing returning officers, liaising with the local authorities in setting up polling stations and ensuring a smooth count process. It should be the job of the commission to oversee these roles, working in conjunction with the local authorities, and it is of the utmost importance that a new electoral commission take the lead role in cleaning up and modernising our vote processes and in encouraging turnout at elections. The new electoral commission should have the power to proactively call political organisations to account in relation to debates and it must be given sufficient regulatory powers and complete independence from ministerial influence.

Fianna Fáil is happy to support the broad thrust of the Bill and I am happy to have put on the record of the House the progressive actions taken by Fianna Fáil, both in the last period in Government and in Opposition, to promote integrity, honesty and transparency around the area of ethics in politics.

**Deputy Brian Stanley:** I welcome the opportunity to speak on this motion which is very timely, given what we saw last night on RTE in the willingness of a small number of public representatives to effectively prostitute themselves to random developers to gain a few pounds sterling, which seems to be their currency of choice.

The motion states that the Government has failed to act on all the recommendations of the Mahon tribunal. This means we do not have greater protection against corruption on the part of elected representatives of the type that led to the Mahon and Flood tribunals being established

in the first place. It would appear there are still a small number of chancers willing to take advantage of their position of trust.

One of the key recommendations of the Mahon report was the establishment of the office of an independent planning regulator and that has simply not been done. The published heads of a Bill containing provisions for a planning regulator do not fulfil the recommendation that the office be truly independent. It is doubtful whether the Bill will even come before the House prior to the election. That is why I published a Bill during the summer which specifically undertakes to establish an independent planning regulator and I will be moving that Bill in the next few days. The Taoiseach said he would take on board what we said and I hope he does. The difference between what the Government is proposing and what we are proposing is that the planning regulator would be appointed by the Public Appointments Service and not by the Minister. It would have the powers to investigate and give directions to local and regional authorities and it would enable actions to be brought to recover and enforce costs and any charge, as well as the power to bring prosecutions. I brought forward other provisions some seven or eight months ago but these are three key provisions in my Bill.

A regulator such as I propose is required to ensure we no longer have the secrecy that surrounds planning in this State. That is not to suggest that most planning decisions or zonings are suspect or involve corruption. However, we do not have the necessary transparency or the ability to investigate contentious decisions which leave matters in doubt. That doubt will always remain. This particularly applies to situations such as the Corrib gas pipeline in Mayo and the proposed industrial wind turbines in the midlands, about which there is a huge level of public distrust. In the case of the wind farm in Cullenagh, County Laois, for example, the An Bord Pleanála inspector recommended against it but the members of An Bord Pleanála ignored the inspector's findings. That is the reason Sinn Féin published legislation on wind farms which would not allow local development plans to be superseded by so-called critical infrastructure legislation.

We must restore local democracy, although what we saw on the television last night does not help in that. However, we must overcome that and ensure that the people elected at local level are accountable and that their decisions carry weight. The Minister, Deputy Kelly, will also be aware of the serious allegations regarding planning decisions in several counties. Some of them concern Wicklow County Council and claims regarding rezoning. This has led to claims that files were removed from the Minister's office. I am aware that an investigation of all of this was carried out and we have been promised a report on it on a number of occasions. Perhaps the Minister will take the opportunity tomorrow night to inform us about the progress of that inquiry. There are also inquiries under way into planning in Dublin, Cork, Carlow, Galway and Donegal. Again, we have been assured at various stages that reports on these will be brought forward. Given the fact that the House is likely to sit for only a short number of weeks after Christmas before the election, I call on the Minister and the Government to bring forward any reports they have and to expedite the reports from those inquiries so we can examine their contents.

Sinn Féin commends the Deputies on tabling this important motion. It is important to state that the vast majority of public representatives at local and national level are not corrupt. There are a few people who will engage in corrupt practices, as we have seen. We have also seen the best public service being given by local authority members. Unfortunately, the actions of a few cast a shadow over that. Hopefully, we can stamp it out and this motion certainly puts forward concrete proposals for doing that.

Debate adjourned.

The Dáil adjourned at 9.45 p.m. until 9.30 a.m. on Wednesday, 9 December 2015.