



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	2
Priority Questions	2
Health Services Reform	2
Ambulance Service Provision	5
Hospital Equipment	8
Congregated Settings Report	10
Medicinal Products Availability	12
Other Questions	14
Vaccination Programme	14
Disability Services Funding	16
Accident and Emergency Departments	18
Vaccination Programme	21
Mental Health Services Provision	23
Topical Issue Matters	25
Leaders' Questions	25
Ceisteanna - Questions (Resumed)	32
Taoiseach's Meetings and Engagements	32
School Enrolments	42
Order of Business	45
Topical Issue Debate	52
Employment Rights	52
Foster Care	56
Establishment of a Statutory Commission of Investigation into a Foster Home in the South East: Statements	58
1916 Quarter Area Development: Motion [Private Members]	74

DÁIL ÉIREANN

Dé Máirt, 2 Feabhra 2016

Tuesday, 2 February 2016

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

Paidir.

Prayer.

Ceisteanna - Questions

Priority Questions

Health Services Reform

57. **Deputy Billy Kelleher** asked the Minister for Health why the undertakings on universal health insurance and the introduction of free general practitioner care for the whole population, the two key health commitments in the 2011 programme for Government, were not honoured; and if he will make a statement on the matter. [4093/16]

Deputy Billy Kelleher: If the Taoiseach comes to the Dáil, I will be happy to give way to him at any stage during my question. I want to ask the Minister for Health why the undertakings on universal health insurance and the introduction of the free GP scheme for the whole population, which were the two central planks of the Government's policy in 2011, have not been fulfilled. The Minister has abandoned universal health insurance and it now appears he has abandoned the roll-out of free GP care to the whole population. Will he explain why those two key policies were not implemented?

Minister for Health (Deputy Leo Varadkar): The Government has embarked on a multi-annual programme of health reform, the aim of which is to deliver universal health care, as defined by the World Health Organization, where everyone can access the health services they need, which are of sufficient quality to be effective, while ensuring that the use of these services does not expose them to financial hardship.

In April 2014, the White Paper on Universal Health Insurance, UHI, was published. Following its publication, the Department of Health initiated a major costing project, involving the Economic and Social Research Institute, ESRI, the Health Insurance Authority and others to

2 February 2016

examine the cost implications of a change to the particular UHI model proposed in the White Paper. The reports detailing the estimated cost of this UHI model were published on 18 November 2015. Having considered the findings, I concluded that the high costs associated with the White Paper model of UHI are not affordable and that further research and cost modelling on the best means to achieve universal health care was needed.

The next phase of research will include deeper analysis of the key issue of unmet need and a more detailed comparative analysis of the relative costs and benefits of alternative funding models. This work will be carried out under the auspices of the joint Department of Health-ESRI three-year research programme on health reform. Both the research undertaken to date and that planned in the next phase of the costing exercise will assist the next Government in its decisions on the best long-term approach to achieving the shared goal of universal health care. I should add that when I assumed the office of Minister for Health, I concluded that while progress had been and was being made on health reform, the original timeline for implementation of universal health insurance, UHI, was too ambitious. I also emphasised my commitment to progressing health reform and my determination to push ahead with four key building blocks, namely, the Healthy Ireland strategy and the public health agenda; building sufficient capacity to satisfy unmet demand; the expansion and development of primary and social care; and reforming structures, information and communications technology and financial systems with key initiatives, such as the phased extension of GP care without fees, the establishment of hospital groups and community health organisations, the implementation of activity-based funding and the improved management of chronic diseases. These all are major milestones on the road to universal health care and have the potential to drive performance improvement and deliver significant benefits in terms of timely access to high-quality care.

Additional information not given on the floor of the House

Already GP care without fees has been successfully introduced for children under the age of six years and all people aged 70 years and over. This has resulted in approximately 800,000 people now being eligible for GP care without fees and without being obliged to undergo a means test. The under-sixes service includes age-based preventive checks focused on health and well-being and the prevention of disease including asthma and diabetes. In budget 2016, the Government made financial provision for the extension of GP care without fees to all children aged six to 11 years. It is envisaged this third phase will bring the total number of those eligible for universal GP care without the obligation to be assessed by a means test to approximately 1.2 million people. The progress made in recent years in introducing universal health care, together with the improvement in public finances, provides a very good basis upon which to plan the next phase of improvement in our health services.

Deputy Billy Kelleher: A cursory glance at the programme for Government and an analysis of it with the benefit of five years of hindsight shows it is a catalogue of failure. The two central tenets of health care delivery in Ireland were to be universal health insurance and free GP care for everybody. There has been an abandonment of the universal health insurance model as was outlined. It appears to have been parked, even though there is a pretence it is not off the agenda. However, the bottom line is the Government has failed to implement any part of universal health insurance. If one moves on to universal GP access, the Minister announced last night he also was delaying or potentially abandoning it because of the lack of capacity in the GP services. In this Dáil Chamber, Fianna Fáil Members repeatedly and consistently raised the need to enhance the capacity of GP services before any roll-out of universality and were consistently ridiculed as being opposed to it. However, they were not opposing but were merely

highlighting the inadequacies of preparation in bringing about universal access to GP services. Such services are not akin to buses in Calcutta, in that one cannot just keep putting things in and expect it to keep filling, as at some stage, something will give. The reason so many people are on hospital trolleys across Ireland, day in day out, is because GP services cannot cope.

Deputy Leo Varadkar: I do not accept the analysis that people are on hospital trolleys because GP services cannot cope.

Deputy Billy Kelleher: It is a fact.

Deputy Leo Varadkar: That may be true for a small number of patients on trolleys but generally speaking, it is the case that if somebody is on a trolley waiting for a hospital bed, that person is there because he or she has been seen by a doctor, or perhaps by two or three doctors, and those doctors have determined the person requires admission to a hospital. Consequently, the idea there is somehow a direct correlation between GP services and patients on trolleys is incorrect.

I appreciate the Government's term of office is almost at an end and the Dáil will be dissolved this week. The Deputy's question has two parts and the programme of Government will cease to exist as a live document this week. As for proposals being put forward by different parties for the general election, different parties of course will put forward different proposals. The proposal of my party is to extend GP care without fees to everyone under 18, as well as to provide for chronic disease management care for adults with common chronic diseases such as diabetes, asthma, chronic obstructive pulmonary disease, COPD, heart failure and other things like that.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Leo Varadkar: I believe that is all achievable and affordable in the lifetime of the next Government.

Deputy Billy Kelleher: Everybody accepts that primary care is the way to address the challenges being faced in the delivery of health care. The Minister himself has consistently stated that if it is possible to increase the capacity of the primary care system or to enhance the ability to deal with chronic disease and chronic illness, it will have an impact on overcrowding in the emergency departments. The point I make is that while there is overcrowding at present in GP practices nationwide, they are incapable of dealing with complex issues. They are under huge time pressure and if one contemplates ensuring that people are dealt with in the area of least complexity, that is, in the GP services or at home, one must increase primary care capacity. However, the Government has singularly failed to do this. All the Government has consistently stated was it intended to roll out universal GP access to everybody. This has not happened and in the meantime, there has been an undermining of the capacity of GP services nationwide to deliver health care in the primary care setting.

All in all, as this Dáil comes to an end, the Minister must accept the Government's health policy has been a disaster from start to finish. Every benchmark or index on which the Government wishes to adjudicate its success or failure shows it has singularly failed in every area.

Deputy Leo Varadkar: Better primary care and better social care are part of the solution to the problems in our hospitals. It is not the entire solution. The Deputy must bear in mind that if more people are seen in a primary care setting, that may result in more referrals to hospitals.

On one level, more people will be managed in the community but, on another, more illness will be picked up. If we have much better primary care in Ireland, for example, doctors will start diagnosing the 50,000 to 100,000 undiagnosed diabetics in the community and even if only 10% of them have to be referred to hospital clinics, that will mean an additional 10,000 attendances. There are interplay factors and people often over-simplify this too much. There is evidence, although it is less than convincing, that GP care without fees for those under six years of age has resulted in an increase in referrals to paediatric emergency departments. I would like to see a full season's data before being convinced of that because other factors could be at play, not least the respiratory syncytial virus.

We have learned a great deal from those under six years of age and those over 70 years of age. It has been a great success but we are learning from it. There has been an increase in attendances by those under six years of age at GP services and there has been a significant increase in attendances at out-of-hours services. We have to factor all that into future planning. It will be necessary to increase the number of GPs over time and, therefore, we need to ensure there is not a mismatch between the increase in the number of GPs and trainees and what we ask them to do. That is why my party is putting forward proposals that we believe are ambitious but achievable in a five-year period. I am disappointed that the Deputy's party proposes to stop at six years of age and not extend the scheme further. That is a real shame.

Ambulance Service Provision

58. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the steps he is taking to address the seriously inadequate ambulance provision, on standby and in service, in County Monaghan and in counties Cavan, Louth and Meath generally; if he accepts that, despite this Deputy highlighting to him in advance the serious lack of ambulance cover across these counties over the Christmas-new year period, there was a total failure on his part and on the part of the ambulance service to act; and if he will make a statement on the matter. [4081/16]

Deputy Caoimhghín Ó Caoláin: I seek to establish the steps the Minister has taken and intends taking to address the inadequate ambulance provision covering my home county of Monaghan and the neighbouring counties of Cavan, Louth and Meath and to highlight to him once again the questionable practice of extending significant leave to important emergency care providers over the Christmas-new year period with inadequate cover to cater to the population of these counties.

Deputy Leo Varadkar: Over the past few years, the national ambulance service, NAS, has undertaken significant reconfiguration and modernisation of its services. It now operates on a national and regional rather than a local basis. Ambulance resources, including rapid response vehicles with advanced paramedics, are dynamically deployed over an area from individual stations within, and surrounding, that area. This helps to ensure optimum cover is provided and that the NAS is best placed to respond to calls as they arise. I understand that the capacity review has been completed and will inform how NAS deploys resources across specific areas.

Across the north Leinster area, dynamic cover is currently provided from stations in Monaghan, Castleblayney, Cavan, Virginia, Dundalk, Ardee, Drogheda, Navan, Trim and Dunshaughlin. In the event of a high volume of emergency ambulance calls in the north east area, the NAS may seek assistance, if necessary, from colleagues in the Northern Ireland ambulance service. There has been considerable investment in new technology which ensures the nearest

available and appropriate resource is dispatched to an incident.

I am aware that concerns were raised prior to the Christmas and new year period regarding the level of cover which would be available in the area, given the number of staff who had announced annual leave around the holiday period. However, the NAS has advised that leave arrangements for the period were finalised in the normal fashion and that an appropriate level of cover was provided during that period.

Deputy Caoimhghín Ó Caoláin: I will rely on the facts relating to a case to demonstrate the problem. A constituent has outlined his experience having become ill at home with severe chest pains during Christmas week. Having suffered a previous attack, he called the ambulance service at approximately 8.45 p.m. and was answered promptly by a call attender. The call attender took details and advised that an ambulance was *en route* from the Castleblayney area. However, the ambulance was subsequently diverted to another urgent call in the Castleblayney area. The call attender attempted to contact doctor-on-call but to no avail and there was no ambulance available in the Monaghan town, Cavan, Louth or Meath areas. Despite the call attender's best efforts, including requesting an ambulance from Northern Ireland, his efforts had no success. He continued to stay on the phone for almost two hours with the gentleman who had had the cardiac experience giving advice, keeping him calm and providing updates on ambulance availability. Eventually, an ambulance arrived from Manorhamilton, County Leitrim, at 11.15 p.m. and brought the patient to Cavan for treatment.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Caoimhghín Ó Caoláin: He wishes to record, in the strongest possible terms, his complaint about the non-availability of an ambulance for two-and-a-half hours on that night. He also wishes to record that there were two ambulances parked at the Monaghan ambulance station base - which is located less than three miles from his home - during the period in question. Those are the consequences of the situation that I highlighted prior to Christmas. That is a factual case on which I can share the details with the Minister. I ask the Minister, in these closing hours of the current Dáil, to highlight this situation to the National Ambulance Office. What happened is absolutely unacceptable. I ask that the Minister do as I have requested and that he and his colleague, in whatever elected roles they hold after the upcoming general election, use their voices to lobby the next Government - regardless of its configuration - for change. Communities depend on the ambulance service and there is an inadequate level of cover at present.

Deputy Leo Varadkar: The Deputy will know that I cannot comment on individual cases. I was not given prior notification that the Deputy would raise this individual case but, certainly, if he wants to give me the details, I will have the position checked by the National Ambulance Service. It is important to point out that there has been a significant increase in investment in the ambulance service in recent years. The budget will increase by €7 million this year and it increased by €5 million last year. We now have the emergency air ambulance service, which did not exist until this Government came to office. We have the rapid response vehicles which take paramedics to people's homes. We are moving away from an ambulance service that is just about transporting people to hospital to one which ensures that they are given emergency treatment by paramedics both in their homes and at the roadside. That is a major improvement. We have also opened the new national emergency operation centre, NEOC, in Tallaght and we are increasing investment in community first response teams. Therefore, there is a big programme of reform, investment, change and improvement under way in our ambulance service. That will continue. No matter what role, if any, I hold in the next Dáil, the Deputy may rest assured that I

2 February 2016

will continue to take an interest in ambulance services. If I ever get time off, one thing I would love to do is retrain in advanced cardiac life support, ACLS, and advanced trauma life support, ATLS, and perhaps I can actually become a community first responder myself.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Leo Varadkar: It is the case that a great deal more must be done. I accept that we need to improve our ambulance response times. As individuals who could potentially be the next Minister for Health, I say to Deputies Ó Caoláin and Kelleher that they should be careful about what they promise. It will never be possible to have an ambulance, a squad car and a fire engine at every crossroads in every village in every small town. There will always be instances when these emergency vehicles do not arrive as soon as we would wish.

An Leas-Cheann Comhairle: I thank the Minister.

Deputy Leo Varadkar: We need to be honest with people about that.

Deputy Caoimhghín Ó Caoláin: Absolutely. Honesty is critically important. The very fact that the Minister is indicating a commitment to ensure that the current provision is significantly enhanced is a statement of recognition that there has been inadequate cover during this considerable period of years. Communities such as mine have lost all of their acute hospital services with the transfer of same from Monaghan Hospital to Cavan General Hospital. Other hospital facilities across the region are totally dependent on the ambulance service in terms of emergency situations relating to road traffic accidents, RTAs, cardiac arrests, stroke victims or whatever is the case. We were promised that there would be significant ambulance cover - that is, appropriate ambulance cover - but that has not been the case. For whatever short period after the advent of the construction of the new station, there was a presence. However, this has been watered down significantly over the period and shared, I understand, with the north Louth area in the context of Castleblayney. It is hugely important to ensure that - not only in the area I know best but throughout the length and breadth of this State - the requisite number of ambulances and staff are provided in order to guarantee full cover at all times. That matter must be a priority and it is one I will be happy to pursue, regardless of whether I am in government or in opposition, after the election.

Deputy Leo Varadkar: I reiterate that an additional €7.2 million - this is an increase on outturn - is being provided in the budget for the ambulance services in 2016. That includes €2 million to recruit and train extra staff and also to expand the community first responder scheme. The National Ambulance Service has recently completed a national recruitment campaign and is commencing an international recruitment campaign for qualified paramedics. The number of paramedics in training more than trebled in 2015 and the additional funding provided in 2016 should provide for further increases. It is important to note the latter on the Dáil record. Last year, 63 ambulances were replaced or refurbished and one new rapid response vehicle was provided at a cost of over €9 million. The investment in this regard will be doubled to €18 million in the current year.

Hospital Equipment

59. **Deputy John Halligan** asked the Minister for Health why it took 11 months to redeploy staff from an old computed tomography, CT, scanner in University Hospital Waterford to a new

scanner which opened in April 2015; if he is aware that the older machine was in perfect working order when it was taken out of use; if the hospital ever made an application for additional staff in order that both machines could be operated simultaneously; if it is best practice to have a perfectly functional CT machine not in use at the hospital while waiting lists for scans are at an unacceptable level; and if he will make a statement on the matter. [4100/16]

Deputy John Halligan: The new CT unit at University Hospital Waterford was officially launched by the Minister's predecessor, Deputy Reilly, in 2014 at a cost of €1.75 million. The new scanner was explicitly described at the time as a second CT unit for the hospital. It has come to my attention that the original CT scanner, which the Department has confirmed is in perfect working order, was closed once the new model began operation. Will the Minister explain why a perfectly operational scanner is left idle?

Deputy Leo Varadkar: University Hospital Waterford opened a new CT scanner in April 2015. I understand the staff who operated the older scanner were redeployed to the new machine but no additional staff resources were available to allow for the continued operation of the old machine. Operation of the new scanner required additional nursing and health care assistant staff. Delays in staff recruitment at that time contributed to a corresponding delay in the operational opening of the new scanner. There was no interruption to the CT service available to patients as a full service continued to be provided with the older scanner until the new machine was fully operational.

The new CT scanner is of a much higher specification than the older model and allows the radiology department to significantly improve the quality of imaging provided to a standard more appropriate to a modern health service. In saying that, the older scanner is still in working order and is used, on occasion, such as during scheduled preventative maintenance and unscheduled downtime on the new scanner, in order to ensure continuity of service.

It is planned to use the older machine to manage waiting lists for routine, non-urgent diagnostic work. This should reduce wait times overall for patients in the south east who require diagnostic imaging and will free up access to the new scanner for more critical cases. I am advised that a business case is being developed for the additional staff required for this purpose.

Deputy John Halligan: I thank the Minister. I was present on the day the then Minister, Deputy Reilly, described it as a second CT scanner for Waterford. He told us it would provide improved access to patients for CT diagnostic services and that Waterford would finally have two CT scanners based on the fact that over 16,500 examinations were carried out in 2014. The new scanner was ready for use in 2014 but the machine did not come into operation until April 2015. We have been repeatedly informed that the delay was down to the hospital not being able to provide additional nursing staff. Since then, no additional resources have been made available for the new machine and, instead, staff who worked with the old machine have been redeployed. If this was the intention in the first instance, can the Minister explain the 15-month delay in getting the new machine into operation? Does he think it is value for taxpayers' money to have a perfectly working machine gathering dust in the basement of University Hospital Waterford?

Deputy Leo Varadkar: I can only go on what I am told by the hospital because I am not involved in the day-to-day running of the facility or the recruitment of staff there. I am advised by the hospital that there was a difficulty in recruiting staff and that this is the reason the new machine did not open until April 2015 and that it is now putting together a business case to

open the second machine. With two machines, there is an argument for doing this either way. It may actually make more sense for the hospital to use the new, more modern scanner for longer hours, and to run it at night and at weekends, rather than running a new machine and an old machine from 9 a.m. to 5 p.m., and only using one machine on an on-call basis. As I said, the hospital is putting together the business case for additional staff which, no doubt, it will submit to the hospital group and up the line from there.

Deputy John Halligan: Given its proximity to the accident and emergency unit, I have no doubt the new scanner provides improved access. There is no question about that. However, the issue is that the current waiting time for a CT scan in University Hospital Waterford is still six months. I already made the point that 16,500 examinations were carried out in 2014 and patients suspected of having heart disease or other anomalies were told there was at least a six month waiting list for scans. I understand the annual service contract for the older machinery remains in place and that it is used during scheduled preventative maintenance and unscheduled down time of the new unit. We have two scanners in perfect working order and we have more than 16,500 examinations being carried out in the hospital but there is still an average waiting time of six months for access to a scan. I imagine that a small cost would provide a small staff that would be able to reduce the waiting time significantly to two or three months for patients waiting for a CT scan.

Deputy Leo Varadkar: That is the plan. I am advised that emergency and very urgent CT scans are completed on the same day or within a week, that there are 208 patients waiting for urgent scans, that the average wait time is three to four months and that there are 313 patients waiting for routine or semi-urgent scans and that the current average waiting time for them is from four to six months.

Given this may be the last time we are together in the current format, I took the opportunity to look at the Independent Alliance's ten point charter. Many times in this Chamber, Deputy Halligan has raised issues relating to University Hospital Waterford and hospitals in general and while there is lots of motherhood and apple pie talk in the charter about protecting the vulnerable and so on, I was struck by the fact that it makes no mention of hospitals at all.

Deputy John Halligan: This is not the time to be scoring political points.

Deputy Leo Varadkar: Even though the alliance has a ten point charter, it is going to the people-----

Deputy Billy Kelleher: Fine Gael has the five-point plan.

Deputy John Halligan: This is not the time to be scoring points against those who are ill. The Minister knows damn well that on many occasions there have been opportunities to discuss the issue of the hospital and, without being abusive, to score points against the Minister for Health.

An Leas-Cheann Comhairle: The Deputy had the floor already.

Deputy John Halligan: I think the Minister is out of order.

Deputy Leo Varadkar: The fact the Deputy is so sensitive that he must-----

Deputy John Halligan: I am sensitive because the Waterford hospital is in chaos.

An Leas-Cheann Comhairle: We must move on to the next question.

Deputy John Halligan: We do not have a 24-hour cardiac care service as the Minister and the previous Minister promised. Trying to score smart political points off me does not do him any justice in view of the thousands of people on waiting lists in Waterford.

An Leas-Cheann Comhairle: We must move on to the next question. I call Deputy Keaveney.

Deputy Leo Varadkar: Sorry, Leas-Cheann Comhairle, Deputy Halligan kept interrupting me and took my time. I would like my time back.

An Leas-Cheann Comhairle: Please conclude so.

Deputy John Halligan: The Minister should have concentrated on answering the question about the CT scanner instead of trying to score political points.

An Leas-Cheann Comhairle: This is not fair to other Deputies with questions.

Deputy Leo Varadkar: Deputy Halligan will now contest a general election based on a ten-point charter, with no commitments at all on waiting lists or for Waterford hospital.

Deputy John Halligan: Waterford hospital is in chaos and the Minister knows that. He should go down and pay a visit to some of the nurses and staff and they will tell him what it is like.

Congregated Settings Report

60. **Deputy Colm Keaveney** asked the Minister for Health the funding the Health Service Executive will provide in 2016 for moving persons out of congregated settings; the number of persons this will benefit; the proportion of persons currently in congregated settings that will benefit; how long it will take to move all those in congregated settings out of them at this rate of support; and if he will make a statement on the matter. [4094/16]

Deputy Colm Keaveney: The purpose of the question is to afford the Minister an opportunity to explain the rationale for the funding provided to the HSE to move vulnerable people from congregated settings. The question also affords the Minister an opportunity to explain the benefits of that strategy, the number of persons in congregated settings who would be positively affected, how long it will take for those in congregated settings to see the type of supports in the community required for the scaling down of congregated settings and the plans to resource that kind of care and love in the community to ensure the human rights of citizens in the community are provided for.

Minister of State at the Department of Health (Deputy Kathleen Lynch): The HSE's 2011 report, Time to Move on from Congregated Settings – A Strategy for Community Inclusion, proposes a new model of support in the community by moving people from institutional settings to the community over a seven year timeframe. The plan will be rolled out at a regional and a local level and will involve full consultation.

The HSE has established a subgroup under Transforming Lives, the programme to implement the recommendations of the value for money and policy review of disability services,

2 February 2016

which is developing an implementation plan for moving people from institutions. I welcome the fact that the needs of people moving from congregated settings will be fully taken into account during this process as the model of care for individuals will be based on a person centred plan.

In terms of housing, the Department of Health and the Department of the Environment, Community and Local Government are working in collaboration to support the transition of people with a disability from institutions to social housing in the community under the Government's National Housing Strategy for People with Disability 2011-2016. The HSE's 2016 national service plan has set a target of 165 people to move from institutions in 2016 into suitable accommodation. This is being supported by €20 million in capital funding from the Department of Health in respect of acquiring and renovating properties in priority institutions identified by the HSE. In addition, I am pleased to note that the Department of the Environment, Community and Local Government will provide €10 million under the capital assistance scheme to provide suitable accommodation for people transitioning from institutions in 2016. The HSE estimates that a further 100 people could benefit from this initiative. Additionally, €1 million in ring-fenced leasing funding is also being made available by the Department of the Environment, Community and Local Government in 2016 to support people moving from institutions into suitable social housing in the community. This demonstrates the joined-up commitment of both Departments to support decongregation.

Deputy Colm Keaveney: I am sure the Minister of State will agree that progress on moving people from congregated settings has been abysmally poor, and there are over 3,000 people living in congregated settings. The 2015 HSE outturn with respect to the congregated settings indicate that only 150 citizens were moved from the setting. At the time of the publication of the HSE annual service plan, the projected outturn was only 112.

The 2016 service plan promises to enable the transition to the community of at least an additional 160 service users. Will the Minister of State confirm in her response the financial resources being provided by the HSE to maximise on the decanting of the setting? What is her vision with respect to the care supports that will be required in the community to ensure that citizens who have traditionally lived in the setting would have an active citizenship in society?

Deputy Kathleen Lynch: I will try to give the Deputy as much information as possible. We have managed to secure €20 million from the Department of Health and €10 million from the Department of the Environment, Community and Local Government. As I have already stated, there is an additional €1 million for transitioning. That €10 million will be for each of the next four years. That is an agreement we came to with the Department of the Environment, Community and Local Government, and we are insisting that when it comes to housing strategy, one cannot possibly allow people with disabilities to be outside that loop.

There has been a difficulty in certain areas and the Deputy knows about the shortage of housing and blockage in the capital assistance funding. It was always going to affect us because of the downturn in the economy. The Deputy knows there was also a difficulty relating to people who were presumed to lack capacity in signing leases. The capacity legislation deals with that now, which is very important. There were delays in securing HIQA registration and we are talking about small community homes, as opposed to what we were used to with big institutions. There has also been insufficient funding from service providers to allow the transition to occur. I will try to answer the other points in my next contribution.

Deputy Colm Keaveney: Some parents have expressed concern with respect to residents moving from the congregated environment to an unfamiliar new experience when compared with their traditional home or setting. Is the Minister of State satisfied the Department has the resources to provide for that adjustment in the community? Unsupported relocation causes great distress. Is the Minister of State satisfied the recruitment strategy is in place to have the resources available in the community, such as those provided in A Vision for Change, with synchronised closure of long-term institutions? There would be a care facility, the virtual ward in the community. Is the Minister of State satisfied she has the resources to provide for that?

Deputy Kathleen Lynch: When one comes into government at first there is always an insatiable urge to do things as quickly as possible. When it comes to people with significantly greater needs in terms of disability, however, one must be absolutely certain that one is doing it, first, with their consent. Second, we must ensure that the type of wrap-around service or supports they will need - be it moving back to their own communities and families, or to another area - are there. That is why we have to be extraordinarily careful. As regards the available funding, which is within the existing service provision, and additional capital funding, I am convinced that we do have the necessary resources. It will be a different type of resource, but sometimes that is about attitudes and culture. We have had some experience of that with A Vision for Change, but I think it will translate over into this area also.

Medicinal Products Availability

61. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health why the drug Sativex is not available to persons who suffer from multiple sclerosis despite the then Minister of State for Primary Care, Deputy Alex White, signing a statutory instrument legalising its use in July 2014; when it will be available; and if he will make a statement on the matter. [4082/16]

Deputy Caoimhghín Ó Caoláin: I seek to establish the reasons why a cannabis-based medication, the drug Sativex, is not yet available to persons in this State who suffer from multiple sclerosis. This is despite the fact that a former Minister of State with responsibility for primary care, Deputy Alex White, signed a statutory instrument legalising its use as far back as July 2014. What are the obstacles to its introduction? Can we expect to see progress concerning its availability for those for whom it may make a significant difference?

Deputy Kathleen Lynch: On 11 July 2014, the Misuse of Drugs Regulations 1988 were amended to allow for certain cannabis-based medicinal products to be used in Ireland. The Health Products Regulatory Authority subsequently granted a marketing authorisation for the cannabis-based medicinal product Sativex to be marketed in this State. This product is indicated for the relief of symptoms of spasticity for people with multiple sclerosis where other conservative treatments have failed to provide adequate benefits.

The HSE has statutory responsibility for decisions on pricing and reimbursement of medicinal products under the GMS and community drug schemes in accordance with the provisions of the Health (Pricing and Supply of Medical Goods) Act 2013. Decisions on which medicines are reimbursed by the taxpayer are made on objective, scientific and economic grounds by the HSE on the advice of the National Centre for Pharmacoeconomics, NCPE. They are not political or ministerial decisions.

Following the granting of a marketing authorisation, it was open to the holder of that au-

2 February 2016

thorisation to make the product available for prescribing in Ireland. In September 2014, the HSE received an application for inclusion of Sativex under the community drugs scheme's high-tech arrangements. A health technology assessment report on Sativex has been completed by the NCPE, which did not recommend reimbursement of Sativex at the submitted price. The report by the NCPE is an important input to assist the HSE in its decision-making process, and informed further engagement between the HSE and the supplier in relation to potential pricing arrangements for this product.

As the matter remains under consideration by the HSE, unfortunately, I am not in a position to make any further comment.

Deputy Caoimhghín Ó Caoláin: As the Minister of State knows, there are approximately 8,000 multiple sclerosis sufferers in Ireland. Two of them are very dear to me, as members of my family. Sativex is already in use in a number of EU countries for the relief of spasm symptoms in multiple sclerosis patients. The availability of this and other cannabis-based treatments has long been sought by MS Ireland, which is the representative non-governmental organisation, NGO, for people with multiple sclerosis.

Ongoing research into the benefits of medicinal cannabis, and cannabis-based medication extract for the symptoms of MS, has shown the efficacy of such treatments to alleviate spasticity, sleep disorders, pain and other symptoms associated with multiple sclerosis. As the Minister of State has acknowledged, in July 2014, her predecessor, Deputy Alex White, signed regulations that would allow for approved medicines containing the active ingredients of cannabis to be prescribed in Ireland. It is extremely frustrating for that cohort. It may not make the difference to all those challenged by MS but there is unquestionably a significant cohort to whom this would bring great relief. The Minister of State concluded by saying that she could make no further comment. Even in these closing days, I ask her to reflect with the HSE on the importance of continuing engagement. I take the view that there is no substantive reason for not proceeding. We are talking about treatment of the order of €500 per month per patient over whatever number might be involved. We have approved far more expensive treatments across many other conditions through the National Centre for Pharmacoeconomics.

Deputy Kathleen Lynch: There is not an elected Member of this House or the other one who does not know someone who suffers from MS. We are all aware of the degrees, some mild and some far more advanced. Sativex is licensed for use throughout the UK but it is not reimbursed by the NHS. The National Institute for Health and Care Excellence has recommended that health care practitioners should not offer Sativex to treat spasticity in people with MS because it is not a cost-effective treatment. I very much take on board the Deputy's point about other treatments we have approved that cost multiples of what we are talking about here. The Deputy and I know that in the first instance, one's instinct is always to try to help people who find themselves in difficulty but on the other hand, we must always ensure that we are getting value for money in respect of the taxpayer. This is not to take from our empathy or sympathy for people who find themselves in this position. We must take the advice of those who are charged with looking at the complexities of issues, whether in terms of treatment or economics, and take that advice when it is offered.

Deputy Caoimhghín Ó Caoláin: The critical advice is the clinical assessment of the efficacy of the drugs in question. This is a proven science at this point in time. There is ample evidence across a number of EU countries as to the effectiveness of this drug.

There is a serious fault line in our insistence as a single entity - a State - on trying to engage with the drug distributor or manufacturer in this and many other cases when it is already being provided in a number of EU countries. In terms of the EU, we should be using the opportunities for collective engagement, purchase and distribution. This is not beyond the gift of this State and its representatives and would be welcomed in other EU member states. We should collectivise to our strength and in the interests of those for whom the effort will mean so much.

Deputy Kathleen Lynch: As the State is a small outlier in the EU, I could not agree more with the Deputy and I think it needs to be a priority for whatever Government comes in after the election. The strength of the EU should be that we would collectively bargain. This would benefit us as much as anyone else. We cannot always be at a point where we simply say that we cannot afford this and where we are isolated and picked off one by one in terms of the types of negotiations that need to occur. It will not be about this but will be about something that could be far more unique which will treat something far rarer than that which we are experiencing here. I fully agree with the Deputy that this type of negotiation under whatever Presidency within the EU needs to be a priority for the next Government. We must insist on this happening because we would benefit more than others.

Other Questions

Vaccination Programme

62. **Deputy Clare Daly** asked the Minister for Health if he has recently met with representatives of the Reactions and Effects of Gardasil Resulting in Extreme Trauma, REGRET, group, to discuss available or potential health support services, and other supports for families represented; and if he will make a statement on the matter. [3892/16]

Deputy Clare Daly: This question relates to the parents who organise a group called REGRET. Almost 200 teenage girls have experienced serious side-effects having taken the human papillomavirus, HPV, vaccine. Has the Minister met with that group recently to discuss what supports might be put in place? While we might debate their origin the problems these young women are experiencing are undoubtedly real and the families need urgent support.

(Deputy Leo Varadkar): I am aware of claims of an association between HPV vaccination and a number of conditions experienced by a group of young women. The vaccine protects against cervical, penile and anal cancer and helps to prevent genital warts. It appears that some girls first suffered symptoms around the time they received the HPV vaccine, and understandably some parents have connected the vaccine to their daughter's condition. As the Deputy is aware, in November 2015 the European Medicines Agency, EMA, completed a detailed scientific review of the HPV vaccine which found no evidence of a link between the vaccine and the two conditions examined. On 12 January 2016, the European Commission endorsed the conclusion of the European Medicines Agency that there is no need to change the way HPV vaccines are used or to amend the product information.

However, this does not get away from the fact that these young women are unwell. I want to make it quite clear that anyone who is suffering ill health is eligible to seek medical attention, and to access appropriate health and social care services, irrespective of the cause of their

symptoms. The individual nature of the needs of some children may require access to specialist services and they may be different in different cases. The HSE will be in a position to facilitate that access to these services for any children or young adults who may require them.

As Minister I consider meeting any organisation that requests to do so. However, due to busy parliamentary and other business it is not always possible to meet all representative groups. I have been informed that the HSE has met with members of REGRET concerning this issue.

Deputy Clare Daly: It is important to say that these families are not anti-vaccine crusaders. They had their daughters vaccinated and now their daughters are severely unwell and as the Minister says, the side-effects are real. It is all very well to acknowledge the EMA review of the drug but it only examined it for two side-effects and did not take into account the full range of symptoms that some of the parents have outlined, anything from a leg tumour to chronic fatigue and so on. The problem is that while it is all very well to say they can access health care and support services if they are ill it is not as straightforward as that, particularly when means testing or reliance on private health care come into play. The parents who attended a meeting of the Oireachtas Joint Committee on Health and Children wondered how they would meet their daughters' medical needs in the years to come. They looked for long-term treatment plans. Families cannot cope with the ongoing need to go to doctors, specialists, never mind hospital stays and medication. They need to explore alternative options for schooling and education because some of these young women cannot get out of bed. They want exemptions for the leaving certificate and all such supports which might not be available. It is much bigger than that. We are on the eve of an election and the parents may have met the HSE but they need urgent assessment and assistance to meet these needs now.

Deputy Leo Varadkar: What I said is that their symptoms are real and they are unwell and nobody is suggesting for a second that anyone is making anything up, or that any of the young women is doing so. What I did not say was that they were as a result of a side-effect or that they were caused by this vaccine because there is no epidemiological evidence to support that view. That is a belief, not something that is based in evidence or fact, or at least as we understand it.

I remember not that long ago a similar vaccine scare around the measles, mumps and rubella, MMR, vaccine and some people believing that it caused autism because children developed autism at around the same time as they were getting that vaccine. Some may even still believe it. That does not stack up in evidence. The doctor who originally made those claims was struck off for falsifying some of the research. As a result of that parents were scared off giving their children the MMR vaccine, or in some cases, for whatever reasons, decided to give separate vaccines. It is very important that we as parliamentarians are careful not to give credence to something like that happening again. We can keep an open mind on new evidence but we should not give credence to anything that may discourage parents from giving this vaccine to their daughter to prevent her getting cancer.

Deputy Clare Daly: The question was very carefully worded and asked what support the Minister would give to the young women who we all agree are undoubtedly unwell at the moment. The parents of some of them have had to give up work to care for them. They are just not coping and they want to know what support will be available to them. In some cases, individuals can access support but it is not always there. It will take some time for the scientific community to come down on one side or the other, although at the moment the consensus appears to be that the benefits outweigh the risks. That would be the majority view of the scientific commu-

nity but it is constantly under review. While that is going on, these parents have given up their jobs to look after their children. They are not getting support and need something different.

The adversarial approach that is so symptomatic of how the HSE deals with all such controversial matters will not be a good model for the families of the hundreds of young women whose parents are not coping. They genuinely feel abandoned and are seriously unwell at the moment.

Deputy Leo Varadkar: They may need different supports in different cases. We may actually do them a disservice by treating them as a single group. People are treated based on the diagnosis of the condition they have and not based on what they believe caused it. We may do people a disservice by treating them as a single group. We should be trying to treat them based on their symptoms and diagnosis rather than what they believe the cause to be. That is why I do not want to do anything that would give credence to this. Obviously, I do not know where I will be in the next few weeks but if it would be beneficial to meet me or my officials, should I still be in office in a few weeks' time, to discuss that specifically, I am sure it can be facilitated. However, it would need to be on the basis that such a meeting could not be used in any way to give credence to the view that their symptoms are caused by this vaccine because in doing so, I would do more harm than good.

An Leas-Cheann Comhairle: Deputy Boyd Barrett has notified the Ceann Comhairle's office that he cannot be here, so we will move on to Deputy Maureen O'Sullivan's question.

Question No. 63 replied to with Written Answers.

Disability Services Funding

64. **Deputy Maureen O'Sullivan** asked the Minister for Health to address serious concerns regarding intellectual disability care given successive cuts to funding, staff and available care, given that an ageing population is impacting on intellectual disability care and that carers, such as parents, are often elderly and given the need for care for such persons. [3941/16]

Deputy Maureen O'Sullivan: My question relates to cuts to both staff and services in the intellectual disability area. As we have an ageing population, it is impacting more severely on intellectual disability care. Where are we going with this?

Deputy Kathleen Lynch: The Government values the role which people with disabilities play in Irish society. I believe they are playing a far greater role now, which is a significant change. The Government also values those who support and care for them and is committed to facilitating the full inclusion of people with disabilities in the life of the community through access to individualised personal social supports and services. The vital role performed by carers is acknowledged in the national carers' strategy, published in 2012, which sets the strategic direction for the policies, services and supports provided across the public sector for family carers.

This year the Government will provide €1.56 billion for health-funded services and supports to enable all individuals with a disability to achieve their full potential and maximise their independence. The quantum of services to be provided, together with key deliverables and priorities, are outlined in the HSE's national service plan for 2016. The HSE is committed

to protecting front-line services for people with disabilities and at a minimum maintaining the overall level of service provided in 2015 with targeted improvement in priority areas.

The Deputy will be happy to know that these areas include: the reconfiguration of children's therapy services, for which an additional €4 million has been provided; the provision of services for 1,500 young people on leaving school and rehabilitative training, which has been allocated an additional €7.25 million; the development of alternative respite models, with €1 million targeted in this area; the reconfiguration of residential services, supported by €20 million in capital funding; and quality improvements to increase compliance with national standards for residential centres for children and adults with disabilities. As the Deputy is well aware, this is now being inspected by HIQA, which, I know, she also welcomes.

Deputy Maureen O'Sullivan: Like everybody else, I would welcome the increase in funding the Minister of State has mentioned. That is all very well on paper but, in the same way we are told about all this extra funding for housing, we are not seeing it in reality. The reality for people with an intellectual disability is that there are problems with their respite grants, along with a lack of respite places. Since 2008, before this Government entered office, the budget for this area has decreased by almost €160 million but demands are increasing while staff numbers have fallen by 15%. There is an issue in the context of having enough intellectual disability nurses because it is a specialised area. However, what has been happening is that agency staff who do not have extra training in dealing with people with intellectual disabilities are being employed.

Another issue I have raised here before concerns our accident and emergency departments and how we need to look at them in a different way. It cannot be the free-for-all whereby everybody presents at these facilities. Those with addiction issues who present at accident and emergency need access to specialised services, while those with intellectual disabilities who present need to be treated in special areas. We need nurses who are trained to deal with people with intellectual disabilities to work in accident and emergency departments.

I hope the funding to which the Minister of State referred, particularly that relating to respite services and places for ageing parents, will become a reality.

Deputy Kathleen Lynch: There is very seldom an issue on which Deputy Maureen O'Sullivan and I disagree. However, we cannot have separate accident and emergency departments for people with disabilities, for those who are older or for all the different conditions because that would be unrealistic. The Deputy and I know that it would be unaffordable and foolish to promise it. I completely accept, however, that within an accident and emergency department or emergency department there must be somebody with specific knowledge of particular areas, such as, for example, what we are doing in respect of suicide awareness. We should have that for older people and those with disabilities, be they physical or intellectual.

The problem with disabilities is that one is either going to do it or one is not. If one does not take action, the matter is quickly brought to one's attention. In the context of residential services, we are dealing with 9,000 people. Some 22,000 people have access to day services, 35,000 day-only respite sessions have been provided and 180,000 overnights have been granted with regard to respite residential support. In addition, some 1.3 million personal assistance hours have been provided, 2.6 million hours have been provided in the area of home supports and, as pointed out in reply to a question on this matter on a previous occasion, 160 people were moved out of institutions in the past year. It is a slow process about which we need to be careful.

Deputy Maureen O’Sullivan: I want to highlight the example of a grandmother I met recently. There are many issues with addiction in the Dublin Central constituency. This grandmother, like so many others, took on the care of five grandchildren because their mother was an addict. They are all adults now but the youngest is 18, has Down’s syndrome and is autistic. The grandmother is waiting to go into hospital for various operations but she has the worry of what will happen to her 18 year old grandchild. While St. Michael’s House provides a fantastic service, it cannot give her any guarantees. This young lad, let us call him John, loves St. Michael’s House. He is challenged and stimulated there, his friends are there and he is really well looked after. He is 18 but will be out next summer, like so many others who are 18 years of age. Will the Minister of State guarantee that out of this funding a follow-up service will be provided? Young people with Down’s syndrome, autism and so forth need access to some form of service when they reach 18 years of age. I have met others in similar circumstances involved in activities which are not stimulating them and from which they are not getting any benefit. We owe them so much. They can also give so much as well. We know people with intellectual disabilities who are great members of society and who give so much. I am seeking a guarantee for those with the conditions to which I refer who are over 18 years of age in order that they and their families will not be subjected to the type of stress they have experienced up to now.

Deputy Kathleen Lynch: For many years when I was on the Opposition benches, every June and July there were protests outside the gate in respect of people with intellectual disabilities who were about to leave second level or rehabilitative training and who had nowhere to go. Deputies Kelleher and Ó Caoláin will remember this too. There was always a crisis. What we have done since I took up my position is ensure that such crises do not arise. We have put aside almost €8 million this year for the 1,700 people who will be coming out of that section. We have done that every year since I came into this post.

On the young man in question, John, if I could guarantee things, I would guarantee everything. However, that is not realistic. There are other methods and we are doing things differently.

3 o’clock

St. Michael’s House has been very adventurous in the type of things it has allowed the people in its care to do, and it is the one group with which I am always impressed when I present certificates in terms of new action to be taken by the people themselves. There are other ways of doing things but I fully accept that this grandmother must have additional concerns over and above what one would have regarding an 18 year old in those circumstances.

Accident and Emergency Departments

65. **Deputy Billy Kelleher** asked the Minister for Health why the overcrowding in hospital emergency departments has not seen a significant improvement despite the initiatives taken during 2015; if the €100 million shortfall in the funding for hospitals will have a detrimental impact on access to emergency department and scheduled waiting list targets in 2016; and if he will make a statement on the matter. [3924/16]

Deputy Billy Kelleher: Why has the overcrowding in hospital emergency departments not seen any significant improvement despite the plethora of announcements made last year, the establishment of the emergency department task force, the move to address the issue of the

shortage of nursing homes and the increase and enhancement in the fair deal scheme to move people from an acute hospital setting into community nursing care? Why do we still have a trolley crisis day in, day out, in our emergency departments across the country?

Deputy Leo Varadkar: Over the last number of months the HSE has implemented initiatives to reduce emergency department overcrowding and wait times. From mid-January to the end of January there was a very significant increase in daily trolley numbers. This was due to higher numbers of patients presenting with flu-like and respiratory illnesses and a 10% increase in the number of older people presenting. In total, there was a 9% increase in emergency department attendances throughout January, which is an enormous increase. This has eased in recent days and, fingers crossed, that will continue. Today's trolley count is 15% lower than it was on the same day in 2015; it was 388 this morning, of which 190 people were on trolleys for more than nine hours.

In 2015, significant additional resources of €117 million, additional hospital beds and increased staffing have all been put in place in a four-pronged approach to tackling the problem. In order to reduce the number of patients having to attend emergency departments, community intervention teams and services have been expanded. The HSE has also driven a number of initiatives to expand hospital capacity. Some 338 hospital beds are being opened or re-opened, and more than 750 new nurses and 80 new consultants have been employed in the health service during 2015. Also, there have been additional measures in 2015 to support timely patient discharge from hospital, including reducing waiting times for nursing home places to four weeks, an additional 4,002 transitional care places, 224 public community beds and 2,250 home care packages. Mount Carmel also opened last year as a new community hospital. A new escalation protocol has been implemented, which sets out action that hospitals must take when overcrowding occurs, to provide better and safer patient care.

In 2016, health will have funding of almost €14 billion from the Exchequer, which is an increase of 7% on the original allocation for 2015. Of the 2016 health budget, €4 billion has been designated in the HSE national service plan for acute hospital services. This accounts for about one third of the health budget. With the full operation of the expanded services introduced during 2015 and continued productivity and efficiency improvements, emergency care will be delivered at or above the 2015 level.

Deputy Billy Kelleher: Many of this Government's policies on health are based on crossed fingers and a wing and a prayer because as we start into February 2016 we know full well that the acute hospital system is already underfunded. It will not have the capacity to deal with what presents, either through the emergency department or in the area of elective surgery, and that is already happening. There were cancellations of scheduled care on a continual basis during January to deal with hospital overcrowding. The Minister said, and this was an extraordinary statement, that the cancellation of elective surgeries showed that the protocols were working to deal with overcrowding in our emergency departments. Clearly, the difficulty is that we cannot consistently cancel elective surgeries to deal with the issue. We simply do not have the required capacity in the acute hospital setting, primarily in our emergency departments. Today there were 51 people on trolleys in St. Vincent's Hospital and 37 in Cork University Hospital, CUH, and throughout the country, 456 people were on trolleys either in the emergency department or on wards. Clearly, something must be done and the shortfall in hospital funding is not a good start for 2016.

Deputy Leo Varadkar: I do not want not quibble with the Deputy about figures but those

figures he used also include people on beds, people in day wards and overflow wards, as opposed to regular wards. The number who are actually on trolleys is somewhat lower than that, but I appreciate it is not about the numbers.

Deputy Billy Kelleher: The Minister will always pick the lowest number.

Deputy Leo Varadkar: If I took the lowest number, I would take the number at 8 p.m. in the evening, which is generally lower than 200, even on a bad day, so that is not the case at all. The number at 8 a.m. is always the worst because of the number of people who come in overnight. A huge amount has been done in this space, probably more than in any recent year, but it needs to be sustained. The demands are very significant.

With regard to elective surgery, which is non-urgent and is being postponed, it is not being cancelled entirely. The fact that we are using the private hospitals has allowed us to keep some level of control over the waiting times for inpatient procedures and day cases. In recent months those waiting for long periods - more than 12, 15 or 18 months - for inpatient and day case procedures has gone down.

Deputy Billy Kelleher: When one analyses the full import of the Government's policies in the past five years, one sees it has adopted been a very scatter-gun approach. There has been no cohesive strategy whatsoever. We spoke earlier about universal health insurance, free GP access for everybody and the abandonment of the National Treatment Purchase Fund, NTPF, in favour of the special delivery unit. We now find that we are using private capacity to deal with elective and scheduled surgery. What was the logic in getting rid of the National Treatment Purchase Fund in the first place and for us then to be back out in the market trying to secure operations privately? The bottom line is that the Minister must accept he cannot consistently use the cancellation of elective surgery to deal with overcrowding in emergency departments. That is consistently storing up difficulties for the system and, equally it is simply not good enough for all those individuals who are waiting an inordinate period for their elective surgery only to find they are cancelled at short notice.

Deputy Leo Varadkar: The logic of getting rid of the NTPF was twofold. First, it was self-selecting in that people went to it themselves if they were waiting for a period and, second, it never managed to get rid of long waiting lists or waiting times. Instead, the resource was given to the special delivery unit, SDU, which then selected the patients who were waiting the longest and focused on them.

For the past 17 to 18 months the Deputy has taken pleasure in describing me as an analyst or commentator rather than an actor, which of course I dispute given the amount of things that have been done in the past 18 months in the health area.

Deputy Billy Kelleher: No, the Minister is an actor as well.

Deputy Leo Varadkar: The time has come for Deputy Kelleher to stop being a commentator and to set out what Fianna Fáil will do differently.

Deputy Billy Kelleher: We have, within the fiscal space.

Deputy Leo Varadkar: Is Fianna Fáil reiterating its prior commitment to abolish waiting lists and is Deputy Kelleher promising to get rid of trolleys from emergency departments?

Deputy Billy Kelleher: Within the fiscal space.

2 February 2016

Deputy Leo Varadkar: I take that as a “No”.

Vaccination Programme

66. **Deputy Maureen O’Sullivan** asked the Minister for Health if he is aware of revelations made by a doctor (details supplied) to the World Health Organization, of the manipulation of data and the suppression of science, in order to maintain the illusion of the safety of the human papilloma virus vaccine, in the face of valid contradictory evidence and that the length of time for which Gardasil is effective is suspect; and if he will address the serious health issues experienced by more than 200 girls, where the common denominator is the vaccine. [3940/16]

Deputy Maureen O’Sullivan: We are back to the issue of vaccines, in particular in regard to a recent report to the World Health Organization, which does raise concerns about it, and the reality of the more than 200 girls in this country who are presenting with very serious issues.

Deputy Leo Varadkar: The HPV vaccine, Gardasil, which was introduced in 2010, protects girls from developing cervical cancer when they are adults. It also protects against head and neck cancer, anal cancer and genital warts. It is available free of charge from the HSE for all girls in the first year of secondary school.

I am aware of claims of an association between the HPV vaccination and a number of conditions experienced by a group of young women. It appears that some of the girls first suffered symptoms around the time they received the HPV vaccine and, understandably, some parents have connected the vaccine to their daughters’ illness. I want to make it clear that anyone who is suffering ill health is eligible to seek medical attention and to access appropriate health and social care services, irrespective of the cause of their symptoms or what they believe to be the cause of their symptoms.

In 2013, the World Health Organization’s global advisory committee on vaccine safety reviewed data from post-licensure monitoring of the HPV vaccine. The review found no new adverse outcomes relating to the HPV vaccine. I am aware from the media of allegations of manipulation and suppression of scientific data relating to the HPV vaccine made by an individual doctor. The doctor wrote an open letter of complaint to the director general of the World Health Organization on 14 January 2016. I am advised that the World Health Organization has not yet responded to this letter.

In recent days my Department made contact with the World Health Organization and expressed its interest in being advised of the World Health Organization’s response as soon as it is made public. I wish to know what the World Health Organization’s response to the allegations is before commenting further or taking a view on them. In November 2015, the European Medicines Agency completed a detailed scientific review of the HPV vaccine which found no evidence of a causal link between the vaccine and two conditions that it has been suggested may be linked to the vaccine. On 12 January 2016, the Commission endorsed the conclusion of the European Medicines Agency that there is no need to change the way HPV vaccines are used or to amend the product information.

Deputy Maureen O’Sullivan: I listened to the Minister’s exchange earlier with Deputy Daly during which he said that the symptoms are real. That is different from a previous exchange the Minister and I had on this issue. The reality is that there are over 220 girls whose

parents are distraught by the change they see in their daughters. Young women, who were bright, articulate, intelligent, going to school and looking forward to their lives are now unable to get out of bed and have to drop out of school, in addition to presenting with a number of other symptoms. This has been dragging on for some time. The parents made a very worthwhile presentation at the health committee and were definite that they are not against vaccines. The reality is that these girls are all presenting with symptoms and we are not getting to the bottom of them. There does not appear to be an urgency to do so. If it is not the vaccine then what is the cause?

There is also a serious issue around the lack of substantial information provided to parents beforehand. They were given a leaflet providing limited information in the schools and were directed to a website if they wanted to check further. These are very ill young women. Will we have a proper investigation into the cause of their illness so those issues can be addressed?

Deputy Leo Varadkar: I would like to correct the record, if I have ever suggested otherwise. If a patient has symptoms, the symptoms are real. If a patient has pain, it is real and if a patient has a headache, it is real. The patient's symptoms are always real. In this and other circumstances, a person may have a range of different illnesses. Perhaps part of the reason there has been delay in diagnoses or they have not received the treatment and support they need is because the symptoms have been connected - erroneously, in my view - to this vaccine. It may be the case that there is a whole range of people with a whole different range of symptoms that could be attributable to any number of physical or mental illnesses. The fact it is being tied up with a belief about this vaccine is impeding them from getting the care they need. Perhaps the Deputy will give that some consideration.

Deputy Maureen O'Sullivan: I know from some of the parents that the doctors they brought their children to were at a loss as to what could be the reason for the symptoms they were presenting with. It appeared that, from what I have been told, they had nowhere to go with their inquiries into why these girls were presenting with these symptoms. There was a real problem there. The World Health Organization report that the Minister mentioned will be interesting. These are very ill girls and it seems we are saying that we do not know what caused it and we will not investigate. That does them a disservice because their lives have changed. Some of the parents have been circulating video clips of their daughters to make people aware of it. It is gruesome to see the physical change between what they were like and what they are like now. Something is causing this change and the HSE should be coming forward to investigate it. We owe it to them.

An Leas-Cheann Comhairle: Does the Minister have anything further to say?

Deputy Leo Varadkar: No, not unless the Deputy has a further question.

Question No. 67 replied to with Written Answers.

Mental Health Services Provision

68. **Deputy Mick Wallace** asked the Minister for Health if he has plans to put a 24-hour acute mental health unit in County Wexford; and if he will make a statement on the matter. [3923/16]

Deputy Mick Wallace: I have raised this issue with the Minister of State before. One of the key messages of A Vision for Change was the need to reduce reliance on acute in-patient beds in cases of mental illness by strengthening early interventions by community mental health teams. Last autumn, in reply to my question, the Minister of State said the delivery of mental health services had been transformed. However, the people on the ground in Wexford strongly disagree with that. The community health teams do very good work but are only open until 5 p.m. To access these services, people need a referral from a GP, otherwise they go to Wexford A&E, from where they can be sent to Waterford A&E, all the while in mental crisis. According to the people on the ground, until things are better in the community services area we need a 24-hour acute service in Wexford.

(Deputy Kathleen Lynch): We will struggle for time now and as we have had this debate before I think it is important that rather than reading the set reply, which I am sure the Deputy will be supplied with, we should look at the services that are available in Wexford. The majority of the €18 million investment programme was spent in County Wexford on Tara House community mental health centre in Gorey, which is a day hospital; Tus Nua rehabilitation unit in Enniscorthy, which has 12 beds; Heavenview, which is a 14-bed unit; Millview, which is a 12-bed intellectual disability and rehabilitation unit in Enniscorthy; Farnogue psychiatry of later life unit and team headquarters, Wexford, which has 20 designated psychiatry of old age beds and 30 beds designated as part of the community nursing unit for the care of the older person; and the upgrade of Summerhill community unit, Wexford.

A Vision for Change recommends that as part of community secondary care provision, there should be a crisis house available in each catchment area. In July 2014, a new purpose built ten-bed crisis respite unit, seven day service, An Tearmann, opened in Enniscorthy for service users who are referred there through their mental health community team for respite care. I have already outlined the mental health services in operation in Wexford.

In addition, Wexford has recently received substantial funding which will enable it to continue into the future, a service of which I am sure the Deputy is very well aware. The mental health services in Wexford and the surrounding areas are now developing an infant mental health service for the area which is in compliance with A Vision for Change. One of the models we should look at in future should include respite and crisis houses and the type of innovative development that we see in Wexford. It is the Deputy's job not to be satisfied but there has been substantial investment in Wexford and a completely new type of service.

Additional information not given on the floor of the House

The Waterford-Wexford Mental Health Services serves a population of approximately 278,000. The extended catchment geographic area stretches from Gorey in north Wexford to Youghal in County Cork. Mental Health Services in Wexford are arranged in accordance with national policy as reflected in A Vision for Change. The HSE, in addition to emergency and hospital care and community based services, has a comprehensive range of services available to people in Wexford in the areas of mental health, suicide prevention and substance misuse.

Following a closure order in 2010 from the Mental Health Commission, the acute mental health unit in St. Senan's Hospital, Enniscorthy, was amalgamated with Waterford mental health services and is now provided for in a 44-bed acute in-patient unit in University Hospital Waterford. In addition, arrangements are in place whereby service users in north Wexford who attend Tara House mental health services in Gorey and require acute in-patient admission

have access to five beds in Newcastle Hospital, Greystones, County Wicklow. To support the amalgamation of acute mental health services, a comprehensive €18 million capital investment programme was implemented, with the main developments taking place in County Wexford. These, for example, relate to additional bed provision or enhancement of facilities such as Tara House in Gorey, Tus Nua, Heavenview and Millview in Enniscorthy; and the Farnogue psychiatry of old age care unit and Summerhill community mental health unit in Wexford.

The suicide crisis assessment nurse, or SCAN, service in Wexford is a skilled mental health nursing service for primary care. This provides an accessible and quick response to GP requests for a timely assessment of those in suicide or self harm distress. The emergency department in Wexford General Hospital has a seven-day liaison nurse led service. In addition, and in line with catchment area criteria recommended in A Vision for Change, a new purpose-built ten-bed crisis respite unit has been opened in Enniscorthy. Many of the services I have outlined, and others in the area, operate a seven-day service, with significant opening hours.

I am satisfied that the significant and comprehensive service developments that have taken place or are currently planned for the Waterford-Wexford mental health service area as a whole will ensure the provision of quality and patient focused mental health care across the region. In light of this, there are no plans at present to provide the type of service suggested by the Deputy.

Deputy Mick Wallace: It is not my job to be dissatisfied. The services the Minister of State is talking about may reap rewards in the future. I hope they will. I was contacted recently by a woman who lives five minutes away from me. She told me that her 24 year old son tried to take his own life in late October 2015, which was his second attempt in four years. He slit his wrists and came very close to bleeding out. He was brought to Wexford General Hospital by ambulance. A few hours later, the hospital telephoned Christine and told her she would have to take Shane to St. Vincent's for surgery because he had severed two nerves in his wrist. At St. Vincent's they had to wait five hours on a trolley in A&E before he was seen. They carried out the surgery there but would not admit him to the psychiatric unit because he is from Wexford and outside the catchment area. As Shane has been diagnosed with a personality disorder, he is not deemed to be a threat to himself and is excluded from involuntary admission to treatment under the Mental Health Act. The psychiatrist at University Hospital Waterford said he does not need antidepressants.

Things are a little bit more difficult in Wexford than the Minister of State realises. I am not saying that she should realise it as it is difficult for her to know everything that goes on in the country. Wexford is the third most disadvantaged county in the country at the moment. We have 22% unemployment and the second highest suicide rate. In the short term, a 24-hour acute unit would meet many of the concerns of the people I have been talking to until the services the Minister of State has put in place are working better.

Deputy Kathleen Lynch: On suicide prevention, aftercare and the process when people are in crisis, Wexford is now providing 12,000 counselling hours and has received additional funding. In addition, the suicide crisis assessment nurse service, SCAN, in Wexford is a skilled mental health nursing service for primary care. As the Deputy knows, primary care is provided on a 24-hour basis. It provides an accessible and quick response to GP requests for a timely assessment of those in suicide or self harm distress.

One of the areas I have concerns about is why people with a mental health difficulty have to come through A&E. Clearly, if they have a physical injury, it has to be assessed and put right.

2 February 2016

One of the things we will look at is the number of beds - whether it is the right number, whether we should have more or fewer beds and how people get admissions to an acute unit. All these issues will be dealt with by the new group.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Joan Collins - workers' rights with regard to the announcements of recent job losses, including Xtravision-HMV, Tesco and ESB meter-reading workers; and (2) Deputies Mick Wallace and Clare Daly - allegations of abuse in a foster home in the south east.

The matters raised by Deputies Joan Collins, Mick Wallace and Clare Daly have been selected for discussion.

Leaders' Questions

Deputy Micheál Martin: Last night on the "Claire Byrne Live" television show, a whistleblower gave her account of how she believed an intellectually disabled child called Grace was left in a foster home, in which she was constantly and consistently abused, until 2009. It is known that this foster home or household to which children were sent for summer respite services was so engaged from 1983 to approximately 1996, when it ceased taking new placements, but that Grace was left there until 2009 and that another person, Ann, was left there until 2013. The abuse has been described as quite shocking - it genuinely would shock any person - and it is incomprehensible that a child would be left for so long in such a dangerous household. I have been watching the proceedings of the Committee of Public Accounts this morning and the various questioning to and fro there. My first point is that the whistleblowers are clear that serious abuse was perpetrated on those children in the 1990s and, if I understand the matter correctly, even though files were sent to the Director of Public Prosecutions, DPP, for some reason no prosecutions took place. Therefore, the first question I ask of the Taoiseach is whether there may be mechanisms whereby the Office of the Director of Public Prosecutions could be asked to give a report explaining why these cases did not materialise into prosecutions on foot of the files that were sent. I understand from one report this morning that five files were sent to the DPP during that period. My second point is that approximately 47 children or adults were involved in this scandal.

An Ceann Comhairle: A question please.

Deputy Micheál Martin: They were placed there by the South Eastern Health Board, by the Brothers of Charity and by private families. The Government and the Minister have indicated they are to recommend a commission of investigation into this entire scandal. Has the Taoiseach taken legal advice and is he satisfied that a commission of investigation can run in parallel to the Garda investigation that currently is under way in respect of reckless endangerment by officials?

An Ceann Comhairle: I thank the Deputy.

Deputy Micheál Martin: I ask this because it is clear from the proceedings of the Com-

mittee of Public Accounts that the Health Service Executive, HSE, is stating it cannot publish the Devine and Resilience Ireland reports because of that selfsame Garda inquiry. The point I make to the Taoiseach is Members must be clear in this House that a robust mechanism is available to have a comprehensive inquiry into this matter both on the health side and, I suggest, on the criminal justice side. Given the experience in respect of Siteserv and even the experience of the banking inquiry, would a commission of investigation have the capacity to conduct a comprehensive inquiry of the type that is absolutely required to deal with this horrendous story?

An Ceann Comhairle: I thank the Deputy.

Deputy Micheál Martin: Finally, in respect of any civil cases-----

An Ceann Comhairle: Sorry, we are way over time.

Deputy Micheál Martin: -----that may arise, my understanding is the State will not defend them. Has the Government given consideration to a redress scheme or some system of compensation for the families involved? The bottom line is that 47 children or adults - highly vulnerable adults with intellectual disabilities - were left in a home about which many people had huge issues-----

An Ceann Comhairle: Sorry, but will the Deputy conclude?

Deputy Micheál Martin: -----and the whistleblowers are clear that serious abuse was carried out on a number of children in that home.

The Taoiseach: I thank Deputy Martin for raising what is another serious legacy issue that does no reflection upon this nation or upon the institutions involved, in particular because of the case of the person known as Grace who because of her condition was silent but who by her treatment and her abandonment was silenced. It is important to understand that a great deal of allegations have been made surrounding this and other issues in regard to this particular premises. Clearly, the safety and the protection of vulnerable people has to be of paramount importance to the State. It is not that the system has failed; it is that the people in charge of the system have not measured up. The Deputy has pointed out a number of important issues. The specific case is complicated by the fact that a Garda investigation is ongoing which has precluded the HSE from publishing two separate reports, namely, the Devine report and the Resilience Ireland report, into the matter pending completion of Garda inquiries. Obviously, we need to be very focused and precise about the questions that need to be followed through on. As I understand it, it is possible for a commission of investigation to proceed in parallel to the Garda inquiry though it might mean that when the commission report is completed, it might not be possible to publish it in full pending elements of whatever might emerge from the aforementioned Garda inquiry.

I can confirm to Deputy Martin that the Government discussed this matter today and had briefings from both the Minister for Health, Deputy Varadkar, and the Minister of State at the Department of Health, Deputy Kathleen Lynch, and agreed on the establishment of a statutory commission of investigation, subject to terms of reference and approval by the Oireachtas. That will be the next Oireachtas, whoever the people elect. The work that is under way, which was commissioned by the Minister of State, Deputy Kathleen Lynch, with Mr. Conor Dignam, SC, will be expected to form part of the drafting of the terms of reference for a commission of investigation. Additional resources have been made available for the senior counsel to allow him to accelerate completion of his report, which now is due by the end of April. I might note that

both the Minister, Deputy Varadkar, and the Minister of State, Deputy Kathleen Lynch, have requested copies of both the Devine and the Resilience Ireland report from the HSE under section 40C of the Health Act 2004. Both Ministers believe direct access to these reports will assist their understanding of the relevant facts that are needed about the disturbing allegations that have been made. As the Deputy is aware, officials from the HSE are engaged with the Committee of Public Accounts at present. It speaks for itself that it is a committee of this House charged with dealing with monetary matters which has brought this matter to light here.

Deputy Micheál Martin: While I thank the Taoiseach for his reply, my core point is on the capacity of a commission of investigation to credibly carry out its work while the Garda investigation is under way. Presumably, a presiding judge might be highly wary of undermining the Garda inquiry. This was the very basis on which the HSE officials appearing before the Committee of Public Accounts have stated that, much as they would wish to so do, they cannot publish the Devine or Resilience Ireland reports because of the possibility of endangering the criminal inquiry. Has the Taoiseach received strong and robust legal advice from the Attorney General to state that a commission of investigation can conduct an inquiry? The Taoiseach has confirmed it cannot publish the results of the inquiry until after the Garda investigation is complete but can it actually conduct an inquiry? For example, the witnesses to such an inquiry may very well plead that they are involved in a criminal case and that they could be questioned by the Garda and so on. Will they be under an obligation, in a parallel mechanism, to give evidence to the judge? It is a serious issue in itself because the robustness of the Commissions of Investigation Act has been called into question because of the Siteserv experience. Likewise, Members had another experience in a separate inquiry, the banking inquiry, in which banking officials could not be brought forward because of criminal proceedings in the courts. Members must be clear and honest as to what are the prospects in this regard. If he has the legal advice on that, could he share it?

Will Ministers come before the Dáil to answer questions about this from Deputies? It was normally the case in a controversy of this magnitude and scale that Ministers would come before either the health committee or a plenary session of the Dáil through a special notice arrangement to answer questions. It would be fitting and appropriate in a case such as this.

The Taoiseach: The Minister of State at the Department of Health, Deputy Kathleen Lynch, is taking a Topical Issues debate on this later. Ministers do not have a difficulty dealing with this. Obviously, this goes back over quite a long number of years and, clearly, there has been a deal of correspondence. The precedent is the Ryan report into institutional abuse and while it may not be possible to publish all of the report, pending the outcome of Garda inquiries, that is the precedent that stands up-----

Deputy Micheál Martin: Ryan was not a commission of investigation; it was separate legislation. I set it up in the first place.

The Taoiseach: -----where the commission was able to do its best and all that. Given the nature and scale of allegations of abuse, which appear to be horrendous in this particular case, the decision by Government is to have a commission of investigation and to allow senior counsel Dignam to complete his work as a scoping exercise for the drafting of appropriate terms of reference. The Resilience Ireland and Devine reports, obviously, will form the basis of what needs to be put in place, focusing on the precise and individual questions. Why was the home in question to be cleared of all foster children and yet a decision made that this should not be so? It is important to note that most of the children who attended the home were there for respite

purposes for a week or a short period and it has been quite a number of years since there was any public placement by the State.

I am informed by the Minister that there is a Topical Issue in this House and a Commencement matter in the Seanad on this matter today. Members will have the right to ask questions.

Deputy Micheál Martin: That is only five minutes, for God's sake.

The Taoiseach: The Minister of State is in the Seanad at the moment. The HSE is answering questions, I understand, before the Committee of Public Accounts.

An Ceann Comhairle: I thank the Taoiseach. We are way over time.

Deputy Micheál Martin: But the Ministers will not answer questions in the plenary session. That is what should happen.

The Taoiseach: To answer the Deputy's final question, there was no discussion about a redress scheme this morning. It is important that we focus on completing the work of Dignam and publishing and addressing the issues in the Resilience Ireland and Devine reports in order that when the Department drafts the terms of reference for the commission for investigation, they will be appropriate and focused precisely on what needs to be dealt with.

Deputy Gerry Adams: The Taoiseach went into government on the back of what he called "a democratic revolution". Contrary to that, he is now finishing five years of conservative politics with all the hallmarks of Fianna Fáil in office. He has led a Government acting for the elite and completely out of touch with the needs of ordinary citizens. He has arrogant Ministers who refuse to resolve the problems for which they are responsible and there has been a complete failure to fulfil the promises he made to the electorate at the last election.

I refer to the Taoiseach's record on health. In opposition, he promised a new health service and yet in office, he has broken every single one of the pledges he made. His promise of universal health insurance has been broken; his promise to abolish the HSE has been broken; his promise to deliver a more competitive insurance market has been broken; and his promise to reduce hospital waiting lists and accident and emergency department trolley waits has been broken. Just yesterday, the Minister for Health, Deputy Varadkar, announced that yet another promise to provide GP care for all would be reneged on as well. The Taoiseach's refusal to address what was a crisis in the health service has reduced it to chaos and that surely must rank as the defining failure of his term in office, although there have been many failures on housing, delivery for rural Ireland and child care among others.

During the last election campaign, he made promises that he knew he would never honour, all to get into office. I am sure we can expect the same from him over the coming weeks. However, on this, one of his last days in office and on the eve of yet another election, does he not think it would be opportune to apologise for his broken promises, particularly, but not exclusively, his broken promises in respect of the health services?

The Taoiseach: It seems to me the Deputy was part of an anti-democratic revolution. In any event, I do not accept his version of events at all. He will be aware the unemployment rate is down to 8.6%. The continued strength of our economy allows for investment in services, people and facilities. The Deputy should apologise as he comes in here with no plan for jobs and no plan for anything to do with the development of our economy.

2 February 2016

Deputy Jonathan O'Brien: We are talking about health.

The Taoiseach: Deputy Adams spends his time talking about how money should be spent and invested but he has no clue, no plan or no proposal to make anything happen other than give everybody everything for free.

Deputy Simon Harris: Or go to America to hospital.

The Taoiseach: He will have the opportunity shortly to spell out how he will make that stand up around the country.

Deputy Dessie Ellis: What about the trolleys?

The Taoiseach: Deputy Adams has the gall to come into the House and say to Government that nothing that has happened over the past five years has been for the benefit of the nation. We cannot deal with the many problems we still have to deal with unless there is the capacity in the economy to do that. It is very much heading in the right direction with unemployment decreasing and employment rising and, clearly, the potential existing in the economy to continue that for the future. The Deputy does not believe in keeping the recovery going and he has a different version of economics. I reject his proposition and assertion and I look forward to dealing with what he has to say in the period ahead.

Deputy Jonathan O'Brien: The Taoiseach might answer the questions in the period ahead.

The Taoiseach: The people are the masters here. They will make their choice and I do not think they will follow the fantasy economics of the Sinn Féin party-----

Deputy Dessie Ellis: Maybe the Taoiseach will debate them.

Deputy Simon Harris: Deputy Ellis should not blow a fuse.

The Taoiseach: -----that espouses giving everybody everything for nothing. The party has voted against every proposition over the past five years that has helped our country to develop.

In respect of health, the first steps have been taken on universal health insurance with the provision of free GP care for those under six and over 70. Obviously, the break-up of the HSE has been under way for some time. Hospital groups have been set up and they will evolve into hospital trusts in due course. Community health care organisations are well under way, as is the provision of primary care centres. This is where we need to be in order that people do not have to go to hospital in the first place by having minor ailments and issues dealt with in primary care centres. That is based on a strong community-based proposition in respect of health.

The health insurance market has been made much more competitive than it was through young adult discounts and lifetime community rating and there has been a 100% increase in the numbers with health insurance over the past two years. These are all positive issues, whether the Deputy likes it or whether he does not.

Deputy Gerry Adams: I look forward to the people having their say on all these matters. Sinn Féin has put forward costed, practical proposals for dealing with housing, health and child care. The Taoiseach should know that because I sent them to him and, unlike Fine Gael's, the Sinn Féin sums add up.

Deputy Dessie Ellis: At a cost of €12 billion.

Deputy Regina Doherty: Where is Sinn Féin going to get the money?

Deputy Gerry Adams: Fine Gael's sums do not add up.

The Taoiseach did not deal with the questions I put to him, which is not surprising. Regarding the health service, he said: "The inefficient two-tier health system will be eliminated". He has made it worse and he has no plan for health. He has no strategy to invest in the most basic services, which citizens should be accorded by right in a republic. He wants to scrap another 50,000 medical cards and he wants to sacrifice patient care for US-style tax cuts for himself and his friends.

Deputy Simon Harris: Is the Deputy talking about US hospitals?

Deputy Gerry Adams: Why will the Taoiseach not admit that it is the ultimate aim of Fine Gael to wind down the health service in order to privatise it and auction it off to the highest bidder? Would it not be better to seek a mandate for that by saying to the people, "We want to privatise the health service because we believe in that and we do not believe in a public health service"? Would that not treat the people as intelligent instead of treating them as fools? I ask the Taoiseach to go to the people with Fine Gael policy and give them the chance to vote on it as opposed to what he did the last time making promises he had no intention whatsoever of keeping.

The Taoiseach: I know that is another try on by Deputy Gerry Adams. He does not believe what he is saying.

Deputy Gerry Adams: Yes, I do.

The Taoiseach: He is aware of the €3 billion capital plan for health in the next six years. He understands well the scale of development in primary care centres and community facilities, the opportunities for people to be looked after in their own homes and in the community before the necessity of having to go to hospital as a last resort, the development of the national children's hospital and the progress made there, the many issues that have been addressed by the Minister in respect of the new ways of treating patients, the National Rehabilitation Hospital in Dún Laoghaire with which the Deputy is well acquainted over the years and the developments taking place there that are of enormous importance and consequence for people and the development of the cystic fibrosis units around the country and the comfort and consolation they give to cystic fibrosis users with isolation rooms and proper facilities for treatment. These are all part and parcel of the development of a comprehensive health system which will do away with the unfair two-tier system and bring in a universal health care system which will be funded, in due course, by a universal health insurance scheme.

Deputy Michael Fitzmaurice: In the 1970s, far-sighted senior engineers in Roscommon, including the county manager at the time, saw a niche in the market in Monksland near Athlone. They sought funding from central Government at the time but were refused. With whatever money they had, they developed an area in which multinationals or local businesses are located. Some 1,000 jobs have been created in that area. A medical centre for south Roscommon has been built there. Given the review by the boundary committee, this is in danger of being taken away from the people of Roscommon who put blood, sweat and tears into it.

Currently, €1 million in rates is taken from that area. Local business people who decided to set up businesses in Roscommon because they were from Roscommon are wondering what is

going on and are very reluctant to expand until they see a politician giving a clear message that this will not go ahead.

I ask the Taoiseach if the Government will stop the review taking place in this area. Some 30,000 submissions have been submitted in the past week or two and, in fairness, some Fine Gael Deputies have said that what is being attempted is lunacy. In the past few days, we have heard about bosses and so on but the Taoiseach is the leader of the country. Before he calls it a day, will he do the decent thing for the people of Roscommon and the Monksland and surrounding areas by stalling the review and making sure this does not go ahead?

An Ceann Comhairle: Thank you.

The Taoiseach: I thank Deputy Fitzmaurice. I am well aware of the Monksland issue and of the administrative review taking place. These are statutory reviews which are carried out by independent groupings. There are four under way at present in different parts of the country. These reviews are not binding on the Minister for the Environment, Community and Local Government of the day. Were they to become a reality, they would have pass through the Oireachtas. The first thing I want to say is that the review will go ahead but it is not binding. Those people who are scaremongering in Roscommon, in particular, would do well not to make comments as they have been doing, including that all the GAA clubs will be transferred to Westmeath, that 7,500 people will be moved to Westmeath and that all of the rates and so on will be sent to Westmeath. One could reflect on this in a different way and say there was a divide before, east and west of the Shannon. One could examine Athlone as being a municipal district, supported by Westmeath and Roscommon; or one could examine Athlone as being part of Roscommon. The issue being examined is Monksland being part of Westmeath. It is not a binding finding and I would not be too concerned about it from that point of view. I hope the Deputy can take that in the spirit in which I give it to him.

Deputy Michael Fitzmaurice: For the people who live in those areas, it is clear. It has been said openly that if this happens, the rates would go to Westmeath. When the British were in Ireland, one small chunk of the west of Ireland was put into Westmeath. There is poverty in that area because of the way Westmeath looked after it. I am worried because of the political connections of chief executive officers in some counties who have said in the newspapers that they want this. I am worried as to what will happen down the road. The Taoiseach has said it is a political decision. I accept that because at the end of the day, most things are political decisions. As a man who comes from the west of Ireland and who I have often heard say he is proud of the west of Ireland, will he please give an undertaking that if he is in the next Government and if the review is not finalised before then, he will make sure Monksland will stay in Roscommon and that the river Shannon will form the east and west divide?

The Taoiseach: That is the very point I am making to the Deputy. The statutory independent review looks at one element of this only. It is not a binding finding. I have said that one could have the Shannon as the east-west divide; one could have Athlone as a municipal area supported by both counties; or one could do the reverse of what is currently being examined and put Athlone into County Roscommon. Roscommon lost part of its county 100 years ago over the Gaelic Athletic Association when people from Ballaghaderreen played for the red and green instead of Roscommon but that is a different matter, as the Deputy is well aware. What I want - whoever the people decide to elect - is to keep the benefits of a rising economy being invested throughout the country. Roscommon is a county that has suffered much in recent years. Many elements of that were due to a lack of decisiveness about what actually needed to be done in

Roscommon in terms of the major pieces of infrastructure, road routes and so on. Monksland is a developed and thriving area in terms of investment and the creation of jobs. I agree with the Deputy that people would be very upset were it to be shifted administratively to another district. I am very much a supporter of developing the county of Roscommon as an entity. Why would I not be? That is my strong belief. This report is not binding; it is an administrative report and will have to be dealt with politically afterwards. I will answer the Deputy's question in the affirmative by saying that if I have anything to do with it, that is my belief.

Ceisteanna - Questions (Resumed)

Taoiseach's Meetings and Engagements

1. **Deputy Gerry Adams** asked the Taoiseach the conversations he has held with European Union leaders following the attacks by the Islamic State of Iraq and Syria in Paris in France on 13 November 2015; and if he will make a statement on the matter. [42226/15]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the ambassador of France to Ireland, His Excellency, Mr. Jean-Pierre Thébault; and if he will make a statement on the matter. [42227/15]

3. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to the President of France, Mr. François Hollande, since the horrendous attacks in Paris, France on 13 November 2015; and if he will make a statement on the matter. [42290/15]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on discussions he has held with the President of France, Mr. François Hollande, since the tragic events in Paris, France; and if he will make a statement on the matter. [42435/15]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach to report on discussions he held with European Union leaders since the atrocities in Paris in France on 13 November 2015; and if he will make a statement on the matter. [44825/15]

6. **Deputy Joe Higgins** asked the Taoiseach to report on his communication with the President of France, Mr. François Hollande, or with the ambassador of France to Ireland, His Excellency, Mr. Jean-Pierre Thébault following the tragic terrorist attacks in Paris, in France on 13 November 2015. [2804/16]

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

The attacks in Paris on 13 November were a horrific and violent intrusion on our way of life, which brutally ended 129 lives and devastated thousands more. In the immediate aftermath of those atrocities, I reiterated in the strongest terms Ireland's continued support for, and solidarity with, France and the French people, with whom Ireland has a dynamic and historic relationship. I wrote in those terms to President Hollande, and I signed the book of condolences at the French embassy, where I met the ambassador. In this House, on 17 November, we observed a minute's silence for the victims and I delivered a statement setting out our sympathy and our resolve to stand with France, confirming that we are united in our determination to counter the threat posed by global terrorism. The Irish public also demonstrated their sympathy and solidarity

2 February 2016

through vigils, through walks of solidarity and through letters and cards sent by individuals and by entire schools to the French embassy in Ireland and other French institutions. The ambassador attended the Dáil on 17 November and met with a number of senior officials, including the second Secretary General of my Department to discuss follow-up actions.

European Union justice and foreign Ministers and leaders also discussed the attack and its consequences at their subsequent meetings. At the European Council in December, I and other heads of state and government took stock of progress since February, when a detailed programme of criminal justice, law enforcement and border control actions was set out. The central point of our discussions was that the EU has to deliver on the measures and priorities already agreed. Building on the work of justice Ministers, the European Council looked at enhancing information sharing and early implementation of the passenger name record, PNR, directive. Further emphasis was placed on systematic and co-ordinated checks at external borders, which primarily concerned the Schengen area members, and a commitment to examining Commission proposals on new directives for combating terrorism and the illegal firearms trade. Proposals were also made for increasing the effectiveness of the fight against terrorist financing. Work on these issues is continuing as a matter of urgency.

Ireland has consistently called for a co-ordinated international response and a comprehensive approach to combating terrorism. In this regard, it was welcome that the European Council discussions and conclusions proposed the stepping up of engagement with partners in north Africa, the Middle East, Turkey and the western Balkans.

Deputy Jonathan O'Brien: I also want to begin by condemning in the strongest possible terms the murderous attacks perpetrated in Paris in November. As the Taoiseach will be aware, our party president, Deputy Gerry Adams, vice president, Deputy Mary Lou McDonald, and justice spokesperson, Deputy Pádraig Mac Lochlainn, at the time visited the French embassy and extended our personal sympathies and solidarity to the French ambassador, the victims, their families and the people of Paris and France. The people of this island, like those all over the world, watched in deep shock and horror the events as they unfolded in Paris last November. All of us must stand against fundamentalism, bigotry, sectarianism and racism.

Tragically, the violence that was witnessed in Paris has been mirrored in countless other barbaric acts. The catalogue of deadly actions makes for very grim reading. Only last Sunday, three bombs killed 45 people in Damascus. Three weeks ago, ten German tourists were killed and another 17 people wounded in a bombing in the historic centre of Istanbul. In the years of war in Syria, more than 300,000 men, women and children, mostly civilians, have been killed. Last October, twin blasts in Ankara claimed the lives of more than 100 civilians. In addition, a bomb was responsible for destroying the Metrojet that crashed in the Sinai Peninsula, killing the 224 people on board.

The United Nations recently confirmed that more than 50 million people have been displaced worldwide as a result of conflict and it faces the worst refugee crisis since the Second World War. More than 3,500 people have died at sea since last January in making the desperate crossing to Europe. These victims were ordinary, innocent civilians and, like the citizens in Paris who played no part in any of this, the people of the Middle East are entitled to live in peace and to pursue happiness and prosperity.

This is not a conflict between east and west or between Islam and Christianity, but between fundamentalism and freedom. It is important that we assert that neither religion, gender, colour

nor nationalism can be any excuse for violence. Injustice, racism and sectarianism must be challenged. ISIS and other fundamentalist groups thrive on the chaos and destruction that has been wrought in Iraq, Syria, Libya and elsewhere in the Middle East as a direct result of Western military and political interference. This reality cannot be ignored.

An Ceann Comhairle: A question, please. This is Question Time.

Deputy Jonathan O'Brien: Does the Taoiseach agree that Western duplicity and cynicism towards the Middle East must end if there is to be a peaceful democratic future for our citizens in that region? Does he also agree that the running sore which is the treatment of the Palestinian people must be confronted once and for all if there is to be peace in that part of the world? Does he agree that the horrific attacks in Paris cannot become an excuse for attacks on Islam or the rights of Muslim people and Muslim society, nor that it should be used as an excuse to turn away from our responsibility towards the hundreds of thousands of refugees arriving in Europe? Does he agree that, in defiance of the mindless loss of life, threats and intimidation, it is our responsibility to stand united with all those suffering as a result of war and poverty?

What steps has the Government agreed with other EU neighbours in regard to meeting the challenge presented by ISIS, given the Taoiseach touched on some of the issues in regard to co-operation with North Africa? Following on from last week, what further measures have been agreed in respect of the refugee crisis? The European Council has agreed that member states and the EU institutions must seek to resolve the deficiencies urgently. Will the Taoiseach indicate the progress which has been made on that? When does he expect the additional 120 refugees to arrive in this State?

The Taoiseach: The Deputy has raised a number of questions. Clearly, this has been the focus of the European Council meetings for more than a year. The root cause of much of this is the war in Syria. I am glad to see that, at long last, tentative steps towards peace talks are beginning, although it might be some time before they begin to focus on what needs to be done. The Deputy is aware of the United Nations Secretary General's comments. The problem with the unprecedented scale of people leaving Syria is not going to end until this problem is dealt with. Can the Deputy imagine, for instance, if all of Munster and all of Connacht were to walk to Northern Ireland and take rickety boats to Britain or somewhere else? The scale of evacuation and movement is unprecedented.

The Deputy asked what steps are being taken. The European Union, in particular the Schengen countries, agreed on a process of what they called hotspots for registration and recognition of people. Great difficulties have been experienced in Italy and even more so in Greece, given the numbers coming across from Turkey. Deputy O'Brien is aware of the numbers - just more than 1 million in south Lebanon, with 25% of its population now Syrian, 1.2 million in Jordan and more than 2 million in Turkey, with others coming in from other countries through Turkey who want to get to Europe as well. In respect of the scale of the camps in Turkey, the European Union agreed to put up €3 billion in consultation with the Turkish Government and, in an effort to maintain people in Turkey, the majority of whom would like to go back to Syria if peace were to happen, agreed to open some of the pre-accession chapters for consideration to become an eventual member of the European Union.

Islam is a religion of peace and should not be confused in the sense of being the cause of this. The Islamic religion is one of peace.

4 o'clock

Ireland stands united with the European Union, as I stated in my response in respect of France. When we consider that the Assad regime is being maintained by Russia and Iran and that the United States and Europe have supported the removal of that regime, I am not sure what is going to happen in the short term. While the situation continues, Daesh or ISIS has continued to carry out these abominable and horrific beheadings and assaults on men, women and children. These rapes and beheadings and assaults are appalling crimes against humanity. In that respect, when we see reports of videos making claims of further terrorist activities in different countries, these cause enormous complications.

As Deputy O'Brien will be aware, the state of emergency continues in Paris, France and is being extended to other areas. This is causing enormous difficulties for the economy, with reduced visitor numbers and hospitality potential. Further difficulties will be experienced in regard to the European championships and the huge numbers of fans who will travel from different countries. Questions will arise as to whether the state of emergency should be maintained following the declaration of war by the French President. These serious issues must be fully considered.

In so far as we are concerned, shortly after the French atrocity, a meeting of the appropriate emergency committee was held here and it was briefed on security and other developments. These matters and information are monitored carefully by the Garda Commissioner and intelligence units here. In that regard, Palestine has always been a case in point. The attitude adopted now is that the two-state solution should apply but clearly there are strong differences of opinion about the substantial Israeli settlements on the West Bank, involving thousands of people. These issues are all part of the discussions that take place on the occasion of every Council meeting and between them. High Representative Federica Mogherini provides reports to the Council.

Clearly, we also consider the entire Middle East, the situation now with Saudi Arabia and neighbouring countries, the numbers of people on the Libyan shore wanting to cross the Mediterranean, the war in Syria, the war on terrorism and the capacity of Daesh or ISIL to radicalise young people without having to visit a country. There is also information from many countries and their security forces that particular locations have been visited with a view to the potential to carry out terrorist atrocities. This is a serious matter. Any incident carries with it enormous cost, even for example, an incident like that when the Minister for Transport here was contacted last week about the Turkish flight with a suspected bomb on board having to land at Shannon. There were the difficulties and costs involved in ensuring the aircraft could land safely and be checked out so that the passengers were not in danger on their onward journey. This was just one incident, so we can only imagine the situation in France, with serious frustration being expressed by air traffic controllers, taxi drivers on strike, direct threats from Daesh and the migrant crisis in Calais where serious numbers of children are without parents. This is one of the most serious issues affecting the European Union in a long time and has even threatened the Schengen arrangement.

Ireland has opted into the protocol and agreed to take significant numbers of Syrian families. That process is under way but the registration and identification of families to come here has been hampered by the inability to locate these hotspots properly, because the requirement to register people in huge numbers means they must be catered for in the location they are being registered. This means more camps but many of these people who have landed in Europe

just want to move on to Austria, Germany or Sweden. Ireland does not rank among the desired countries. We can understand, therefore, the pressure in a country like Germany, where over 1 million refugees have made their way to in the past months. While it is still winter or early spring, as the warmer weather approaches the numbers of refugees wishing to cross from Turkey to Greece and into Europe will inevitably increase.

I believe the next meeting of the European Council must focus again on this issue. It is not easy to solve. When the tentative peace talks - which I hope work - get under way, I do not believe it will be easy to bring a conclusion to them and bring about an arrangement. However, it has been shown from speaking to Syrian refugees that the majority of them would like to return to Syria if the current regime in Damascus was removed. Therein lies the problem.

Deputy Micheál Martin: This is an important topic and my question, No. 3, relates to it. However, as this is the last occasion we will have questions to the Taoiseach in this session, we should note that this Question Time demonstrates again how the Taoiseach has ensured over the past five years that it is months before our questions are answered. It is two and a half months since these questions were tabled. At the outset of this term of office the Taoiseach halved the number of question sessions and got rid of one day for raising questions. He also refuses to reschedule sessions he misses. He answers fewer questions than any Taoiseach before him and has answered fewer than any previous Taoiseach in this session.

The Taoiseach: Much more comprehensively, however.

Deputy Micheál Martin: That is a fitting testament to the Government's approach to the Dáil. There is a lot more talk, but a lot less consultation and accountability. I hope the failure to deliver on the promised democratic revolution will be a major issue in the weeks ahead.

In November, all parties joined together to express support for the French people and opposition to the groups involved in these atrocities. I am sure the Taoiseach will agree that these attacks were not just targeted at France but at all societies that oppose the extremist fundamentalism of ISIS. There can be no equivocation on this. There is no "on the one hand" and "on the other hand". This is pure evil and we must be united in confronting it. In his presentation today and in others, Deputy O'Brien gave the sense that American or western interference is somehow a factor to blame for Daesh's attacks, but that is unacceptable.

Deputy Jonathan O'Brien: It is true.

Deputy Micheál Martin: It is not true. There are more fundamental reasons Daesh and ISIL have come to the fore. It is not because of western interference. Nothing justifies the nihilism or fundamental callousness involved in these attacks on ordinary citizens in democracies across the world. Even in states that are not democracies, innocent civilians are being targeted and murdered and armchair generals are organising young people, infiltrating groups and bringing them over and influencing them to commit jihad and appalling suicidal acts against innocent civilians. I do not buy the "on the one hand or the other hand" argument. A vacuum was created in Iraq and in Syria and through that vacuum, ISIS has emerged. However, that does not justify what ISIS is doing.

I would be strongly supportive of and sympathetic to the Palestinian cause and do not agree with Israel's approach, but I draw a line at trying to say that conflict is somehow related to how ISIS behaves. There is no connection or relationship between them. ISIS is a fundamentalism that needs to be taken on. There is no logic or rationale to it other than to kill and maim

2 February 2016

people left, right and centre across the globe. A dangerous equivocation arises here, however. That happens if, somewhat simplistically, the West is blamed for actions such as this. I understand there have been mistakes in foreign policy but, equally, there have been great successes. President Obama's initiative in his breakthrough with Iran, for example, is a very fundamental shift and it deserves to be lauded as a potential game changer. It has its critics but it was done with the European Union and other interested parties. Those talks on the nuclear issue and Iran went on for years and this has the potential to change the world order for the better. When ISIS or similar groups go to France or elsewhere, we rely on other democracies that share common values to pool intelligence and information to enable us to combat this. This is an evil and fundamentalism of a kind that must be attacked. We give groups succour when we talk "on the one hand but on the other hand". We need a comprehensive approach and we must be very clear in this House about that.

The Taoiseach referred to peace negotiations but the big issue in such talks remains the attempt to exclude the moderate opposition and Kurdish groups from the discussion. Will the Taoiseach assure us that in the European Union discussion this month, Ireland will speak up for the right of the moderate opposition in Syria and Kurdish groups to participate in these negotiations? The degree to which other countries have been attempting to undermine legitimate Kurdish aspirations is unacceptable, even as it goes to the extent of blunting the attack on ISIS in order to allow narrow interests come to the fore.

The most urgent issue of all remains helping refugees from this conflict. Current reports are that the humanitarian crisis is getting worse, with international aid clearly insufficient for the scale of the crisis. Essentially, this is the greatest humanitarian crisis of the 21st century and, at a minimum, we should be demanding at EU level that all refugees should have access to basic humanitarian conditions. I have raised the point with the Taoiseach before. The existing camps in Lebanon, Turkey and elsewhere are a factor in the migratory pull to Europe because they are not providing the very basics in terms of education, quality of life, work pathways and some sense of security or a context in which families can be raised with some degree of quality, involving education, access to health facilities and so on. When these are lacking, families will want to migrate and leave those camps. A major humanitarian effort is required by the European Union to support those camps in Jordan, Lebanon, Turkey and elsewhere and provide those required resources to enable people to sustain themselves with some degree of dignity and quality in those camps. That would do much to stem the tide of migration that is occurring and which will occur again if something fundamental does not happen with respect to the scale and nature of the humanitarian aid currently being made available globally.

The most fundamental point is of course that the conflict should be brought to some sort of conclusion, even a cessation of hostilities to enable life to be rebuilt in Syria and controlled by legitimate governments put in place to prevent the continuing exploitation by ISIS of the vacuum created in the current conflicts in Syria and Iraq.

The Taoiseach: I thank the Deputy. I made the point before and I know we argue about this structure for questions. I have said on many occasions that I would take a priority question every week-----

Deputy Micheál Martin: The Taoiseach never came up with a paper. He said he would bring a paper to me and Deputy Adams.

The Taoiseach: I said on many occasions that the leaders may have a priority question.

Deputy Micheál Martin: The Taoiseach never proposed anything.

The Taoiseach: They could choose whatever topic they wanted. When we come back-----

Deputy Micheál Martin: The Taoiseach talked his way through it for five years.

An Ceann Comhairle: Maybe we can discuss that some other time.

The Taoiseach: If we come back, I will extend the same facility to the Deputies.

Deputy Micheál Martin: The Taoiseach is very confident.

The Taoiseach: One must have confidence but I take the Deputy's point. It is the will of the people.

I fully agree with the Deputy's point that there should be no equivocation with this kind of activity by these terrorist groups, which is utterly appalling. The Deputy made the point about the West being denigrated and run down and I share his view. When things get out of hand, people look to the West to be a saviour but there was a very difficult proposition in Iraq over many years and Afghanistan before that. I am glad that in respect of the discussions that took place with Iran, for example, on its acquiring nuclear capacity, sanctions have now been lifted. The Ceann Comhairle is in the Chair and he visited the Iranian people and their parliament. He brought over the speaker. One can see the consequences of sanctions being lifted in the airline business, for example, and so many others are now moving in-----

Deputy Micheál Martin: The Taoiseach closed the Irish Embassy in Iran. That was a bad mistake.

The Taoiseach: I was just coming to that. I have spoken to Minister for Foreign Affairs and Trade about this now that sanctions have been lifted and the Ceann Comhairle has formally written to me about it.

Deputy Micheál Martin: It had nothing to do with sanctions.

The Taoiseach: This is an embassy that should be reopened. There is an opportunity to do that now.

Deputy Micheál Martin: I refused the option to close it when it was presented to me.

The Taoiseach: There are the areas of engineering, airlines, air leasing and food etc. that present real opportunities. I hope they can be followed through.

I will be happy to make the point at the European Council meeting for the inclusion of the moderate opposition and the Kurdish groups. We are only a small country but when we had the issue of 30 years of terrorism on this island, it was important to have everybody included in the discussions so as to have their voice heard. The Good Friday Agreement and the following agreements mean we are still in a position to maintain a peace, although it requires vigilance. It is a point I am happy to make.

With regard to the humanitarian position, we cannot have starvation sieges like we have seen in Madaya; it is absolutely barbaric in this day and age that a situation would apply where deliberate starvation has occurred. The Deputy knows it is prohibited by the Geneva Convention and all international law. In 2015 and 2016, to have aid agencies visiting this location

and finding people starving is reminiscent of what happened in Poland and other places during World War II. We have supported very strongly a referral by the UN Security Council of the case in Syria to the International Criminal Court. It is appalling and there is a need for accountability for the multiple crimes against humanity and war crimes committed during the conflict.

Deputy O'Brien mentioned the attack in Istanbul and it must be condemned out of hand. These attacks represent an attack on everybody's humanity and the liberty and value that a free society presents. The crimes of mass murder, sexual slavery and ethnic cleansing must be confronted and defeated; there can be no equivocation about that. There is no disagreement on that. This country has articulated very strongly our support for international law. Daesh's systematic crimes against the rights and existence of ethnic, religious, lesbian, gay, bisexual, transexual and intersex minorities, as well as women and children across the Middle East, must be prevented by all legal means possible. The barbaric actions of these people are an absolute affront to everybody's common humanity.

The Deputy is aware that air strikes have been conducted against Daesh in Iraq and Syria for some time and it is for the individual states to determine how they can best contribute to the concerted international effort under way to tackle the threat posed by Daesh and other UN-designated terrorist groups, of which there are many. Clearly, France took its own action against acts of terrorism directed against its citizens.

The Security Council clarified the legal grounds for addressing the threat of terrorism in Syria and Iraq. UN Security Council resolution 2249 grants authority for all states to take necessary action or measures to suppress and eradicate terrorist acts by Daesh and the al-Nusra Front, which is an al-Qaeda affiliate in territory under Daesh control within Syria and Iraq, and to eradicate the safe havens that they appear to have established there. Any action taken under this resolution therefore has to be in compliance with international law and the UN Charter, including human rights, refugee and humanitarian law.

Having welcomed the discussions that are now starting in Geneva, we can issue a call from here that all of these groups would participate fully in the work to provide a basis by which discussions might start towards bringing an end to this conflict. Despite the exceptional polarity of opinion, if everybody was to focus on people being slaughtered, murdered and forced out of their homeland, there may be an element of agreement at the end of it.

At the end of 2015, Ireland's support for the Syrian people reached over €42 million, which is the largest response to any crisis in recent years. It is channelled through the UN, Red Cross and NGOs to be spent on food aid, water, sanitation, shelter, education and protection, including child protection and the prevention of gender-based violence. That underlines the humanitarian commitment that this country has always shown over the years. It includes support for the protection of Syrian refugees in Iraq with a focus on gender-based violence being an issue there.

Ireland's engagement with the global response to counter Daesh is a co-ordinated one from the international community. An effective response requires the root causes and contributory factors to be addressed, promotes a counter argument, prevents radicalisation, deters and disrupts terrorist travel, addresses terrorist financing, and brings perpetrators to justice. Our obligations flow from UN Security Council resolutions, such as UNSCR 2161 on freezing the funds and assets of terrorist groupings, and UNSCR 2178 on measures to suppress recruiting, organising, transporting or equipping individuals who travel to one state in order to perpetrate, plan or participate in terrorist activities.

The global coalition set up in September 2014 is a mechanism for co-ordinating all of that international partnership in what is called “lines of effort”. Other neutral countries, like Austria, Finland and Sweden, participate in activities that are co-ordinated by the coalition. There are no obligations arising from our participation in the global coalition which involves sharing information and views.

Ireland is not, and will not be, participating in any international military action to combat Daesh. Our primary focus is on the political and humanitarian process. As everybody is aware, this is an appalling tragedy and it will not be easy to figure out where the conclusion lies.

The Deputy mentioned camps in Turkey and Jordan. From speaking to people there, I know a great deal of money is being spent on facilities for children, education and maternity services. Thousands of expectant mothers have given birth in these camps in Jordan and other locations. Apparently, despite the fact that they are camps, a great deal of expenditure is going there to help alleviate the difficulties that people have.

Deputy Martin mentioned the migratory pull towards Europe, which is true. However, it is also a fact that people who went into the camps in Jordan and Turkey in the first instance have now been there for some time. They have seen others making their way to Germany, Austria and Sweden with a perception that there is a better standard of living and better facilities available to them. That applies pressure on those left behind who now say they want to leave as well. That issue has arisen because of that factor.

As regards participating in these measures at the European Council, I confirm that I will be happy to articulate these views on behalf of our country.

Deputy Joe Higgins: The monstrous atrocities in Paris at the end of 2015 revolted the vast majority of humanity, including people in the Muslim world. It is vital to understand that, given that the perpetrators claim to act in the name of Allah, the god of those who believe in Islam. Does the Taoiseach agree, nevertheless, that one has to put the horror now unfolding in the Middle East, and all the consequences that follow around the world, in the context of the legacy of intervention in the Middle East by major imperial powers, from both east and west, historically over centuries? They jockeyed for power and stole resources from people in the region.

Would the Taoiseach also agree that one must factor in more recent interventions in the past 20 years, particularly by western powers, and now Russia as well? I am speaking in particular about the criminal invasion of Iraq, as a major factor that has unleashed forces that are wreaking havoc, particularly on ordinary, poor, working people in the Middle East, including Iraq, Syria and other areas.

The Fianna Fáil leader has a brass neck to lecture some of us here, as if we were putting forward some kind of justification for the atrocities in Paris, because we seek to explain what creates such politically crazed individuals who can carry out atrocities like that. The leader of Fianna Fáil himself carries responsibility by virtue of his presence in the Government of Mr. Bertie Ahern who, in 2003, supported the invasion of Iraq. On many occasions in this House, he gave credence to the lies that were being put abroad internationally about weapons of mass destruction. He then gave logistical support to that criminal invasion by the US army by virtue of allowing it to use Shannon Airport. He therefore carries some responsibility for this horror.

Would the Taoiseach agree that these disastrous interventions have created the basis for the reactionary forces of ISIS? The unfortunate situation is that a medievalist and barbaric world

2 February 2016

view can get an echo among a people seriously alienated by the actions of western powers, as well as Russia. When an atrocity like that in Paris occurs, it is world news. It is massively denounced but is the Taoiseach aware that, on a weekly basis, innocent men, women and children are being killed by drones sent in by the US and other powers and are unmourned and unreported and that this creates a basis of support for some of the forces at play?

Closer to home, is it not a real condemnation of the EU that the mass unemployment of 25 million or 26 million people that has been endemic for many years and the marginalisation and alienation this creates in communities in major cities such as Brussels, Paris and elsewhere throws up people who can carry out such horrific attacks as were perpetrated during the Paris massacre? Those to whom I refer are so embittered and alienated that they look to reactionary forces such as ISIS as some way to lash back not just at intervention in the Middle East but also at what their own governments are imposing on society, particularly in recent years, in the context of mass austerity.

Does the Taoiseach agree that the lesson is that interference in the Middle East should cease forthwith? Does he agree that Russia, the US, Great Britain and the rest should get out and allow the people of the Middle East to deal with kleptocrats within their societies who have seized power and who routinely steal from their people by means of their corrupt regimes? This would be done on the basis of the people being empowered to take ownership of their wealth, rather than it going to multinational oil companies, and to use their countries' fabulous resources to create prosperity for themselves. Is this not really the basis on which peace can be created, namely, by developing a society in which there is no poverty, hunger or oppression and, very importantly, where there is political and religious freedom? That is the basis on which this horror can be resolved. Unfortunately, Western powers have nothing to contribute. In fact, they have contributed to the existing horror and will continue to do so if they proceed to intervene and interfere in the way they have done to date.

The Taoiseach: Deputy Higgins has delivered a history lecture. Obviously, the process of colonisation over many hundreds of years has led to bloody warfare and inter-country and inter-tribal wars on so many occasions. History speaks for itself. The Deputy will recall the discussions that took place in 1938 about the protection of the Jewish people and that all the countries in Europe represented at Évian said that this should happen and spoke about what they were prepared to do. When Hitler invaded the Sudetenland in 1939, 160,000 to 200,000 people were displaced. During the Holocaust commemorative ceremony at the Mansion House last week, which was attended by the Ceann Comhairle, one of the graphic pictures depicted the *MS St. Louis*, a transport ship that left for the US with 900 passengers who were eventually refused entry to that country and had to return to Europe. Another ship went to Turkey with 700 people, most of whom drowned. History repeats itself in so many ways.

We cannot go back. We must deal with the situation as it obtains and it is exceptionally difficult, be it from an historical, a tribal or a religious point of view. I recall the comments of Hans Blix who said that if he had another three or four months and was allowed to finish his report, he could prove that there were no weapons of mass destruction in Iraq. That did not happen. The Deputy rightly points out what he calls politically crazed individuals. How does this happen? If young people, in particular, are left to fester in ghettos or enclaves, they will not emerge from them as model citizens after 20 years. It does not work that way with human nature and pressure, resentment, frustration and anger can lead to all kinds of difficulties, including violence or terrorist activities such as those we have witnessed on the Continent in recent times. This issue is difficult to resolve in terms of integration and the opportunities or capacity

to integrate people properly that should exist. Clearly, it is a lesson that has been learned to a great extent in terms of a missed opportunity to at least attempt to bring new citizenship with the mainstream and not have this situation arise.

We will not see the pullout of the different countries and powers to which the Deputy referred. International politics, diplomacy and interests will not shift just like that. People are being bombed, murdered, mutilated and beheaded and others are migrating in huge numbers to the European mainland in order to get away from what is happening in Syria. They are coming up to Libya from the Horn of Africa, Eritrea, Mali and other places in huge numbers and seeking the opportunity to come to Europe.

The Deputy is a good historian. The lessons of history are never learned easily and it requires strong leadership and the capacity to bring very polarised people together with a common interest. Unfortunately, it will not happen that easily. We can point to our own troubled history as a model of what must apply in order to bring people together. When George Mitchell was sent here by former US President Bill Clinton, who would have thought that an agreement would be reached that would still be in place almost 30 years later? There is no point in saying that it cannot be done, cannot be faced into or that an outcome cannot be arrived at. Of course, all of this can happen. What does anybody want to do at the end of day except have the opportunity to live in peace? Those men, women and children we see on television screens every day and night of the week have the same aspirations and as a result of the situation that obtain in their home countries, they give up everything and move to places that are safer for them and their children. If international diplomacy and politics and the UN are to mean anything, then the latter must use all its resources and facilities to bring about a better situation for the millions of people involved. Unfortunately, crises move from place to place, from year to year and from period to period. Each one requires enormous resolve from so many international countries. We no longer hear about the Crimea, eastern Ukraine and other areas where there is serious pressure. However, when successive human catastrophes occur, matters come into sharp focus in the context of the global situation. This is the case with regard to the difficulties in Syria and surrounding countries such as Yemen, Saudi Arabia and Iran. Those difficulties have consequences for international politics. Obviously, the money spent on all the conflicts in question would in most cases be sufficient to repair the infrastructures of the countries involved. However, that does not reflect the reality. We must focus on what is possible. If the lessons of history can teach us what went wrong, they can also teach us how to go about getting it right.

School Enrolments

7. **Deputy Micheál Martin** asked the Taoiseach if the end to baptism barriers for school entry was discussed when he last met church leaders; and if he will make a statement on the matter. [43468/15]

8. **Deputy Gerry Adams** asked the Taoiseach the discussions he has had with church leaders and others regarding the practice of parents having to get their children baptised in order to gain entry to the school of their choice; and if he will make a statement on the matter. [3918/16]

The Taoiseach: I propose to take Questions Nos. 7 and 8 together.

Like public representatives generally, I often meet religious and non-religious leaders informally in the course of attending official and public events. In addition, I meet representatives

2 February 2016

of religious and other philosophical bodies through a formal structured dialogue process which provides a channel for consultation and communication between the State and such bodies on matters of mutual concern. These meetings may be sought by either side on the basis of a proposed agenda, agreed in advance of the meeting. The arrangements for such meetings are made by my Department. The process does not of course displace arrangements for the conduct of policy and administration by Departments and agencies in their functional responsibilities.

I have reported to the House on all the meetings I have held under the structured dialogue process in replies to parliamentary questions on 16 April and 10 December 2013, 1 July 2014 and 20 January and 30 June 2015.

Education was an agenda item when I met representatives of the Catholic Church and the Church of Ireland in January and April 2013, respectively, but the issue of baptism and admission policies was not discussed. When I met representatives of the Jewish community in June 2015, access to education was discussed and, in particular, problems being experienced by members of the Jewish community in accessing education for their children, particularly at primary school level. While not categorised as meetings with church leaders, access to education was also discussed when I met representatives of the Humanist Association of Ireland in January 2015 and of Atheist Ireland in February 2015 under the structured dialogue process.

The Minister for Education and Skills accompanied me to the meetings with representatives from the Jewish community, the Humanist Association of Ireland and Atheist Ireland and led the discussions about education with them.

While this is primarily a matter for the Minister to address, I can confirm that on each occasion she referred to existing equality legislation which permits the protection of the “religious ethos” of a school, if it is oversubscribed. This allows schools, where the objective is to provide education in an environment that promotes certain religious values, to require the production of a baptismal certificate to secure enrolment. She also referred to the introduction of the education (admissions to schools) Bill, which aims to provide an over-arching framework for admissions policy in a manner which is fairer and more structured and transparent.

Deputy Micheál Martin: I thank the Taoiseach for his reply. He is very fond of talking about some anniversaries. As he is aware, it will soon be five years since the first Minister for Education and Skills in this Government announced that 50% of schools would change patronage in 2012. That is another example of a government that has rushed out with announcements irrespective of what was prepared or agreed. The Government decided to take a confrontational approach to this issue and, as a result, progress has been set back by years. We went from a position where the largest diocese in the country was prepared to transfer half of its schools to other patrons to one where only a handful have been transferred. A great deal of time and effort have been wasted on a pointless conflict. I have no doubt that we can agree a means of respect for diversity in our schools and that we can get all patrons to sign up to this but we need a formal end to the policy of pandering to some imagined gallery with empty tough talk about existing patrons. The initiative of the former Minister, Deputy Quinn, initiative got nowhere.

I am surprised that the Taoiseach did not discuss the baptism issue with the churches, in particular the Catholic Church, because outside Dublin most schools are aghast at the idea that baptism would be used as a barrier to enrolment. It should be a commonly agreed principle that baptism would not be used as a basis for denying someone admission to the local school. I have been in many Catholic and Church of Ireland schools where people of many faiths and

none attend. It is not beyond the Minister or the Government to ensure that principle is applied, that baptism is not a barrier to enrolment because that would offend anyone's sense of basic decency and common sense or the sense of inclusivity in a parish or community. All those living adjacent to or near a school should have access to that school.

I note that the Taoiseach referred to the education (admissions to schools) Bill. That will not be brought forward before the Dáil dissolves. I am not sure if it is the intention of the parties that make up the current Government to continue to champion that Bill, which was not the correct response to the issue.

Deputy Jonathan O'Brien: I concur with everything Deputy Martin has said about this. We cannot have a situation where somebody who lives adjacent to a school cannot get into that school because he or she is not of a particular religious ethos. It is not acceptable in this day and age. The Government is forcing parents to either move to a school 6 km or 7 km away in some cases, or to get their child baptised. No modern society should treat education in that way. The Minister has talked about this. All the Opposition parties have produced legislation to abolish the section in the Act. The Government said it would deal with it under the education (admissions to schools) Bill, which was not even published. This must be addressed today.

Deputy Joe Higgins: An dtuigeann an Taoiseach go bhfuil fadhb mhór annso agus an dtuigeann sé go bhfuil an-mhíshástacht i measc an-chuid daoine maidir leis an smacht atá fós ag na heaglaisí i gcúrsaí oideachais agus ins na scoileanna? An dtuigeann sé go bhfuil an-chuid gnáthdhaoine nach féidir leo leanaí a chur chuig scoil gan a bheith páirteach i gcúrsaí reiligiúin ins an scoil agus go bhfuil sé sin ag cur as d'an-chuid daoine? Dá bhrí sin, cad é polasaí an Taoisigh dáiríre maidir leis an bhfadhb seo?

An bhfuil sé i bhfabhar chóras oideachais nach bhfuil faoi smacht aon reiligiúin agus scoileanna nach bhfuil faoi smacht aon reiligiúin ach atá oscailte, atá á rith go daonlathach, gur féidir le gach leanbh dul ann, is cuma má tá creideamh acu nó nach bhfuil, le oideachas a fháil? Ansan, má theastaíonn ó na tuismitheoirí gur féidir reiligiúin a mhúineadh do na leanaí, d'fhéadfaí é sin a dhéanamh sa scoil fhéinig ar leataobh ach gan go mbeadh sé riachtanach do na leanaí teacht isteach ins an scoil ar an gcéad lá.

The Taoiseach: Tá a fhios ag an Teachta go bhfuil níos mó ná 3,000 scoil ar fud na tíre agus gur leis an Eaglais Chaitliceach an chuid is mó dóibh siúd. Is é an tArdeaspag Ó Máirtín féin a dúirt liom go raibh an iomarca scoileanna ag an Eaglais agus gur mhiste leis go mbeadh cuid acu siúd curtha amach i dtreo is go mbeadh daoine in ann oibriú leo gan creideamh faoi leith a bheith á múineadh sa scoil sin, ach ag an am céanna go mbeadh sé láncheart go mbeadh scoileanna faoi leith ag an Eaglais Chaitliceach ina mbeadh an chreideamh sin á mhúineadh do na daltaí.

In response to the question on baptismal certificates, it is the responsibility of the managerial authority of all schools to ensure that their premises are run in accordance with the Education Act 1998 and the Equal Status Act 2000. Parents can choose which school to send their children to and where the school has available places, the pupils should be admitted. Where there are more applicants than places available, a selection process may be necessary. That selection process, and the enrolment policy on which it is based, have to be non-discriminatory and must be applied fairly in respect of all applicants. This may result in some pupils not achieving a place.

2 February 2016

I agree with the Deputies that a baptismal certificate should not be the criterion, but Catholic schools accommodate all applications, regardless of religion or none, when there is room available to do so. This is about common sense. The phenomenon of pupils being unable to secure a place of their choice occurs only where there is an oversubscription to a particular school. Baptismal certificates may be used by Catholic and Protestant patrons in these circumstances to demonstrate denomination so that oversubscribed schools with a particular religious ethos can offer places to pupils within the denomination.

Everybody is aware of the Educate Together movement which obviously provides an opportunity for many of the parents, who have an issue here, to send their children to school. From an historical point of view, if there are three or four Catholic schools in a location, it is difficult to get parents or boards of management to agree that a particular school should be divested to any other patronage. That is an issue that always requires some sensitive discussions. The vast majority of schools that are Catholic do not discriminate in the sense of the religious ethos of any pupils who might go there except where there is overcrowding and they have to make a choice.

Written Answers follow Adjournment.

Order of Business

The Taoiseach: It is proposed to take No. *a29*, statements on the establishment of a statutory commission of investigation into a foster home in the south-east. It is proposed, notwithstanding anything in Standing Orders, that the proceedings in relation to No. *a29* shall, if not previously concluded, be brought to a conclusion at 7.30 p.m. and the following arrangements shall apply: the speech of the Taoiseach, Tánaiste and of the Leaders of Fianna Fáil, Sinn Féin and the Technical Group, or persons nominated in their stead, who shall be called upon in that order, shall not exceed ten minutes in each case and such Members may share their time; the speech of each other member called upon shall not exceed five minutes in each case and such Members may share their time; and a Minister of Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes. Private Members' business shall be No. 214, motion re 1916 Quarter area development.

Tomorrow's Business after Oral Questions shall be No. 6, Health (Miscellaneous Provisions) Bill 2016 - Order for Second Stage and Second Stage; and No. 30, Criminal Law (Sexual Offences) Bill 2015 [*Seanad*] - Second Stage (Resumed).

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. *a29*, statements on the establishment of a statutory commission of investigation into a foster home in the south east, agreed to? Agreed.

Deputy Micheál Martin: As the Taoiseach knows, there has been much debate and there were many provisions in the programme for Government about the self-employed needing far more support and protection under the social welfare system. Last week on Joe Duffy's radio show, Ms Martina Kelly spoke harrowingly about her experience as a self-employed person. She outlined how a sudden and debilitating condition negatively impacted on her personal well-being but also left her penniless due to the absence of a social security safety net. It is striking that the Government has made no effort to implement the Mangan report prepared by an advisory group on tax and social welfare about extending social insurance coverage to the self-employed. It was published in May 2013.

Essentially, it stated that in international terms, Ireland is unusual in not providing state supports for the self-employed in the event of injury or illness. In most EU member states, provision is afforded to the self-employed to cover occupational injuries or sickness.

The group was of the view that social insurance for the self-employed should be extended to provide cover in terms of contingencies related to long-term illness. This is the very point that Ms Martina Kelly made on Joe Duffy's "Liveline" programme last week. If the Taoiseach gets a chance, he should listen to the podcast. I believe Ms Kelly may have rung the Taoiseach, as did her husband. It is an extraordinarily sad and difficult story for all concerned.

The recommendation is that the extension of social insurance to self-employed to provide cover for long-term ill-health or incapacity should be on a compulsory basis. Why did the Government not proceed to legislate for that recommendation of the report? The Taoiseach made a very important commitment to do something for the self-employed but very little has happened at a time when we are encouraging people to become self-employed and self-starters.

On a related issue, the programme for Government makes a commitment that: "Universal primary care (UPC) will remove fees for GP care and will be introduced within this government's term of office." This commitment has now been abandoned by the Minister for Health, Deputy Varadkar, similar to what happened with universal health insurance. Yesterday, the Minister, Deputy Varadkar, said that free GP care would not be deliverable in the next five years. In the 2011 programme for Government, Fine Gael and the Labour Party promised to deliver it by 2016. Now, before a general election, we have the new phenomenon of Ministers predicting that even in the next five years, it will not be implementable either.

Does the Taoiseach accept that chapter of the programme for Government is complete fiction? Clearly, it will not be implementable in this Dáil but now what was proposed in 2011 will not even be implementable in the next five years to 2021. Does the Taoiseach accept that?

The Taoiseach: On the Deputy's first point on the self-employed, obviously, the Government is well aware of the anomaly that has existed here for some time, with hundreds of thousands of self-employed people without any safety net. I understand completely the difficulties being experienced by self-employed people if something like this happens. That is why the Government started to address this in the recent budget, hopefully to eliminate the anomaly in terms of tax that has been there between self-employed and PAYE people.

Obviously, the Mangan report was produced for the Minister for Social Protection. Unfortunately, we have not been able to implement it in the lifetime of this Dáil. The issue the Deputy raises is a very real one and that is why the Minister for Finance, Deputy Noonan, has started the process with the tax credit for self-employed people. Clearly, we cannot do all of these things without the resources to provide it.

With regard to free GP care, the Minister for Health, Deputy Varadkar, has been very realistic here, both in terms of the numbers of doctors who are in training and the capacity to deliver the system. The GP care will be for all under 18s. He has pointed out the potential of overwhelming the service if we proceed on this particular model. Were we to have nurses doing some of the work currently done by GPs, it would be a different matter.

Deputy Micheál Martin: Fine Gael and the Labour Party promised to do it five years ago. Nobody else did so.

2 February 2016

The Taoiseach: Yes but I think he is being perfectly realistic here rather than having to say we can deliver all these things-----

Deputy Micheál Martin: However, the Government said it would deliver it five years ago.

An Ceann Comhairle: Sorry, Deputy, just let him finish.

The Taoiseach: I understand but-----

Deputy Micheál Martin: So the Government was not realistic then.

The Taoiseach: I think we are better actually saying it as it is and getting to the next stage to have-----

Deputy Micheál Martin: I agree 100% but the Taoiseach should have said it the way it was five years ago.

Deputy Michael Creed: Was Deputy Martin not Minister for Health?

The Taoiseach: -----free GP care for all those under six and over 70 and all children up to the age of 18.

Deputy Micheál Martin: He is talking to himself and saying that he should be more realistic in the future.

An Ceann Comhairle: Sorry, settle down.

Deputy Micheál Martin: How can we believe anything they say?

The Taoiseach: If Deputy Martin intends to go around the country in the coming weeks-----

Deputy Micheál Martin: No, I certainly will not be doing-----

The Taoiseach: -----promising, like the Deputy over there, that everything is free and nothing has to be paid for-----

Deputy Micheál Martin: That is what the Taoiseach said five years ago.

The Taoiseach: Yes but realism is a fact of life also.

Deputy Micheál Martin: Is it - in the Taoiseach's world?

The Taoiseach: If he looks at the number of doctors being trained and the numbers involved here, we have delivered it for those aged over 70 and under six. The next stage is to deliver it for everybody under 18 years of age. I think that is an issue the Minister has addressed realistically.

Deputy Jonathan O'Brien: Not everything is for free but people are entitled to certain rights and they should not have to pay for them. These include water and health.

Following what Deputy Martin said, I wish to mention four pieces of legislation that were also in the programme for Government, which in some cases the Government has failed to even publish. The programme for Government committed to incorporate the United Nations Convention on the Rights of People with Disabilities into domestic law.

5 o'clock

The Bill in question is the disability/quality (miscellaneous provisions) Bill which has not even been published. It certainly will not be passed before tomorrow.

Another commitment in the programme for Government related to adoption. The Bill in question is the Adoption (Tracing And Information) Bill. It was first due for publication in 2013. Last July, the Government finally approved the publication of the general scheme and heads of the Bill. Again, it has failed to make it on to the priority list and will not be passed before this Dáil ends.

The Criminal Law (Sexual Offences) Bill, to protect children and vulnerable citizens against sexual exploitation and abuse, as well as making it a criminal offence for those who try to buy sexual services, has been introduced and was due to be debated in the Dáil this week. The likelihood of it progressing through all Stages before the Dáil completes this term is slim to none.

The health and wellbeing (calorie posting and workplace wellbeing) Bill was another priority. The Taoiseach may be aware of the HSE's cancer control programme that one person a day dies from a cancer attributable to obesity. This legislation was to help address that issue but again, it has not even been published.

Will the Taoiseach explain why priorities in the programme for Government have not even reached the stage of publication?

The Taoiseach: The sexual offences Bill has already been dealt with in the Seanad and has been introduced here. I thought it might have been possible to deal with it in its entirety last week, if all the parties could have agreed. However, they were not able to agree because of some amendments coming from the Independent benches.

Deputy Jonathan O'Brien: It was not prioritised last week.

The Taoiseach: It is not going to see its way through now.

There are two adoption Bills which are both on the A list. Work is proceeding with these. The Workplace Relations Bill has already been enacted.

In October 2015, the Government published a roadmap for Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities. It detailed the legislative changes to be undertaken to enable Ireland to ratify the convention, along with the estimated timeframe involved and a clear line for ratification by the end of 2016. The Government approved the drafting of the equality/disability (miscellaneous provisions) Bill to make a range of miscellaneous amendments to statute law necessary to enable ratification. Work on the general scheme of this is under way.

The recently published employment strategy for people with disabilities, phase 2 of a three-phase consultation process, will lead to the adoption of a new disability inclusion strategy. There is a substantial legislative agenda across several Departments to get through, as set out in the roadmap, and much work to be done to prepare a new inclusion strategy that will have a real impact. The Government is committed to seeing that happens.

Deputy Jonathan O'Brien: It was meant to have been prioritised five years ago.

2 February 2016

The Taoiseach: Civil society groups and stakeholders are also keen to see the convention ratified. The Minister set out the process by which this could be achieved. We do it differently to other countries.

Deputy Jonathan O'Brien: The Minister only set that out last year. This was promised five years ago.

The Taoiseach: Legislation involved includes the Assisted Decision-Making (Capacity) Bill, the Juries Act 1976, the Criminal Law (Sexual Offences) Act 1993 and Criminal Law (Insanity) Act 2006. In the mental health legislative area, there is the Mental Health Acts 2001 and 2008, issues about deprivation of liberty, the Electoral Act 1992 and the Companies Act 2014. The Bill in question will address the constitutional issue regarding reasonable accommodation. These are all elements which need to be put in place before the convention can be ratified.

Deputy Jonathan O'Brien: What about the health and wellbeing (calorie posting and workplace wellbeing) Bill?

Deputy Micheál Martin: On a point of order, has the Labour Party returned from Mullingar? I am worried about it because none of its Members are present in the Chamber now.

An Ceann Comhairle: That is not a point of order. The Deputy should not be play-acting.

Deputy Charles Flanagan: Deputy Martin should be worried about his own crowd.

An Ceann Comhairle: Deputy Joe Higgins is leader of his party and is probably standing on the Order of Business for the last time. I want quietness and attention for him.

I also wish him every success in his retirement.

Deputy Joe Higgins: Go raibh míle maith agat, a Cheann Comhairle. As it happens, I have two or three brief issues which I wish to raise. With your permission, a Cheann Comhairle, I will raise them one by one.

An Ceann Comhairle: Okay.

Deputy Joe Higgins: First, specifically under Standing Order No. 26(3) relating to the business of the Dáil, we are enabled to ask the Taoiseach questions about business, the Order Paper and about arrangements for sittings. What is the arrangement for the sitting of the Dáil tomorrow? It is intended that it will sit at 9:30 a.m.? For how long does he intend it to sit tomorrow? Does he intend to come to the Dáil to say he is going to President to seek its dissolution? In that case, what time might that be? What will the arrangements, thereafter, be for the sitting?

Deputy Olivia Mitchell: Nice try.

An Ceann Comhairle: I do not think this entirely in order on the Deputy's last day.

Deputy Bobby Aylward: A Cheann Comhairle, you could give him the grace.

Deputy Joe Higgins: That is my first question.

An Ceann Comhairle: Has the Deputy another question?

Deputy Joe Higgins: I am very much within order. That is why I brought the Standing Orders with me.

An Ceann Comhairle: I am not sure. I call the Taoiseach, if he wants to reply.

Deputy Micheál Martin: It is on the Order Paper.

The Taoiseach: The Dáil will sit at 9.30 in the morning. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, will be taking questions.

An Ceann Comhairle: The Dáil sits at 9.30 in the morning.

Deputy Joe Higgins: As for the arrangements for the sitting, will the Taoiseach come to the Dáil to announce when he is going to the President?

An Ceann Comhairle: We cannot really deal with that on the Order of Business.

Deputy Micheál Martin: A bit of transparency would not go astray here. It is like the third secret of Fatima.

The Taoiseach: We have approved the Order of Business already.

An Ceann Comhairle: Joe has his innocent face on at the moment.

Deputy Joe Higgins: The Taoiseach said something I did not hear. Is it that he will deal with the Order of Business tomorrow?

The Taoiseach: The Order of Business for tomorrow is approved already. The Dáil will sit at 9.30 in the morning.

An Ceann Comhairle: That is it. Please proceed.

Deputy Micheál Martin: This is Deputy Higgins's last chance.

Deputy Joe Higgins: On his way to the Park, in case the Taoiseach meets an anti-water charges protest, can I suggest he takes his AK-47 for protection?

An Ceann Comhairle: Sorry, I think the Deputy is stepping over the mark a bit now.

Deputy Joe Higgins: Judging by what he had to say in the *Sunday Independent*, he has so much energy he could do with a run around the Park before he is unleashed on the unfortunate people of Tipperary. However, the Taoiseach would want to be careful because, as a self-confessed addict, the Minister might try to stage a coup on the way to meet the President.

The Taoiseach: Deputy Higgins has not lost any of the wit or barbs.

Deputy Joe Higgins: The Taoiseach should seriously tell us what time he intends to dissolve the Dáil because there are activists all over the country waiting to start their activities, put up the posters, etc.

An Ceann Comhairle: This is not on my list of items which can be raised on the Order of Business. I am sorry we will have to move on. I call Deputy Harrington.

Deputy Noel Harrington: The sea-fisheries (amendment) Bill was on the programme for Government but it will not be seen through at this stage. There were some difficulties about it raised with the Attorney General. A court decision was recently taken which essentially throws the enforcement regime in the fishing sector into disarray. On the eve of the general election,

2 February 2016

there will probably be a vacuum between now and the next Dáil. Will the Department make some effort with the Attorney General to get clarity on the enforcement regime for the sea-fisheries sector? The word is that it will revert to the old Sea-Fisheries and Maritime Jurisdiction Act 2006, which was draconian. The penalty points system which was to be in place has been challenged, leaving the entire sector in confusion as to what enforcement regime will be in place.

The Taoiseach: That is a valid point. I will have the Minister for Agriculture, Food and the Marine respond to the Deputy Harrington immediately.

Deputy Brendan Griffin: I take this opportunity to wish Deputies Olivia Mitchell and Frank Feighan the very best in the future, as well as my fellow Corca Dhuibhne man, Deputy Joe Higgins. With respect to the Order of Business and the time that is made available for it, will the Taoiseach, if he is in a position to do so in the future, broaden the remit of it to give backbench Deputies, like myself, an opportunity to raise issues of the day in this Chamber? It would build on many of the positive reforms that have already come into place. If it were possible to provide for that, it would be a big step forward in the Thirty-second Dáil.

Deputy Micheál Martin: A ringing endorsement of the democratic revolution.

Deputy Frank Feighan: When will the Technological Universities Bill be concluded in the House?

Deputy Jonathan O'Brien: It will not be.

The Taoiseach: I had thought that we might have been able to conclude it but, apparently, there were so many objections to elements of it that it is not possible to do it without revamping it and having further discussions.

Deputy Micheál Martin: The Taoiseach has changed his tune.

The Taoiseach: No.

Deputy Micheál Martin: I asked the Taoiseach about it last week and he refused to accede to my request-----

(Interruptions).

Deputy Joe Higgins: I wish everybody the best and I wish nobody ill but I cannot wish anybody here good luck in the next four weeks for obvious reasons, politically speaking. In terms of the last five years and what dominated this Dáil, would the Taoiseach like to say "Sorry" to the people for making them pay the bankers' debts with the savage austerity that accompanied it over that period of time?

An Ceann Comhairle: Let us not spoil it now.

Deputy Paul Kehoe: Switch off the Deputy's microphone. Shame on you, Joe.

Topical Issue Debate

Employment Rights

Deputy Joan Collins: While there is much fanfair about job creation and the CSO figures, I raise this issue because people are facing the loss of permanent jobs that have good conditions, including holiday pay, entitlements, pension rights and everything that goes with those. This involves 530 employees in Xtra-vision, 1,000 workers in Tesco who were told that they had contracts that could be ripped up, and workers who were contracted to work for the ESB as meter readers for the past 50 years. That contract was sent out to tender and following that tendering process the contract was won and the workers who had a contract with the ESB were told that they can work for the companies that won the contract for half their pay.

Seemingly, Xtra-vision had Xtra-vision-HMV and in 2013 it set up another company, Xtra-vision-Entertainment. We saw that happen with Clerys and with other companies such as Connolly's Shoes, Paris Bakery and La Senza, where the workers had to lock themselves into a branch of the chain to get their proper payments. Xtra-vision has done the same thing and left its workers high and dry. The workers were told last November that they would get redundancy payments last week but on Tuesday we were told that the whole company is winding up and liquidators - some 166 - were sent in to wind down the company. Those workers were left with nothing; they were given no holiday or redundancy pay. They have mortgages to pay and families to feed and they have been given nothing. The State in terms of the taxpayer will have to pick up this bill. The 1,000 workers in Tesco have decent contracts and they are supported by the Mandate union. Were it not for the fact that this union is strong in Tesco, those workers would be facing dire consequences. They have been told they will lose their overtime, morning pay allowance, shift allowance, etc.

John Douglas from Mandate, who appeared before an Oireachtas committee in 2013, said that unless directors are held responsible for what they do in regard to workers' rights, this will continue. We have seen that it has continued. What will the Minister do about directors who come into the country, set up shelf companies and use them to strip the assets of the company and then tell the workers they are not entitled to anything? The collective bargaining legislation is not strong enough when it comes to defending workers' rights. We on this side of the House called for such legislation to provide that unions should have a right of access to their members. We have been told by the workers that on notice boards in Tesco the notices from the union have been taken down and that the union can only talk to its members in the car parks.

This has to stop. It is a shame that this Government has done nothing about this over the past five years when there were plenty of opportunities to do so. We have seen too much of that happening, and it is still going on.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): It must be said that any situation where people are losing their jobs is something that is not welcome. We have worked very hard to minimise the number of job losses and I am glad to say that we have got job losses here to the lowest ever number in the history of both IDA Ireland and Enterprise Ireland.

Deputy Joan Collins: These are good jobs.

Deputy Richard Bruton: We have managed to reduce job loss levels but that is not to say

2 February 2016

that any job loss is very difficult for the families involved, and my sympathy is with the families involved in this situation.

It is also a reminder to us that we are working in a very difficult environment where changes in the economic environment impact on companies. We all know that patterns of usage in the video rental area have changed dramatically, and this company has gone into liquidation as has happened. It has the protection of the State and I can assure the Deputy that we will make all the resources of the State available to support the people who have been displaced from their jobs.

In a situation such as this, where a redundancy is concerned, there is a body of Irish employment legislation where there are significant protections afforded to employees whose employers are insolvent in the event that the employer defaults on payments of wages and other entitlements. These rights are mainly contained in the Protection of Employees (Employers' Insolvency) Act 1984 and the Redundancy Payments Act, which are administered by my colleague, the Tánaiste and Minister for Social Protection.

The purpose of the insolvency payments regime, which operates under the Protection of Employees (Employers' Insolvency) Act 1984, is to protect certain outstanding pay-related entitlements due to employees in the event of insolvency of their employer. In situations such as Xtra-vision, where a liquidator has been appointed, in the event that the employer is unable to pay the employees their statutory redundancy and other entitlements, a claim may be made on the Department of Social Protection.

In the first instance, the staff of Xtra-vision who have lost their jobs as a result of the closure should contact the liquidator to ensure they receive their statutory redundancy and wage-related payments. The person legally appointed to wind up the company certifies the employees' redundancy and insolvency claims from the records available and sends the claims to the redundancy payments section of the Department of Social Protection. The Workplace Relations Commission customer service and information unit was made available to provide information to the concerned staff.

As regards the position in Tesco, it should be noted that the terms of a contract are a matter for agreement between the parties to the contract. Section 3 of the Terms of Employment (Information) Act 1994 sets out what terms in an employment contract must be put in writing. Section 5 of the Act further provides that when a change is made or occurs in any part of the contract furnished by an employer, the employer shall notify the employee in writing of the nature and date of the change as soon as may be. It is our understanding that Tesco is engaging with trade unions about proposed changes to the contracts in question, including the issue of compensation for affected employees. The State's industrial relations machinery is available to assist, if required.

Anyone with concerns regarding employment rights can contact the Workplace Relations Commission customer service and information unit, which provides information on employment equality and industrial relations legislation. It can be contacted at lo-call 1890 80 80 90 or via its website *www.workplacerelations.ie*.

Deputy Joan Collins: I am sure the bosses are quaking in their boots after hearing that reply from the Minister. He made a point about sympathy. Workers do not want tea and sympathy, they want their jobs. They want to be able to pay their mortgages. They want to be able to pay for food to be put on the table over the coming weeks. Xtra-vision gave no prior notice

except to a small group of workers and it then reneged on that deal last Tuesday.

I spoke to a young woman who has already had a mortgage payment taken from her wages. She got paid for the work she did the week before last. She worked three days last week and did not get paid for them, is owed holiday pay and expected a redundancy payment from Xtra-vision. This company has set up a shelf company to allow it to renege on its responsibilities to its workers. That is happening all the time, and this Government has done nothing to protect those workers from that activity. These are rogue employers who, like Clerys, set up other shelf companies and then tell their workers that they have no rights and that they should apply for statutory redundancy. I would like to know how much the insolvency fund has paid out in the past five years to workers who have been subjected to these conditions by their bosses.

The Minister made a point about legislation. The fact is that the collective bargaining legislation is not and was never going to be strong enough to take on rogue employers. Tesco is a profitable multinational company. Last week it called workers in and told them it would change their contracts. Only because there is a strong union involved, namely, Mandate, will the workers be protected in any way. However, they must go through a process. If the union had not been there, I have no doubt those workers would have been left high and dry. The Government has not lived up to its responsibility to bring in much stronger collective bargaining. As John Douglas stated when he appeared before the relevant Oireachtas committee, directors who do such things should be barred from being directors of other companies in the future. The situation will continue unless the new Government, which I hope will be a progressive Government of the left, is serious about tackling such issues. Will the Minister fast-track the process for Xtra-vision workers who are waiting for their statutory redundancies?

Deputy Richard Bruton: First, I totally reject the Deputy's complaints about the Government's record on worker protection. We twice increased the national minimum wage. We introduced protection for temporary agency workers. We restored the employment regulation orders, EROs and the registered employment agreements, REAs. We introduced collective bargaining legislation.

Deputy Joan Collins: The employers are still able to get away with it.

Acting Chairman (Deputy Olivia Mitchell): The Minister should be allowed to conclude.

Deputy Richard Bruton: We have been very balanced in our approach and we have presided over a situation where 135,000 extra people are back at work. They are workers with decent pay. Contrary to what the Deputy said, 90% of all those jobs are full-time positions. In the past two years, all the jobs created are full time. Involuntary part-time working is declining rapidly in this country. The pay and conditions of those workers are very good. A total of 75% of the jobs are IDA Ireland and Enterprise Ireland jobs in strong sectors, such as financial services, with good conditions.

Deputy Joan Collins: The jobs to which I refer are full-time jobs.

Acting Chairman (Deputy Olivia Mitchell): Will Deputy Joan Collins please allow the Minister to conclude?

Deputy Richard Bruton: In those cases where sectors are poorly organised, we have reinstated REAs and EROs to protect those workers. We have increased the national minimum wage twice. Deputies such as Deputy Joan Collins pretend that those are jobs created by

2 February 2016

schemes. The truth is that 94% of the jobs created in the past four years are jobs that are completely independently created.

Deputy Joan Collins: I came in to talk about Xtra-vision.

Acting Chairman (Deputy Olivia Mitchell): Deputy Joan Collins should please not interrupt.

Deputy Richard Bruton: A total of 60,000 jobs are in export-oriented companies which have won new markets for this country and created opportunities for Irish workers. I take my hat off to the businesses and workers of this country that have responded to the challenges. I admit that there are sectors which still face challenges. The video distribution sector has had real problems. Occasionally, one has sectors that get into difficulties and workers become redundant but protections are in place - both in employment law and in the insolvency and redundancy funds - to meet their needs. We will respond as best we can to the needs of all of those workers in Xtra-vision to make sure they can avail of the opportunities that are emerging to find new jobs.

I remind the Deputy that she represents a constituency in Dublin. Today, unemployment in the city fell to a level well below 8%. Unemployment has nearly halved in recent years. A total of 64,000 people are back at work in Dublin because of the work of the Government. The challenge now is to keep the recovery going. We will have balanced employment protection and a balanced enterprise policy to grow our base and to grow opportunities for people so that they can put their lives back on track.

Acting Chairman (Deputy Olivia Mitchell): The next Topical Issue is in the names of Deputies Mick Wallace and Clare Daly. I presume they are sharing time. They have two minutes each.

Deputy Mick Wallace: Before the Minister, Deputy Bruton, leaves the Chamber, I wish to inform him that, unfortunately, unemployment in Wexford is still at 22%. That is worth his attention.

Deputy Richard Bruton: The Deputy should check the latest figures. I think the Deputy is wrong.

Deputy Mick Wallace: I did.

Foster Care

Deputy Mick Wallace: During the ongoing controversy around this case, at least one manager with no experience and no professional qualifications relating to child abuse was appointed to the area. There was transparency in respect of the appointments process and the job was not advertised. It was an in-house promotion. That is a contributory factor in the case.

The dysfunctionality of the HSE in general is a contributory factor. I do not think the Minister of State, Deputy Kathleen Lynch, would deny that. It is symptomatic of a broader malaise within the organisation. Someone must be held to account. A few investigations were carried out into this matter but they were either in-house or involved former members of the HSE who had gone into the private sector. The abuse was investigated in the 1990s but the matter was

mishandled and the girl concerned ended up spending an extra 12 years in the place to which this matter refers. I wonder whether someone will be held to account for what happened.

The incestuous nature of how the HSE works reminds me of some other organisations in the country. The contribution of the director general, Tony O'Brien, to the Committee of Public Accounts today is worrying. He confirmed that Ann remains in full-time, seven-day residential care with a voluntary provider and makes regular visits home to her mother. It appears he is being economical with the truth. He answered a question that was not asked in order to mislead in respect of the situation somewhat. Ann was making visits on and off to her home right up to the age of 15-----

Acting Chairman (Deputy Olivia Mitchell): I must call on Deputy Clare Daly to make her contribution.

Deputy Mick Wallace: -----but that is not clear from the director general's statement today.

Deputy Clare Daly: We do not have time to go into the range of issues surrounding this case but it is a fact that more than one vulnerable adult was left in a situation where she was appallingly abused and exploited because of the mishandling of the situation by the HSE. I am very pleased that the Ministers have decided to have a commission of investigation. From the very beginning we believed that two things were necessary: first, that those responsible for this injustice would be held to account; and, second, that the issues would be publicly and independently aired. That is an absolute necessity given the litany of inquiries which have taken place on the issue, which did not deliver anything. Deputy Wallace is correct. Rather than trying to address matters, the position adopted by the HSE, which is still in evidence today, was to shore up, lawyer-up and cover up and be incredibly economical with the truth. That is what it smacks of to me.

Grace remaining in the foster home for 13 years after the initial allegations of abuse were investigated is horrifically unique. It is a fact that the information was in the hands of the HSE. In 1996 a decision was made by the social workers on the ground to remove that young woman. That is a fact which is backed up. We know that subsequently the foster father contacted the then Minister for Health, Deputy Noonan, and petitioned to have what he called his "beloved daughter" kept with the family. We do not know what happened after that. The Minister of State, Deputy Kathleen Lynch, informed us that the Minister for Health at that time, Deputy Noonan, and the Minister of State, Austin Currie, were not in any way responsible for that situation but the fact is that a documented case conference decision to remove that young woman from the foster home before August was subsequently reversed in October 1996 and the young woman, Grace, remained there up until 2009. People need to know who made that decision and who will pay the price for it.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I know we are very restricted when it comes to the time allocated for the Topical Issue debate but I genuinely thank the two Deputies opposite for raising the issue as it is something that has preoccupied me for quite a considerable time.

I welcome the opportunity to address the allegations of abuse in a foster home in the south east which are a matter of grave concern to me and to the Government. Every person who uses disability services is entitled to expect and receive care of the highest standard and to live in dignity and safety. Our aim must always be to ensure that people maximise their potential and

live rich and fulfilling lives. They and their families trust us to care for them with kindness, compassion and respect. While it is clear that real issues have been raised about the protection of vulnerable people in the south east, it has also been very difficult to establish the facts with certainty. The matters relating to the south east were raised by the Committee of Public Accounts in 2015 in the context of the procurement process for reports into these matters and the extended period of time during which it has not been possible to publish them. In response to the concerns raised and the ongoing delay in publishing reports commissioned by the HSE, I appointed Conor Dignam, SC, to undertake a review into these matters, taking account of the ongoing Garda investigation. This review remains in train and Mr. Dignam will report back at the end of April. I have received assurances from the HSE that the person at the centre of the Conal Devine inquiry, who we are now calling Grace, was removed from the foster family in 2009. I understand that Grace is in full-time residential care with a voluntary service provider. Matters are complicated by the fact that there is an ongoing Garda investigation and the HSE has been precluded from publishing the Devine and Resilience Ireland reports into the matter pending completion of that investigation. While this may be frustrating, it is important that we do not prejudge the outcome. Instead, we must remain focused on the questions that, in my opinion, remain unanswered.

In view of the seriousness of the issues raised and the need to establish the facts, the Government has today approved the establishment of a statutory commission of investigation. This is subject to the agreement of terms of reference and the approval of the Oireachtas. I am in no doubt that the work undertaken by Mr. Dignam, SC, will make a key contribution to informing the drafting of the terms of reference for a commission of investigation. Additional resources have been allocated to Mr. Dignam to allow him to accelerate the completion of his report. The Minister, Deputy Varadkar, and I have requested copies of the Devine report and the Resilience Ireland report from the HSE under section 40C of the Health Act 2004. This is an important development as we believe direct access to these reports will assist our understanding of the relevant facts surrounding these disturbing allegations. It will also assist in bringing forward detailed proposals for the establishment of the commission of investigation. I hope that early in the life of the new Dáil, we will approve the establishment of the statutory commission of investigation and that it will also be approved by our colleagues in the Seanad. I again thank Deputies Clare Daly and Mick Wallace.

Deputy Mick Wallace: As the Minister of State knows, Deputy Clare Daly and I contacted her almost a year ago about this and we did not jump all over it. It needs to be acknowledged that there is something seriously amiss with how the HSE operates. This is only one issue. We have been told other things over a period that makes us very concerned about the behaviour of certain members of the HSE in the south-east region. There seems to be a culture of dragging matters out, delaying, issuing denials and then bringing in the legal people. Those to whom I refer seemed to be concerned with minimising liability and a damage limitation process. The ethos is poor and it is not good enough. Something has to change.

Deputy Clare Daly: That is the key point. One of the whistleblowers at the centre of this case has made the point that, sadly, it is not the only such case. In his opinion, it represents dozens of others in the same region over a 20 to 30 year time span. It is fair to say there is a systemic problem in the HSE. It is very much the old attitude that when the church or State is threatened, the response is to say nothing, admit nothing, call in the lawyers and see what happens. That mentality has traditionally done untold damage to citizens and vulnerable people in Ireland. It is not good enough for service users. It costs the State a huge amount of money

later on, not only in the emotional damage to citizens but in the financial cost to the taxpayer. The *modus operandi* appears to be that when a mistake is made, even if it is innocent, it is not investigated properly. The response is that the HSE investigates itself and the people who are doing the investigating are former HSE staff under new guises of Tusla or one of the other independent companies that operate in this area. It is really the HSE investigating itself. That is why we have had the problem and that is why people have remained there. Some people who are currently employed by the HSE are responsible for that and have to be dealt with. I hope we all return to address this matter in the next Dáil because it is a matter of urgency. I am glad the commission has been decided upon but we need to look at its terms of reference.

Deputy Kathleen Lynch: I will conclude by thanking Deputies Clare Daly and Mick Wallace because they were involved and it is important that they did not use the issue to ingratiate themselves. It should be acknowledged that they pursued the issue in a very professional and dogged way. As it is such a delicate and sensitive area, whistleblowers need to feel as if they have the space and security to bring serious concerns, firstly, to their employers and, secondly, to whomever they think can pursue the issue. The terms of reference of the commission of investigation will be crucial. As far as I can see - I may be wrong - Conor Dignam's report and the two reports that have already been concluded should feed into the terms of reference. It is essential that there is a political input because, as politicians, we are responsible to every citizen in the country, not only to those who go out and elect us. We have equal responsibility to those who do not. I hope what we are doing will allow us to have a very clear overview of what happened, how and why it happened and, after that, to establish what process to put in place to ensure that people are never again left in this vulnerable position.

Establishment of a Statutory Commission of Investigation into a Foster Home in the South East: Statements

The Taoiseach: I would like to say a few words on the Government decision to appoint a statutory commission of investigation into a foster home in the south east. When this Government came to office, we set out to undo the damage and heal some of the hurt inflicted on the most vulnerable in our society. One of those groups was the Magdalene women, the unseen launderers of our country's stains and secrets. We issued a State apology to those women and established a restorative justice scheme in June 2013. When I met them in London, they told me about the difference that apology made to their lives and the changes the restorative aspect is making. There have been 804 applications to the scheme, with €23 million paid out to date.

In 2015, we set up the statutory commission of investigation into mother and baby homes and certain related matters. We need to know, and will find out, what happened to these women and their babies between 1922 and 1998.

In 2014, the Government established the surgical symphysiotomy payment scheme to provide an alternative, non-adversarial option for the women affected. There were 578 applications resulting in €23 million in allocations at the end of 2015.

If Ireland was declared by Yeats to be "no country for old men", the legacy issues I have just mentioned suggest it was positively treacherous and at times omnipotent when it came to our girls and women. Immediately when we came to office, we began to look at these issues and started by focusing our attention on our children, which coincided with the Cloyne report on sexual violence inflicted on children in the Cloyne diocese. I was anxious that the trauma

inflicted on these children would be addressed and that we would make it clear as a country that the Constitution and our code of law were paramount and nothing else. For the first time, we set about creating a full Cabinet ministry for children and youth affairs. We established the Child and Family Agency with a regime of strict governance and stricter accountability for child and family services. Under new national standards for the protection and welfare of children, front line services for children and families became subject to independent HIQA inspection for the first time.

The new Criminal Law (Sexual Offences) Bill 2015 includes stronger sanctions aimed at protecting children from sexual exploitation, child abuse material and online grooming. The Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 makes it an offence to withhold information on serious offences committed against a child or against a vulnerable adult and with the Children First Act, the Government gave children their voice. It recognised them as individuals in their own right under the Constitution for the first time and because it did, the best interests of the child now are paramount in every decision taken by a public body in matters related to children. Putting children first was a long time coming but at last it is here. In respect of disability, HIQA has carried out 1,370 inspections of residential settings for adults and children with disabilities since regulations came into effect in 2014.

I believe I can speak for everyone in the House and many outside it when I state words do not exist to describe adequately the depth and volume of revulsion we feel about the allegations of abuse and failures of which we have heard. I believe equally that the agreement in principle of a statutory commission of inquiry is the right way to address the enormity of the depravity that has been uncovered. I acknowledge these are allegations but I believe the response of the Minister of State, Deputy Kathleen Lynch, the Minister, Deputy Varadkar, and the Government is the right way to proceed. Grace, because of her condition, was silent but as I stated earlier, by her treatment and her abandonment she was silenced. Those who left her to her fate pressed the mute button on her young life and on an appalling experience. Above all, the mute button was pressed on her dignity, her humanity, her civil and human rights and on her innate worth as an innocent, precious fragile life on this earth.

The question is: in ticking its boxes, was the system blind and deaf? Did the system possess so little awareness and so little accountability that it could become a stone to Grace, a non-verbal person, to her abject experience or to her desperate need? I expect the commission of investigation will answer these questions and will get the answers the people need. It is critical that it should so do in finding and re-establishing our co-ordinates as a people and as a functioning, moral and responsible society. I hope the drafting of the terms of reference for this commission will have a sound basis in the scoping exercise of the senior counsel, Mr. Dignam, that currently is under way and to which the Government has given additional resources and that the two reports, namely, the Devine report and the Resilience Ireland report, also will provide the basis on which an accurate and precise set of terms of reference can be put in place. This should not interfere with the ongoing independent Garda inquiry. The Ryan report into institutional abuse is a precedent in this regard, whereby a commission of investigation can proceed in parallel with a Garda inquiry and it remains for the next Administration to approve these terms of reference, to approve a sole member to deal with the commission of investigation and to proceed.

I am sure the hearts of the many excellent foster parents in Ireland are breaking when they hear all these allegations. They love the children who come to them as though they were their own. I believe there is a resonance here that the current Government should concern itself with

these matters as it comes to the close of its term because they are matters of doing not what is correct but of doing, as I stated here on my first day as Taoiseach, what is right. The Government will seek with this commission to do what is right by Grace and all the young people and adults about whom allegations of maltreatment have been levied. I believe it is the best, most powerful and thorough way to treat them with the respect and kindness of which their experience in their lives in care were so devoid. This is a highly sensitive case and many allegations have been made. It is right and proper that a structured, precise and focused commission of investigation should be able to get at the truth for everybody in order that a similar event to this particular issue will not occur in future. I thank the Ceann Comhairle for the opportunity to say these few words.

Tánaiste and Minister for Social Protection (Deputy Joan Burton): I must state that on reading the reports in the media in recent days and weeks on this case, I felt a sense of dread, worry and, to be frank, *déjà vu* about yet another story that appears to have its origins in the early 1980s and which went on for a considerable time. This has been one of the motifs of the last five years of this Oireachtas, namely, all the different stories of the hidden Ireland that have come to view, from the women who were in Magdalen laundries to the children who were in institutions and to those children who died in institutions and the information Members heard about Tuam. Members are aware that from the 19th century onwards, Ireland was a place with many hidden histories and a lot of institutional care. While some people received very good institutional care, as has been stated, nonetheless what really separates people in institutional care from other people is they do not have parents to whom they go home at night. Regardless of whether such care is in a school, an institution, a hospital or a home, they do not have parents to whom to go home at night and to complain if something bad and wrong has happened to them.

As for this case, I understand the communication capacity of the woman who has been named as Grace is limited and therefore she was not really in a position to communicate what may have been happening to her. Consequently, it is important that the Government reached the decision to provide for a commission of investigation. It is known that the allegations have surfaced over some time and that, for instance, the Committee of Public Accounts has received a series of protected disclosures about the care of a particular individual who lived in that foster home from the age of 11 for a period of approximately 20 years. It also is known that approximately 21 years ago, or after 1995, no more people were admitted to this particular home through the health services. This morning, the Cabinet received a briefing from both the Minister of State, Deputy Kathleen Lynch, and the Minister for Health.

However, the point I wish to make is the extent to which people have been fostered or have been in institutions and in care in Ireland probably is far wider than the public understands and for anybody who has been in care, these revelations are extremely disturbing. I am very friendly with a number of foster parents, including foster parents who particularly look after children with significant disabilities and who give a huge amount of care, attention and love. I can only imagine these revelations are extremely distressing for them to hear. As somebody who was both in care and foster care until the age of two and a half, I must state that for anybody who was in care - and in the context of the history of the past 50 or 60 years in Ireland, this relates to significant numbers of people - it is important this issue not be made into a political football. This is about people's lives, that is, it is about the quality of their lives, about their dignity and about respect for those people. It is important that we define a pathway to the truth, which will enable us to find out what happened, in this and related cases, to people who were in this home. A significant number of people stayed in the home, in some cases on a permanent basis and, in

others, on a temporary basis, for respite care.

As the Taoiseach said, over the lifetime of the Government, we have done a number of significant things in respect of children. At the outset, the Government made a decision to set up a specific Department with responsibility for children and an agency, Tusla, to deal specifically with the care of children requiring different supports, with the oversight of children in different scenarios and with parents or foster parents who require various supports. We also had a referendum of the people to emphasise the significant position of children in this society and there have been a number of significant legal developments to underpin the referendum that the people passed some time ago.

I refer back to Grace's case. I heard the interview with the chief executive officer of Barnardos, Mr. Fergus Finlay, in the media about the whistleblower's decision to name this woman, Grace. It was a good thing to do in order to personalise the case. It means we can see an individual who may be like somebody we know or for whom we care. The story becomes personal rather than being subject to the dry language in which cases are often addressed by people in the legal profession or, indeed, social workers. The Government has passed groundbreaking legislation in respect of whistleblowers supported by the parties opposite. I remind Deputies that we are in a position to begin to find out the story of what happened in this home as a result.

I commend my colleagues, the Minister of State at the Department of Health, Deputy Kathleen Lynch, and the Minister for Health, Deputy Varadkar, on having the courage to ensure we will get to the truth of this. It will probably take a significant period because, first, Mr. Dignam, SC, must finish his work. We have also been advised of two existing reports while a Garda inquiry is ongoing and has not concluded. There are a great number of areas around which we have some information but the information is not necessarily complete or conclusive. Yesterday, I met the Taoiseach to discuss the recommendation by the Minister of State for a commission of inquiry into this matter. The proposal in this regard was strongly supported by the Minister for Health. It will take some time and it will be for the next Dáil to decide on the detailed terms of reference but the work commissioned some time ago by the Minister of State and the work being done by Mr. Dignam will lead to important information about what the detailed terms of reference of this inquiry should be.

We have a history in this country, unfortunately, of political violence, we have a history of sexual abuse and we have a history of institutions in which there have been both violence and sexual abuse. I felt a terrible sense of *déjà vu* as I read about some of the elements of this case which have come into the public domain. I welcome the fact that Mr. O'Brien of the HSE appeared before the Committee of Public Accounts earlier and what he said can be subject to further examination and consideration in resolving what is, undoubtedly, yet another element in the story of hidden Ireland. The Dáil, particularly in the past five years, has played an important role in setting this story out for people in order that we understand our society and history better and move towards making Ireland a better place for everybody but, in particular, for people who are vulnerable or who have been abused.

Deputy Micheál Martin: This case is harrowing and shocks people to the core, particularly given the fact that such a young child was left in a vulnerable position for such a prolonged period between 1996 and 2009. She was not in a position to speak or to defend herself and the whistleblower is clear that the most appalling acts of abuse were perpetrated in this case. We have a dark history in respect of child abuse in this country. We have had numerous inquiries on many fronts that have sought to get to the truth of different incidents and systemic abuses

against children in different settings such as institutions, the church and many others. In this case, we are examining summer respite services. Apparently, in this foster home, a family allegedly provided a service during the summer offering two to three weeks respite for the families and children concerned. Up to 47 individuals availed of that service over a period. Grace was there for a prolonged period. The question screaming out for answer is: why was she left in that position for so long? Given the then health board had decided in 1996 that there was enough concern not to recognise that this service should be availed of by its clients and their families, and given no new placements were made, why were that child and another, Ann, left there for so long, right up to the present day? Deputy Clare Daly has made assertions in this regard and they need urgent clarification. If there is correspondence, it should be published. That needs to be clarified for everyone's sake.

I welcome the fact that a decision, in principle, has been taken to establish an inquiry and that will fall to the next Oireachtas to establish. I would have preferred if Ministers had taken questions on this. In previous *Dáileanna*, when issues of this substance emerged, there was always a practice of taking private notice questions, or special notice questions as they are called now, where Ministers would spend an hour to an hour and a half answering a series of questions on an issue but that has not happened during this *Dáil*. The House is not fully *au fait* with the entirety of this issue. The Committee of Public Accounts has obviously done a great deal of work and the whistleblower has been in touch with members of the committee but the *Dáil*, in plenary session, would have benefited from Ministers taking questions, which was the norm during previous *Dáileanna* but not apparently during this one.

The Taoiseach said the precedent for this is the Ryan inquiry. I do not understand how that is a precedent for a commission of investigation because that was conducted prior to a commission of investigation.

Deputy Kathleen Lynch: That is not what I meant.

Deputy Micheál Martin: The Ryan inquiry was set up under separate legislation. I established the commission, which initially was the Laffoy commission and later became the Ryan commission. It was a generic investigation largely; it was not an investigation into specific abuse. Given our experience of the Siteserv-IBRC investigation and the issues raised by the judge in terms of his sense of the limitations of that model and given a Garda inquiry is under way into reckless endangerment by health service officials in this case, I am still not clear about the capacity of an inquiry to conduct its work in parallel with the Garda inquiry.

During Leaders' Questions, the Taoiseach said it might be the case that the conclusions of a commission of investigation could not be published prior to the conclusion of the Garda investigation.

The Taoiseach: Some of them.

6 o'clock

Deputy Micheál Martin: We need to be very straight regarding what exactly is the position. Is it the case that the outcome of this commission of investigation cannot be published until the Garda inquiry is concluded? Is it also the case that witnesses may not co-operate with the commission of investigation for fear of prejudicing matters and so on? Is that a concern? The terms of reference can be agreed. We know that from the issue relating to the IBRC and Siteserv. The terms of reference can often be an issue of contention but not the core issue.

2 February 2016

The core issue is legal competence and the capacity to have the comprehensive inquiry that is required. There was an appalling series of events and a bungled apology by the HSE but, to a certain extent, that is not the core issue. In one sense, the core issue is the scale and horrific nature of the abuse that was perpetrated on the young, defenceless children involved. That seems not to have been brought out by either the criminal justice system or, for whatever reason, there might have been genuine obstacles in the way of the Director of Public Prosecutions, DPP, in terms of bringing prosecutions. I am a realist in that sense but, nonetheless, the whistleblowers are clear that appalling abuse was committed. The rest of us are saying that. I am simply saying that files went to the DPP. Essentially, people were sufficiently concerned about these matters to ensure that no new placements were made. They had real concerns and saw to it that placements ceased.

Grace was left in that facility far longer than any person would have liked, either then, apparently, or subsequently. It seems to me that the inquiry must be fairly comprehensive and perhaps - I am just making a point here - a stronger type of inquiry is needed to deal with those issues. From what I am told and from I have read, there will be no prosecutions. I am proceeding on the basis of what I am reading. I watched the proceedings of the Committee of Public Accounts this morning and observed the toing and froing between its members and the HSE officials. In respect of that whole period in the 1990s and later on, there is a lack of clarity in terms of the abuse allegations and what happened in respect of them. Why did prosecutions not materialise? It is clear that there were concerns. The house in question ceased to be used as a recognised fostering facility for summer respite services by the health board at the time yet people still remained in it. Then there was the phenomenon of families being referred to this home on a private basis as well. Watching the Committee of Public Accounts there seems - if I am correct in my assessment - to have been this tortuous engagement between the HSE officials and the foster parents about ceasing that activity in respect of Ann. She is the second person who was in the home up to 2013. There is a question in that regard. I ask the Taoiseach to share the legal advice with people on that issue. We had all of this with the IBRC and it continued for months and months until, lo and behold, at the 11th hour we learned everything had been for naught because the judge could not continue with the investigation. We do not want to go down that particular route again.

I commend the whistleblowers. In the Neary case and many others, whistleblowers spoke out and focused concentration on the issues. In this instance, the matter has come to light through the Committee of Public Accounts. Whistleblowing, fundamentally, is about culture in any organisation in the sense that people have the freedom to come forward and say what they have to say in a protected environment whereby they will not be penalised subsequently for saying what they have to say. We know from experience in other cases that it can take some time for the whistleblower to be heard and for the impact of what they are saying to be felt.

The other point I would make is that there are 47 children involved. The Resilience Ireland report involves a review of the cases of those 47 children. The HSE says it cannot publish the Resilience Ireland report. I ask the Taoiseach to revisit that matter and to consider what the State can do in respect of the 47 families who had children placed in the foster home in question during the relevant period. The Devine report, which deals specifically with the case of Grace, was commissioned in 2010 and was concluded in 2012. Two years later, the Resilience Ireland report was commissioned. That report examined the other 46 cases, which was the obvious thing to do. What proactive action is the Government proposing to take in respect of engagement with the families to which I refer? Are counselling services required? Is redress required?

Acting Chairman (Deputy Olivia Mitchell): I thank the Deputy.

Deputy Micheál Martin: I ask the Taoiseach that, painful as it might prove to be, a proactive programme of engagement be entered into with those families. This matter is very painful for the families concerned. However, I think something proactive and comprehensive must happen in respect of the conclusions in the Resilience Ireland report and with regard to how the State can make decent recompense. I am not thinking of monetary recompense, I am thinking in more general terms.

Acting Chairman (Deputy Olivia Mitchell): The next slot is for Sinn Féin. Deputy Gerry Adams has ten minutes, which, I understand, he is sharing with Deputy Ó Caoláin.

Deputy Gerry Adams: Go raibh míle maith agat. It is with a sense of *déjà vu* and deep sadness that I speak on this harrowing issue. The detail of the abuse, in so far as we know it, suffered by Grace makes for distressing and disturbing reading and her treatment and the other elements of this dreadful episode in the life of this citizen warrants the most thorough Garda investigation. The DPP also has serious questions to answer about how it handled the allegations of abuse at the foster home in question. The HSE, the Oireachtas and successive Governments must also questions to answer about the persistent failures of child protection systems over the decades.

I commend the whistleblower but we must acknowledge that there is no culture, at this time, to encourage people to blow the whistle or to tell their stories. In fact, the contrary appears to be the case. As an 11 year old child, Grace, who has severe intellectual disabilities and is non-verbal, was placed in the foster home in 1989 and was only removed 20 years later. Her abuser shamefully and outrageously exploited her disability. We may never know the full extent of the abuse but it seems that the foster care was never properly assessed. It appears that the serious allegations of abuse and neglect were ignored. Five files arising from concerns about abuse were sent to the DPP since 1990. There were no prosecutions. The whistleblower said he brought Grace to hospital twice because of the extent of her injuries. Despite this, he claims he could not persuade the HSE to take the legal steps needed to end the placement. Grace was left in this foster home for 13 years after new HSE placements had been stopped.

The whistleblower asserts “that a wide range of southern eastern health boards and HSE employees, including senior managers, had known about this case since the 1990s but no one was prepared to terminate the foster place and move the young woman to a safe accommodation.” This story is the stuff of nightmares. It is a litany of failure and cover up. If the whistleblower had not gone to the Committee of Public Accounts and if a row had not erupted because of the botched nature of the apology, this tragic account of abuse of a young woman might have remained largely hidden behind unpublished reports. It was only when it was faced with public outrage that the Government finally acted and established a commission of investigation. I welcome this decision but I am concerned that it is being dealt with in the way that it is.

Some 47 highly vulnerable children and young adults were placed in this foster home. I have no doubt that their families are deeply traumatised by this unfolding story and wondering about their loved ones. I ask the Taoiseach to ensure that the terms of reference of the commission of investigation are discussed with opposition spokespersons to ensure that it is comprehensive and secures the widest possible support in this Dáil. This is particularly important given that there has been a succession of damning reports about the treatment of women and children by the institutions of this State over many decades. Currently, one in five foster carers do not have

a social worker. This is actually in breach of the regulations. How can the State ensure there are no other Graces in the foster care system if there are not the social workers available to provide the necessary level of scrutiny. This morning the chairperson of the Irish Association of Social Workers, Donal O'Malley, said he is not confident that there are sufficient safeguards in place to prevent another case like Grace happening again. Last month, Deputy Ó Caoláin revealed there are 5,585 children waiting more than one month to be allocated a social worker and of these, 1,087 are classified as high risk. All of this represents a failure on the part of Government to fulfil its responsibilities and of the Members of the Oireachtas to fulfil our responsibilities. The Government is now in its last hours. What is certain is that the next Government faces a mighty challenge to right the mistakes that have left vulnerable people in the awful situation they were placed in and to ensure vulnerable women and children in particular are protected.

Deputy Caoimhghín Ó Caoláin: The recent abuse allegations surrounding a foster home in the south-east and the most horrendous treatment endured by an intellectually disabled young woman, whom we have come to know as Grace, depicts another example of the system that has failed to protect, respect and cherish those who are most vulnerable in our society. It has been revealed that Grace was subjected to the most horrendous abuse by her foster parent or parents and was left in this home for more than 13 years after it became the subject of abuse allegations.

Two whistleblowers in the HSE came forward in 2009 and brought to light the horrendous abuse endured by Grace at the hands of her foster parent or parents. On the back of these allegations, the Conal Devine report was completed in 2012 but it has still not seen the light of day. A second report into 46 other cases in the foster home was completed in 2015 and that too has not been published. This blanket of secrecy depicts perfectly in my mind how badly the HSE dealt with these most shocking of allegations. In this particular case, the actions or lack thereof by the HSE has been disgraceful. It defies belief that an attempt was made to claim that an apology had been issued to Grace and that the HSE then had to admit last Saturday that no official apology had been issued to her. Furthermore, this case raises wider questions regarding the way social services and the criminal justice system deal with abuse allegations against vulnerable people. Grace's disability was used as a means to prevent legal action. She and her carers were told that her allegations could not be prosecuted because she would not make a good witness due to her inability to speak.

Unfortunately, this is not the first time that such an appalling case of abuse of the most vulnerable in society has come to light and I have no doubt it will not be the last. A range of other settings have been exposed for malpractice over recent years. Back in 2014, we had the disturbing revelations of abuse in Áras Attracta residential centre in County Mayo. The critical question now is how we ensure that a situation like this is not taking place as we speak and that such outrageous abuse and oversight neglect is not to occur time and again into the future. I am in no doubt that the critical matter now is not just the address of the individual care home setting and the tragedy of Grace's abuse and health board and HSE neglect, tantamount to her having been written off by officialdom as a non-person, but that there is a need for a root and branch re-examination of the level of training, management and oversight right across the HSE and all care settings. That is what is required. Anyone who knows of other cases and has kept quiet until now or who has behaved badly themselves towards these people, the most vulnerable of our brothers and sisters, I say to them to go now, to leave, as they are not suitable people to hold such positions of trust.

That said, as I have a non-verbal, intellectually disabled brother, I know at first hand the great work that so many employed in these settings perform. This drip, drip exposé of dreadful

behaviour by some must also deeply hurt those who are true carers in these settings - people deserving of respect and support. I find it totally unacceptable that, once again, our voiceless in care have depended on whistleblowers to shine a light on the treatment they have endured.

We are, of course, on the cusp of an election but it is still essential that we all - I mean all of us, together - ensure that the next Government, irrespective of its make-up, takes real and immediate steps to ensure this most wicked behaviour, that presents time after time in one incident after another, is substantively addressed, once and for all. For those who cannot speak for themselves, such substandard care must be rooted out, and fast. We must take the required steps to help ensure that the highest standards are understood in the first instance and implemented by those we trust to look after those defenceless loved ones from our respective families. We must examine care settings right across the board and instil through retraining and up-training the highest standards in management and oversight in every care setting in the land. Our voiceless must never again have to depend on whistleblowers.

I welcome the plans for a commission of inquiry into these abuse allegations but I cannot help feel that, for the Graces of our land, this is coming too late; they have had to endure too much. What we need to ensure is that there are no more like Grace and those who we have perhaps yet to identify and who have suffered equally grievously.

Acting Chairman (Deputy Olivia Mitchell): Deputies Clare Daly and Finian McGrath are sharing time. I call Deputy Clare Daly.

Deputy Clare Daly: There is no doubt whatsoever in my mind that the only reason this is the last act of Government is the botched arrogance of senior officialdom in the HSE in its apology-non-apology to the Committee of Public Accounts. This is not going to go away. The first point I would make is that what is in the public domain is only the tip of the iceberg on this issue. There are a number of aspects in regard to the Grace case which are unique and particularly horrific but what is not unique is the approach taken by the HSE in its failure to deal with it. In fact, that is something that is all too familiar.

The only conclusion one can draw from the manner in which this has been addressed is that it is now a systemic problem inside the HSE, at best characterised as incompetence, at worst as recklessness and deliberate cover-up. I do not make those points lightly. We know the organisations charged with investigating and examining some of these allegations were connected to some of the officialdom and upper management inside the HSE itself. We know the South Eastern Health Board had a long-standing knowledge of the allegations at the heart of this case for a period of decades. We know that, in the initial investigation, it was the social workers who were blamed for the problems - scapegoated, in fact - when, in reality, the role of a social worker is a little like the relationship of a garda to the DPP, in that a garda makes recommendations and the DPP decides whether to act. A social worker makes a report and the line manager decides what happens next - that is the reality.

There are a couple of facts we need to know more about. It is a fact there was a decision in 1996 to remove Grace from the foster home. It was based on a proper case study and supported documentation as to the rationale of the abuse and the reason that young woman should be removed - decision taken. We know that on 9 August, the foster father contacted the Department of Health and begged for his foster daughter to remain in his care. We know the Minister for Health at that time made inquiries as to why the decision to remove her had been made. We know that subsequently in September, the file shows, "We need to discuss this case", but the

2 February 2016

decision was overturned for legal reasons. No legal information was quantified and there was no proper case study as to the rationale for that decision.

I do not know who is responsible and I am not blaming anybody but somebody made that decision and somebody has to be held accountable. Rather than deal with that, the approach taken by the health board was to minimise and to lawyer up, the same approach I heard at the Committee of Public Accounts today. Again, the impression was given today that the HSE was on top of it, was dealing with this, kind of found out in 2010 and moved straight away. That is not true. The HSE knew about it well before then. It was reignited when a new social worker arrived in 2007. Even in regard to the “Ann” case, we know that in 2010 the HSE contacted the family of that woman and advised it not to have a care arrangement with that foster home, but did not give the reasons. We know Resilience Ireland, appointed by the HSE, visited that family and told it not to have anything to do with the foster home, but did not give the family the reasons for that advice. That is in clear breach of all protocol in these situations. The HSE policy requires full disclosure of the reason for a review. Where there is sensitive information - the Barr judgment lays down the legal responsibility for this - and if somebody is in danger, there is an obligation, even if they are only allegations, to make those allegations known, as long as one notifies the person against whom the allegations were made. That was not done. The family was not given the reasons.

Up to 2015, the second person, Ann, was in contact with that foster home because of the breach in policy of the HSE. That failure led to further abuse, not just of Grace but of Ann and, I have no doubt, of the other people who engaged with that service. The accountability for this mismanagement goes right to the top of the HSE, to the people at the upper echelons. I do not know if a commission of investigation is the best way to deal with this, but I believe it needs to be out in the open. We, or whoever is back here after the election, will need to discuss the terms for a commission, but part of those terms must be about aftercare, about strengthening the obligations of the State to look after children when they reach the age of majority and, in particular, advocacy for vulnerable adults and no interference with or watering down of guardian *ad litem* systems and so on. This is urgent and I hope it is the first job on the plate of whatever Government is elected.

Deputy Finian McGrath: It is with great sadness and shock that I speak on this urgent debate on the abuse of young Grace in foster care in the care of the State. I am also deeply hurt and angry as a parent of a daughter with an intellectual disability when I see how this person suffered, but nobody acted. She spent 13 years in a home - abused, tortured and exploited. That poor young girl - 13 years of sheer hell and 13 years of failings and neglect. I thought this issue was a thing of the past and that we had this debate in the Dáil more than a year ago.

Let us focus today on the victim and on the need to support her and let us forget for a while all this talk about a commission of inquiry. A person, a young woman, was savagely assaulted and those guilty or involved in any negligence or cover-up should be prosecuted. This is a policing and Garda matter. Those responsible must take responsibility for their actions and their incompetence. We should not have to wait for another two years for a commission of inquiry, which could end up in dodgy territory or in legal complications that cost the taxpayers millions of euro. We need to take three basic steps. First, those responsible must be held accountable and prosecuted. Second, compensation and support should be provided for the young victim and her family. Third, we must put in place adequate protection measures for all people with intellectual disabilities.

I warned about the dangers in this regard a number of years ago in the Dáil when we were discussing other cases of child sexual abuse. I warned that some of these abusers would come up with new ideas to infiltrate services where there are vulnerable children and young adults. We need to be very vigilant and to put in place adequate protections. We have some excellent protections in place in our primary and secondary schools and in other areas, but people with intellectual disabilities are often forgotten about.

I am glad the Minister is here to hear me mention another issue. Families and parents of children and adults with intellectual disabilities are extremely traumatised and very hurt and sad. This is the case all over Ireland as we speak tonight. That said, we should never forget that we have wonderful foster parents in this country who do an amazing job. I know many of those foster parents and they should not be labelled in any way in respect of this issue. We have excellent foster care families who do a great job with children in care and children at risk and I use this opportunity to commend them. However, we must be always vigilant.

Another issue in respect of children and young adults with intellectual disabilities is that this is just one case, but only God knows how many cases are out there. This leads me on to the issue of whistleblowers. I commend them because they are patriots who have stood up against the system to shout and scream to protect our young vulnerable people with intellectual disabilities.

We also need to deal with the issue of “accountability”, a word that is often abused in public life. We need accountability and need to get away from the broad debates on management and policy matters. We need people in our services who are accountable and who provide transparency. We need the right people in the right positions.

The treatment of these vulnerable individuals points to serious human rights abuses that amount to inhuman and degrading treatment. I urge the Minister and the Government to be vigilant, although it is late at this late stage to say that. We need to be vigilant to protect all our young people, particularly those with intellectual disabilities.

Minister for Health (Deputy Leo Varadkar): I welcome the opportunity to speak to the House about allegations of heinous and horrendous abuse in a foster and respite home in the south east and the subsequent alleged neglect and endangerment by the authorities which should have acted differently. These issues are a matter of grave concern to me, the Government and, increasingly, the public as it has learned more about them in recent days and weeks. It is important, however, not to forget that no matter how horrific, these remain allegations. There have been Garda investigations, but there have been no prosecutions or convictions to date. An inquiry is certainly needed and that is the reason the Minister of State, Deputy Kathleen Lynch, and I have recommended it to the Government. However, we should not and cannot have the inquiry here on the floor of this House. That is not our role. Also, we should not come to conclusions or prescribe outcomes until we know all the facts. Clearly, we do not know all the facts at this stage.

Every child or vulnerable adult who uses disability services is entitled to expect and receive care of the highest standard and to live in dignity and safety. Our aim always must be to ensure people maximise their potential and live rich and fulfilling lives. They and their families trust us to care for them with kindness, compassion and respect.

While it is clear that grave issues have been raised about the protection of vulnerable people,

children and adults, in the south east, it has been very difficult to establish the facts with certainty. The matters relating to the allegations of abuse in the south east were raised by the Committee of Public Accounts in 2015, in the context of the procurement process for the Devine report and the Resilience Ireland report into these matters and the extended period of time during which it has not been possible to publish these reports. In response to these concerns and the delays in publishing these reports, which may yet answer many of the questions currently unanswered, with my support the Minister of State, Deputy Kathleen Lynch, appointed Conor Dignam, senior counsel, to undertake a review into these matters, taking into account the ongoing Garda investigation. This review is ongoing and will report back at the end of April. In many ways, it is scoping out the commission of investigation which will follow.

I have received assurances from the HSE that the person at the centre of the Conal Devine inquiry, whom we are calling Grace, was removed from the foster family seven years ago, in 2009. I understand that Grace is now in full-time residential care with a voluntary service provider and that she has been well cared for over the past seven years.

These matters are complicated by the fact that they remain the subject of an ongoing Garda investigation, which has precluded the HSE from publishing the Devine and Resilience Ireland reports because of Garda concern that nothing should happen, be done or said that might jeopardise the potential Garda investigation. Those in this House who are demanding accountability and for people to be held to account immediately should consider the possibility that they may be helping, with their words, those people to avoid accountability and prosecution. I appeal to Members to bear that in mind in their comments. Trials have been halted in the courts in this State because of comments by politicians in this House and people who should have been convicted were not as a result of utterances in the Dáil. I ask Members to bear that in mind in any contributions they make on the issue. Privilege may protect the Deputies but it may put others at risk and allow certain people to evade their responsibilities. It may be frustrating but it is very important that we do not prejudge the outcome. Instead, we must maintain focus on the questions that remain unanswered and, in particular, why Grace, as we now call her, was left in that home for many years after the authorities determined it was unsafe to place other people there. We still do not have a clear answer to that question.

In view of the seriousness of the issues raised, conflicting accounts, the fact the various whistleblowers are not aligned, incomplete information and misinformation from the HSE and the unanswered questions, we need to establish the facts. We are all agreed on that and so the Government has decided to establish a statutory commission of investigation. This is subject to the agreement of terms of reference and approval of the Oireachtas. I am in no doubt that the work under way by Mr. Conor Dignam, senior counsel, will make a key contribution in informing the drafting of the terms of reference for the commission of investigation. Additional resources have been allocated to Mr. Dignam to allow him to accelerate the completion of his scoping report.

Both the Minister of State, Deputy Kathleen Lynch, and I have requested copies of the Devine report and the Resilience Ireland report from the HSE under section 40C of the Health Act 2004. This is an important development as we believe that direct access to these papers will assist our understanding of the relevant facts surrounding these disturbing allegations. The HSE has assured the Department of Health that it has not waited for the publication of the Devine report to act on its recommendations and that it has put in place a number of changes to take account of the service and management deficiencies identified. The Minister of State, Deputy Kathleen Lynch, and I will verify that this is the case in the coming days.

The HSE has also assured me that work is well under way in implementing a comprehensive change programme of measures aimed at improving the quality of residential services for people with disabilities in the care of the State. This six-step change programme includes implementing the national policy and procedures on safeguarding vulnerable persons at risk of abuse as well as the appointment of Ms Leigh Gath as the confidential recipient. She will receive concerns of abuse, negligence, mistreatment or poor care practices in the HSE or HSE-funded services from patients, service users, families or other concerned individuals and staff. If people wish to make a confidential disclosure to Ms Gath, the option is now available. In addition, and at the request of the Minister of State, Deputy Kathleen Lynch, the HSE is establishing a national independent review panel with an independent chair and review team for disability services. That is in the 2016 service plan and the review panel will focus on serious incidents that occur in disability services across the HSE and HSE-funded services. It will review independently with a view to publication of its reports in order to ensure accountability and learning. We have already moved away from the idea of tendering reports to private companies and the Minister of State, Deputy Kathleen Lynch, took action on this some time ago to put in place a standing independent national review panel. It will review issues like this independently and it is a pity that previous Governments did not do that.

I assure the House that the Government is committed to the protection of vulnerable people with a disability in the care of the State. I hope the new Dáil will approve the setting up of the statutory commission of investigation as one of its first acts and that this will also be approved by colleagues in the Seanad.

Deputy Colm Keaveney: As our party leader made clear earlier, the Fianna Fáil Party welcomes the proposal to set up a statutory commission of investigation into the events in a foster home in the south-east. I salute the dedication, commitment and, above all, the actions of the whistleblowers involved. Without them, we would not have heard the details we heard over the past number of weeks and months in the discussions in the Committee of Public Accounts and in tonight's debate on a commission of inquiry being set up. I take this opportunity to thank and acknowledge the work and commitment of the Committee of Public Accounts, particularly the Deputies from the south-east, Deputies McGuinness and Deasy, in highlighting what can best be described as a distressing and an appalling story. The Committee of Public Accounts has had many critics but as we have seen over the past number of weeks, it has done a significant job of work in its public service commitment.

It is grim that this new story of sex abuse has arisen and a new inquiry is required. It is appalling to hear about abuse against such a vulnerable person - a defenceless girl - who grew into womanhood in such a place. It is very disturbing and the State, as well as those in whom responsibility for care was vested, should take responsibility yet again for the failures in the support systems. Yet again the HSE has been left with a less than exemplary record and its response to the issue has made it worse. It continued to make statements that contradicted previous statements. The most dismal management in approaching the context of disclosure must come to an end. The inability of the HSE to respond in a humane or sensitive manner to these matters is simply incredible. There was a tardy apology from the HSE director general that did not reverse the trauma suffered by the victim and her family. Despite allegations of sexual assaults being made by the former residents of the home, no action was taken.

The events that played out over the week point to enormous dysfunction in the HSE and it appears there has been a lack of communication skills, humanity and compassion. Officials from the HSE deliberately misled the Committee of Public Accounts, which is a source of very

serious concern. I accept that the Government needs to allow the senior counsel to conclude his work and that terms of reference in respect of the inquiry must be drawn up to protect the interests of the vulnerable. Vindicating the rights of people with disability, particularly those in residential settings, must be a priority for everybody in the Thirty-second Dáil. We have failed for far too long to establish an understanding of human rights and citizenship in these institutions. Yet again we are having another investigation and it is not clear if we will ever get to the bottom of it.

A number of very serious allegations have been made by Deputy Clare Daly and it is incumbent on the Government to respond to the two charges made by her in the course of today's debate.

Deputy John Paul Phelan: I join with everybody who has spoken so far in this brief debate and express my horror and revulsion at the reports that have emerged in the past week or ten days of abuse and neglect in this particular home in the south east region. I fully support and endorse the Government's decision to set up a statutory inquiry to ascertain the full facts and information surrounding what sounds like an horrific story. I wish Mr. Dignam very well in his task of ongoing review.

A number of factors make the information that has come into the public domain particularly appalling in this case. I am 37 years old and thought, as I drove to Dublin today, that for all my adult life, effectively, there have been at different times different stories of abuse and neglect. We all hoped, I suppose, that the worst of those stories were over. As we have ascertained, however, media sources indicate that may not be the case. I am conscious that a Garda investigation is ongoing, and we all have a duty to be careful about what we say in this House.

While I am not a parent, I do have a nine-year-old nephew and godson who cannot speak. I know that my brother, his wife and their family, including the extended family, invest so much love and attention in his care. The thought that somebody who cannot verbalise what is happening could have been subjected to such neglect and abuse brings this set of facts to a whole different level. In the case of a child with special needs of any description, the matter of trust is even more important than in the lives of other children. Given the facts that have emerged in this case, that trust has been shattered in so many ways and at so many levels.

It is incumbent on the State to ensure the full facts of this case emerge as soon as possible. In that way, the special efforts of the many loving people who open their homes as foster parents, and who do such great - in many cases unrewarded - work for children, will not be tarnished by this shocking case that has emerged in recent days. There is a moral obligation on the HSE, which was effectively acting *in loco parentis*, to explain the error. Error is too insignificant a word to describe the apparent oversight of this girl's existence, who we now call Grace. She was in care, yet the system seems to have been oblivious to her very existence. Those facts bring this situation to an appalling level, even in light of what has emerged in the past 25 years concerning other abuse cases.

I hope that Mr. Dignam will be soon in a position to give his initial report, and that shortly thereafter the Oireachtas will be able to establish a statutory inquiry so that we can get to the bottom of this appalling situation.

Deputy Maureen O'Sullivan: Tá sé dochreidte go bhfuil an díospóireacht seo againn anocht, díospóireacht ar scannal cosúil le scannail eile a chuaigh ar aghaidh sa tír seo. There

is an air of, “Can this have happened again in recent years?”, after so many similar cases in the past. It is so reminiscent of our debates and discussions on the Magdalene Laundries, the mother and baby homes, and the abuse in residential institutions where young men, women and children were so disregarded and brutalised. When we had those debates, there was a feeling that had happened in the past and could not recur, yet here we are discussing this matter tonight.

Language can sometimes fail to adequately describe how we feel or think about matters such as this. We use words such as “horrifying”, “shocking” or “terrible”, but they do not convey the enormity of what we are told happened to these young people. This is at a time when we supposedly know so much more and where safeguards are supposed to be in place. We have policies on child care and child protection, as well as complaints procedures. All of those measures, however, failed to protect these vulnerable 47 people, and especially those known as Grace and Ann.

It is therefore vitally important that the truth is established as to how such abuse could have continued for so long. We are having a commission of investigation and a Garda report to establish the truth. I wish to acknowledge the persistence of the whistleblower, who I believe is a social worker, who has tried for six years to bring to light this matter. There has been a spectacular failure on somebody’s part to address the issues.

If persons fail children in whatever setting, and know about abuse, it should be a matter for dismissal - but not a dismissal that lands in court with the authorities being sued. Alternatively, those concerned should have the honour - if they have any - to resign.

I note that the Irish Association of Social Workers referred to the rapid turnover of staff and the relative inexperience of those working with children at risk. We know we do not have enough social workers and we can see that, in particular, concerning the provision of services for homeless people. Families have been in touch with me who have been waiting for very long periods to have a social worker assigned to them. Earlier today during questions to the Minister for Health, we were talking about cuts to intellectual disability services and a reduction in the number of trained intellectual disability nurses. They are being replaced by agency staff who do not have experience in that area.

The most important question is why children were left in the home when the allegation of abuse emerged. I would like clarification on new graduates going into Tusla. That agency finds it difficult to retain staff because they are moving on to less stressful positions. I agree with what the Minister said earlier about establishing the facts, but I want to return to another abuse issue that I raised here at Leaders’ Questions with the Taoiseach. It led to me meeting the Minister for Justice and Equality, and it concerns abuse in swimming circles. Some of the perpetrators were brought to justice but one known figure in swimming circles was not. By whatever means, he left this country and was able to live a fine life in another jurisdiction, leaving a trail of heartache behind him for his abuse victims. The facts were established and gardaí were confident that this person would be brought to justice. Gardaí met one of the victims and assured her that due process would be followed, the person would be brought to court and she would see justice. That would have been part of a healing process for her, which is so important for people who have been abused, but that did not happen because the DPP decided not to go ahead with the case.

When Garda detectives called out to tell this victim that the case was not going ahead, she tried to commit suicide. There have been other suicides of that person’s victims since then be-

2 February 2016

cause the person was not brought to justice, even though the facts were known. I am sorry, but I do not have much faith in the DPP, given that Garda detectives were confident the case would go ahead. I sincerely hope that does not happen in the current case. I do not want to jeopardise any investigation of a criminal case, but I have grave doubts as to whether justice can be done for those who suffered.

Finally, I wish to refer to the foster parents I met in my teaching days, who gave exemplary care to children in their care. They must be feeling particularly hurt today because there is a danger of tarring everybody with the same brush.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I thank everyone who contributed to this debate, as well as those who referred to the matter before this debate. As other colleagues have said, these are particularly harrowing allegations. It is not often that everyone in the House is in agreement on an issue, and it is sad we find ourselves in agreement on how shocking and disturbing are these allegations.

Every person who avails of our health services is entitled to the best and safest care, and even more so when that person is vulnerable. Instead, we know that our health services failed Grace and other children and young people who were placed with this foster family at a time when they most needed our care and protection.

I have been assured that Grace is now being fully cared for in full-time residential care by a voluntary service provider. The HSE chief officer and her team in the south-east will continue to work collaboratively with the service provider, Grace and her advocates, to ensure the highest quality of service and support continues to be provided to her. I strongly believe it is in the public interest that we establish the facts surrounding the care of Grace and other vulnerable people who were placed in this foster home but, more importantly, we owe it to those involved and their families who entrusted the health services with the safety and well-being of their loved ones.

The work which I have commissioned from Mr. Conor Dignam, S.C., has been already mentioned and additional resources have been approved to allow him to expedite his review, which I expect to be completed by the end of April. We need to be precise and focused on the questions that remain unanswered and the work that is under way by Mr. Dignam will greatly inform the drafting of the terms of reference for a commission of investigation. As I said previously, there must be some political input into the terms of reference. Mr. Dignam has had access to the Devine report and the Resilience Ireland report in completing his review and I assure the House that I intend to read both reports as soon as I receive them from the HSE. I expect that the reports may make difficult reading but they will greatly assist us in understanding the facts surrounding these shocking allegations. I hope that they will be published in the future as everyone involved in our health services should be aware of the potential harm that can occur to vulnerable people in our care.

As the Minister mentioned, in view of the seriousness of the issues raised and the need to establish the facts, the Government has today approved the establishment of a statutory commission of investigation and I welcome that decision. The commission will provide a statutory mechanism to get to the bottom of these allegations. I am confident that this is the best mechanism to achieve this. I hope that early in the life of the new Dáil, this House will approve the setting up of this statutory commission of investigation and that this will also be approved by colleagues in the Seanad. That would be a powerful symbol of how seriously this House takes

this appalling matter. It is clear that there have been failures in protecting vulnerable people in our care. For a number of reasons, it has been difficult to establish the facts with certainty. This has been acknowledged and I am confident that through the commission of investigation, we can resolve this. While this is very much in the public interest, it is also very much in the interest of those vulnerable people who are directly affected and their families.

I reiterate what the Minister said. Listening to some, although not the majority, of the contributions, I have very serious worries that while we are protected, what is said in here could impact any outcomes outside the House. This is why I deeply appreciate the fact the majority of people who spoke were very careful and conscious that our words are being listened to, not just by the public, which has an interest, but by those who may use those contributions to protect themselves. This is hugely important.

I also congratulate the whistleblowers. I very much appreciate that sometimes it is not an easy task and involves making oneself more vulnerable within the system in which one works. I also appreciate the many good people, who are in the majority, who provide care to vulnerable people. I say to each and every one of these people that this is not a reflection on them but things did go wrong, there were lapses and we need to find out why and how they happened and how we can prevent them happening in the future. I thank all the contributors.

Sitting suspended at 6.55 p.m. and resumed at 7.30 p.m.

1916 Quarter Area Development: Motion [Private Members]

Deputy Mary Lou McDonald: I move:

“That Dáil Éireann:

recognises that the people of Ireland, the Irish diaspora and friends of Ireland everywhere, are looking forward to this significant centenary year of the 1916 Easter Rising and the Proclamation of the Irish Republic, a pivotal event in our history;

acknowledges the dedication of the concerned relatives of the 1916 leaders, and those who have supported their campaign over many years, to save – thus far – Moore Street and the laneways of history which were the last outpost or the General Headquarters (GHQ) of the Army of the Irish Republic in 1916 from demolition by developers;

recognises the significant public support across the island of Ireland and the diaspora for the full preservation of the national monument and the development of the surrounding General Post Office (GPO)-Moore Street area into an historic revolutionary quarter and battlefield site; condemns this Government for its outright refusal while holding office, to use the legislative powers at its disposal to designate as a national monument the GPO-Moore Street area of historical and national importance, which should become of social, cultural and economic benefit to Dublin and the rest of Ireland; and calls on the Government to:

— immediately rescind the ministerial order that allows for the demolition of numbers 13, 18 and 19 Moore Street;

— work with Dublin City Council, 1916 relatives and all relevant stakeholders to implement an urban framework plan for the area bounded by Moore Street, Parnell Street and

2 February 2016

Henry Street that will retain 10-25 Moore Street;

— meet with and work through the Dublin City Council Moore Street Forum and the Moore Street Advisory Committee to achieve this;

— develop a commemorative centre as part of a wider scheme for the regeneration of this historic quarter;

— rejuvenate street and market trading; and

— designate the GPO-Moore Street area as a national monument, to be preserved and developed under the protection of the State as a 1916 historic revolutionary quarter.”

It is probably appropriate in what might be the last debate here under the tutelage of this Leas-Cheann Comhairle, that we move this motion. One hundred years ago, Dublin quaked and trembled under the bullets and shells of an empire as ordinary Irish men and women, risked life, limb, death and incarceration, not only to free Ireland from foreign rule but to build a nation of equals, an Ireland to be proud of, a country to be defined by the high ideals of the Proclamation. Their powerful actions, which shook the foundations of an empire, have echoed down the century. The goals and ideals of the men and women of 1916 and the ideals of the proclamation, have been an inspiration to generations but they have also been and proved a compelling critique of the failures of this nation to live up to those ideals.

How little this Government thinks of these women and men and what they went through. We can look at 1916 through the mists of time, even through rose-tinted glasses and romanticise their struggle. How easy it is to forget how real it was for them, how real their suffering and the despair for them facing into an uncertain future, and then the horror of the drawn-out executions of their comrades. They thought not of themselves. Their actions were entirely unselfish. Today it is the actions of ordinary, unselfish people who fight to preserve their legacy. It was people power that saved Kilmainham Gaol for the nation. It was not any Government that saved that national edifice. A dedicated group of citizens saved this historical building for the nation. It seems that it rests once again with people power to repeat history and to save for the nation and for future generations the 1916 historic revolutionary quarter of the GPO and Moore Street area.

This area should rightfully be designated a national monument, preserved and developed under the protection of the State. It should not be left to the vagaries of developers and speculators whose only interest is in the profit margin. How can we leave our heritage to profiteers? This has been done before. Previous wanton acts of destruction caused by bad developments and poor and even corrupt planning decisions, led to the destruction of the Viking site at Wood Quay. This Government is repeating the mistakes of the past. We can look back now and see that the destruction of Wood Quay amounted to a criminal act of vandalism. People at the time fought the good fight to preserve the site and realised its significance to our national heritage but they lost that battle, more is the pity. We as a nation have lost a significant site of importance to our national heritage and we will never get it back, because as the advertisement says, “Once it’s gone, it’s gone”.

We are in a time of significant national and European anniversaries, and nations across Europe are putting great time and resources into preserving what remains of their national heritage yet in Dublin the revolutionary quarter, an area of tremendous significance, which the National Museum described as the most important historic site in modern Irish history remains the object

of uncertainty and speculation 15 years after its importance was first highlighted.

The original proposal for the area around Moore Street was for a huge shopping centre. What a memorial that would be to the men and women of 1916, what a comment on how their legacy is viewed, a commemorative shopping mall. This is the proposal that persists, that this Government supports. It is shocking is that successive Governments have allowed this area of national significance to fall into disrepair, ruin and decay. Uncertainty over the site and dubious dealings have been the battle cry at this historic battlefield site. It is with some arrogance that decisions about this area have been made that fly in the face of the enormous public support for the preservation of this historical quarter. The developments that have been proposed would effectively obliterate many of Dublin's revolutionary landmarks. We in Sinn Féin have consistently called for the preservation of the buildings, laneways and surrounding areas. We recognise the area as a battlefield site of substantial historical as well as national significance.

The Government has taken a minimalist approach, safeguarding only Nos. 14 to 17 Moore Street. Other sites remain at risk, for example, No. 10 Moore Street, location of the first council of war held by the rebels as they fled the GPO. Nos. 20 and 21 Moore Street hold great historical significance too because it was at these locations that the surrender order was accepted by the Volunteers. The entire Moore Street terrace needs to be protected, preserved and restored. Our proposal to develop a historical quarter, will also be of considerable benefit to Dublin, both economically and socially. Apart from doing the right thing and preserving our history before it is lost to developers, the preservation of the revolutionary quarter would be of significant economic value to the city of Dublin. If the Moore Street terrace and the surrounding areas were developed as a historic battlefield site, it would have the potential to become a major tourist attraction, particularly for the Irish diaspora as well as for those interested in history.

The north inner city of Dublin, which I represent in this Dáil, is crying out for economic development. We should not forget the street-trading tradition that goes back generations. Street traders make a real contribution to the life and vibrancy of the north inner city, nowhere more so than on Moore Street. The relatives of the 1916 leaders and we in Sinn Féin are fearful that the very questionable planning permissions, which would allow the demolition of the entire terrace, apart from Nos. 14 to 17, are still in place. It is yet the intention of this Government that this area would be engulfed by a giant shopping mall.

We bring our motion this evening because the threat to our heritage remains real and significant.

We need the Government to step up finally and put in place proper safeguards for all these important historic locations. If properly developed with the historic sites preserved sensitively in a way that is authentic and true to the area's history and character, the whole area can become, not just an enduring memorial to all those women and men who fought and died in 1916, but also in this year of the 100th anniversary of the Rising, an inspiration for future generations, encouraged by the selfless courage and commitment of these women and men. That is the position I understood we shared across the Oireachtas.

The State should intervene to preserve what we have and moreover to develop it in an authentic way that advances not only heritage development but also economic development. We believe that the memorial we propose is the only fitting one. We owe at least that much to the memory and legacy of the women and men of 1916.

2 February 2016

Deputy Sandra McLellan: I find myself somewhat amazed that I am once again speaking on the issue of Moore Street, the surrounding areas, the history, the last outpost, the people's Republic, cast aside with scant regard of what the area means to the people of Dublin and the island as a whole. This is an injustice that highlights the Government's attitude towards the history and the formation of this nation. Maybe it is ashamed.

If nothing else, the Government has been consistent on this one. For many years, the families and relatives of the leaders of 1916 have fought endlessly in the hope that their dreams would come to fruition this year - dreams of seeing the memorials of their relatives, as fallen heroes commemorated for taking on the might of the British Empire, being remembered and respected. The reward for their hard work is a demolition site - a turnover of history, an eradication of heritage.

This is the destruction of the very bricks and mortar that hold stories of passion, bravery and equality based on a need for freedom and for a sovereign state. We in this House have spoken, the media have spoken, the people have spoken, all at length and with a longing, but yet still the silence remains deafening.

As demonstrated by the occupation that took place a few weeks ago and the legal battle that is currently making its way through the courts - it is down for consideration again on 9 February - the public will is undeniable. Their calls continue to fall to the wayside and remain unheard, which is a national disgrace. It is disrespectful to those who gave us the freedom that we take for granted today. They planted the seeds for a fair and just Ireland. That is what they envisaged. How this has played out is surely as insulting as it gets to the memories of those who fought and died to strive for an Ireland no longer oppressed.

I, along with many of my colleagues, have pressed this issue with the Minister for quite some time. Questions and Topical Issues have been raised repeatedly. We have also debated it during Private Members' business on many occasions. It has done nothing. It has gone nowhere. The people have been stonewalled. We are consistently told the matter is one for Dublin City Council. We have faced a constant revolving door with insufficient answers as to where responsibility lies. The Minister has repeatedly absolved herself of responsibility for anything outside of Nos. 14-17 Moore Street ever since this issue arose, but it is time the Minister took a stand and listened to the will of the people.

The State has purchased Nos. 14-17 Moore Street, which is very welcome. However, merely to see that as a means to an end is just not good enough. The voice of the people of Dublin and the wider community, as well as those outside of the city and abroad, must be listened to. The Government has done the bare minimum required in an attempt to walk around this stumbling block, but it will simply not suffice.

The potential of the Moore Street site, alongside the surrounding areas, is limitless. We in Sinn Féin have consistently called for the preservation of the buildings, laneways and surrounding areas, as they are of substantial historic and national significance. The preservation and restoration of the entire terrace would enable it to be transformed into an historic quarter and battlefield site. This could have endless possibilities and would draw huge interest from tourists throughout the world.

These proposals should be seriously considered due to the potential economic and social benefits to Dublin and the surrounding area. Yet they are quickly dismissed, as they may raise

some concerns among protected investors. As the Minister is aware, the National Museum described this site as the most important historic site in modern Irish history. The proposals to turn parts of this site into a shopping centre can only be described as ludicrous - history consumed by a consumerist metropolis.

I suppose it is to be expected. This Government, right up until its dying moments, has followed in the footsteps of those that have gone before it, using that age-old mantra that the markets will decide. It has once again favoured the developers, those who will line their pockets at the expense of picking the pockets of our heritage. All this is happening under the watchful eye of the Government.

As I said before, heritage cannot be rebuilt. Is this the legacy the Minister wishes to be remembered for? Does she wish to be remembered for allowing our heritage to be pulled from under our feet? Bricks and mortar, once destroyed, cannot be pieced back together like a cultural jigsaw. Once it is gone, it is final. I ask those who have influence, for one last time, to stand up and take ownership, and listen to the will of those who put them in office in the first place.

Back in July 2015, I warned the Government of the difficulties it faced if it were to sell on the NAMA portfolio of Project Jewel. I stated that any continuing uncertainty regarding the future of the historic area is totally unacceptable to the relatives of the founding fathers of our nation as we approach the centenary of the Rising. I said that to sell it off to private investors, who would have little regard for the significance of Moore Street and the surrounding areas beyond its commercial potential, is unacceptable and an affront to Ireland's people and history.

Within this motion we have called on the Government to support the retention of this site. The Minister has the power to intervene in this instance. We need a vision and administrative leadership to come to the fore and to work with Dublin City Council in a productive and proactive manner. This needs to be done in a way that acknowledges the bravery of the people who fought and died for this State, a fitting way to remember them, as opposed to sending in the bulldozers and the bulldozers - a stroke of redaction across the history books.

We shall continue to voice our concerns and discontent on this issue with both the Government, be it incumbent or new, and Hammerson, the owner of the NAMA portfolio which was held in the area. The pressure needs to be applied.

It is fantastic to see the people on the ground having organised an occupation as well as the many other groups who have been working on this. We organised a protest on Sunday last and the turnout was fantastic. Those who are leading the occupations and legal proceedings are to be commended on the way they spoke with such passion and heart that cannot be curtailed or oppressed. They have our continued support and I thank them for their efforts. We shall persevere with this issue and fight until the issue is resolved in a satisfactory way. The mobilisation of the people brought on the rebellion of 1916. People are mobilising again. They, like the leaders of 1916, realise that the opportunity has presented itself for fairness and justice to prevail.

As one of my final points, I wish to raise something that is hardly ever mentioned. We must protect the traders and small businesses in the area. They should have been front and centre in regard to concerns over the planning process from the outset. They have been trading there for generations and have brought authenticity to the area. Has the impact of a shopping centre been analysed in a way that looks at the effects on those who already work in the area, given that this

2 February 2016

is a Government that actively supports jobs? Are there not credible concerns that these people would have to close their doors to the public? They, as citizens, also deserve and demand the Government's recognition and support.

I ask Members to consider what is at stake. They should take a step back and take a minute to process it. They should think of how it would sound to future generations to say, "Here is where the rebels lay, the last outpost before their surrender - here in this shopping centre."

We, the Irish people, are a proud and patriotic bunch. Rather than the children of tomorrow looking back at these times with disdain and disgust at how their history has been neglected, we should support this motion. Would it not be a fitting way to bow out? With the year that is in it, I believe it would be quite apt. Although there may be one or two reasons to destroy this site to allow investors to swoop in like vultures and feast on the remnants, alternatively, there are 1,000 reasons for it not to. History and heritage can, of course, be rewritten, something some may pursue. It cannot, however, be rebuilt once these buildings and their legacy are demolished.

Deputy Michael Colreavy: Can anyone in this Chamber imagine going as a tourist to a country or city with a rich cultural and social history without seeking out and enjoying its museums, galleries, heritage sites and landmarks associated with its history? Could one imagine arriving in a city like Dublin and seeking out a place like Moore Street to visit a shopping mall rather than a battlefield site? Shopping malls are ten a penny. A battlefield site, protected, preserved and developed as a restoration project, would not just be a fitting tribute to those who fought and died in the 1916 Easter Rising. It could and would be a Mecca, not just for tourists, scholars and historians, but for every person, citizen or visitor, who sought a deeper understanding of the events leading to the 1916 Rebellion, as well as the heroic actions of the volunteers who fought and the many who died for Irish freedom during it.

Why has this battlefield site not been designated as a national monument of historical significance? Why has the National Asset Management Agency, NAMA, which acquired the site from the developer, Joe O'Reilly, been permitted to sell it to retail developers, Hammerson, in a sale so aptly called Project Jewel? Why have successive Governments and Dublin City Council's planning department failed to recognise that some buildings and some streets, with their echoes of history, are simply too precious to be handed to the speculators, the profiteers and privateers? If we are serious about commemorating the 1916 Rebellion, if we are genuine about passing our history and culture on to the next generations and if we sincerely wish to honour the actions of the 1916 leaders, we would rescind the ministerial order allowing for the demolition of Nos. 13, 18 and 19 Moore Street. Instead, we would work with the many others working on this to develop a commemorative centre as part of a rejuvenated historical quarter that would be enjoyed and availed of by this generation and future generations of citizens and visitors to Dublin and to Ireland. Anything less than that would be official and State-sponsored cultural and historical vandalism.

I find it unusual speaking tonight because I wonder if what I say here makes any difference at all. I recall at the opening meeting of the 31st Dáil, the Taoiseach said there would be a new and better way of governance with the Government working with the Opposition, listening to Opposition Members, to ensure there would be better legislation and policy choices. I must have been a little bit politically naive because I hoped to believe and I believed I could hope. Unfortunately, within one month normal Dáil procedures, intolerances and refusal to engage constructively were dished out in spadefuls. I do not think I could be accused of cynicism in

feeling that this debate is entirely without meaning. If the Taoiseach is going to the Park tomorrow afternoon - all the speculation is that he will - then this debate, like Moore Street itself, will be dropped again, unfinished without even a vote on our motion.

Given that I will not be standing for re-election, this is probably my last time to address the Chamber. The Leas-Cheann Comhairle will understand how I feel. It has been a privilege to represent the people of Sligo and Leitrim. It is often frustrating when one speaks but does not appear to get through. However, I have made many good friends in all parties. I also want to thank all the Oireachtas staff for their unfailing courtesy and support. I wish the Leas-Cheann Comhairle all the best. I hope he will not be too lonely when I go because, hopefully, the Chamber will see not one but two Sinn Féin representatives for the new constituency of Sligo-Leitrim, west Cavan and south Donegal.

An Leas-Cheann Comhairle: I wish the Deputy well. As I will also be joining his ranks, I said my goodbyes last week.

Deputy Seán Crowe: Deputy Colreavy is correct in that we are going through the motions tonight. While not many of us know if we are coming back, we would like to think that what we try to achieve in here has some sort of meaning and brings about some sort of positive change. This is what this motion is about.

Moore Street has a special place in the hearts of Irish people. In an act of cultural vandalism, however, the Government, through its inaction, is allowing the destruction of part of our national heritage, including the battlefield site on Moore Street. This street teems with history and significance. It is part of the DNA of Dublin people. It is clear there is a significant groundswell of public opinion in favour of preserving and developing not only Nos. 14 to 17 Moore Street but the entire battlefield site. As this year goes on, that groundswell of opinion will manifest itself more and become more vocal and angry about what is happening with this site.

A restored Moore Street and battlefield site would be a fitting tribute to those who raised the flag of the Irish Republic 100 years ago. It would also be a huge tourist attraction for Irish people and foreign visitors, not to mention the unique educational advantages it could bring to school students and anyone with even a minute interest in history. Although the Government will try to shift the blame, the primary responsibility for the mess that is Moore Street, as well as the surrounding area as far as O'Connell Street, rests with it and its predecessors. Tonight, we will hear that it is the fault of Dublin City Council or somebody else but we all know where the fault lies. It was this Government which refused to use the legislative powers at its disposal to stop NAMA, a State agency, from selling off the entire Moore Street terrace, which was in its power to do so under the NAMA Act. It was this Government which failed to use the same legislative powers on 15 other occasions. Previously, when my colleague, Teachta Ó Snodaigh, questioned the Minister for Communications, Energy and Natural Resources, Deputy White, on why the Government did not do just that with this site, he was told the site was not appropriate for such an intervention. That is on the Dáil record.

This approach was adopted, contrary to the view of the National Museum of Ireland which has identified this site as the most important historical site in modern Irish history. There are some experts and then there are those who seem to know everything. The bald facts are that the Government has been more than happy to hand over part of our national heritage to developers, speculators and profiteers to do what they like.

8 o'clock

They see Moore Street through a different prism than the rest of us and see this site purely as a source of speculative profit.

Our vision is different. We want to see the area preserved and redeveloped in a manner worthy of its history. It not too much to ask. We want the area from the GPO to Parnell Square, including Moore Street, to be officially recognised as a 1916 revolutionary quarter and, as such, be marked and designated a national monument under the protection of the State.

Sending in the bulldozers to Moore Street is not acceptable and it will not be tolerated by the people not only of this city but of this country. It will be resisted, and resisted fiercely, in this centenary year of the Rising. I commend and applaud the 1916 relatives committee on securing a stay of works at the Moore Street site and those who occupied the site to stop its demolition. The full case is up again on 9 February, involving the 1916 relatives versus the Irish Government. We do not know what the outcome will be but we hope and pray that the courts, in their wisdom, will see the justice of the case and the justice of the argument that the 1916 relatives are putting forward. Hopefully, we will see the preservation of, and safety applied to, the Moore Street site. It means a great deal to the people not only of Dublin but of Ireland.

Deputy Martin Ferris: I cannot imagine this scenario in any other country, that a battlefield site of its fight for independence would be destroyed with the encouragement of the government of the day on the centenary of such a momentous event as our 1916 Rising. I cannot imagine any other nation engaging in this erasure of its proud history. The truth is that this Government and the kind of people who support this kind of government, including the big developers, want to forget about the Rising. The Government has shown nothing but contempt for our revolution, for those who fought for the Republic, for our history and for our people. Once we realise that, it is not too hard to understand why the Government would want to wipe out such a fine battlefield site where such a body of men and women behaved heroically in the face of the enemy.

The same two Government parties and their counterparts in Fianna Fáil have shown contempt for the ideals of the Proclamation and have failed spectacularly to make even the slightest attempt to build the Republic envisaged by it. Instead, the carnival of reaction which occurred on both sides of the Border after partition has destroyed the concept of a republic and has created a society divided deeply by class and ruled by a political class devoted to making the rich richer and the poor poorer, while engaging in the corrupt politics of nod and wink.

The Labour Party, instead of defending workers and following the path set out by James Connolly, has surrendered itself again and again to the control of right-wing parties for the sake of a few crumbs of power. Its credibility is destroyed and the decent working people who used to support it are left disillusioned and disappointed.

The 1916 battlefield site and the GPO represent all the honour and bravery that Fianna Fáil, Fine Gael and Labour have abandoned. It includes the laneways and buildings of the full terrace in Moore Street. This is where the GPO garrison escaped to when the building was in flames and collapsing. In every one of the buildings on Moore Street those heroic men and women were present. It was here that the final council of war was held with five of the seven signatories of the Proclamation present. It was their last time together before being court-martialled and executed. It is hallowed ground and there is no other way to describe it.

Experts at home and abroad tell us how valuable the site is. The National Museum tells us that it is the most important site in Irish history. Even if a person was so cold-hearted and devoid of patriotism to ignore all that, even if the bottom line is simply to ask “What does it do for you”, it makes no sense to destroy this terrace and the lanes and alleyways behind it.

Do tourists come to the capital city to see shopping centres the same as the shopping centres they have at home all over Europe and the world? No, they do not, they go abroad to see something unique, something particular to the country they are visiting. Imagine the boost to Dublin city centre to have a historical, cultural quarter celebrating and commemorating our struggle and the men and women who lived and fought and died in that struggle. I congratulate the relatives of the 1916 heroes who have achieved a stay of execution on Moore Street and who return to court next week to fight for its preservation.

I believe strongly that the people of Dublin will never let the bulldozers into Moore Street. I believe that the spirit of 1916 lives in the spirit of Hill 16 among the thousands of Dublin GAA members and supporters who have upheld a proud republican tradition. I believe that those Dubs and the people of the city who fought an empire will not let the destruction of Moore Street take place, not on their watch, not on my watch and certainly not on this party’s watch.

I appeal to the Government and to the Fianna Fáil Party and the Technical Group to make one of the last acts of this Dáil a unified one, a unified action to do the right thing - to save Moore Street for future generations. We need to save and preserve our history and we can do that here tonight but I doubt very much if those who have betrayed that consistently since the partition of this country will do the right thing.

Deputy Caoimhghín Ó Caoláin: While the events of Easter week 1916 took place primarily to the backdrop of the city of Dublin, men and women from across the country participated in the rebellion. As the Minister should know, there is no county more proud than County Monaghan with our close links to James Connolly, Margaret Skinnader and Bernard MaCartan Ward, among others, who played prominent roles and who marched out on that fateful Easter Monday. In this centenary year every county in Ireland will organise commemorative events and reflect on how 1916 changed the history and political course of Ireland. However, this is all happening at a time when relatives of our 1916 heroes have been forced to go to court to halt construction work - destructive work perhaps better describes it - to the historic battle site and final meeting place of the Provisional Government of the Irish Republic at Easter 1916. This is a damning indictment of this Government and demonstrates the utter contempt that it has shown to the legacy of the men and women of 1916.

The responsibility lies with the Government to safeguard our culture and heritage. Instead, the contrary has happened. It has allowed the developers, speculators and profiteers to take control. It fed off grossly inflated property prices during the Celtic tiger and it saw this street and this site purely as a source of speculative profit. That continues to this day because now, in our so-called recovery, more interests are lining up to see how they can profit from this site. Today a developer plans to level most of it in order to build a shopping mall. This cannot happen and we must not let it happen. It is imperative that we preserve this site. Its historic, cultural and political significance cannot be overstated.

I want to make a particular reference to the 1916 relatives committee who have worked tirelessly to secure a stay of works at Moore Street. It is astounding that in a matter of days, 100 years since the Rising, relatives of the 1916 heroes will be in court again, battling the Govern-

ment to preserve this area. As one of the most historically important sites in the history of the nation, Moore Street has a special place in the hearts of Irish people. It is vital to ensure that it is redeveloped in the respectful and dignified manner befitting its status. We will not tolerate the destruction of any part of our 1916 heritage in this centenary year or - may I make it very clear - in any other year.

The people of Ireland, the Irish diaspora and friends of Ireland everywhere, are looking forward to this significant centenary year of the 1916 Easter Rising and the Proclamation of the Irish Republic. There is also significant public support across the island of Ireland and throughout the diaspora for the full preservation of this national monument and the development of the surrounding General Post Office, GPO-Moore Street area into an historic revolutionary quarter and battlefield site which we have called for in this motion. We also call on the Government to rescind immediately the ministerial order that allows for the demolition of Nos. 13,18 and 19 Moore Street; to work with Dublin City Council, 1916 relatives and all relevant stakeholders to implement an urban framework plan for the area bounded by Moore Street, Parnell Street and Henry Street that will retain Nos. 10 to 25 Moore Street; to meet and work through the Dublin City Council Moore Street Forum and the Moore Street Advisory Committee to achieve that; to develop a commemorative centre as part of a wider scheme for the regeneration of this historic quarter; and to rejuvenate street and market trading in the area.

The Labour Party and Fine Gael Party Government, and the entire Dáil, have an opportunity this evening to do the right thing now and support this motion to leave a legacy behind that will be enjoyed not only by future generations of Irish people but by many who will visit our shores eager and anxious to learn of the story of the Irish people in relatively modern, contemporary times. We look back over the past 100 years at the significant changes and advances that have been made and the opportunities that can still be built upon. We want to see the fulfilment of the hope and promise of the Proclamation. We want to see our children enjoy that hope and promise by living in the republic envisaged by those men and women who so proudly and courageously marched out on that Easter Monday, and we want to see a fitting memorial in the heart of this city where they took such a stand. Therefore, a revolutionary quarter and battlefield site that properly reflects all that they gave is the legacy this Dáil and the next one must leave.

Minister for Arts, Heritage and the Gaeltacht (Deputy Heather Humphreys): I move amendment No. 1:

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

“recognises:

— the importance of this significant centenary year of the 1916 Easter Rising and the Proclamation of the Irish Republic as a pivotal event in our history; and

— that the Minister for Arts, Heritage and the Gaeltacht is continuing to work with a broad range of stakeholders, including Dublin City Council and 1916 relatives’ groups, in the context of the delivery of the comprehensive countrywide Ireland 2016 Centenary Programme of commemorative events, activities and projects;

commends the Government and the Minister for Arts, Heritage and the Gaeltacht on the purchase, preservation and conservation of the National Monument at Numbers 14-17 Moore Street - the only substantially pre-1916 structures surviving in the terrace in that street, with Number 16 being the location of the last Council of War of the 1916 Rising - as

one of the iconic capital projects to commemorate the centenary of the Rising;

acknowledges the commitment of all of those who have worked to preserve the National Monument at Numbers 14-17 Moore Street, but deplors the recent occupation of the National Monument on Moore Street and the consequent disruption of, and delay to, the conservation and preservation works;

notes that the ongoing works to the National Monument are consonant with the requirements of planning law and the consents issued under the National Monuments Acts 1930 to 2004;

reiterates that planning matters insofar as they relate to Moore Street and its environs are matters for Dublin City Council; and

calls on the Government to continue to support the work of the Minister for Arts, Heritage and the Gaeltacht in regard to securing both the restoration and conservation of the National Monument at Numbers 14-17 Moore Street and its opening to the public as a permanent Commemorative Centre dedicated to the 1916 Rising and its leaders, while complementing the new Government-funded General Post Office, GPO, Witness History Interpretive Exhibition Centre and enhancing the amenity of the wider Moore Street-GPO area.”

I wish Deputy Colreavy well in his retirement. The Leas-Cheann Comhairle has just stepped out of the Chamber. I also wish him well in his retirement and thank him for his courtesy and fairness over the past five years.

I am delighted to have the opportunity to clarify my role and the Government’s plans to put in place a permanent and fitting tribute to the 1916 leaders in Moore Street. Before I do that, however, I acknowledge the campaign by relatives that led to Nos. 14 to 17 Moore Street - the only remaining substantially original pre-1916 buildings - being saved. The Save No. 16 Moore Street committee campaigned for many years to have the location where the 1916 leaders had their final council of war properly recognised. Their commitment led to the making of the preservation order under the National Monuments Acts in 2007. The preservation order applied not just to No. 16 but also to Nos. 14,15 and 17. Unlike other adjacent properties, these buildings retain significant and extensive internal 18th century elements, including staircases, partitions, plasterwork, doors, floors, fittings and fixtures. The 18th century building form and profiles also survive. Most important, however, we also have physical evidence of the leaders’ presence in the form of the openings broken through party walls. These tunnels will be kept and preserved in order that the public can see at first hand what the rebels encountered and where they made their final decisions to end the uprising.

Sinn Féin claims its members are here tonight because they want to honour the 1916 leaders. Unfortunately, where Moore Street is concerned, all we are getting from Sinn Féin is disingenuous grandstanding, deliberate misinformation and blatant electioneering.

Deputy Sandra McLellan: Oh dear.

Deputy Heather Humphreys: Sinn Féin claims it wants Moore Street protected, yet the party opposed the previous 2014 plan which would have allowed for the site to be restored. Most recently the party encouraged and supported the people who occupied the site, delaying the important restoration works and jeopardising our chances of being able to allow access to the site during the centenary.

2 February 2016

The Government is the only one that has taken the worthwhile and meaningful measures to save and protect this national monument and to honour the people who were there in 1916. As Minister, I secured Government approval last year to acquire Nos. 14 to 17 for the people. That demonstrated the Government's commitment to acknowledge and mark the historical importance of the site in a positive and substantive way and to safeguard the long-term future of this historical landmark. Conservation work commenced on the site in early November, paving the way for the preservation and restoration of these buildings to their 1916 state. It will be a real and fitting tribute to the 1916 leaders and it is a very important piece of the Ireland 2016 centenary programme.

People will be able to step back in time to experience the building as it was when the 1916 leaders held their last council of war there. Visitors will be able to see the rooms the leaders were in and to view the passages they broke through. It will be a powerful addition to the many major projects being developed as part of the commemorations. The work will not recreate or re-imagine these buildings. It will return them to their 1916 state and allow them to speak for themselves.

There has been a lot of misinformation about the nature of the works being carried out on the national monument and, accordingly, I will set the record straight. Conservationists and heritage experts - Lissadell Construction - are carrying out painstaking restorative work to ensure the building is restored to its condition at the time of the Rising. This work is being overseen by a steering committee, which includes representatives from my Department, Dublin City Council, the Office of Public Works, OPW, the National Archives and the National Museum of Ireland. Indeed, the former Dublin City Council conservation officer is the conservation architect on site daily.

Last Monday, following calls from Sinn Féin for an independent inspection of the works, the works at the national monument were inspected by a planning team from Dublin City Council, including the city archaeologist at the request of the National Monuments Service. These officials from Dublin City Council are entirely independent from my Department. They have raised absolutely no issues with the work that is under way. Their independent report is available for all to see on my Department's website.

Nos. 14 to 17 Moore Street were first declared a national monument in 2007. That means it has taken eight years to get to this point where restoration works are finally under way. If Sinn Féin gets its way, arguments on the future of Moore Street will continue for years to come. Nothing will be done and the national monument will continue to fall into disrepair. I want to see the works which are already under way continue in order that we can stabilise, underpin and conserve the final headquarters of the 1916 leaders for future generations to enjoy and visit. It will be somewhere that the public can visit, of which they can be proud and that will tell the story of 1916 to people from all over the world. The works will return the houses to their 1916 state, for which there is ample witness and anecdotal, physical and documentary evidence. The website of the 1916 Relatives Association states that it is not party to the High Court proceedings. John Connolly, grandson of James and son of Roddy, both of whom were in the GPO, has written to me to urge me to continue with the Moore Street plans.

I wish to address claims from Sinn Féin and others that the rest of the Moore Street terrace is of historical significance. Let us take Nos. 24 and 25 Moore Street. Those buildings were newly constructed from scratch in the past 20 years or so. They were not there in 1906, in 1916, in 1926 or even in 1986. Furthermore, the buildings are currently used as a cleansing depot by

the city council and have no connection whatsoever with the Rising. They were constructed in the mid-1990s, and yet Sinn Féin claims they are associated with the 1916 Rising.

Sinn Féin also claim that Nos. 22 and 23 Moore Street should be preserved. They are entirely modern and perhaps only 15 or 20 years older than Nos. 24 and 25. That is evident from even the most cursory observation.

Immediately next to the national monument are Nos. 18 and 19, which were in ruins at the time of the Rising. This is proven by documentary evidence, including valuation records, Thom's Directory, Dublin electoral lists and contemporary witness statements. Quite simply, what is there now was not there in 1916.

Deputy Mary Lou McDonald: On a point of information, were there shopping malls there in 1916?

Deputy Heather Humphreys: On the other side of the monument is No. 13-----

Deputy Mary Lou McDonald: Was there a shopping mall on that street in 1916?

Deputy Heather Humphreys: I will come to that in a minute. On the other side of the monument-----

Deputy Mary Lou McDonald: The Minister might clarify that point.

Deputy Heather Humphreys: I will come to that in a minute.

Acting Chairman (Deputy Robert Dowds): The Minister, without interruption.

Deputy Heather Humphreys: On the other side of the monument is No. 13, which again can be identified as a new build just by glancing up from Henry Street. It was completely rebuilt decades after the Rising. Its neighbour, No. 12, was constructed in the 1970s. None of these houses has any evidence whatsoever of the presence of the rebels. They are modern inside and out and lack any fixtures, fittings, finishes, partitions, stairs or other original elements. On the other hand, Nos. 14 to 17 date from the late 18th century. They are the only substantially intact houses in this terrace that predate 1916.

Deputy Mary Lou McDonald: And the shopping malls.

Deputy Heather Humphreys: They also have the physical scars of the Rising in the form of the openings broken through by the rebels as they tunnelled their way up the street. They retain significant 18th-century elements, including staircases, partitions, plasterwork, doors, floors, fittings and fixtures. The removal of the fundamentally new buildings alongside the national monument will allow the historical structures to be underpinned and stabilised and the gables to be given permanent finishes, protecting them into the future on a permanent basis.

It is worth noting that the restoration of Nos. 14 to 17 Moore Street is one of a number of major building projects being undertaken as part of the Government's Ireland 2016 centenary programme.

Deputy Mary Lou McDonald: Along with the shopping malls. Well done.

Deputy Heather Humphreys: Just around the corner, an immersive new visitor centre is being finalised in the GPO on O'Connell Street. Over in Kilmainham Gaol, visitor facilities are

2 February 2016

being upgraded. Major new visitor facilities are being constructed at a number of historically important locations, including Richmond Barracks, the Military Archives and Pearse's cottage in Rosmuc. The Government is spending in excess of €30 million on these legacy projects, which is only possible thanks to the economic recovery, which is another thing that Sinn Féin opposed.

Deputy Mary Lou McDonald: It is driven by shopping malls.

Deputy Heather Humphreys: Finally, I want to refer to the motion's call for me to create a historical or cultural quarter in the Moore Street-GPO area. No matter how many times I explain my remit as Minister for the arts, Sinn Féin ignores it. The vast bulk of the surrounding properties are privately owned.

Deputy Mary Lou McDonald: As were the other shopping malls.

Deputy Heather Humphreys: My remit extends simply to the national monument, which we are preserving.

Deputy Mary Lou McDonald: There is a theme.

Deputy Heather Humphreys: The development of the wider street is a matter for Dublin City Council, where I believe Sinn Féin is the biggest party. Under the Planning and Development Act 2000, Dublin City Council, as both local government and planning consent authority, is charged with managing the ongoing development of this important inner city area of Dublin. The shopping centre or mall that Deputy McDonald refers to is a matter for Dublin City Council and was subject to planning permission, and Sinn Féin had the opportunity to object to it.

Deputy Mary Lou McDonald: It was supported by the Minister.

Deputy Heather Humphreys: Already, sections of Moore Street-----

Deputy Mary Lou McDonald: We are asking the Minister to intervene. We already know that.

Deputy Heather Humphreys: -----and the auxiliary lanes-----

Acting Chairman (Deputy Robert Dowds): The Minister without interruption.

Deputy Heather Humphreys: ----are within the current O'Connell Street architectural conservation area-----

Deputy Mary Lou McDonald: We have heard this a hundred times.

Deputy Heather Humphreys: -----designated in July 2001, and the O'Connell Street area of special planning control, adopted by Dublin City Council in September 2009. These mechanisms operate within the wider policy framework of the Dublin City development plan, which is currently under review. It remains open to the city council to prepare a statutory local area plan for the area under the provisions of the planning Acts. As I said earlier, Sinn Féin is the largest party in Dublin City Council. An Bord Pleanála planning permission will keep Moore Street as an open street and Dublin City Council policy is to keep the traders. It is somewhat ironic that I am being asked to work through various committees of Dublin City Council, which itself is the responsible authority. It would quite simply not be appropriate for me to intervene in the manner suggested, as it would cut across and undermine the existing statutory processes

for the proper planning and development of this area.

Deputy Mary Lou McDonald: And a shopping mall.

Deputy Heather Humphreys: My objective and statutory responsibility in Moore Street is to restore the four historic and original buildings that make up the national monument at Nos. 14 to 17 to their 1916 state and to allow the Irish public to see the marks of that revolution.

Deputy Mary Lou McDonald: When they are on the way to their shopping mall. That is fabulous.

Deputy Heather Humphreys: The four houses are the only houses in that terrace whose exteriors and interiors predate 1916 and which bear the scars and evidence of the presence of the men and women of 1916. I am not in the business of revising or rewriting history, unlike some. I am certainly not in the business of declaring buildings national monuments when they were only built in the last few decades.

Deputy Sandra McLellan: It is about more than bricks and mortar; it is about history.

Deputy Heather Humphreys: I have met with the traders and they support the restoration of Nos. 14 to 17 Moore Street. They pleaded with me to get the work started on the property.

Deputy Mary Lou McDonald: And to give them a shopping mall, because that is what they want.

Deputy Heather Humphreys: I appeal to everyone in the House to support the Moore Street project-----

Deputy Mary Lou McDonald: That is pathetic.

Deputy Heather Humphreys: -----so that we will have something to show there for the commemoration year that we can all be proud of.

Deputy Mary Lou McDonald: The Minister will not bulldoze that terrace. She should forget about it.

Deputy Sandra McLellan: It is not enough.

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Joe McHugh): I am glad to contribute to this debate. To break it down into the detail of different parts is a learning experience about the history of individual buildings. I am glad to do that. As a former geography and maths teacher, I have had many encounters with history teachers. With history, it is very important to stick with the facts, which I will do tonight. For most of the last 100 years the only buildings on the Moore Street terrace that predated the Rising and held evidence of that insurrection languished in a sad state of disrepair and neglect. In March 2015, this Government stepped in and acquired the national monument at Nos. 14 to 17 Moore Street, immediately setting in train the process to secure, preserve and conserve what are arguably four of the most important buildings to bear witness to the making of this State.

To take Nos. 24 and 25 Moore Street, these buildings were newly constructed from the ground up in the last 20 years or so. Furthermore, these buildings are currently used as a cleansing depot by the city council and have no connection whatsoever with the Rising. Nos. 22 and 23 are entirely modern and perhaps only 15 or 20 years older than Nos. 24 and 25. Immediately

2 February 2016

next to the national monument are Nos. 18 and 19, which were in ruins at the time of the Rising. There is ample documentary evidence, including valuation records and Thom's Directory, Dublin electoral lists and contemporary witness statements, to corroborate that. Quite simply, what is there now was not there in 1916, and there were no compensation claims in respect of those two buildings. On the other side of the national monument is No. 13, which can be identified as a new build by just glancing up from Henry Street. It was completely rebuilt decades after the Rising. None of these houses has any evidence whatsoever of the presence of the rebels. They are modern inside and out and lack any fixtures, fittings, finishes, partitions, stairs or other original elements. By contrast, Nos. 14 to 17, which date from the late 18th century, are the only substantially intact houses in this terrace that predate 1916. They also have the physical evidence of the Rising in the form of the openings broken through by the rebels as they tunnelled their way up the street. There is a poignancy and rarity to this that this Government is determined to preserve for the public to see. The buildings retain significant 18th-century elements, including staircases, partitions, plasterwork, doors, floors, fittings and fixtures. The focus of all of the architect- and archaeologist-supervised works taking place at the moment is to preserve and conserve these houses of history for generations to come.

I was delighted to have the opportunity to get the breakdown of that specific piece of history. I take this opportunity to acknowledge the efforts of the Minister, Deputy Heather Humphreys, in working out a commemoration programme for 2016 to commemorate 1916. At an event I attended in Lifford recently to launch the 1916 commemoration programme, I met the wonderful Paddy Gillespie, who was born in 1916. He spoke at that event and I thought his contribution was more than inspiring. While I acknowledge bricks and mortar are important and are our physical link to the past, be that in the form of castles or buildings, in Paddy Gillespie we have a living link to 1916 and it made me think on how short is our history. As someone who was born in 1971 and who grew up as a teenager into the 1980s, I certainly thought 1916 was a distant memory. However, as one gets older, one begins to appreciate one's history and in this year of the commemoration, we have an opportunity to look back and reflect. From listening to esteemed historians in Ireland, I note they focus very much on the facts and they differ and disagree and try to stay as objective as possible on the subject. As politicians, Members sometimes mix ideology, politics and history and sometimes focus too much on emotion. I think back to my secondary school experience where we received a partial history, perhaps from a history teacher who was pro-Treaty or anti-Treaty. I believe we should use this opportunity in 2016 to look at our past objectively ag amharc ar ais ar gach duine a mhair, a mhaireann agus a mhairfidh. Tá deiseanna ann i mbliana, in 2016, ag amharc ar na rudaí atá déanta, ag amharc leis an chéad ghlúin eile agus ag amharc tríd an tír seo maidir leis an teanga Gaeilge, an chultúr agus an oidhreacht a choinneáil beo-----

Deputy Mary Lou McDonald: Agus shopping mall freisin ar Shráid Uí Mhórdha.

Deputy Joe McHugh: -----agus a bhogadh chun tosaigh agus rudaí soiléire a dhéanamh maidir leis an stair. Seasaigí suas maidir leis na rudaí cearta agus seasaigí suas maidir leis na rudaí atá déanta sna blianta a chuaigh thart. Ba mhaith liom m'aitheantas agus mo bhuíochas a ghabháil arís leis an Aire, an Teachta Heather Humphreys, agus a comhghleacaithe, na daoine a mhacasamhail John Concannon atá ag obair ar an chomóradh 2016, ar an chlár tábhachtach agus ar an sáróbair atá déanta thar na blianta a chuaigh thart. Mar fhocal scoir i dTeach Laighean, beidh deiseanna móra ann maidir leis na glúine atá romhainn agus tá dualgais agus freagrachtaí orainn maidir leis an chéad ghlúin eile amach anseo. Beidh deiseanna ann i mbliana agus tá sé thar a bheith tábhachtach.

Deputy Mary Lou McDonald: With a shopping mall.

Deputy Joe Costello: I welcome the opportunity to speak on this issue once again. All Members respect the republican ideals that inspired the men and women of 1916 and which are reflected in the Proclamation of 1916, in the compilation and writing of which the Labour Party played a major role. James Connolly was a significant contributor and it was published in Liberty Hall.

Deputy Mary Lou McDonald: He is turning in his grave.

Deputy Joe Costello: Moreover, the families of many Members of this House were involved in the War of Independence and so on. Consequently, Members respect those ideals and consider it to be quite proper that in this centenary year, they should be honoured in every way possible. They should be honoured in respect of what they stood for and the direction in which they placed the country with regard to equality and a focus on children in a far-reaching Proclamation that incorporated those ideals.

Second, we should respect the built heritage that also is theirs and this is what the Government has been seeking to do. The last act of the present Administration in respect of this matter has been to obtain the buildings on Moore Street for the State in order that they can be properly preserved. They now are in State ownership, which was not the case until late last year and this is major progress and a considerable step forward. It now is the responsibility of the Minister and the Government to work together with the National Museum to ensure the development that takes place is in line with the requirements under the National Monuments Act. I have put on the record previously the manner in which Nos. 14 to 17 Moore Street became a national monument and it did not happen by chance. Unfortunately, none of those people who now speak from the rooftops most loudly were involved in any way in getting Nos. 14 to 17 Moore Street declared a national monument and nor were they involved in any way in preventing planning permission for a shopping mall being put in place. They cry loudly now but when they had a chance to make a difference, they were nowhere to be seen and nor were they anywhere to be heard. However, as a general election is to take place in 2016, they now are shouting from the rooftops.

Although the manner in which Nos. 14 to 17 Moore Street and the General Post Office, GPO, were declared national monuments has been put on the record previously, I will repeat it. The National Graves Association brought to my attention that the plaque which had been erected in 1966 to mark the 50th anniversary of the Rising had been taken down by a businessman and had been hidden for devious reasons. It eventually was found and was re-erected and it was in this context that I brought a motion to Dublin City Council requesting that No. 16 Moore Street be given its proper recognition and that the plaque would be restored. In due course, this was accepted by all the councillors at the time and that was the first step forward. Arising from that, a request was made for Gráinne Shaffrey and the architecture firm Shaffrey Associates to conduct an examination of the area. When that firm discovered it was not simply No. 16 Moore Street that was the focus of attention at the time but that the surrounding houses, Nos. 14 to 17, had been closely identified with the rebels, Shaffrey Associates recommended that Nos. 14 to 17 Moore Street be declared a national monument. The then Taoiseach, Bertie Ahern, agreed and the then Minister for the Environment, Heritage and Local Government, Dick Roche, brought forward the necessary proposals. Consequently, in 2007, the GPO and Nos. 14 to 17 Moore Street were declared national monuments. Throughout all that time, up to the declaration of a national monument, not a single member of Sinn Féin on the city council ever spoke in favour

of it. It is incredible; they were conspicuous by their absence and had not the slightest interest in the national monument on Moore Street. Members can check the record if they think it is different; it is not. Now, nine years later, they suddenly have discovered a national monument on Moore Street and people who never opened their mouths when there was something to be done are telling us all about it, as though they were the guardians of the national monument. Much later, however, when planning applications were made to Dublin City Council by a number of companies which sought to compile a large property portfolio in order that there could be large developments in the area, was there any sign of objections from Sinn Féin councillors? They could have stood up at the time and opposed the shopping mall for which planning permission was granted. I have heard this being trotted out by Sinn Féin Members all night. Not one of the party's councillors turned up.

Deputy Mary Lou McDonald: That is what it is. It is a shopping mall.

Deputy Joe Costello: It was left to myself and An Taisce to oppose the application through An Bord Pleanála.

Deputy Mary Lou McDonald: So the Deputy opposed the shopping mall at that point.

Deputy Joe Costello: We opposed the shopping mall.

Deputy Mary Lou McDonald: Does the Deputy oppose it now?

Deputy Joe Costello: DCC is the body that granted permission. Sinn Féin had members on the council.

Deputy Mary Lou McDonald: So the Deputy opposed the shopping mall.

Deputy Joe Costello: Of course, I have always opposed the shopping mall. It is on the record. Now we have a Johnny Come Lately who wants to take credit for everything.

Deputy Mary Lou McDonald: There is no credit.

Acting Chairman (Deputy Robert Dowds): Deputy McDonald had her own opportunity to contribute. Can we please hear Deputy Costello?

Deputy Mary Lou McDonald: His remarks are being directed at us.

Acting Chairman (Deputy Robert Dowds): The Deputy will have an opportunity to reply tomorrow night.

Deputy Sandra McLellan: That is highly unlikely.

Deputy Joe Costello: It is important to put on the record that those politicians who are demanding everything now did nothing when they had the opportunity to do so.

Deputy Mary Lou McDonald: The Deputy should stick to his line.

Deputy Sandra McLellan: When did the Deputy change his mind?

Deputy Joe Costello: I have not changed my mind on anything.

Deputy Sandra McLellan: Then he should vote with us.

Deputy Joe Costello: What we have is a national monument, no thanks to the Deputy or anybody in her party. We have a shopping mall with no thanks to them given their failure to oppose it.

Deputy Mary Lou McDonald: A commemorative shopping mall. How utterly crass.

Deputy Joe Costello: The planning permission was given by DCC and the Deputy was in a prime position to object to it at the time as a councillor. She did not bark. She did not say a word and she stood idly by. Now, because there is an election in the air, she is saying she wants to protect everything.

Deputy Mary Lou McDonald: They are about to demolish the terrace.

Acting Chairman (Deputy Robert Dowds): Can we please hear Deputy Costello? I ask him to conclude.

Deputy Joe Costello: We are at the stage now where we need to get on with providing a commemorative centre on Moore Street.

Deputy Mary Lou McDonald: And a shopping mall.

Acting Chairman (Deputy Robert Dowds): Could Deputy Costello be allowed to conclude without interruption?

Deputy Joe Costello: The work has started. As I understand it, there is a motion before the High Court and I do not know how that will work out. However, I want a national monument that many people, myself included - but not those in Sinn Féin - worked so hard over the past two decades to put in place.

Deputy Mary Lou McDonald: A shopping mall.

Deputy Joe Costello: The ideal scenario would be to do that without impacting on any of the surrounding houses. The neighbouring houses are not of the same period but, nevertheless, it would be best if they were not impacted upon. It must be recognised that Moore Street has been the most derelict street in Ireland and every effort we have made to deal with it has not been successful.

Deputy Sandra McLellan: To our shame.

Deputy Joe Costello: It is a terrible shame that as the centenary of 1916 approaches, it will remain the most derelict street in Ireland with no commemorative centre in place to mark the heroism of those who fought in the GPO and on Moore Street.

Acting Chairman (Deputy Robert Dowds): I call Deputy Browne. I presume this will be his final contribution as a Member.

Deputy John Browne: I made my farewell speech in the House last week but with so many people out canvassing, I was wheeled back in again tonight. Coming from Enniscorthy, I grew up with the songs and stories of 1798 and 1916 and it is appropriate that I would say a few words on the motion. Fianna Fáil will support it if we get the opportunity to vote on it tomorrow night but that is unlikely.

The upcoming centenary of 1916 marks an important milestone in the history of our Re-

public. The Easter Rising defined us as a country. It belongs to no party but to the people of Ireland. Even in my county, some historians would like to rewrite the history of 1916 but the British, French and Germans all celebrate historical events such as this and this is our opportunity to celebrate, 100 years later, the significant role played by the brave men and women of 1916. We should not apologise for that. It is an important political occasion to reflect upon our successes as a nation in the face of seemingly impossible odds and to examine those of our shortcomings that history demands should be addressed. It is also a poignant personal moment for families whose relatives served in the Rising. I am sure every Member receives the same representations but almost every day, a huge number of people contact my office in Wexford in the hope that they can attend the celebrations in Dublin on the day. Some family members of those involved in 1916 have been invited while others have been left out in the cold. Some left it a little late to apply for tickets. However, I had a discussion with the Minister of State at the Department of the Taoiseach, Deputy Kehoe, earlier. The Government should consider late applications from direct descendants and allow them to attend the celebrations, particularly in Dublin.

The Moore Street area is a central part of our historic heritage and should be appropriately preserved and developed to mark the 100th anniversary of 1916. The Government has bought Nos. 14 to 17 Moore Street but there is serious controversy over plans for the site and the surrounding area, which is owned by a private developer. We fear the area risks continued dereliction and decline. Fianna Fáil proposed a Temple Bar-type company with the power to create and develop a fitting historic quarter. This would be a much more effective mechanism to secure and revitalise the area appropriately. The historic buildings associated with the 1916 Rising at Nos. 14 to 17 Moore Street are in a state of great disrepair and the Minister said they would be brought up to the required standard. The entire Moore Street area was under the ownership of NAMA and the care of Chartered Land before a significant amount was recently sold. The original plans for the area should have ensured that it would be developed, that the traders would be protected and that there would be an economic plan for the area. This has not happened.

It was the last headquarters of the Provisional Government of the Irish Republic during the Rising. Volunteers broke into houses on Moore Street and tunnelled their way through the terrace and took up new positions in each house, making No. 16 their headquarters. As many as 300 Irish Volunteers and members of Cumann na mBan escaped to the buildings from the GPO after it caught fire following a bombardment by British artillery during Easter week 1916. The buildings were designated national monuments in 2007 by the then Minister for the Environment, Mr. Dick Roche. As a national monument, the Minister has a duty to ensure the buildings do not descend into permanent decay.

The Moore Street area has been neglected by the Government parties since they came to office. They have failed to bring forward an economic plan to revitalise the area, they failed to create a business environment, they failed to look after the Moore Street traders who have been part and parcel of Dublin for generations. I would like the Minister to seriously re-examine what is proposed. I come from Enniscorthy where there will be a full year of celebrations. There will be re-enactments. We have had a school programme which featured the names of Galligan, Weafer, Rafter, Etchingham and Brennan. Every year, Sinn Féin and Fianna Fáil hold commemorative events. Next Sunday, Fianna Fáil will celebrate the life and times of Liam Mellows. As far back as I can remember, we have had celebrations on Easter Monday in the cathedral in Enniscorthy followed by a parade to Market Square and the laying of wreaths

at the monument to Fr. Murphy and the people of 1798. We have monuments also to Captain Thomas Weafer and Captain Seamus Rafter and we are very proud of the historic significance of the Easter celebrations. In 1994 and 1995 when, perhaps, it was not popular to do so, our then chairman, Mr. Peter Byrne, who has since retired from politics, invited the Deputy First Minister, Martin McGuinness, to Enniscorthy as part of the 1916 celebrations. It was not very popular at the time but it was a forerunner to the celebrations and the Good Friday Agreement. Enniscorthy is proud of leading the way in that regard. We contend that the tricolour was flown for the first time in Enniscorthy. Some people contend it was flown for the first time in Waterford. We will continue to fight that issue with the people of Waterford. From Easter Sunday 2016, the tricolour will fly over Enniscorthy for generations to come in a specific glass casket that will protect it.

Returning to the motion, it is important that the Minister revisit Moore Street and the surrounding areas. In recent years NAMA has sold property to large developers, foreign developers and UK developers not only in Dublin, but around the country, when it could have been more appropriately used for local people and the people of Dublin. I ask the Minister to reconsider the situation and to revisit the issues called for in the motion. I know she has assigned to herself some of the celebrations and some of the good work she has done in this area. The people of the area want to see more of the properties around Nos. 14 to 17 Moore Street secured and developed in a different way for the people of Dublin and not for the big developers and those who would sell it on for massive profits in the future.

Deputy Maureen O’Sullivan: I acknowledge that this Government more than any other has been proactive on this issue. It is still hard to believe that successive Governments from the 1920s ignored the significance of Moore Street. Between them, the local authority and eventually the developer, Chartered Land, it appears that a campaign of deliberate neglect and dereliction of this very significant area was pursued. It is significant historically, but also culturally and socially with its street trading tradition.

When Chartered Land came into NAMA, why did the Government not ask for the whole area, the streets and the surrounding lanes, to be treated in the same way as Nos. 14 to 17 Moore Street? NAMA guidelines allow properties to be taken out if there are “legitimate reasons” in the public interest. Given that Westport House was withdrawn from NAMA, I do not see why this whole area was not treated in that way. To include only Nos. 14 to 17 Moore Street does an injustice to the other events that occurred on Moore Street, events that occurred on the street and on the lanes involving ordinary men and women, Cumann na mBan, the Volunteers and the Citizen Army, but also incidents that involved citizens of Dublin.

The street has been in existence since before the Famine. It was a residential district in the mid-18th century and there are fabrics of that time on some of the buildings. I understand it was to be the northside equivalent of Molesworth Street for Luke Gardiner who, I suppose, could be considered a very early property developer. The quarter has a special place in the heart of Dubliners. I know from the Save Moore Street from Demolition group, which is out every Saturday, that it has garnered more than 30,000 signatures. Last Saturday and Sunday, hundreds of people turned out to show their support for what we see as the historical area of Moore Street and to save the entire terrace.

I listened earlier to the Minister and I know what she is saying about some of those buildings but so many events happened along that street that we need to preserve it. There should never have been a need for an occupation but the way the work began did not inspire confidence that

2 February 2016

the history of the houses and the area would be respected. If it had been handled differently there might not have been an occupation. At this point, the Minister is going to preserve Nos. 14 to 17 Moore Street. I met the official from the Minister's Department and I have no doubt that the work will be done meticulously and respectfully, but that first day set things off on a very bad footing. There was no confidence that the architectural conservationist was there to oversee the work right from the beginning.

It also appears at this point that a shopping centre will be built right beside Nos. 14 to 17 Moore Street. I and others believe this is inappropriate. Mistakes were made but let us not make any more because once something is destroyed, it is gone forever. We have lost so many historic buildings already. What is required is a different vision for a historical, cultural quarter that would link the GPO with Moore Street up to Parnell Square to Richmond Barracks and Kilmainham Gaol and also linking with streets such as North Great George's Street, Mountjoy Square and further up to Collins Barracks and Arbour Hill because the northside of the city has been so neglected. The potential is there for that quarter. It does mean standing up to a developer syndrome but it can be done if there is a different vision for that area. Has the State purchased Nos. 13 and 18 Moore Street also or what is the arrangement for those buildings? Has there been a change of use for Nos. 13 and 18 Moore Street?

On Leaders' Questions last Tuesday, I quoted the Shaffrey report which states that block exactly matches the terrace into which the majority of the GPO garrison escaped and that the events of the 1916 Rising happened throughout the entire street and adjacent lanes. A quote from the Venice Charter is that a historic monument is not only a single architectural work, but also the setting. That is what we are missing when we talk only about Nos. 14 to 17 Moore Street. What others and I are talking about is the sense that when one comes down Moore Street that so much happened there, that one is walking on the cobblestones that the men and women of the garrison walked along. A planning application has been submitted for a hotel and there is some little concession to the archaeological conservationist that the cobblestones will be retained. This is what we are doing to this area. The area includes the street trading tradition. I heard what the Minister said earlier, but they are hanging on by the threads. I looked at photographs of Moore Street 20 to 30 years ago. It was a very different street then and the street traders were able to make a living. They do not need more supermarkets going in on top of them. There are already five in the immediate area.

In the past few years I have been told by the Government, and the same tonight, that this is a matter for Dublin City Council. We attended a meeting in the City Hall last week with Dublin City Council and it said it is a matter for the Minister. I am calling for a meeting of all the stakeholders - the Minister, the Department, the National Monuments Service, the Office of Public Works, Dublin City Council, the relatives and the concerned people. An independent chair is necessary in order that we can get to the bottom of this issue before it is too late.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 9.30 a.m. on Wednesday, 3 February 2016.