



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 4 Deireadh Fómhair 2016

Tuesday, 4 October 2016

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Today, the people of Aleppo in Syria are being subjected to what, by any fair definition, must be described as a war crime. Civilians are not being killed accidentally because of a conflict - they are being deliberately and repeatedly targeted. This death and destruction is no accident. It is the primary strategy of the Syrian Government and the Russian military. Women and children hiding in the basements of buildings in which there are no combatants are being repeatedly hit with specialist bunker-busting missiles. Hospitals are being hit with barrel bombs over a series of days until they are forced to close. Civilians, particularly children, have no access to basic medical care, food or even water. What we are witnessing is a systematic policy of trying to kill or drive out of the country every person who does not support the murderous Assad regime. This is a potential genocide and it is escalating by the day. We have already seen millions displaced by Assad's determination to maintain his murderous regime and retain the support of Russia, which has been critical to saving him. Areas supporting moderate and democratic forces have repeatedly been their focus. The reason that there is an international emergency concerning Syrian refugees is directly and unequivocally due to the actions of these governments.

The question for Ireland is whether we will stand up for the people of Aleppo and the rest of Syria in the face of these war crimes. Will we say to Russia in particular that the barbarism that it is directly facilitating is unacceptable? Unfortunately, the overwhelming bulk of the groups here that describe themselves as anti-war are silent on Aleppo. As they cannot attack the United States or the West for these actions, they prefer to say nothing. In the case of Sinn Féin, it has engaged in incredible contortions to avoid any direct criticism of Russia and its President. Has the Taoiseach or the Minister for Foreign Affairs and Trade summoned the Russian ambassador or discussed the summoning of same to convey our views and raised the matter at European Union level with a request for common action? What is the EU doing in response to this barbarous, murderous activity sponsored by the Syrian and Russian Governments? Is it going to stand by or will there be action in terms of our relationship with Russia? The Dáil should be unequivocal, as part of our Parliament, in condemning the genocidal attack on Aleppo. We should arrange for a common agreed statement to do so. More important, has the Taoiseach considered the need to significantly increase humanitarian aid in Syria? I know there have been increases to date but this would help those who are in refugee camps filled with people fleeing

the Syrian government and Russian bombing. This winter could see an escalating catastrophe unless the international community dramatically increases its aid and support.

The Taoiseach: The answer to the first question is “Yes”. The Minister for Foreign Affairs and Trade called in the Russian ambassador last Tuesday and told him in no uncertain terms as to how this country feels about the human catastrophe that is unfolding and has unfolded in Syria and particularly Aleppo. The Minister made perfectly clear our absolute disgust at and abhorrence of the bombing of a United Nations humanitarian convoy going into Aleppo to relieve people who have had neither food nor water for quite some time. There have been catastrophic deaths of men, women and children in particular, with the bombing of hospitals and the resulting break off of discussions between the United States and Russia on the matter. The Minister for Foreign Affairs and Trade also spoke to UN High Representative Mogherini last Friday.

The matter has been discussed at every European Council I have attended and the question is what kind of support can be given. President Putin invaded Crimea and took it over a couple of years ago. There has been destabilisation in a number of eastern Balkans states. In this case, Russia and Iran have supported Assad and the United States and Europe have supported the opposition. This is a human catastrophe and perhaps within the European Union we have always seemed to take peace too much for granted. A few hours across the shores unfolds a misery from the deliberate destruction of human life across a range of fronts.

There are sanctions against Russia and, separately from that, this country has increased its humanitarian aid on a number of occasions. It is a sad fact that Syria has now been at war for the past five years and Aleppo is now becoming a symbol from a Russian perspective; with the success of the support given by the Russian forces to Assad, the intent is to obliterate Aleppo. From the European Union perspective, Ministers have spoken directly to UN High Representative Mogherini. I repeat that our Minister last Tuesday called in the Russian ambassador, leaving him in no uncertain position as to the way this country feels about the humanitarian catastrophe that has afflicted Syria for some time and Aleppo in particular.

Deputy Micheál Martin: I thank the Taoiseach for his reply. It is accepted that we all have enormous sympathy for the civilians in Syria and we all condemn the war. Unfortunately, at this stage, that is not enough. Has it been made clear to the Russian ambassador that normal diplomatic relations, as we know them, with Russia must come under the closest scrutiny if this genocide continues? I do not say that lightly. I am speaking about the country’s diplomatic representation here and our bilateral relationship. Something similar must happen with the European Union, as it has gone down the line of appeasement. We can consider the violation of Ukraine sovereignty and the creeping aggression of Russia over the past while. Likewise, the strategy in Syria has been to render Europe and the United States essentially helpless bystanders as thousands of children, women and other innocent civilians are being murdered by all sorts of highly destructive weaponry such as bombs. The pictures of young children being dragged from rubble represents an appalling indictment of the modern world. It is appalling that a so-called major power can engage, without any sanctions, in Syria and essentially, in a genocidal way, obliterate the population. Some of the choices facing Europe in the coming weeks and months may be unpalatable in terms of how we deal with this but deal with it we must if we are to have any moral compass in the context of how we conduct international relationships into the future. Russia has gone too far on this occasion, by any yardstick, in terms of international geopolitics. It is completely unacceptable and the Dáil should unite in condemnation of what is going on in Aleppo today - not last month, two months ago or six months ago but today. I ap-

preciate the work of the Minister for Foreign Affairs and Trade, Deputy Flanagan, in this area.

The Taoiseach: What one has to take into account here is the intention, objective and mentality of President Putin. He invaded Crimea and took it over, although there has not been a word about that since. There has been destabilisation in eastern Ukraine and pressure on a number of other states in that region. In fact, at the European Union meeting in Bratislava two weeks ago, concern was expressed about the lack of a European Union policy on the eastern Balkan states in the context of the pressure and influence they are coming under from Russia. Clearly, Russia is looking for ports on the Syrian coast. There are many indicators to suggest that President Putin intends to restore, for want of a better word, the reputation and influence of Russia in the Middle East. Syria was its last hold. Russia's support, along with that of Iran, for the Assad regime has resulted in this humanitarian catastrophe.

The Minister for Foreign Affairs and Trade spoke to Mr. Ban Ki-moon in New York recently at the UN. The latter has condemned unreservedly the recent attack on the humanitarian convoy and the death of aid workers. I also spoke to the US Secretary of State, Mr. John Kerry, last weekend. As Deputy Martin knows, the United States has broken off discussions with Russia because the latter has not lived up to the agreement the two countries had. Maybe that is what Russia wants in order that Aleppo comes more into focus to be completely obliterated. The Deputy is right about the cluster bombs and bunker bombs that are now being used.

This matter was discussed at the European Council but we are not going to have a European army. Some countries want to send in more assistance. Other countries, like ourselves, are neutral and will remain so but are clearly concerned about the humanitarian issues for the women, men and children of Syria. It is a very complicated geopolitical process but I assure the House that the Minister for Foreign Affairs and Trade, Deputy Flanagan, made it perfectly clear to the Russian ambassador just how strongly this country feels about what is happening before our eyes in Aleppo.

Deputy Mary Lou McDonald: Last weekend the British Prime Minister, Ms Theresa May, confirmed that she would trigger Article 50 of the Lisbon treaty before the end of March 2017, thus triggering Brexit. By insisting that Britain pursues a hard Brexit and leaves the Single Market, she has set the British Government on a collision course with the EU in which Ireland, North and South, is regarded as collateral damage. It is very clear that the Tories do not regard Ireland as important in their shenanigans, or Scotland for that matter. This means that the common travel area, the nature of the Border, movement of people, the nature of cross-border and bilateral trade, not to mention the Good Friday Agreement, are now up in the air.

The Taoiseach has been very flat-footed on all of these issues. The referendum result has been known for months but we have yet to see any meaningful propositions coming from the Taoiseach or his Ministers in the intervening period on the key issues and significant consequences for the island, North and South. I understand the Taoiseach finally brought a memorandum to the Cabinet today. Perhaps he might enlighten us regarding his plans.

I am glad the Taoiseach acknowledged last week that citizens in the North of this island voted to remain within the EU. We need him to advocate for their will to remain. That includes looking at mechanisms that would allow the North to remain within the EU. This task could be undertaken as part of the all-Ireland dialogue he has proposed, particularly in the absence of any formal negotiations until next year. That means much more than a one-day event on 2 November next. There is a chance here to set the agenda, domestically and internationally, be-

fore any negotiations between Britain and the EU take place. The sooner representatives of all the key interest groups get around a table to inform and devise a negotiation strategy, the better. Does the Taoiseach agree with yesterday's statement on the issue of Brexit by the Deputy First Minister, Martin McGuinness, that none of this is a done deal? It is vital that the Taoiseach leads from the front. Will he inform us of the contents of the memorandum he brought to the Cabinet? The details of that memorandum should have been given to the Dáil rather than being selectively leaked to a newspaper, as seems to have happened.

Enda Kenny: I do not accept the assertions made by Deputy McDonald at all. She does not seem to have been speaking to her leader. I made a point of briefing the leaders of the Opposition parties, including the leader of the Deputy's party, who complimented the suggestion that there is a need to have a broader conversation rather than confining the conversation to the political parties. For that reason, the first all-island conversation on this matter will be held in Dublin on 2 November next. That will be the first of a number of meetings. All political parties that wish to attend will be invited. We need to deal with representatives of sectoral areas, such as business groups, employers, trade unions, voluntary non-governmental organisations North and South, organisations like the British Irish Chamber of Commerce that participate in the current EU-UK stakeholder group, the Institute of International and European Affairs, European Movement Ireland, local authorities in Border regions, key Government agencies with a North-South dimension to their work, academic institutions North and South like the Centre for Cross-Border Studies, the Royal Irish Academy and the universities and higher education institutions.

I do not accept Deputy McDonald's suggestion that the Government has been flat-footed, as she called it, in this regard. It was the one institution that actually had a contingency plan in place before 23 June, when the British people made their decision. It is appropriate and important for Deputy McDonald to know that I happened to be in a position to visit the newly-appointed Prime Minister very shortly after her accession to that office. I congratulated her on her election. Prime Minister May made it perfectly and publicly clear that she did not want to see and did not envisage a return to a hard Border. Like us, the British Government intends to retain the common travel area, which is so important for us. Like us, the British Government will take clear account of the general trade links between our two countries. These are issues of great importance to us, including in the context of our membership of the EU.

Deputy McDonald was wrong when she referred to this as a one-day conference. It will be the first in a series of meetings that will deal with all these issues and all the areas I have read out. The Deputy was also wrong when she suggested there was no plan here. There was and is a plan. It is very well advanced. I intend to meet the leaders of the Opposition parties again this evening to give them details of the chronology of everything we did in preparation for the vote on 23 June last and everything we have done since then. I ask Deputy McDonald to believe me when I say that much more work is going on in this regard than she realises. Her views will be taken into account as part of the discussions we will have in the time ahead. I hope Deputy McDonald will speak to her party leader in order that she will know what he is being informed of by Government before she comes into the House and makes allegations such as those she has made today.

Deputy Mary Lou McDonald: If it is a thing that Theresa May assured the Taoiseach that there would be no hard Brexit and no hard border, she has clearly changed her mind. From the statements she made at her party's conference and in subsequent interviews, it is clear that this is what she is minded to do. Finally, we get an inkling into Tory thinking. Brexit is Brexit and Brexit means a hard Brexit.

I say this with the deepest of respect to the Taoiseach - there is no evidence of a comprehensive contingency plan. More worryingly, there is no evidence of any plan whatsoever. The Taoiseach accepts that the people in the North voted to remain. That is the first reality to which we need to anchor all of this. The Taoiseach accepts that the North has a special place and status for many reasons, not least among which is the peace process. That is the second anchor. The Taoiseach accepts, I presume, that for workers, business, agriculture, students and people wishing to access public services, Brexit has the potential to turn everything topsy-turvy. What we need to see now - if he accepts those points - is for the Taoiseach to advocate and plan on that basis. What we do not want is a talking shop. We need dialogue that informs and produces a plan. We have yet to see such a plan.

The Taoiseach: As Deputy McDonald will recall, on 4 July last the North-South Ministerial Council plenary summit was held here in Dublin. At the meeting, both Governments - because it is the North-South Ministerial Council - signed off on a series of ten particular actions and strategies that we would follow arising from the outcome of the Brexit vote. That matter will be the subject of the next North-South Ministerial Council, which is to be held in Armagh in November.

Deputy McDonald inquired as to whether the Prime Minister said that she has changed her mind. Her colleague, the Secretary of State for Northern Ireland, Mr. Brokenshire, repeated today at the Tory party conference that there will be no return to a hard border. He was speaking on behalf of the Prime Minister and the British Government and reiterating what she has said.

Deputy Peadar Tóibín: Theresa May said the North is coming out. That is the point.

The Taoiseach: I respect, of course, the vote of the people of Northern Ireland. I respect the vote of the people of Scotland and of Wales. While I did not like the overall result, I have to deal with its consequences.

I want Deputy McDonald to understand that the all-island civic dialogue that will take place will involve a series of meetings to discuss all of the areas I have mentioned. It will allow for a full-scale, detailed consideration of Brexit in so far as it affects people in the North and in the South, our trade with Great Britain, etc. These matters are going to have to be decided politically. We will need to make an ask of Europe in light of the difficulties with which some companies in Ireland are going to have to contend. We will speak to Michel Barnier, the newly-appointed European Union representative in the negotiations, who will visit Ireland shortly.

The Government made it clear today that there will be continued engagement with parliamentarians throughout the island, the North-South Interparliamentary Association, the British-Irish Parliamentary Assembly and the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement. I invite Deputy McDonald and her party to participate in these discussions because they will lead to decisions being made and they are in our interests.

Deputy Brendan Howlin: In recent weeks, industrial unrest has begun to increase. What started with the Luas workers spread to Dublin Bus drivers. Now, gardaí are the latest group to announce industrial action. As the economy continues to grow and recover, it is clear that the demand for income recovery will continue to increase. It is the view of my party that solutions must be found to properly address these justified expectations, solutions that are more nuanced than either stonewalling all the requests and demands made by every trade union or, as the Minister for Transport, Tourism and Sport would have it, simply writing a cheque.

Outside the public sector, it is clear we need additional mechanisms to cope with quite complex disputes. Last week, Seanad Éireann passed a motion tabled by my party colleagues there calling for the establishment of an employer labour conference that used to exist and was very successful for a very long time, to assist in such complicated situations. We are facing now into a winter of discontent on the industrial relations front. This Government could do with all the advice and help it can get in this area. The old employer labour conference predates social partnership. It is not designed to supplant but to complement the work of the Workplace Relations Commission, WRC, and the Labour Court. How does the Taoiseach intend to respond to, and enact, the motion passed by Seanad Éireann last week?

Industrial unrest is not limited to Dublin Bus, the latest example being An Garda Síochána. There are reports this morning that the public sector pay commission might be established by the end of this year to report by the middle of next year. This is hardly a timeline designed to address the immediate challenges faced by Government in respect of An Garda Síochána. Public servants care about their pay but they also care about their investment in the public services they deliver. I and my party believe that they should be involved in conversations about both. The need for a social dialogue process is pretty clear and urgent. Will the Taoiseach confirm to the House that the Government is now willing to enter a negotiation with all public sector unions with a view to producing a roadmap to full pay restoration? Will he say whether he is willing to begin a broader dialogue with trade union representatives about investment in public services and restoration of pay?

The Taoiseach: Deputy Howlin is well aware of the implications of what he is talking about and had a very long and successful engagement with many unions over recent years. In so far as the Garda Síochána issue is concerned, the Minister for Justice and Equality will meet with the Association of Garda Sergeants and Inspectors, AGSI, today. The Garda Representative Association, GRA, has agreed to come to talk to the Minister. I hope these talks will lead to a situation where these matters can be resolved. We are not going back to the old form of social partnership. I have given consideration to an opportunity to discuss with employers, employees and unions issues that arise from time to time. The facilities of the State are always available where industrial unrest is threatened or happens. I thank the AGSI and GRA for choosing the opportunity to come to talk to the Minister. Let us see how they get on.

Deputy Brendan Howlin: Does the Taoiseach accept that having individual talks with individual unions is an invitation for further unions to be more confrontational and would be very destabilising for the industrial relations backdrop, which is so essential given that we have had industrial peace in the public services for the past five years? I have not tabled any suggestion for the old social dialogue that existed in time of the former Taoiseach, Bertie Ahern, but there is a requirement that all public servants who have contributed so hugely to the recovery of our State are treated in like fashion and that it is not simply some who have the sharpest elbows who get the first go at it. Everybody has contributed to the recovery and everybody must be treated in like fashion, with a real and clear path to full income recovery, because they have contributed so much. I have two brief questions. First, will the Taoiseach engage across the public services rather than with individual unions to have a roadmap to income recovery? Second, will he consider, on the broader industrial front, some mechanism such as the employer-labour conference so that the complicated disputes now presenting themselves can be solved harmoniously without having to resort to strikes?

The Taoiseach: I am very anxious that we find a way forward here. Clearly, with over 2 million people working and unemployment numbers continuing to fall, we are in a somewhat

better position than we were previously. I would point out to the Deputy, however, that the majority of trade unions signed up to the Haddington Road and Lansdowne Road agreements.

Deputy Brendan Howlin: I know that.

The Taoiseach: The Government is conscious that we have to proceed in a prudent fashion in respect of pay restoration. That is why it is anxious to encourage trade unions to talk in respect of the issues that remain unresolved, and that hopefully can be resolved, leading to a return of industrial peace. The Government must take a sustainable and prudent approach to this issue, as the Deputy did, and it is fully committed to the Lansdowne Road agreement as the framework for industrial relations and pay determination within the public service.

The Deputy also mentioned the public service pay commission. During the summer, the Government invited interested parties to make submissions on the role and methodology of the proposed public service pay commission. The date for that closed recently, and the submissions received are now being examined by the Department of Public Expenditure and Reform. I expect the Minister will make an announcement about that in due course.

Deputy Bríd Smith: In a similar vein, I put it to the Taoiseach that the Government's strategy on pay is beginning to unravel. Originally, his strategy was to isolate the teachers in the ASTI who did not agree to the Lansdowne Road agreement; they overwhelmingly rejected the conditions attached to the agreement. He then went and did separate deals with the other teachers' unions where there was discontent and with gardaí who, by a huge majority, rejected the outcome of that process. The Taoiseach's strategy to isolate the ASTI is unravelling. Importantly, his strategy seemed aimed at putting manners on all workers to try to stop the contagion spreading not just through the public sector, but also through the private sector, particularly when we consider the lousy 10 cent on the hour recommendation from the Low Pay Commission towards the minimum wage. How, in the name of God, could an economy that is in recovery make that kind of offer to 20% of our population who work for that sort of pay? This Government is worried about the spread of contagion that has gone from Luas to Dublin Bus, where pay rises that went beyond what were being offered were successful. I welcome the fact that gardaí and teachers are standing outside that process and demanding justice.

It is worth reminding the House that the financial emergency measures in the public interest legislation, which was brought in by the previous speaker, has reduced-----

(Interruptions).

Deputy Bríd Smith: -----the pay of public sector workers by a huge amount. Year on year for five years, over 230,000 public sector workers who earn less than €60,000 a year, with the vast majority earning less than €40,000 a year, have lost €27,000. That is a huge cut and a huge loss to those public sector workers in order to bail out the banks. When those of us in this House are discussing pay and pay increases, we should remind ourselves of the money we, the Taoiseach and other Ministers earn. We should think about how we compare, and how we look to others.

I want to make special mention of nurses because in any hospital today, three nurses working alongside each other doing the same job could be on three different rates of pay. Imagine how they feel and how demoralised, annoyed and seriously angry they are with this State. They must then deal with a creaking health service that cannot even deliver sufficient beds to the population. Moreover, the Government cannot even get the nurses who qualify here to stay in

Ireland, as 5,500 out of 7,000 of them have emigrated in recent years. In addition, the Government had a failed campaign to bring them back home that did nothing to alleviate that problem. They will continue to emigrate for logical reasons because they cannot afford to rent or to buy in any of the cities and find it extremely difficult to rear their families. How does the Taoiseach perceive the Government's policy on public sector pay can continue in this vein without serious consideration being given to repealing the FEMPI legislation, which goes to the heart of all these issues?

The Taoiseach: As pointed out in response to a question from Deputy Howlin, the Government obviously is anxious that the mechanisms of the State are used well to encourage people to engage in this regard and to deal with matters where industrial action has taken place, is threatened or is a cause for concern. That is what such mechanisms are for. The Lansdowne Road agreement on public service pay is the mechanism the Government believes can deal with the vast majority of these. As the Deputy is aware, two teacher unions have accepted; the Association of Secondary Teachers in Ireland, ASTI, is outside that fold at present. I am glad and happy that the Association of Garda Sergeants and Inspectors, AGSI, and the Garda Representative Association, GRA, have agreed to meet the Tánaiste and Minister for Justice and Equality. They will find the Minister attentive to their particular problems and I hope that matter can proceed arising from those discussions.

For the Deputy's information, the Low Pay Commission was set up with a particular purpose in mind: to be objective, to be independent and to declare to the Government what in its view would be an appropriate increase for low-paid employees in respect of the minimum wage. That is the reason it was set up, and after its establishment, the Government followed suit in implementing the recommendation of the commission. The people concerned are not under the diktat of the Government, as the Deputy seems to point out. In so far as the position in health is concerned, with a budget that now is greater than €14.5 billion, the Health Service Executive, HSE, offers permanent contracts to young nurses coming out of college and permanent employment to nurses who have been in temporary employment. Moreover, discussions are ongoing in respect of the incremental rights of those nurses who have been graduates for a number of years and who did not receive those rights. The Minister for Health already has spoken to the Minister for Public Expenditure and Reform and I hope this matter also can be resolved.

Deputy Bríd Smith: To take up the Taoiseach's second point in respect of the Low Pay Commission, to the effect that a group of people who were objective and independent came up with an increase of 10 cent per hour, it would be interesting to ascertain for a start how much the members of that commission are getting paid hourly. It does not make them objective or independent if they are getting a hell of a lot more money, which I suspect they are. Second, the Government simply will not be able to recruit the nurses. For as long as the FEMPI legislation remains in place and the Government does not deal with nurses' pay, beds that are needed in hospitals will not be opened up.

Measures could be taken which could repeal the FEMPI legislation at a cost of €2.1 billion to the State. First, the tax loopholes to entities such as real estate investment trusts, REITs, vulture funds and other financial institutions could be closed off. The sort of tax breaks and loopholes they are allowed could be taken away. Second, when one thinks about it, were workers to regain that pay, they probably would be paying back more than half of it in tax and PRSI to the State and would spend the other half. It would not be hived off into tax havens and offshore accounts. Workers actually spend in the economy and, consequently, there would be a net gain to all in terms of morale, recruitment, fulfilling the services of this State and returning the money

to where it belongs. The Taoiseach should stop protecting the very wealthy and give it back to workers who deserve it in abundance.

The Taoiseach: I repeat for the Deputy that the Low Pay Commission is comprised of people who are not being dictated to by the Government stating what they must do. They have terms of reference to look at what might be an appropriate increase in the minimum wage for low-paid workers and they proceed in doing that completely independently and objectively. Deputy Bríd Smith does not seem to want to accept that but it is a fact. The people in question are not dictated to by Government, nor should they be. The commission would not be operating as an independent entity if they were being dictated to.

Deputy Bríd Smith: It is like Marie Antoinette saying, “Let them eat cake”.

The Taoiseach: There was an increase of 1,063 in the number of nurses employed in the public health service - there are now 35,712 - from August 2014 to August 2016. The numbers had fallen by 4,000 from 2007 to 2014. I pointed out to Deputy Bríd Smith that the matter of the incremental credit for the 36-week clinical placement undertaken by fourth year student nurses was abolished by the Government in office in December 2010 as part of a number of measures to reduce public service pay bills. Previously, on taking up employment with the HSE following graduation, nurses would go onto the second point of the scale after 16 weeks. A recommendation has been made that that should be paid and the two Ministers are speaking about the matter.

Order of Business

An Leas-Cheann Comhairle: I call on the Minister of State at the Department of the Taoiseach and rapporteur for the business committee, Deputy Regina Doherty, to announce the business for the week and to move the proposals regarding arrangements for the taking of that business.

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): Tuesday’s Government business shall be No 10, motion re Fifth Report of the Committee of Selection without debate; No. 11, motion re sittings and business of the Dáil, without debate; and No. 4, Health (Miscellaneous Provisions) Bill 2016 - Order for Second Stage and Second Stage. Private Members’ Business shall be No. 21, Criminal Justice (Aggravation by Prejudice) Bill 2016 in the name of Fianna Fáil.

Tomorrow’s Government business shall be No. 4, Health (Miscellaneous Provisions) Bill 2016 - Second Stage resumed, if not previously concluded; and No. 1, Criminal Law (Sexual Offences) Bill 2015 [*Seanad*] - Second Stage. Private Members’ Business shall be No. 76, motion re mental health in the name of Sinn Féin.

Thursday’s business shall be No. a12, motion re Houses of the Oireachtas Estimates without debate. Thursday’s Government business shall be No. 12, motion re parental responsibility in the matter of child abduction - back from committee without debate; No. 13, motion re appointment of member of the new Legal Services Regulatory Authority - back from committee without debate; and No. 1, Criminal Law (Sexual Offences) Bill 2015 [*Seanad*] - Second Stage, resumed, if not previously concluded. Second Stage of No. 22, Central Bank and Financial Services Authority of Ireland (Amendment) Bill 2014, will be taken in the afternoon slot.

4 October 2016

The proposed arrangements for the week's business are as follows, and I refer Members to the report of the business committee of 29 September 2016. There are two proposals in respect of today's business. It is proposed that No. 10, motion re Fifth Report of the Committee of Selection, and No. 11, motion re sittings and business of the Dáil, shall be taken without debate, and that No. 21, the Criminal Justice (Aggravation by Prejudice) Bill 2016, will be brought to a conclusion at 10 p.m., if not previously concluded.

There are two proposals in respect of Thursday's business. It is proposed that No. a12, motion re Houses of the Oireachtas Estimates, No. 12, motion re parental responsibility in the matter of child abduction, and No. 13, motion re appointment of member of the new Legal Services Regulatory Authority, shall be taken without debate, and that Question Time shall be taken at 1.30 p.m. or, in the event that the Criminal Law (Sexual Offences) Bill 2015 has already concluded, on the conclusion of the weekly divisions.

An Leas-Cheann Comhairle: There are two proposals to be put to the House. Is the proposal for dealing with today's business agreed to? Agreed. There are no proposals for Wednesday's business apart from what the Minister of State announced. Are the proposals for Thursday's business agreed to?

Deputy Micheál Martin: Before we proceed with that, would it be possible to get agreement to have either statements or an agreed motion on the war crimes that are currently taking place in Aleppo? It is time for the Parliament in its entirety to make a statement on this matter and, at least from a moral perspective, set out where it stands in respect of it.

The Taoiseach: I understand that the process of agreement makes that proposition. The Minister for Foreign Affairs and Trade will be present on Thursday. We might fit it in an appropriate time if the Deputy so desires.

An Leas-Cheann Comhairle: Can this be taken up at the Business Committee?

The Taoiseach: I think so, yes. If they make that recommendation we will be happy to accept it.

Deputy Brendan Howlin: I want to indicate the Labour Party support for such a motion.

An Ceann Comhairle: It will be taken up by the Business Committee.

Deputy Richard Boyd Barrett: We would support it also.

The Taoiseach: We would be happy to do that.

An Ceann Comhairle: The Members are favourably disposed to it but it will be decided by the Business Committee. The proposals for Thursday's business have been agreed.

Deputy Brendan Howlin: Sure we might as well not be here at all. Why would we debate it?

Deputy Richard Boyd Barrett: I said we support that debate.

Deputy Brendan Howlin: What difference will it make? What is the point in having a motion-----

An Ceann Comhairle: There is agreement on the Order of Business.

Deputy Eamon Ryan: On the Order of Business, the Taoiseach----

Deputy Micheál Martin: We are not dealing with the Order of Business now but with promised legislation.

Deputy Eamon Ryan: No. With respect to other business, the Taoiseach earlier in response to a leaders' question said that there would be a meeting of party leaders on the Brexit issue, which is a good move. I was going to ask for that this evening. I assume that will be added on to the 7 p.m. meeting in relation to the Monaghan bombings. We have not had details of it. The Scottish Parliament is organising a series of sectoral debates on the Brexit issue, which I believe we need now following Prime Minister May's snub of the Minister for Foreign Affairs and Trade yesterday. We were saying that we want the North to have special status but she seems to be-----

An Ceann Comhairle: There will be further opportunities for the Deputy to raise that matter. The Taoiseach has responded to his first question.

Deputy Eamon Ryan: Can the Taoiseach confirm that there will be a meeting of party leaders at 7 p.m. and that this matter will be debated further then?

An Ceann Comhairle: It will be at 7 p.m. and that matter will be added on.

The Taoiseach: Yes.

An Ceann Comhairle: The other matter Deputy Martin raised, for which there is almost full support across the House, will be discussed by the Business Committee.

Deputy Micheál Martin: I do not know if the Taoiseach has read the report in today's *Irish Examiner* on whistleblowers being strategically undermined and under attack, both their personal and professional reputations, at the instigation of senior Garda management. Disclosures have now been made to that effect by a senior officer of the force, who has said that essentially this campaign involved dissemination of texts across a range of gardaí and the opening of an intelligence file on the whistleblowers, undermining the whistleblowers with regard to their character. In essence, it was a character assassination attack, that was organised and the people who engaged in it were engaging in it under instruction. I note that this matter is being passed to the Minister but it demands a fairly dramatic response from the Government. It cannot just be allowed drift into a process. There have been calls to the effect that the Garda Síochána Ombudsman Commission needs greater powers and legislative change. There is an amendment to the Garda Síochána Act with respect to GSOC to deal with some of the issues that Ms Justice Mary Ellen Ring raised regarding complaints in respect of Garda whistleblowers and the investigation of them. Can the Taoiseach not only confirm that these amending powers will be granted but that the Government is taking this report very seriously? It is above and beyond just a GSOC investigation. It is above and beyond an investigation into wrongdoing. It is at a very high level of wrongdoing, if I can put it that way to the Taoiseach, without pre-empting any inquiry. It seems to be something that is of the gravest import, if it is true. Disclosures have been made and I believe it is extremely serious. Will legislation in this area be brought forward?

The Taoiseach: A report appears in one of the daily newspapers today claiming that attempts were made to undermine a Garda whistleblower through encouraging officers to attack his character, creating an intelligence file on him, monitoring his activities on the PULSE system, making false allegations about his character and briefing elements of the media and

selected politicians in a similar vein. I am aware of these media reports alleging a concerted campaign by senior Garda officers to undermine the credibility of a Garda whistleblower. Let me confirm for the House that the Tánaiste has recently received correspondence from members of the Garda Síochána under the Protected Disclosures Act 2014, which is now being considered. The maintenance of confidentiality in respect of protected disclosures is absolutely fundamental. In these circumstances and in line with the statutory obligations under the 2014 Act, the House would not expect me to go into detail about who has made these disclosures or the nature of the allegations contained in them at this particular time. The Tánaiste will consider now how best to proceed in respect of these protected disclosures and take whatever action may be deemed appropriate. Our determination to deal with the protected disclosures properly is underlined by the new arrangements under the 2014 Act. The Tánaiste has referred the issue of what should be best practice in An Garda Síochána for how whistleblowers are dealt with to the Policing Authority, which is now independent and which will be reporting on this matter when it has concluded its work.

Deputy Micheál Martin: I thank the Taoiseach for his reply. There is the protected disclosures process but we are looking at activity here which goes beyond that and cuts to the very heart of how a police force should be operating.

The Taoiseach: It was received by the Minister for Justice and Equality under the Protected Disclosures Act.

Deputy Micheál Martin: I accept that.

The Taoiseach: Therefore-----

Deputy Micheál Martin: It protects the anonymity of the person who has made the disclosure but the activity that is disclosed calls for a wider approach to something that goes to the very core of what we expect from a police force.

The Taoiseach: The Minister has the report and she is considering it. It is a matter in which, under the Act, confidentiality is absolutely fundamental. In a general sense, the Minister has referred how whistleblowers should be treated under the Act to the independent Policing Authority. It will make its views known. The report has been received by the Minister and she is examining the contents. The 2014 Act kicks in here. The Minister has to decide what is the best thing to do following examination of the information. I have not seen the correspondence or the report but it may well be the case that there are matters here beyond what would be a normal GSOC analysis or investigation.

Deputy Mary Lou McDonald: I want to ask the Taoiseach about the Defence (Amendment) Bill. This legislation will revive existing legislation on the deployment of military personnel overseas. One key issue of concern to military personnel subject to overseas deployment is the use of the anti-malarial drug, Lariam. Lariam was developed by the US army in the 1970s. Three years ago, on the back of increasing evidence of its psychiatric side effects, the US army said it is only to be used as a drug of last resort. The US Special Forces command has banned its use. Last month, the former head of the British army apologised to those soldiers who had been prescribed Lariam. The drug has now been withdrawn from sale to the public in a number of countries, including this State. PDFORRA states the Government is ignoring UN advice which recommends that an alternative drug be made available. Given there is now a substantial body of evidence on the harmful side effects of this drug, will the Taoiseach and

Minister for Defence withdraw it from use? Will the Government give an undertaking that at the very least it will abide by UN guidelines in this respect?

An Leas-Cheann Comhairle: Is there promised legislation?

The Taoiseach: Yes.

Deputy Mary Lou McDonald: There was none on the previous item so, with the greatest of respect, we will hear the Taoiseach's response.

The Taoiseach: I am interested to hear Deputy McDonald quoting the head of the British army. It makes a change.

Deputy Mary Lou McDonald: The Taoiseach is in bad form. This has nothing to do with where we were on Saturday.

The Taoiseach: The health of the men and women in the Defence Forces has always been a matter of priority for the Government. The choice of medication for overseas deployment, including the drug Lariam, is a medical decision made by medical officers in the Defence Forces having regard to the very specific circumstances of the mission, the individual members of the Defence Forces and where they are to attend. Significant precautions have been taken by the Defence Forces medical officers in assessing the medical suitability of members of our Defence Forces to take any anti-malarial medications. It is the policy of the Defence Forces that personnel are individually screened for fitness for service overseas and for medical suitability. Deputy McDonald is well aware that malaria is a serious disease which killed approximately 438,000 people in 2015. Up to 90% of deaths occur in sub-Saharan Africa, as reported by the World Health Organization. Today, the Minister of State, Deputy Paul Kehoe, is in Cork meeting PDFORRA, the Permanent Defence Force Other Ranks Representative Association, and will address this matter somewhat further.

There are no plans to withdraw Lariam from the range of anti-malaria medications available to the Defence Forces. The use of and the information on these medicines are kept under review all the time. It is just one of a number of anti-malaria medications used by the Defence Forces. The choice of which medication to use is a medical decision. When a person is sensitive to Lariam, they are generally not deployed for service in sub-Saharan Africa. However, if for operational reasons an individual who has a specific skill-set which might be fundamental to a mission's success but who had previously demonstrated sensitivity to Lariam or had a difficulty with its use, then one of the alternative medicines would be used. If during the course of deployment an individual developed sensitivity to Lariam, they would be advised to cease taking the medication and provided with a substitute. That individual would be monitored and, if their case was serious enough, repatriation might be necessary. Obviously, there are several cases being taken. They are medically screened.

Deputy Brendan Howlin: The legislative programme published by the Government lists the judicial council Bill for priority in this session. In the list of Bills to undergo pre-legislative scrutiny this session, the programme includes the judicial appointments Bill. I take it that these will be taken as two separate Bills. The Minister for Transport, Tourism and Sport has told us, via *The Irish Times*, that we have appointed the last judges under the old system and that no more judges will be appointed until the judicial appointments Bill has been passed into law.

Is it the case that there has been Cabinet agreement to that effect? Does it impact on the

time we can spend critiquing and amending these important Bills? Is the Government seriously proposing to do nothing while vacancies accumulate in the Judiciary? Will trials be delayed in order that, first, the House can properly debate and examine the merits and demerits of the new system, second, the new regime is put in place and, third, the new appointees are put in place? Are we content that up to 12 months of leisurely refection should pass while at the same time we wait for a backlog of serious cases, certainly in our superior courts, to be denied justice?

The Taoiseach: “No” is the answer to that question.

Deputy Brendan Howlin: That is very heartening. That is two Ministers in successive weeks.

The Taoiseach: The Attorney General has reported on the progress being made in respect of this difficult matter. There are quite a number of complex issues which the Attorney General is working through. Deputy Howlin will be aware from his time in government that vacancies were filled in the Supreme Court, the Court of Appeal was put in place and all other courts vacancies were filled. I understand there is a substantial backlog in the Court of Appeal and a case being made for a subset of that for further judicial appointments to deal with it.

Deputy Brendan Howlin: So appointments are going ahead then.

The Taoiseach: This is an issue that concerns us. There are a relatively small number of appointments that need to be made now. The balance is against when the material relating to the appointment of a judicial council can be put together. Clearly, we cannot have a situation where, if this were to be delayed too long, cases would back up in every court. That is a matter we have to consider. The intention was that the last batch of judges to be appointed was to be the last under the old system. However, because there is no judicial appointments commission or judicial council in place, we do not want a situation either where the judicial system cannot work because of retirements or whatever.

3 o'clock

I am not saying that now. We need to look at the progress being made so that we can possibly balance it.

Deputy Micheál Martin: On a point of order-----

An Leas-Cheann Comhairle: What is the point of order?

Deputy Micheál Martin: Deputy O’Callaghan is quite literate and learned in the law. His Bill, which has been published, would solve the whole problem if the Government accepted it.

An Leas-Cheann Comhairle: I have indications from Deputies Danny Healy-Rae, Mick Barry, Bernard Durkan, Eugene Murphy and Aengus Ó Snodaigh. I ask Members to remember that we have two motions to deal with and ten minutes left so I ask-----

Deputy Jan O’Sullivan: The Leas-Cheann Comhairle has one from me as well.

An Leas-Cheann Comhairle: Yes, but the Deputy swapped for a second.

Deputy Danny Healy-Rae: Specific assurances were given under the programme for Government that flooding across the country would be dealt with. It is hard to believe it as the sun is shining here today but parts of County Kerry have had incessant rain for the past 24 to 36

hours. Waterville is cut off from Cahirciveen. The reason for this flooding across the country is because all our rivers are clogged up and blocked. There is a problem relating to Inland Fisheries Ireland that needs to be dealt with. Consultation and dialogue needs to take place between Inland Fisheries Ireland, the OPW, the local authorities, farmers, property owners and CFRAM. I ask the Taoiseach to arrange this dialogue because it is not happening at all. It is too slow and Inland Fisheries Ireland is not allowing work to clear out our rivers to take place. This cannot be allowed to continue. I put people before fish any day. People in rural Ireland must be able to live in and access their homes and to be kept free from water.

An Leas-Cheann Comhairle: Is there promised legislation on flooding?

The Taoiseach: I was going to say that the sun always shines when you win an All-Ireland, as the Deputy knows well down in Kerry, and it might be shining in Dublin. According to his analysis, it is the man above who is responsible for the rain and not climate changes made by man. What is needed down there first of all is an analysis of what needs to be done to drain away that flooding. The area needs people with good machines who know what they are about and who can drain land and direct surplus water to lower levels where they can take it away.

(Interruptions).

An Leas-Cheann Comhairle: The Taoiseach, without interruption. I ask the Deputy to resume his seat.

The Taoiseach: The Minister of State, Deputy Canney, and the OPW are doing great work in many areas that we know were, unfortunately, flooded last year and some years previously with great damage done to houses, buildings and farms. The people of south Kerry are perfectly entitled to have roads on which they can travel safely. I am sorry that the road between Cahirciveen and Waterville is blocked. I am not sure of the point at which it is blocked, although I know the road well. I am sure the local authority, Inland Fisheries Ireland and the OPW are all willing to work together to see whether a solution can be arrived at. I hope that the torrential rain of last evening does not continue to cause further flooding.

An Leas-Cheann Comhairle: Bearing in mind that there are others who-----

Deputy Mick Barry: I will be brief. In 2014, the Council of Europe upheld an earlier ruling that members of An Garda Síochána should be permitted to strike and participate in trade union activity. In our view, such human rights legislation should also permit gardaí to refuse to be used against trade union and community campaigns such as we saw with the water charges campaign. Does the Taoiseach intend to introduce legislation that might confer the right to strike and if so, is he prepared to bring it before this House in advance of the November strike days decided upon by members of the Garda Representative Association, GRA?

The Taoiseach: No, I do not intend to introduce such legislation and I am very glad to note that the GRA and the Association of Garda Sergeants and Inspectors are having meetings with the Minister for Justice and Equality about their difficulties.

Deputy Bernard J. Durkan: Given the growing importance of climate issues, when does the Taoiseach expect to bring the green climate fund Bill before the House? Is it likely to be during this session or will the pre-legislative debate take place between now and Christmas?

The Taoiseach: It will not be during this session.

Deputy Declan Breathnach: We were promised that an independent reporting commission Bill would be brought before the House for pre-legislative scrutiny. When can we expect it? It must be dealt with from a northern and southern Ireland perspective.

The Taoiseach: While we do not have a date for it, we expect to have the pre-legislative examination of it during this session.

Deputy Louise O'Reilly: I am delighted the Taoiseach brought up the all-Ireland final. Although I was not going to mention it, I am glad to have the opportunity to say "Well done" to the Dubs.

Is the assisted human reproduction Bill delayed because we are awaiting the report on funding options? If so, could the Taoiseach tell us when we will receive the report? If not, could the Taoiseach tell us when the heads of Bill will be published?

The Taoiseach: The heads of the Bill are being worked on and progress has been made. However, I do not expect the heads of the Bill to be published until spring.

Deputy Jan O'Sullivan: Whatever might be done for first-time buyers in next week's budget, we all know that the real problem is supply. In view of the fact that there are suitable vacant sites throughout the country for the construction of houses, has the Taoiseach considered bringing forward the vacant sites levy by one year - to next year - in order to activate such sites, particularly those in our cities?

The Taoiseach: The Government has published the most comprehensive housing programme ever produced to deal with the supply issue and a number of other relevant matters. We have not had a proposal to bring forward the vacant site levy. The Minister is first of all focused on dealing with homelessness, rough sleeping and the use of hotels for emergency accommodation for families, which is unsuitable. The initiatives being implemented include the €200 million local infrastructure fund to open sites that are inaccessible to local authorities, which could have the impact of creating 11,000 to 15,000 houses.

Deputy Jan O'Sullivan: The vacant site levy would also achieve that.

The Taoiseach: A range of issues are focused specifically on supply.

Deputy Eugene Murphy: In the programme for Government clear commitments were made on the future of An Post. However, some very disturbing situations are arising regarding the company. In some of our major towns, An Post is seeking agents to run the post offices it previously operated itself. Recently, a committee of the House asked questions regarding which Department is in charge of An Post. I would like the Taoiseach to outline his plans for An Post, where the Bobby Kerr report is and whether the Government is committed to this matter. There is confusion. I would like the Taoiseach to point out clearly which Department is now responsible for An Post. A critical situation exists and we need to deal with it. We have an An Post network throughout the country and I would like an answer.

The Taoiseach: The Government is committed to the retention of the postal service and has made every attempt to provide new facilities and initiatives for post offices throughout the country. The Kerr report, initiated by the previous Government, set out a number of options. One of these was to introduce a basic bank account for post offices. This was accepted by the Government and work is ongoing on it. The Minister of State with responsibility for regional

economic development, Deputy Ring, has chaired a number of meetings with the postmasters and postmistresses and those dealing with this matter. The Government is completely focused on wanting to provide a range of opportunities for post offices in order that they can continue as an essential part of every community. Many of the smaller post offices have had a range of challenges over the years. Some have closed down without any interest being expressed by anybody else in localities in taking them over. It is a social issue, but it is one that the Government is focused upon. The Government is working with the postmasters and the postmistresses to bring about a situation where whatever facilities can be provided will be provided.

Deputy Aengus Ó Snodaigh: Tá ceithre phíosa reachtaíochta faoina bhfuil mé ag iarraidh roinnt eolais a fháil. Is é an national monuments Bill an chéad cheann. Táimid fós ag fanacht air le tamall maith de bhlianta. Bhí sé os comhair an Rialtas dheireanaigh agus an Rialtas roimhe sin. Bhí sé luaite go raibh sé ag teacht os ár gcomhair. An bhfuil aon dul chun cinn déanta?

Bhí an official languages (amendment) Bill os comhair an choiste ag pre-legislative stage sa Dáil deireanach. An bhfuil sé i gceist dul ar aghaidh leis nó an bhfuil athdhréachtú le déanamh ar an mBille sin?

An tríú cheann ná an digital hub development agency. Táimid ag fanacht ar sin ó 2011 agus níl cuma air go bhfuil sé ag teacht os ár gcomhair. Tá sé ag cur baic ar an dul chun cinn gur féidir a dhéanamh i gComhairle Cathrach Bhaile Átha Cliath, ach go háirithe.

An cheathrú cheann ná ceann atá an-tábhachtach anois agus muid ag tnúth le dul chun cinn ar an ospidéal bainteach leis an new children's hospital establishment Bill. Considering that works are in progress on the site, it is strange that the new children's hospital establishment Bill, which will set up the committee and organisation to run the hospital, has still not been laid before the Dáil. When is its pre-legislative stage intended?

An Leas-Cheann Comhairle: Tá ceithre cheist ansin. Iarraim ar an Taoiseach freagra gairid a chur ar achan cheann acu.

The Taoiseach: Tá cinneadh déanta faoi na príomh-phointí den Bille sin ach ní thiocfaidh sé isteach sa Teach go dtí an chéad seisiún eile.

In respect of the Digital Hub Development Agency, I expect those heads before the end of the year.

The Deputy asked me about the national children's hospital. Work is proceeding on the heads of that particular Bill. I will advise the Minister to let the Deputy know when it is expected. What was the fourth Bill?

Deputy Aengus Ó Snodaigh: The national monuments Bill.

The Taoiseach: The heads of that Bill were approved quite a long time ago. Work is proceeding on them, but it will be the new year before the Bill comes in.

Deputy Michael Healy-Rae: The programme for Government states:

One in four of us will develop a difficulty with our mental health at some stage in our lives. The mental health budget will be increased annually during the lifetime of this new Government.

4 October 2016

I do not believe that the Government, in the first term of the new Dáil, has done enough for people who suffer from mental health issues or has got to grips with targeting these issues from a young age. I call on the Taoiseach to ensure that, in budget 2017, funding is vastly increased to this sector and additional services are provided.

The Taoiseach: As the Deputy knows, the Minister of State, Deputy McEntee, is dealing with this specifically. There is a Private Members' motion tomorrow in the House and I am sure that there will be a good discussion on that. Please understand that this remains an absolute priority for the Government. The Deputy is right, in that the figures indicate that one in four people will at some stage during their lives, or on more than one occasion, suffer with the challenges of mental health. It is an issue that is widespread throughout the country and affects every community and every sector. Obviously, the Deputy might have an opportunity to contribute on the debate tomorrow evening in the House.

Visit of German Delegation

An Leas-Cheann Comhairle: Before proceeding, I welcome on my own behalf and on behalf of Members of the House a parliamentary delegation from the Committee on State Budget and Financial Affairs of the Bavarian state Parliament. A warm céad míle fáilte to the delegates - Mr. Harald Güller, Ms Susann Biedefeld, Mr. Reinhold Stroble; Mr. Günther Knoblauch; and Dr. Herbert Kränzlein, who are all members of the state assembly. Herzlich willkommen in Dáil Éireann.

Fifth Report of the Standing Committee of Selection: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That Dáil Éireann approves the Fifth Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 29 September 2016, and discharges and appoints members to committees accordingly.

Question put and agreed to.

Sittings and Business of Dáil: Motion

Minister of State at the Department of the Taoiseach (Deputy Regina Doherty): I move:

That, notwithstanding anything in Standing Orders, and unless the Dáil shall otherwise order, the following arrangements shall apply in relation to the sittings of the Dáil on 11th, 12th and 13th October, 2016:

(i) there shall be no Order of Business or questions on promised legislation within the meaning of Standing Order 28;

(ii) Leaders' Questions shall not be taken on Tuesday, and shall be taken on Wednesday and Thursday as the first item of business, and in accordance with the Schedule to this motion;

- (iii) Oral Questions shall not be taken;
- (iv) Topical Issues may not be raised on Tuesday and Wednesday, and shall be taken as the last item of business on Thursday;
- (v) leave may not be sought under Standing Order 34 to adjourn the Dáil on a specific and important matter of public interest;
- (vi) Private Members' business shall not be taken;
- (vii) no committee report shall be taken on Thursday evening under Standing Order 140(2);
- (viii) all divisions shall be taken immediately;
- (ix) the Dáil shall sit at 1 p.m. on Tuesday, and at 11.30 a.m. on Wednesday and Thursday;
- (x) on Wednesday, the sitting shall be suspended at 4.30 p.m. for an hour; and
- (xi) on Thursday, the Dáil shall adjourn on the conclusion of Topical Issues.

Question put and agreed to.

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 29A and the name of the Member in each case: (1) Deputy Martin Heydon - the need for a general practitioner training programme in County Kildare; (2) Deputy Brendan Griffin - the views of the Minister for Foreign Affairs and Trade on the continuing humanitarian situation in Aleppo; (3) Deputy Pat Deering - the views of the Minister for Education and Skills regarding difficulties associated with school transport supply in rural areas; (4) Deputy John Brassil - if the Minister for Social Protection will increase the rent supplement cap for County Kerry to reflect rent prices in the county, as rent supplement limits in Kerry are not meeting the cost of the rental market prices; (5) Deputy Jackie Cahill - if the Tánaiste and Minister for Justice and Equality will intervene in the work-to-rule by cleaning staff at Templemore Garda college; (6) Deputies Martin Ferris and Danny Healy-Rae - the Minister for Health's views on the development committee report, its implications and concerns around the possible closure of St. Mary of the Angels, Beaufort, County Kerry; (7) Deputy Lisa Chambers - the Taoiseach's views on the report into the well-being of members of the Permanent Defence Force and his plan to address the principal issues; (8) Deputy Maureen O'Sullivan - the Minister for Health's views on the issues affecting some recipients of the HPV vaccine in light of a recent report from Uppsala monitoring centre; (9) Deputy Donnchadh Ó Laoghaire - the Minister for Foreign Affairs and Trade's views on the continued detention of an Irish national by the Philippine Government; (10) Deputy Róisín Shortall - the Minister for Public Expenditure and Reform's views on the restoration of the 36-week nursing increment to all nursing graduates; (11) Deputy Clare Daly - the Minister for Transport, Tourism and Sport's views on the appointment of the Irish Aviation Authority as the competent authority on airport noise for a new runway at Dublin Airport; (12) Deputy Shane Cassells - the Minister for Health's views on the changes and accident and emergency services

related to the appointment of a general manager at Our Lady's Hospital, Navan; (13) Deputy Eamon Scanlon - the need for the Minister for Housing, Planning, Community and Local Government to extend the slurry and manure spreading deadline; (14) Deputy Aengus Ó Snodaigh - the Taoiseach's views regarding concerns raised by PDFORRA relating to the provision of the anti-malaria drug Lariam to Defence Forces personnel; (15) Deputy Eamon Ryan - the plans of the Minister for Children and Youth Affairs to improve conditions for parents who care for their children in the home in line with new supports for parents with child care costs; (16) Deputy Mick Wallace - the Tánaiste and Minister for Justice and Equality's views on recent allegations regarding senior gardaí and a Garda whistleblower; (17) Deputy Brian Stanley - the Minister for Health's views on proposals to retain and improve services at Portlaoise regional hospital, including maternity and emergency services; (18) Deputy Mick Barry - the Tánaiste and Minister for Justice and Equality's views on any threat of strike action from the Garda Representative Association; (19) Deputy Thomas Byrne - the views of the Minister for Education and Skills regarding the position on the industrial relations dispute over junior cycle reform with ASTI; (20) Deputy Richard Boyd Barrett - the Minister for Foreign Affairs and Trade's views on the continued incarceration of an Irish citizen, Ibrahim Halawa, in Egypt; (21) Deputy Bríd Smith - the Minister for Finance's views of the closure of the Irish Palestine Solidarity Campaign's bank accounts by Bank of Ireland; and (22) Deputy Robert Troy - the need for the Minister for Education and Skills to discuss progress on Coosan national school, Athlone, new school building to progress to tender stage, and to make a statement on the matter.

The matters raised by Deputies Martin Heydon; Martin Ferris and Danny Healy-Rae; Eamon Scanlon; and Róisín Shortall have been selected for discussion.

Ceisteanna - Questions

Citizens Assembly

1. **Deputy Ruth Coppinger** asked the Taoiseach if he will report on the convening of the Citizens' Assembly. [27085/16]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on the Citizens' Assembly. [28357/16]

3. **Deputy Ruth Coppinger** asked the Taoiseach if he will report on the convening of the Citizens' Assembly which will discuss a number of proposed constitutional changes. [28716/16]

4. **Deputy Bríd Smith** asked the Taoiseach his plans for convening the Citizens' Assembly. [28720/16]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

Substantial progress has been made on establishing the Citizens' Assembly and its inaugural meeting will be held in Dublin Castle on 15 October next. Resolutions approving establishment of the assembly were passed in the Dáil and Seanad in July and Ms Justice Mary Laffoy was appointed chairperson. Tenders were then issued for the necessary services to support the assembly, in particular for a polling company to select the 99 citizen members who will, with the chairperson, make up the assembly. In addition, accommodation for the meetings of the

assembly after its first meeting and services such as translation, live streaming and media support, have been secured.

The assembly's inaugural meeting will be an introductory session to allow the members of the assembly the opportunity to meet the chairperson and one another and to gain a better understanding of the context for the work that they will be undertaking. The assembly will meet again in late November, at which time it will commence its consideration of the first item referred to it by the Dáil resolution, that is, the eighth amendment of the Constitution.

I am sure that the House will join me in wishing Ms Justice Laffoy and the assembly well with their work.

Deputy Ruth Coppinger: That was a very short and scant in detail report on the Citizens' Assembly. It seems that the Taoiseach is determined to go ahead with this charade. The word on the street is that it is a delaying tactic, a Craggy Island solution to a problem. It flies in the face of polls. The Taoiseach always eschews polls, yet the Government is using a polling company to pick 99 people. All of the other polls done involved more than 99 people. The last Amnesty International poll showed that 87% of people wanted an increased availability of abortion under a range of circumstances and 38% of people expressed themselves as being fully pro-choice. To another question in the Amnesty poll - I will be interested in the Taoiseach's response to this point - 68% of people stated that we should trust women when they say that they need an abortion. That is what this is about.

Will the Taoiseach join me in showing solidarity with the tens of thousands of people who struck and protested in Poland yesterday against a law similar law the eighth amendment that attempted to ban abortion in Poland completely? The Catholic church and its representatives in the Polish Parliament are behind this. There will be an outcry against it in Poland. One of the luxuries that the Taoiseach has, and one of the reasons that he has been able to sweep this issue under the carpet in his 41 years here, is that our country does not have backstreet abortions. Instead, we have the luxury of England being just one hour away. However, we do have abortion. Three women per day carry out abortions in their own bedrooms. How do we know this? We know because the website www.womenonweb.org tells us three Irish women contact it every day to access abortion pills online. Approximately 1,000 abortions take place illegally in this State. The real question is whether we are going to keep them illegal or allow them to become legal.

I have three questions on the Citizens' Assembly. The Taoiseach has outlined two meetings that will take place but will he give a clear timeline for the Citizens' Assembly? When will it report to a committee and this House with recommendations? The second question relates to witnesses and there is much concern about this among various groups. What will be the composition of this expert group of witnesses? For example, it is vital they not all be lawyers or constitutional experts. They must include experts in women's health, obviously, but there should be independent witnesses as well as those who have views and an input into this. For example, will the United Nations be asked to give testimony on this issue, as it has given its views on it? Will representatives of the World Health Organization be present? Will women's organisations, pro-choice groups and others with a strong view also be asked to participate? What Oireachtas committee will the recommendations go back to? Will the Taoiseach set up a special new Oireachtas committee or will it be referred to a health committee? Where will it go before coming to the floor of the Dáil?

The Taoiseach: I thank Deputy Coppinger for her question. It is not for us to interfere in any other jurisdiction's legislation. Abortion is illegal in this country and remains so except in very specific and particular circumstances that were legislated for under the Protection of Life During Pregnancy Act a number of years ago. With regard to the timeline that was mentioned, the assembly has 12 months to do its duty. The first item it will deal with is a reflection on and consideration of the eighth amendment to the Constitution. I expect the chairperson, an eminent Supreme Court judge, will work with the assembly in setting out the timeline that is considered appropriate. My view is that the assembly will report on the eighth amendment before the first half of 2017 and then move to the other items.

Will it be possible for outside witnesses to give evidence? Of course it will. The proceedings will be streamed live and there will be the opportunity for people in Northern Ireland or any other jurisdiction who are unable to travel or who wish to make a submission to do so. It is possible for them to do that. The expert panel will be appointed by the chairperson, and that will apply in respect of each item being considered by the assembly, including the eighth amendment. The role of the panel is to provide the assembly with impartial information. Ms Justice Laffoy will make those appointments for the different elements that will be considered.

I would expect that Ms Justice Laffoy would consider very carefully the skills, experience and nature of the character of the people she appoints. She would obviously consider the Deputy's point about whether to appoint all academics, professionals or whatever. This is about people throughout the country and reflects the assembly itself, taking in gender, age, region and so on. We have put in place arrangements for the establishment and continued operation of the assembly and selected a venue for the post-October meetings. Once it gets down to considering its business, there will be considerable interest in the discussions taking place there.

This will come back to a committee of the Oireachtas and we will consider how best that committee should function, the same way as we did with the Oireachtas committee, chaired by the former Deputy Buttimer, which considered the implications of the Protection of Life During Pregnancy Bill.

An Leas-Cheann Comhairle: I have indications from Deputies Martin, McDonald and Burton and there are six minutes left. Deputy Bríd Smith submitted a question in this round.

Deputy Bríd Smith: Yes. Should I ask my questions now?

An Leas-Cheann Comhairle: Yes.

Deputy Bríd Smith: I submitted a question on the same subject of the referendum. I will add to the Taoiseach's pain with a pile of other questions. I am wondering about the selection process of 99 citizens. Any reputable polling company would never conduct a selection of 100 people. It would rather have 1,000 people as it is much more representative of the population. I want the Taoiseach to tease out further how this was done.

Will the Taoiseach give us the name of the polling company? Is the Taoiseach saying the polling company chose the 99 people in a stratified way or was it done randomly? In other words, did it go through a scientific research process involving social class, age, religion, gender and even a history of crisis pregnancies, which is a criterion for anybody making a judgment on the future of women with crisis pregnancies in this country? Has the said polling company, whatever it is, collected data on attitudes to religion, sexuality or reproductive rights? The country should know its history and background.

If the Taoiseach is telling us this will report before the first half of 2017, which I assume is some time before June 2017, we are looking at up to nine months for it to come back with a recommendation on whether to have a referendum on repealing the eighth amendment. I assume that is what will be done and either we will have a referendum or we will not. We are not getting it any other way. Does the Taoiseach realise that by June 2017, another 3,246 women will have been exported from this country for a health procedure that they are not entitled to here? That is a lot of women.

I attended the march of more than 30,000 mainly young people and it was a representative cross-section of society and of where we should be going with the issue. It was a genuine citizens' assembly, as opposed to 99 people who are either selected at random or in a stratified way.

An Leas-Cheann Comhairle: I want to give other Members a chance. There are three minutes left in the slot.

Deputy Bríd Smith: We need to know on what basis they were chosen. They are all my questions. I want the detailed answers because we got a very scant reply already.

Deputy Mary Lou McDonald: Would the Leas-Cheann Comhairle take some questions from others and then revert to the Taoiseach?

An Leas-Cheann Comhairle: I can do so if Members ask short questions. The Taoiseach may answer them together.

Deputy Mary Lou McDonald: It might be a more useful way of doing it.

Deputy Micheál Martin: To be fair, Deputy Bríd Smith tabled the question. I do not wish to impose.

An Leas-Cheann Comhairle: If the Member has a short question, the Taoiseach can reply to all of them.

Deputy Ruth Coppinger: Is it a case of balancing it up? It is usually the people who ask the questions who are prioritised.

Deputy Micheál Martin: I am happy to give way.

An Leas-Cheann Comhairle: We are trying to accommodate others.

Deputy Micheál Martin: I am saying I am happy to give way to Deputy Smith if she wishes to come back in.

An Leas-Cheann Comhairle: I am sure we can accommodate all questions.

Deputy Micheál Martin: I have always been of the view that it is difficult to see how the Citizens' Assembly can realistically answer the question of whether there should be a referendum on the eighth amendment and what the specific proposal, including subsequent legislation, should be. It is proceeding and I wish it well in its work. It is only when we get to the detail of what people are proposing that we can have an honest debate. With simple repeal, existing legislation would stay in place, which is hardly the option that will emerge. The last time there was a consultation led by an Oireachtas committee on this subject, it was successful in the core task of at least defining everybody's positions and the exact measures required to enact each position. There is nothing worse than just having a forum that provides new debating opportunities.

We need clarity on what will happen after the assembly. Will it go to a special Oireachtas committee that will have the task of defining everybody's position and the exact measures required to enact each position? Will the Taoiseach outline again the expertise that will be available to the chairperson?

Deputy Mary Lou McDonald: I will keep this brief. I am troubled by two prospects. First, the delay involved in this group of 99 citizens deliberating and then us going through all the machinations of the Oireachtas. I am also a bit taken aback that the Taoiseach cannot tell us which committee the deliberations might go to. My bigger concern, however, is that there can be no question of a referendum on the eighth amendment. There has to be a referendum in respect of this provision. People can have their own views on it but I am troubled at the prospect that 99 citizens and an Oireachtas committee might be used to frustrate the clear desire for and the absolute democratic necessity of a referendum on this matter. I was a child when the eighth amendment was passed and written into our Constitution. I am now in my forties. There are generations of women and men who have not been afforded their democratic say. The forum is okay, if the Taoiseach insists on it, although I think it is a delaying tactic. However, any suggestion that we are not going to have a referendum on this matter is, quite frankly, not acceptable.

Deputy Joan Burton: I want to recall the very successful discussions which took place in the run up to the marriage equality referendum.

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

Deputy Joan Burton: I would like to know what the role of the political parties will be in this procedure because that was essential to the successful outcome of the marriage equality referendum. People with a very wide range of views came together, put their views forward and a consensus was reached on a way forward. I fear that the excision of the political parties and politicians and the fact that they will have no presence in this process will cause that process to suffer. The assembly, as others have suggested, will end up being surrounded by experts, most of whom will not be the doctors or midwives who might attend to women and deal with all matters relating to conception, pregnancy, birth and so on but will be lawyers. Everybody will lawyer up on every side and I do not know what that will do for the resolution of this issue.

Months, if not years ago -----

An Leas-Cheann Comhairle: The Deputy's time has expired.

Deputy Joan Burton: The Taoiseach wants to long-finger all of this but the change and the conversation that is taking place in Irish society now is reflective of very wide swathes of opinion-----

An Leas-Cheann Comhairle: Deputy, please. I must call the Taoiseach now.

Deputy Joan Burton: Will the political parties be able to participate in this and give of their experiences? This is the people's assembly, by the way.

An Leas-Cheann Comhairle: The Deputy should not take advantage of my leniency.

The Taoiseach: The polling company Red C Research and Marketing Ltd. was appointed following a competitive tendering process to provide a representative sample of 99 members of the public for the Citizen's Assembly, plus substitutes. Red C Research and Marketing Ltd. was the sole company to tender for this. The live streaming company was selected following a

competitive tendering process.

Deputy Bríd Smith: Could the Taoiseach say that again please?

The Taoiseach: The proceedings will be streamed live. The competitive tendering process was won by Richard Jolly TV Ltd./ Switch New Media, which will provide the filming, live broadcasting and streaming of the assembly's meetings. Following a competitive tendering process the media company Q4 PR was selected from six submissions received to provide media liaison services for the assembly. The Irish company Beatrice.ie - Translating, Interpreting and Tour Guiding Services, was selected to provide translation services for the assembly following a competitive tendering process. A total of €2 million has been set aside by my own Department for the Citizen's Assembly.

I note that Deputy McDonald is troubled but I said that we would have this in place within the first 100 days of this Government and I am glad that the first meeting will take place at an early time. The Deputy must understand that these 99 citizens and their 99 substitutes are people who will, I hope, have a rational and comprehensive discussion on the eighth amendment and what it means. They will hear from witnesses of the difficulties, trauma and personal stress they experienced in respect of their pregnancies and from those who have travelled abroad. It is in here, however, that this matter will be decided. This issue will be decided by politicians, the elected representatives. When they come to vote on whatever recommendation is eventually decided upon, they will vote in a free vote according to their conscience. Times have changed since Deputy McDonald was a child or indeed, since I was a child, which was before Deputy McDonald -----

Deputy Mary Lou McDonald: Well before me.

The Taoiseach: In any event, I recall very clearly the utter divisiveness over a period of very difficult campaigns on this socially divisive issue.

Deputy Ruth Coppinger: It was the Taoiseach's party that put it in.

The Taoiseach: Times have changed and I quite understand that -----

An Leas-Cheann Comhairle: We have well exceeded the time allowed for this question.

The Taoiseach: That is why, with respect, we should allow this assembly to have its deliberations, with ordinary people from all over the country giving their views on the eighth amendment. The political process will decide the matter, in here, when eventually we come to vote on the recommendations.

Deputy Ruth Coppinger: What committee will deal with it?

An Leas-Cheann Comhairle: I ask the Taoiseach to address Parliamentary Question No. 5 in the name of Deputy Brendan Smith.

Deputy Ruth Coppinger: I am sorry, Leas-Cheann Chomhairle, but which committee will the recommendations go to? Everybody has asked that question and it has not been answered. What Oireachtas committee will it go to?

The Taoiseach: I think we will have a special Oireachtas committee on that.

Deputy Ruth Coppinger: He thinks but he is not sure.

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An Leas-Cheann Comhairle: Thank you. Question No. 5 is next.

Deputy Thomas Byrne: He has just decided it.

Deputy Ruth Coppinger: He does not know what committee. Everybody has asked this question -----

An Leas-Cheann Comhairle: It is a matter for the Taoiseach to answer it.

Deputy Ruth Coppinger: He does not know, he said.

An Leas-Cheann Comhairle: He said there may be a special committee.

The Taoiseach: No, I said a special Oireachtas committee -----

Deputy Ruth Coppinger: He thinks or there will be?

An Leas-Cheann Comhairle: I ask the Taoiseach to address Question No. 5.

UK Referendum on EU Membership

5. **Deputy Brendan Smith** asked the Taoiseach if he discussed with other heads of Government within the EU the serious implications for Ireland of Britain leaving the EU. [27105/16]

6. **Deputy Micheál Martin** asked the Taoiseach if the European Union division of his Department has changed its structures since the Brexit referendum result; and if extra human resources and funding have been allocated to same. [28624/16]

The Taoiseach: I propose to take Questions Nos. 5 and 6 together.

The issue of the UK's membership of the EU has been a regular feature of my discussions with EU counterparts for some time, including in the period preceding the June referendum. This outreach remains critical in the run up to the next phase.

During the negotiations which will commence when the UK has formally triggered Article 50, it will be essential that our partners and the institutions have a detailed understanding of Ireland's priorities. In this regard, I welcome the statement provided by Prime Minister May at the weekend that the UK will trigger Article 50 by next March at the latest. Our efforts will redouble now that we have some degree of clarity about the British Government's intentions. It is important that the process now moves forward in the most practical and sensible manner.

In terms of my engagement with EU partners, at every opportunity I make it a priority to emphasise and explain Ireland's particular concerns about Northern Ireland, Border and citizenship issues, the common travel area and the inter-connectedness of our economies. We had an extensive discussion on the implications of the referendum result at the June European Council in Brussels. As I relayed to this House afterwards, I took the opportunity during that exchange to outline Ireland's long and complex history with the UK, the uniquely close social, political and economic ties between these two islands and the profound implications for Ireland of a UK departure from the EU. Since June, I have held bilateral meetings with Chancellor Merkel, President Hollande, Prime Minister May and the President of the European Council, Mr. Donald Tusk. I also met with the other 26 EU leaders earlier this month at a summit in Bratislava.

During all of these exchanges, I have ensured that Ireland's particular concerns have been highlighted and explained in detail.

My efforts have been complemented by those of my colleagues. The Minister for Foreign Affairs and Trade has spoken to every one of his 27 EU counterparts since the referendum, while other Ministers and senior officials have also been active in outlining Ireland's case in contacts at EU level and beyond. In parallel, extensive analysis, planning and contingency work is progressing across all Departments. This is supported by administrative changes, including within my Department. A new division, led by a second Secretary General is bringing elements of the former EU, international and British-Irish/Northern Ireland divisions together to provide strategic oversight on particular issues. This includes an obvious emphasis on Brexit and support for the newly-established Cabinet committee on Brexit which I chair. Staff from the former EU division are being transferred to the Department of Foreign Affairs and Trade as part of the strengthening of that Department's role and capacity on EU matters including those related to the Brexit negotiations. Engagement with Ireland's embassy network abroad will also be important and already at embassy level some new posts have been established to focus exclusively on Brexit work.

Across Government, staffing and resources remain under review and will continue to be calibrated to respond to particular needs as this complex phase progresses.

Deputy Brendan Smith: I thank the Taoiseach for his response. Unfortunately, the indications from the Conservatives point to a hard Brexit. Are we going to witness Britain making the same old mistakes again in Northern Ireland by ignoring the democratic decision made by the people there in the recent referendum? If so, the people of England will be enforcing their will on Northern Ireland again. There is real concern along the Border, which is the area I am most familiar with, and in Northern Ireland with regard to what is going to happen. Prime Minister May's offer of a consultative voice in the Article 50 negotiations falls far short of the democratic wishes of the people of Northern Ireland.

If this trend continues, the Government will immediately need to show the heads of the EU - the President of the Council, the President of the Commission and the other 26 Heads of Government - forcefully and clearly that Britain's approach will unfortunately have a wide and negative impact on this island and on relationships between North and South and between east and west. It would not simply be about Britain exiting the EU. It would vandalise the layered complexities of the Irish political process. It would also damage the totality of relationships about which we have often spoken in this House and to which many communiqués issued by successive Heads of Government in Britain and in Ireland have referred.

I have previously raised with the Taoiseach the obstacles that may be encountered when products leave this island and transit Britain on their way to destinations in the rest of Europe or in other continents. Surely difficulties will arise when cargo leaves our island and hence the EU, goes through a non-member state - the UK - and tries to re-enter the EU again. I remind the House that we do not have ferry services to the north of Europe. This morning, I met a group of people from Fermanagh who have been involved in political life over many decades. They are very concerned about the messages they are getting from Britain regarding the complete and serious difficulties that will be faced by the entire island if these issues are not dealt with successfully.

The Taoiseach: I do not disagree with Deputy Smith's comments. When I met the Prime

Minister in Downing Street, she said clearly that the British Government did not favour a return to a hard Border. She does not favour a return to a hard Border and neither do we. We will argue these fundamentally important matters forcefully and clearly, as suggested by the Deputy. The Secretary of State, Mr. Brokenshire, told the Conservative Party conference today that there is no intention of having a return to a hard Border. These clear statements need to be backed up.

It has been decided that while the European Commission, which has always dealt with applications to join the EU and in which the expertise is lodged, will be centrally involved in the negotiations on Britain's withdrawal from the EU, the European Council - the Heads of Government and Heads of State - will make the ultimate decisions here as the elected leaders of member states. These decisions will have the greatest impact on people in the various member states, including Ireland. Obviously, in light of what is at stake here, we will have a facility for knowing about every step of the discussions as they take place. The European Council will make those decisions.

At the moment, a lorryload of machinery can leave Clare and go to Dublin or Rosslare before travelling through Britain and on to the EU's border with Ukraine without anything other than invoices being needed. It is clear that if and when Britain leaves the EU and becomes a completely independent sovereign country, having implemented legislation that removes any EU jurisdiction on it, paperwork or a different kind of approval might well be needed if Irish cargo is to be able to travel through Britain. This would cost time and money and would have obvious implications for jobs. That is why the common travel area, which the British and Irish Governments want to retain, is so important for us here. It is in that context that we will have to see what issues Britain is talking about and will present.

I do not have enough time during this Question Time to deal with many of the implications of this long and complicated subject, as raised by Deputy Smith. We will have ample opportunity to discuss it in the House in the future. I will also have opportunities to brief party leaders about what is going on. I would like to think that by November, when we get to the North-South Ministerial Council, we will have a much clearer fix on where the horizon is and what we need to do in respect of Northern Ireland, the cross-Border links and the economic trade. We have been talking to Enterprise Ireland about the hundreds of thousands of small businesses here that are being affected by the sterling currency fluctuations, which are causing concern. We will have to talk to Europe about the implications of that.

Deputy Micheál Martin: I hope the Government is not reverting to the model that was used by the last Government when the media was briefed before information was given to the Cabinet and other interested parties. In the months since the Brexit referendum, I do not think the Government has kept the promise it made in our discussions at that time to keep pro-EU parties - all parties are allegedly pro-EU at this stage - informed of developments and to consult them on strategy. We had one major meeting in the aftermath of the Brexit vote, but very little has happened since then. It is clear from this morning's story and from the Taoiseach's reply to these questions that everybody wants the island of Ireland to be treated as a special case in the absence of UK membership of the Single Market. That is not news. It is about as blindingly obvious as anything could be.

All of this shows how little concrete progress has been made in defining our position into a set of concrete negotiating priorities. We have been told nothing about what we might ask for on the specific issues of how we want this island to be treated, the legal mechanisms that might be considered and the implications for the EU as a whole. How do we ensure that people, goods

and services can continue to flow on this island? It is easy to say that is what we want. That is all I am hearing from the British and Irish Governments and from everybody else. How do we ensure the west-east common travel area is protected? What ideas are we coming up with in that respect?

We have seen a great deal of bluster from the British Government, but very little substance. Despite what Mr. Brokenshire and the Prime Minister have said, they have come up with very little detail. A tug of war seems to be going on in the Tory Party between the hard Brexiteers and those who want a soft exit. Two groups have been formed within the Conservative Party. Those involved in the “Leave Means Leave” campaign, which has substantial financial backing, want to revert to a World Trade Organization-type arrangement, as opposed to retaining access to the full Single Market.

It is very easy to say we do not want borders on this island, or that we want everything to be the same in some magical way. Obviously, there is work to be done on the actual detail. Precious little progress has been made in going beyond the generalities and knuckling down to consider the specific route we will travel to ensure we ask for the right things for the island of Ireland and for the east-west travel area.

The Taoiseach has outlined the roles of the Commission and the Council. It was said at the outset that Ireland believed in the primacy of the Council and the member states in the negotiations. I think President Juncker has continued his ill-starred approach to this issue to date. He is talking tough, but he is ignoring the seriousness of the issue. I think President Tusk has been far more measured and far more engaged.

We were originally going to meet to discuss the Dublin and Monaghan bombings. A week ago, there was no mention of Brexit being on the agenda for tonight. We are now meeting tonight on Brexit, presumably because of the memorandum going to the Cabinet today. The first we heard about it was when it was added on. We need separate meetings on Brexit that are well flagged in advance so that people can be brought up to speed with the officials.

The Taoiseach: I do not object to that. I do not want to be calling the leaders of the parties together three days in a row. We will be discussing the Dublin and Monaghan bombings and Brexit. We need to have a meeting about NAMA as well. We have received all the submissions. That is a separate question. I do not want to have to call all the leaders together every second day to discuss things. If we can get through a number of-----

Deputy Micheál Martin: I do not think there has been a meeting on Brexit since the first meeting.

The Taoiseach: Deputy Martin does not mind. The UK Prime Minister has said that Brexit means Brexit, so the intention is to leave the European Union. The intention appears to be that Britain will not continue to be a member of the Single Market, though Britain is interested in the Erasmus programme and research programmes and obviously might wish to contribute to them. Leaving Europe would mean control of borders and, therefore, control of the number of immigrants going into Britain. The question will be on the conditions that might apply to Britain in respect of access to the Single Market.

We need to work on the options to be considered by Britain and, as a consequence, by the European Union in respect of the Swiss model, the Norwegian-Swedish model, the Singapore model and the new British model for access, and we are doing so. Until we are clear on the

details of the discussion Britain is going through, it is difficult to be specific about what we say.

We negotiated the PEACE and INTERREG programmes when we had the EU Presidency. PEACE has a fund of €269 million between 2014 and 2020. The Northern Ireland-Scotland INTERREG programme is €283 million. These cover issues like shared education, children and young people, shared spaces and services and building relations at a local level. The INTERREG programme deals with research and innovation, environment, sustainable transport and health. Many of these projects are supported by the European Regional Development Fund. We need to know the situation regarding these moneys. If and when Britain leaves the European Union, Northern Ireland will not be a member of the European Union. The funds were allocated between Ireland, Northern Ireland and Scotland for important uses. When it becomes clear what it is that we are talking about, we then decide how best to negotiate in terms of the island of Ireland.

I am also concerned when I hear the Chancellor of the Exchequer state that they are in for a turbulent period economically in Britain. We can see the evidence of this already in agri-sector employment in Ireland. Currency fluctuations, over which we have no control, have an impact on exports, prices and employment. These are issues we will have to raise with the European Union, of which we will continue to be a member. While we do not have control over the currency situation, exports from Britain to here have an advantage in the sense of cost, while our exports to the UK are at a disadvantage. The agri-sector, as you know, a Leas-Cheann Comhairle, is very important for the 200,000 jobs across the entire spectrum in Ireland, and the corollary applies in England.

To be honest, until we see the colour of the issues that are going to count, we are preparing as best we can. We will keep Members briefed, but it is too early to be sufficiently detailed to make political decisions.

An Leas-Cheann Comhairle: I am obliged to move on to Question No. 7. I regret that I cannot take any supplementary questions.

EU Meetings

7. **Deputy Richard Boyd Barrett** asked the Taoiseach to report on his recent meeting with the European Council President, Donald Tusk. [27125/16]

Deputy Richard Boyd Barrett: My question is-----

An Leas-Cheann Comhairle: The Taoiseach will answer first.

The Taoiseach: Before Deputy Boyd Barrett attacks me.

An Leas-Cheann Comhairle: Seven and a half minutes remain.

The Taoiseach: I welcomed the President of the European Council, Mr. Tusk, to Dublin on 7 September. This was his first visit to Ireland in his current role, although he had visited before when he was Prime Minister of Poland. His visit to Dublin took place in the context of the Bratislava summit on 16 September and his intention to meet or speak to all Heads of State and Government in advance of that.

Our meeting in Dublin allowed us to exchange views about the main challenges and priorities of the European Union and where the focus of discussions at the Bratislava summit and beyond should be. We discussed the range of serious challenges facing the Union, including those relating to migration, economic stability and growth, security and Brexit. We agreed that the Bratislava summit should be part of the process of political reflection launched in June to look at the future of the EU and what we can do to improve the lives of our citizens in a real way.

I acknowledged the concerns of many of our EU partners regarding migration, terrorism and security. Of course I also highlighted the priority that Ireland and many other EU partners attach to economic issues, including investment, employment, the Single Market and the digital single market. I said that we should consider concrete measures in the areas which would directly and positively affect the lives of EU citizens. More generally, I assured President Tusk of Ireland's continued assistance and support in building a comprehensive response to the different and complex issues we face. I emphasised the need for a balanced approach as the process of reflection about the future of Europe continues. Further meetings are scheduled to take place in Malta in early spring and in Rome in March.

Although the meeting with President Tusk was not about the UK decision to leave the EU, we reaffirmed the agreed principles that there can be no negotiations before the UK triggers Article 50 and that access to the Single Market requires acceptance of all four freedoms. I gave him a brief account of my July meeting with the UK Prime Minister, Ms May, in Downing Street and took the opportunity to reiterate Ireland's specific concerns on this issue, particularly regarding Northern Ireland and the related Border and citizenship issues, the common travel area and the interconnectedness of our economies.

Deputy Richard Boyd Barrett: I will comment on what I see as the stunning lack of self-reflection and self-criticism from Donald Tusk and, for that matter, from the Taoiseach. Donald Tusk said in his speech here that people are turning against what they perceive as an irrational openness and that they see the world around them getting more chaotic with uncontrolled migration and terrorism.

First, these are unfortunate concessions to the scaremongering of those in the far right who are trying to whip up fear and racism against immigrants coming into this country. They were not helpful words from Donald Tusk in that regard. Moreover, they show a complete lack of self-criticism in the sense of asking about Europe's role in creating the sense of disillusionment that is widespread throughout Europe.

In the case of the meeting with the Taoiseach, I note that Donald Tusk declined to comment on Apple. Is it not a fact that the economic inequality throughout Europe is substantially a result of the fact that giant corporations evade tax or do not want to pay tax, the banks get it all their own way and people take it in the neck? Is that not why we have such widespread alienation? Is that not the seedbed for much of the racist sentiment that is then, wrongly, directed at immigrants?

I note the conversation with Deputy Martin earlier about Aleppo and so on and the absolutely justified criticisms of Russia's disgusting actions in Aleppo, its bombing there and so on. That criticism is right and proper. However, something is absolutely missing when they are talking about the Syrian crisis and the migration crisis. This much is clear from the comments of the Taoiseach, those of Deputy Martin or those from anyone in the European Union. What is missing is any sense of the culpability of Europe and the West in the very same cynical military

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intervention, intervention in Syria and in the wider region.

Deputy Micheál Martin: That is outrageous.

Deputy Richard Boyd Barrett: Where is the criticism of Britain bombing Syria 43 times in the past six months? Where is the criticism? There is none.

Deputy Micheál Martin: Deputy Boyd Barrett always qualifies Russian aggression.

Deputy Richard Boyd Barrett: Where is the criticism of US, French and British arms sales to the Saudi regime that has killed 10,000 people in Yemen? Where is the criticism? If there is no consistency in our humanitarian standards and in our opposition to bombing and war, then we have no standards, and everyone knows that it is no more than opportunistic and cynical.

An Leas-Cheann Comhairle: Deputy, the Taoiseach has two minutes to respond and that will conclude questions to An Taoiseach.

Deputy Richard Boyd Barrett: Is the disaster in Syria, what is happening in Yemen and so on not an opportunity for Europe, the Government and, for that matter, Deputy Martin to start having a little consistency in their human rights standards?

An Leas-Cheann Comhairle: The Taoiseach has less than two minutes and that will conclude these questions.

4 o'clock

The Taoiseach: The discussion we had with President Tusk was about European issues. In reply to Deputy Martin's question, I referred to Aleppo and the disgraceful actions that led to so many men, women and children being killed there.

The Government decided to appeal the Apple case because of our belief in the integrity of the way the Revenue Commissioners have interpreted Irish law, the fact that they do not do sweetheart or behind-the-fence deals with any companies and that their dealings are straight up across every sector. We appealed this to the European judicial system for clarity on the opinion of the Commission, which we believe is wrong. Apple has also appealed.

In response to the question about European intervention in Syria and earlier in Libya, this is discussed normally at European Council meetings and High Representative Mogherini reports at length and in detail on those matters. We are not having a European army. We support, within the constraints by which we are bound and the regulations under which we operate, the European common defence strategy and we contribute to that.

Deputy Richard Boyd Barrett: Do we support bombing of Syria by the West?

The Taoiseach: The United States has broken off its conversations with Russia because of the bombing of the humanitarian convoy and the indiscriminate and deliberate obliteration of the remainder of Aleppo.

Priority Questions

Third Level Institutions

17. **Deputy Thomas Byrne** asked the Minister for Education and Skills his views on the recent decline experienced by Irish universities in international rankings; his plans to improve and enhance Irish third-level institutions; and his further plans to deal with the funding issues in the third-level sector. [28473/16]

Deputy Thomas Byrne: I am glad the Taoiseach is here to hear this question because the issue of third-level funding that I raise in this question is a key priority. People are saying it is a Fianna Fáil priority but it is a national priority that we have adequately-funded third-level colleges. I would like the Minister for Education and Skills to set out how he proposes to react to what has been happening lately and to the decline in our institutions' rankings.

Minister for Education and Skills (Deputy Richard Bruton): While there has been a decline in the rankings of some Irish institutions, Ireland performs ahead of most European countries relative to its population size and has the highest level of tertiary attainment rate for 30 to 34 year olds in Europe.

We have to be cautious about how we interpret the results of these commercial global rankings. It is clear that performance in rankings is often highly reliant on surveys of opinion and of citations in journals which do not adequately capture the full range of activities taking place in our third-level institutions. Nonetheless, they are widely read and can be influential.

I want a strong higher education system that serves the needs of all students, enterprise and other stakeholders through high-quality teaching and learning, upskilling and reskilling, research and innovation, as well as supporting the most disadvantaged to participate in higher education as part of the overall goal of delivering the best education and training system in Europe by 2026. It is important that we choose the goals and objectives and then benchmark ourselves against best international practice. The first systems performance report prepared by the Higher Education Authority, HEA, and published in 2014 shows that the higher education system in Ireland is performing well against a range of international benchmarks.

I have acknowledged that funding is a key concern. The report of the expert group on future funding for higher education clearly outlines the funding challenges and offers a number of approaches and recommendations for consideration for the medium term. Higher education funding in the short term is also the focus of discussion as part of budget 2017. As committed to in the programme for Government, I referred the report to the Oireachtas Joint Committee on Education and Skills as part of the process for formulating a plan for the future. This will ensure that all views can be heard.

We will require a broad consensus to enable us to move forward with a realistic and achievable strategy for funding the system into the future. I hope to work with the Oireachtas Joint Committee on Education and Skills as it analyses all of the options put forward by the expert group and allows the voices of all stakeholders and those on all sides of the debate to be heard.

In addition, the Department is working with the HEA on a revised system performance framework for higher education institutions which will establish clear goals for the system for the next five years across priority areas such as access, research and developing our pipeline of human capital.

Deputy Thomas Byrne: The Minister is in complete and utter denial about the crisis facing

our third-level sector. That is obvious from his reply but it is also obvious in the action plan on education that he published where there are two lines devoted to the crisis in third-level funding and the Cassells report. When that plan was published, one of the first things I looked for was what it said about third level. I had to keep reading in order to discover if I was missing something. It is not there and that demonstrates the Department's lack of commitment. The Minister talks about having the best education system in the world and about international standards but he dismisses the rankings. I agree that rankings are not perfect but the more the Minister starves the system of funding, the higher the pupil-teacher ratio will become, the further the rankings will drop and the less attractive universities will be to foreign non-EU students who provide huge funding by paying higher fees. This is a vicious circle which has to stop in the forthcoming budget.

We will discuss the Cassells report. Even if he wanted to, the Minister could not implement the report overnight but he can - on the night of the budget - implement a change in direction to ensure that the sector and the system are adequately funded. He says the system is performing well and that it is doing so against incredible odds. However, it is not performing well in the rankings, which, imperfect though they might be, do mean something.

Deputy Richard Bruton: The Deputy chooses to interpret things the way he does. If he reads the action plan for education he will see that we place a high priority on meeting the skill needs of the future, not only in universities but also in respect of matters such as apprenticeships and traineeships. We place a high priority on increasing by 30% the number of young people from disadvantaged areas that get through to higher education. We recognise higher education is absolutely pivotal to our long-term success as a nation.

In approaching the important issue of funding, it must be recognised that there is a short-term need and a long-term need. We must look to this budget to find resources to meet the short-term need. We have to recognise that we are working against a background where, in total, there is approximately €600 million for use in respect of housing, health, homelessness and all of the other issues Government must address. There is also the long and medium-term strategy and the Deputy seems to be dismissing the need to address those medium-term issues thrown up by a county man of his, Peter Cassells. Those are important issues and if the Deputy and his party firmly believe that proper long-term funding is required for higher education, then they must come forward with proposals within the context of the Cassells report as to how we will make that approach work.

Deputy Thomas Byrne: The content of the Cassells report will not be discussed in this Chamber but, rather, in the committee rooms. That process will take some time. I compliment Mr. Cassells and his committee on the work they did. When he spoke to the Fianna Fáil Party he advised us to take our time with this and he was right. We cannot, however, take our time in recognising the immediate funding crisis. I urge the Minister to do everything that can be done in the budget to change that direction. We know that the problems will not be solved overnight but we need to signal that Government no longer works only in the short term to get votes but plans for the future. The Minister and I have had our education. If we invest money in third-level education, there will be no personal benefit for many people but it will have benefits in the future and for the children growing up now and for the country. It will also send a signal that we are going to do things properly by looking to the future and that we are not interested in short-term political gain but, rather, in the medium and long-term gain to which the Minister refers.

Deputy Richard Bruton: It is important to recognise some of the successes of our third-

level system. We have the highest degree of third-level participation in Europe and the highest number of graduates in the science, technology, engineering and mathematics, STEM, subjects which are key to technological progress. We rank as one of the best countries in converting research in which we invest in our universities into genuine innovation that can transform enterprise or public services. We have real successes but we have a funding problem. We do not have a sustainable funding model for the third-level sector and we need to design that.

I welcome the Deputy's indication that his party has not yet made a decision and is going to take its time before doing so. Some of the public commentary suggested that his party had taken a decision ahead of the committee meeting, which would have been disappointing. I agree that we need short and long-term strategies. The Deputy has to be realistic that the short-term strategy will be constrained, as Peter Cassells recognised, in a competition with many other deserving needs. That is the situation in which we find ourselves, like it or not. I seek to build both a short and a long-term strategy in co-operation with parties across the House.

School Guidance Counsellors

18. **Deputy Carol Nolan** asked the Minister for Education and Skills his plans to restore guidance counselling services in secondary schools. [28421/16]

Deputy Carol Nolan: There is a commitment in the programme for Government to restore guidance counsellors to secondary schools. That is an invaluable service. Will the Minister outline the plans to restore that service, but also the timeframe?

Deputy Richard Bruton: Both the Action Plan for Education 2016-2019 and the programme for Government have a specific action to enhance guidance counselling at second level as resources permit.

A significant move was made last month with the restoration of half of the cut in the provision for guidance counselling. This was equivalent to the restoration of 300 posts.

The delivery of the 50% restoration through a change in the staffing schedule allows each school to determine how best to allocate the additional resources to meet the guidance needs of the school. The circular issued earlier this year by my Department outlining the allocation of teaching resources clearly stated that this additional resource is to complement existing resources in order to best meet the guidance needs of the school in line with the school's guidance plan.

I favour having a separate and transparent allocation for guidance. I hope to build on the current increase in provision for guidance, but this will have to be considered each year in a budgetary context.

I am also reviewing other areas of policy that can assist schools in having a series of initiatives to support the resilience of students.

Deputy Carol Nolan: I thank the Minister for that response. As he is aware, guidance counsellors provide an invaluable service in schools, both in terms of the well-being of students and personal one-to-one counselling. Guidance counsellors have seen cuts of up to 53% since 2012. One-to-one counselling has also been cut by 27%. We need to restore that, but it must be *ex quota*. I have heard many teachers say it is unfair that their guidance counsellors are competing with teachers from other subject areas, therefore, it must be allocated outside the normal

staffing schedule in schools.

Deputy Richard Bruton: That is a widespread view. We need to make sure that resources are devoted to counselling. At the same time, I am conscious that in an increasing number of schools there is group work and class based activity at senior cycle, which is designed to provide support within the counselling remit. I do not want to undermine that. I understand some schools are considering counselling as a whole school activity and not confined to one individual teacher. Obviously, I will be guided by expertise in this field. I am aware that other Deputies also are of the view that this should be a separate support. The key is to ensure that young people get access to counselling. In terms of the manner of its delivery, we need to hear from experience on the ground to shape our final decisions.

Deputy Carol Nolan: I am particularly concerned about the lack of clarity on *ex quota* allocations. The Education Act states that students should have appropriate access to career guidance. We need to prioritise this issue and get it right.

Deputy Richard Bruton: I agree wholly with the Deputy. The issue is not whether we need to restore counselling and the level of counselling that must be provided in the school. We must be conscious that some schools provide models whereby the counselling is not delivered through one individual. If that is a working model that is delivering, we need to have some level of understanding of how it works on the ground. The first allocation made this September was not deemed *ex quota* but was accompanied by a guidance that was required to make sure it was used to rebuild the counselling support. We need some room to make sure that we are guided by the expertise in this area, but I fully sympathise with the objectives both of Deputy Nolan and Deputy Byrne who have raised this issue consistently.

Student Grant Scheme Eligibility

19. **Deputy Thomas Byrne** asked the Minister for Education and Skills his views on the restoration of postgraduate grants and their necessity to open up access to postgraduate studies and to ensure that a steady stream of persons achieve a postgraduate qualification for societal good and to ensure attractiveness to foreign investors. [28474/16]

Deputy Thomas Byrne: I am glad Deputy Nolan agrees with the Fianna Fáil position on the *ex quota* guidance counsellors. We are glad to have that support. It is one of the items in the confidence and supply agreement we have with the Government.

My question raises another issue that is in the confidence and supply agreement, namely, the restoration of postgraduate grants. I have seen at first hand that employers in my constituency are crying out for graduate students. I am told that in some sectors in universities, graduate studies have got very quiet because of that. Some employers are paying for them, but that is not sustainable on a broad basis.

Deputy Richard Bruton: Financial supports are currently available for approximately 2,300 postgraduate students who meet the eligibility criteria of the student grant scheme.

Postgraduate students who meet the qualifying conditions for the special rate of grant under the student grant scheme are eligible to have their postgraduate tuition fees paid up to the maximum fee limit of €6,270. Alternatively, a postgraduate student may qualify to have a €2,000

contribution made towards the cost of his or her fees. The income threshold for this payment is €31,500 for the current year, increasing relative to the number of family dependants.

The programme for Government contains a commitment to increase financial supports for postgraduate students, with a particular focus on those from low income households. The options for progressing this commitment are currently under consideration in my Department within the context of overall budgetary constraints and the large number of competing demands for available funding.

Funding for postgraduate students also needs to be viewed in the wider context of the overall funding available for the higher education sector. As we discussed earlier, the recently published report of the expert group on future funding for higher education, which is going to the Oireachtas, raises the issue of how best to support students in a sustainable model of funding for the higher education sector.

Deputy Thomas Byrne: I thank the Minister for that answer. It is a key priority for us. Almost all postgraduate maintenance grants, with the exception of the special grant, as the Minister mentioned, were removed in 2012. The special grant is for the extreme low end of the income spectrum and those most in need, but there is a huge number of other people who cannot afford to pursue postgraduate studies. In many cases, employers are looking to hire highly specialised graduates with postgraduate degrees, whether it be master's or doctorates. Apart from the societal and personal good that postgraduate study does, it is essential for our economic future to give as many people as possible the opportunity to pursue postgraduate studies. Taught postgraduate degrees are extremely high in cost. The removal of the grants was utterly inconsistent with the Government's stated approach, namely, that it was building a high skills, so-called smart economy. It was the opposite of smart. They say that smart flies Aer Lingus. The truth is that smart does not abolish postgraduate grants. It has an observable negative effect on participation rates in postgraduate education, and as told anecdotally by those students in and out of university.

Deputy Richard Bruton: The total number of postgraduate students is 37,000, made up of approximately 22,500 full-time and just over 15,000 part-time. That figure has grown by 8% since 2010-11.

I recognise the importance of postgraduate study. It has been influential in the significant role played by Springboard in recent years where a postgraduate option to allow people retrain has been very successful: its participation has been up to 9,000 per year. Not all of those would be classified as postgraduate in the traditional sense, but there have been a number of investments in this area. I recognise the need to invest in this area and to start that process of supporting students to a better level who want to do postgraduate study. It is part of the programme for Government. I know many other Members share the Deputy's ambition with regard to this issue. It is an area we will have to address over time with resources as they become available.

Deputy Thomas Byrne: We certainly look forward to sitting back on budget votes, with substantial progress having been made on some of these items. In fairness to the Minister, he recognises that the confidence and supply agreement is the basis on which the Government operates and that the policy options we have negotiated with the Government, and the Fine Gael Party in particular, need to show signs of being implemented. That includes the *ex quota* guidance counsellors mentioned and postgraduate grants. While Fianna Fáil is aware of the financial circumstances that exist, we also are aware that a massive shift in direction must be un-

dertaken. Fianna Fáil hopes and expects that substantial progress will be made next week when its Members will be happy to press that new “Stacon” button, if there are any votes that require it.

Deputy Richard Bruton: I will not comment. I am aware Deputy Thomas Byrne and his party have made comments about the budget across a range of different areas and I would not like to be doing the totting of the total from higher education and postgraduates to pensions and so on.

Deputy Thomas Byrne: According to the *Irish Independent*, it is a quarter of what Ministers themselves have sought.

Deputy Richard Bruton: However, I recognise this reflects genuine pressures and needs. There has been almost a lost decade in which investment all Members of this House would have liked to have made could not be made. The Government must try to cut its cloth to make the investment over the coming years in those areas in which it can have the greatest impact. I recognise that priorities have been set out here and the Government must try to accommodate them as best it can over a period of three to five years.

Deputy Thomas Byrne: Three years of a confidence and supply agreement.

National Educational Psychological Service

20. **Deputy Carol Nolan** asked the Minister for Education and Skills his plans to enhance the National Educational Psychological Service, NEPS, specifically the capacity to increase the level of assessments undertaken. [28420/16]

Deputy Carol Nolan: I wish to raise the issue of plans to enhance the National Educational Psychological Service, NEPS, but, of more importance, the capacity to increase the level of assessments by that service of children and, in particular, of children with special needs.

Deputy Richard Bruton: I thank the Deputy. My Department’s National Educational Psychological Service, NEPS, in line with best international practice, operates a tiered consultative model of service and it supports schools in a continuum of support process. This means each school takes responsibility for initial assessment, educational planning and remedial intervention for pupils with learning, emotional or behavioural difficulties in consultation, as appropriate, with its assigned NEPS psychologist.

In the event of a pupil not making reasonable progress or where he or she requires further additional support, NEPS may become directly involved with the student, offering service to identify need and appropriate intervention which may or may not involve assessment of the student or undertaking intensive intervention, including assessment. In 2015-16, NEPS undertook such case work, including assessment, with 7,974 pupils in primary and post-primary schools. In addition, 1,673 assessments were provided to schools through a panel of private practitioners. Furthermore, NEPS psychologists in the period consulted teachers in respect of an estimated 25,000 pupils, providing advice as to appropriate interventions in solving issues raised.

The Deputy may be aware that the programme for Government commits to the expansion of NEPS psychologist numbers by 65 individuals, which constitutes a 25% increase. The effect of this expansion will result in a deepening in the application of this model of service to schools and will shorten the lead time in providing a range of services to schools, including those in-

volving assessment.

Deputy Carol Nolan: I thank the Minister for his response. However, I am aware of many frustrated principals, teachers and parents nationwide. While there has been an increase in the number of NEPS psychologists, there has not been an increase in the number of assessments. For example, the number of assessments has declined since 2008, from a total of 10,585 assessments to 9,824. This represents an average of just two assessments or referrals per school per year and that simply is not good enough. Children are slipping through the cracks and teachers, parents and schools are trying to fund-raise to help parents pay for psychological assessments. That is not good enough because children need these assessments. They need the recommendations offered by the assessments to secure resources in secondary schools. In particular, children with dyslexia need such an assessment, which is vital to securing spelling waivers or other accommodations when sitting State examinations. Consequently, I ask for the number of assessments to be increased and for a clear target to be set.

Deputy Richard Bruton: I accept the Deputy's point that NEPS is an important service and the Government needs to invest more, which is why there is a commitment to an increase in the resources within NEPS of 25%. On the other hand, there is a genuine debate about whether assessment is the best route to support children with needs. That is why NEPS works through a model that is not all about assessments, as I described in my answer to the question. There is a new model approach to resource teaching that would reduce the reliance on assessments. One problem with assessments, as I believe the Deputy indicated in her question, is there can be unequal access to them, and if they become the gateway, we might not be using the resources in the best way. This is an area in which the Government wishes to increase the resources but it also wishes to ensure it gets the best impact. Over time, the new model may be better for the school and the children and may represent better use of the resources of NEPS.

Deputy Carol Nolan: I appreciate the new resource allocation model will assist in addressing some of the issues I have outlined. Will the Minister indicate a timeframe for its implementation? A budget will be announced within the next two weeks and a new school term has started in which children are faced with lengthy waits for early intervention. The assessments are essential to secure resources at second level and while they might not be the overall solution, they certainly are a vital part of it. Will the Minister give a clear commitment that the issue of the level of assessments will be considered as a high priority in terms of increasing the capacity of NEPS and that resources will be targeted in this area?

Deputy Richard Bruton: First, I can indicate the Department is in the process of recruiting some additional NEPS psychologists. Initially, that will be within the existing permitted cap. That work is being done and will increase the capacity to meet demand. I can also tell the Deputy that 47 schools were involved in the pilot approach for the new resource allocation model. Evaluation of that pilot is under way and will be available shortly. It appears to be positive in its response and it is hoped the Department can build on that. Again, it is a matter that is tied up with budgetary issues and so there is a combination there. The Department must evaluate when it will be in a position to implement that. However, the initial soundings from the pilot are highly positive and, clearly, I would be keen to move forward on that basis.

Schools Building Projects

21. **Deputy Joan Burton** asked the Minister for Education and Skills the projects which have been delayed with regard to the planned capital programme for 2016; the reasons for the delay; and if he will make a statement on the matter. [28638/16]

Deputy Joan Burton: This question pertains to the worrying delays in the capital programme in respect of building new-build schools and rebuilding older schools at primary and secondary level.

Deputy Richard Bruton: The six-year capital plan for 2016 to 2021 announced last November by the previous Minister, Deputy Jan O'Sullivan, detailed the major school building projects that are scheduled to proceed to construction over the lifetime of the plan. As of now, with more than two months of 2016 remaining, five projects from the 2016 list are at the most advanced stage of architectural planning, namely, stage 2B, approved but not yet authorised to go to tender.

The Deputy will be aware that from January 2016, following their authorisation under the previous Minister, Deputy Jan O'Sullivan, a total of 116 major projects are either under construction or progressing to construction in 2016 and, of these, 28 have been completed. As a result of this, projects now fully account for the funding that was allocated for 2016 under the previous Minister and carry a significant contractual commitment into 2017. The five projects mentioned were not at a sufficiently advanced stage for them to proceed when the projects were authorised to proceed under the previous Minister last April. My officials will continue to monitor closely expenditure on existing contractual commitments over the coming months and, as funding allows, other projects will be considered for progression through the tender process with a view to starting on site as soon as possible.

Deputy Joan Burton: I thank the Minister. I am very concerned that since the new Government came to office, the capital programme at primary and secondary level has been slowed down. In much more difficult financial times, the previous Government put a great deal of effort into getting new schools built and older schools completely rebuilt throughout the country to provide the best environments for students, teachers, families and communities as well as to provide local employment. When asked about this issue previously, the Minister has gone back to the time when Deputy Jan O'Sullivan was in office. As the Minister has acknowledged, she properly got a huge number of projects under way, as was needed in a country with a huge growing population of children at primary and secondary level. Frankly, in the hiatus between the formation of the new Government and the Minister's appointment and subsequently, the Department officials appear to have decided to turn off the tap and placed St. Mochta's in Dublin 15 - a school I know particularly well and a project which has been ten years in the making and which, because of the financial collapse and other events, has experienced unfortunate delays - in a kind of limbo. Those officials decided to send letters - I do not believe the Minister saw them but if he did, perhaps he might indicate same - stating that the school might not get funding next year or the year after. That is not good enough. The Minister has a responsibility in this regard. If he needs extra funding, as I think he does, he needs to go to the Minister for Finance, procure it and ensure that these vital projects get under way.

Deputy Richard Bruton: I assure the Deputy there is no slowdown. In fact, there will be more spent on the capital programme for schools this year than was the case last year and there will be provision for 20,000 additional places for pupils in 50 major projects that will be completed by the end of the year.

The position in respect of a small number of schools is that when the last batch was released in April, 38 projects were allowed to proceed to tender and this absorbed the funding capacity. The project relating to St. Mochta's was not ready to be proceeded with at that time. We are now monitoring resources to see whether we can release projects relating to additional schools. That is clearly my desire in respect of schools such as St. Mochta's. I recognise that St. Mochta's has a particularly difficult history in this regard, given that work on the project has been ongoing for some years and that a number of design teams had to be disbanded, etc. I assure Deputy Burton that there is absolutely no slowdown. I also assure her that I am looking, as every Minister does, to the forthcoming budget to provide additional resources in an area that is a high priority.

Deputy Joan Burton: Let me reassure the Minister that I and everybody else in opposition will support him in seeking extra resources to build and develop the schools that we need. There is no higher priority because children only get one shot at education.

Many families with three and four children have been involved with this school for a long period. It is a great school with a great reputation. I very much welcome the Minister's reassurance that this school is fully included on the list. Following a successful meeting with the Minister last week involving a deputation including the board of management at the school and a number of Deputies - for which I thank the Minister - significant progress has been made with the Department.

I want the Minister to reiterate the statement he made last week that this project is back on track and that the new building will be constructed as quickly as possible. It was included last year - rightly and to great celebration by everybody - in the 2016-2021 programme. We had expected work to commence during the summer. We now have good progress made in sorting out some of the technical issues which caused a problem. The Minister was helpful in that regard and I thank him for it. However, I want to know that we will see this project, which will take two years to complete and which will cost €10.5 million, proceed. I want the Minister to confirm what he indicated last week, namely, that it is absolutely back on track to be built.

Deputy Richard Bruton: First, I welcome any and all support for additional funding. It is encouraging to see so much support in the House for education funding. Sadly, that will have to compete with other demands.

I assure the Deputy that, as far as I am concerned, St. Mochta's is a priority. As I say, we are monitoring our expenditure closely to see if we will be in a position to release projects. As Deputy Burton recognised, we are also making a strong case for additional resources. I recognise the difficulties that have been faced by the board, the parents, the teachers and the patron at St. Mochta's over a difficult period. Their case was well made last week and I acknowledge the priority it should rightly be given.

Other Questions

Schools Building Projects

22. **Deputy Brian Stanley** asked the Minister for Education and Skills the progress made in resolving the issues that are delaying a new school (details supplied). [28359/16]

Deputy Brian Stanley: I ask the Minister about the school building programme. The school in question is St. Paul's secondary school in Monasterevin. I welcome that it has been put on the capital programme but there are technical problems holding it up. I wrote to the Minister about it. I have spoken to the Minister for Transport, Tourism and Sport, and I will explain why I was speaking to him about a school issue shortly. There are many efforts being made to resolve this matter. Perhaps the Minister can give me some good news on it because the new building is badly needed.

Deputy Richard Bruton: The building project for the school to which the Deputy refers was recently approved to progress to the advanced stage of the architectural planning process, stage 2b - detailed design - which includes the applications for planning permission, fire certificate and disability access certificate and the preparation of tender documents.

The design team, in liaison with officials from the relevant local authority, has identified a potential solution to the drainage requirements at the proposed site for the new school building. Officials from my Department are currently liaising with the relevant parties in order to secure the consents necessary to effect this solution. When agreements have been reached the planning application will then be submitted to the local authority.

Deputy Brian Stanley: I thank the Minister for the reply. This is a huge issue because St. Paul's in Monasterevin has been waiting for years to get onto the school building programme. Thankfully, it is now on it.

There are significant capacity issues. At present, the school is full. Basically, no further pupils can be enrolled. Some students from the catchment area are attending schools in Athy, Portlaoise and Portarlington.

I welcome that the new project would cater for 800 pupils. It was to go to construction this year. The problem with the project relates to drainage. I have spoken to senior staff in the local authority about this matter on a number of occasions. I have also spoken to officials in the Department about it. I wrote to the Minister about it. The issue needs to be resolved. Kildare County Council has assured me on a number of occasions that it will provide every assistance to the Minister's officials but it needs active engagement from them in order to move matters forward. As already stated, the problem relates to drainage. Basically, a way needs to be found to drain the surface water adjacent to the school building to the River Barrow via lands that are not owned by the Department of Education and Skills and I must point out that there is a way-leave arrangement in place that falls under the control of the local authority.

Deputy Joan Burton: When I was Tánaiste, I visited this school with former Deputy Jack Wall and former Senator John Whelan. I wholeheartedly concur with what has been said. The building project for this school has, like that relating to St. Mochta's, been waiting years for approval. Does the Minister propose, in the context of the budget or shortly thereafter, to publish a list of all of the schools - indicating the position in respect of each - that are included in the 2016-2021 capital programme? That would be important for the many school communities by which I am being approached that are really worried about their different projects, whether it be in the context of land acquisition or, as in the case of Monasterevin, finalisation - after what seems like decades - of a vital project.

Deputy Richard Bruton: To reassure Deputy Stanley, my Department is taking an active role on this. All relevant technical issues have now been addressed and the Department is opti-

mistic that the landowner's consent will be forthcoming. As Deputy Stanley will be aware, the project involves the construction, on a greenfield site, of a post-primary school building to cater for 850 pupils and an issue had to be resolved before a planning application could be submitted. To reassure Deputy Burton, this is not some tactic within the Department to delay worthy projects. In this instance, a genuine issue had to be resolved.

The position of each school is available on the website of my Department. When schools are released to commence the detailed design process, that is tracked. However, sometimes those design processes run into unforeseen problems due to issues - in this case, drainage - which may arise and which, obviously, influences the pace at which they proceed. I assure the Deputy that every penny we get is always spent. We have a very strong process of making sure that we have a pipeline available to use the resources as fully and as effectively as possible.

Deputy Brian Stanley: I welcome the Minister's response indicating that a resolution has been found to the technical issues, as they were difficult enough issues to resolve. I am glad to hear there is active engagement by his officials with the county council and the school authorities locally. The school staff are very concerned about this. There are under great pressure with respect to where they are operating from and, apart from it being unsuitable, there is a major capacity issue having regard to the school catchment area. The population in the area has increased. The Minister mentioned a pipeline for funding. Will he clarify that the funding is in place and that there will be no hold up in funding for this project? Can he give a timeline for this project, as there has been slippage on the initial timeline given?

Deputy Richard Bruton: Obviously, I cannot give a timeline because there are many issues involved, including the planning application, the detail and the design, all of which are issues that have to be completed by the design team. The necessary consents have to be obtained. Those are not in the control of my Department. I assure the Deputy that when projects reach a certain point, as has been the case this year, a block of schools are released to go to tender. We make sure that we are in a position where all moneys are properly utilised. We have a flow of money in the six-year programme, which will fund projects as they come to fruition. As adverted to by Deputy Burton, there are now five schools which have reached a point where they could be released to tender but we have to make sure that we are in a position to complete the construction phase. There can be delays of that nature but I assure the Deputy that the funding is being provided. We are making sure we have projects ready and we release all projects to maximise the impact on school numbers.

School Patronage

23. **Deputy Brian Stanley** asked the Minister for Education and Skills when a decision will be made regarding the patronage of the proposed new secondary school in Portlaoise. [28358/16]

Deputy Brian Stanley: This question relates to a proposed new secondary school in Portlaoise. The three schools in the town, which are relatively new, are overcrowded but the town continues to grow. The population of County Laois continues to grow. There has been a major influx of people into the area, as confirmed in the recent census of population. The issue here is the patronage of the school. There has been a consultation process on it locally and the school is due to open in September 2017.

4 October 2016

Deputy Richard Bruton: In April 2016, applications were invited for the patronage of nine new post-primary schools to be established in 2017 and 2018, including the new post-primary school to serve the Portlaoise area. The closing date for receipt of applications for this process was 8 June 2016. Patrons submitted with their application a parental preference template in which parents were requested to declare their preference for their child to be educated through that patron's school model and also their preference with regard to education through the medium of English or Irish.

Applications received are currently being assessed by my Department. The assessment process is detailed and rigorous and numerous applications have been received in respect of each of the nine proposed new post-primary schools.

The final assessment reports will be forwarded for the consideration of the new schools establishment group. It is an external independent advisory group set up to oversee the process. Following the group's consideration, it will submit a report with recommendations to me for consideration and final decision. I will then announce who the successful patron of each school is. I expect to receive this report in the coming weeks. The assessment reports and the recommendations of the new schools establishment group will be available on my Department's website following the announcement.

Deputy Brian Stanley: I thank the Minister for his reply. The concern about this proposed new school is that time is slipping by. I understand the school is due to open in September 2017. As I outlined, there are huge pressures in the area, which I am not exaggerating. A number of parents contacted me during the summer as they were not able to get their children into any secondary school in Portlaoise. Haywood school, the school in Portarlinton and all of the schools in the county have substantial school populations as well and there is a long distance between Portlaoise and those schools. There is a major capacity issue. The baptism figures shows that the school population will increase. There is still a baby boom in County Laois for some reason. There is a huge population in the area. There has been a substantial consultation process locally, in which I have been involved, and there has been a good deal of lobbying. We have very good Catholic schools on the Borris Road, we also have an education and training board, on which my colleague seated next to me served, the Laois and Offaly Education and Training Board, and Portlaoise College. There is competition for this. I would like to hear the Minister's thoughts on this matter.

Deputy Joan Burton: I understand there are nine schools for which a decision is required as to who the patron will be. The Minister will appreciate, with respect to a new school for the Castleknock-Carpenterstown area, that this process has been under way for months. We understood that we would know the outcome of the patronage identification recommendation process by now, yet in his response to Deputy Stanley, the Minister did not appear to give any precise timeline as to when the parents, the school bodies and the potential school boards would know. As the Minister is aware, in many areas competition for secondary places is extremely intense and parents have to be able to make a decision quite early on what school will be available for their child. When does the Minister intend to make a decision on who will be the patrons of these different schools? I understand, and he might confirm this, there are nine of them in total.

Deputy Richard Bruton: As I indicated to Deputy Stanley, there are nine. There is an external independent advisory group which oversees the process. The information I have is that it is expected to report to me within the coming weeks. I want to reassure Deputy Stanley that the school will open as scheduled in September 2017 in suitable interim accommodation, pending

the completion of construction of the permanent school building. The school is also included in the six-year investment programme. It is clearly a school that has been acknowledged.

The selection of a patron is a process that must be fair and objectively carried out. As I stated in the reply, those engaged in that process listen to the views of parents of prospective children, consider the diversity of offers to make sure that there is the range of choice, and take account of the parents' preferences. The process is designed to be as fair as possible and to offer choice to reflect the parents' views.

Deputy Brian Stanley: The fact that the process is with an external advisory group is giving rise to concern that there is a cut-off point. The Minister said he expects the group will report to him within a matter of weeks and I hope that is the case and that this can be expedited quickly after that. A joint bid has been submitted by the Laois and Offaly Education and Training Board and the Coiste Bunaithe, which represents the parents of the various Gaelscoileanna in the county. They have submitted a serious bid. The education and training board is in possession of former education premises in the town. The Minister mentioned in his reply that this will not move onto a greenfield site but into existing accommodation, if I heard him correctly. There is accommodation and there are opportunities to do that. As soon as all the information is with his Department, this needs to be processed as quickly as possible. The Minister might indicate the timeline for that. He might also comment on the criteria involved.

Deputy Richard Bruton: The criteria were published and are set out on the call for offers. Each school seeks to demonstrate that it meets the requirements of the Department to run a school including very basic things about the way they abide by various approaches that are expected of a school. There is then the process of selecting the patron who best meets the need to promote diversity and meets the parents' needs. The system is fair and transparent. There will be someone disappointed at the end of this selection process but it is conducted in a fair way. I cannot get anymore granular than to say it will be in the coming weeks but I will convey to my officials that there is a lot of local concern about the potential delays. I have received an assurance that the 17 September start date is still absolutely on target.

Back to School Costs

24. **Deputy Joan Collins** asked the Minister for Education and Skills his views on the recent Irish League of Credit Unions report showing that back-to-school costs have risen every year since 2012, with almost a third of parents getting into debt to cover the increasing expenses and some 13% of families cutting back on food spending; and if he will make a statement on the matter. [23034/16]

Deputy Joan Collins: I ask the Minister for Education and Skills his views on the recent Irish League of Credit Unions report showing that back to school costs have risen every year since 2012. The report says that back to school costs negatively impact 26% of household bill payments with 13% of parents saying they will have to sacrifice spending on food to cover these costs. It also says that only 14% of parents who are eligible for back to school allowance believe it is sufficient to cover school costs. On average, parents of primary school students spend €145 on uniforms per child and parents of secondary school students spend €234 per child. I ask the Minister for a statement.

Deputy Richard Bruton: I thank Deputy Collins for raising this issue. I have read the

report and I strongly support any measures that can be put in place to reduce costs for parents, including measures such as the use of generic type uniforms or the use of sew-on crests. All schools must be sensitive to the financial pressures on parents in making decisions, not just about school uniforms or books, but about any matter that has cost implications for parents. The action plan for education outlines hundreds of actions to be implemented over the three-year period. Some of the actions as part of that plan are to strengthen the focus on reducing school costs for parents by restoring capitation funding over a three-year period as resources permit; increasing the financial support for book rental schemes in order to reduce or eliminate school book costs for parents; and by issuing a strong new circular to school authorities and ETBs regarding school uniform policy and other costs and the need to put a greater emphasis on reducing the cost of school uniforms and other costs.

I will also introduce a stronger complaints procedure and a charter for parents. It is important that schools should consult parents on matters relating to their children's education, including those matters which have cost implications. Schools should be responsive to the views and concerns of parents. In that regard, requiring schools to have a parents' charter will ensure schools will interact better with parent associations and with individual parents.

Deputy Joan Collins: Can the Minister indicate how much that would reduce the cost of sending children to school? At the moment, the overall cost for a primary school student is €967 and for a secondary school student is €1,474. The back to school clothing and footwear allowance was reduced from €200 to €100 for four to eleven year olds and from €305 to €200 for 12 to 22 year olds. The cost of uniform clothing for primary school averages at €145 which is well over the €100 allowance. For secondary school children it is €234 and if one includes the average cost of gym gear, which is €57 for primary school children and €97 for secondary school students, it immediately brings the cost above the €200 allowance for primary school children and the €330 allowance for secondary school children. Will the Minister comment on the measure of increasing the back to school clothing and footwear allowance for children? I will come back on another point when the Minister replies.

Deputy Richard Bruton: The clothing allowance is administered by the Department of Social Protection. It is of some reassurance that schools are taking this more seriously. The report shows a consistent fall in the cost of uniforms at schools from €177 in 2011 to €145 in 2016. Similarly, the cost of books has come down from €125 to €94 and voluntary contributions are also coming down. There is evidence that schools are taking their responsibility to control costs more seriously. I am determined that this becomes an issue that includes the continuing drive to reduce obstacles to participation in education. I cannot put a number on it but if capitation increases it will hopefully reduce the reliance on voluntary contributions and so on in other areas. These are issues we will have to develop and address over a period of time.

Deputy Joan Collins: According to the Irish League of Credit Unions report, in 2015 voluntary contributions for primary schools were an average of €77. This year they are also an average of €77 so the cost has not gone down. In 2015, the average cost of voluntary contributions in secondary schools was €147 and in 2016 it will be €160. They are not going down.

There is another issue which is not part of the Minister's brief but perhaps he could discuss it with the Minister for Social Protection. School children lose their children's allowance at 16 and parents have to reapply for it when children go back to school and continue their education. Parents have an expectation of getting that children's allowance over a critical three-month period when they are under a lot of pressure buying books and school uniforms. They probably

end up borrowing that money and paying interest on it. When they get the money back they can pay it off. There are areas where the Government can intervene much more decisively to support families in this way.

Deputy Richard Bruton: I am looking at the longer period because this data goes back to 2011. There is a consistent downward trend. It is not on every item but generally there is a downward trend in the areas directly controlled by schools. We need to build on that. I am sure the Minister for Social Protection will look at the issue of the age at which child benefit is withdrawn. There is an ambition to look at school age so hopefully over time some of the problems the Deputy has referred to can be dealt with. It is a traditional feature of child benefit that it continues to the age of 16 initially, which was the compulsory school age. That is probably what influenced the Department of Social Protection.

An Ceann Comhairle: The Deputies who tabled questions Nos. 25 and 26 are not present so we will move on to question No. 27 in the name of Deputy Ruth Coppinger.

Questions Nos. 25 and 26 replied to with Written Answers.

Schools Building Projects Status

27. **Deputy Ruth Coppinger** asked the Minister for Education and Skills if he will report on his meeting with members of the board of management of a school (details supplied); the progress on the building project; and if he will make a statement on the matter. [28385/16]

Deputy Ruth Coppinger: My question is on St. Mochta's school which I have heard the Minister mention already. Since we raised this as a Topical Issue matter last week, a packed public meeting of parents and the community in Clonsilla has taken the decision to withdraw their children from school tomorrow and bring them here to the Dáil. Can the Minister give them good news tomorrow and save them doing it again?

Deputy Richard Bruton: The building project for the school to which the Deputy refers is now at an advanced stage of architectural planning. All statutory approvals have been obtained, tender documents have been prepared and the stage 2b submission has been approved by my Department.

I met the school's representatives with the Minister, Deputy Leo Varadkar and Deputies Joan Burton and Jack Chambers last Wednesday. The school outlined its concerns with regard to the building project and gave me a comprehensive description of the difficulties presented by the current accommodation in the school. I explained the current funding situation and assured the school that this building project is a priority for me when funding is available to allow it to proceed to tender and construction. However, the Deputy will be aware from my answers to previous parliamentary questions that there are a large number of projects authorised to proceed to construction. At the time the latest batch of these were authorised to proceed, St. Mochta's was not in a position to proceed to tender.

The existing contractual commitments fully account for the funding which was allocated for 2016 under the previous Minister. However, the school is on the programme and is a priority and my Department will continue to closely monitor expenditure on the existing contractual commitments over the coming months and, as funding allows, other projects, including the

project for the school in question, will be considered for progression through the tender process with a view to starting on site as soon as possible.

There were a number of issues at the meeting we had the other day and my officials met outside the meeting to resolve any remaining issues relating to fees. There is a very active engagement between my Department and the school authorities and we are doing everything to make sure there will be no unnecessary delay. The issue is that I have to be assured the funding can be there to meet the release to tender. That is why the examination of expending commitments is so important. If other funding sources emerge, particularly from the budget, it will put me in a position to deal with some of the issues.

5 o'clock

Deputy Ruth Coppinger: Many of us question how this project has been promised for ten years. The school's board of management agreed to double the number of children attending the school to almost 900. This is a large school yet half of it is not just located in prefabs - in case the Minister believes that - but, rather, in dark, mildewed buildings affected by mould and damp. These are the equivalent of Third World conditions. Parents of children with asthma report they have to regularly collect them from school early and that they miss out on school-work as a result. People wonder why - when we are told that there is a recovery and that the Government turned down the potential of billions of euro from Apple, etc. - there is no money for schools. How could building inflation increase so much in six months that a project which was included on the list but in November was removed from it by summer? There can be no conclusion other than there was a rush to get a load of projects on the building list before the general election. I assume there are other schools that have fallen off the list and that people have become cynical about it.

Deputy Joan Burton: I thank the Minister for clarifying that this project is rightly on the list for the period 2016 to 2021. Although she is now supporting the school community, Deputy Coppinger seems to be suggesting that the project should never have been on the building list. That is wrong and a conscious misunderstanding, as well as a misrepresentation of the circumstances on her part.

Deputy Ruth Coppinger: The Deputy is not fooling anyone with that.

Deputy Joan Burton: However, in the past ten years, this project has been deeply unfortunate. Many of the advisory experts to these school building projects, such as architects and so on, went into liquidation owing to the recession and the collapse of the construction industry. Deputy Coppinger knows that as well as I.

Will the Minister reaffirm that, following last week's meeting - which, unfortunately, Deputy Coppinger did not attend - and the discussions with the school board, huge progress has been made on clarifying the technical issues that were the only barriers remaining to this project, which will cost €10.5 million, proceeding? This is a great school - as the people of Clonsilla deserve - and will the Minister confirm that construction of the new building will commence as early as possible?

Deputy Richard Bruton: I want to reassure both Deputies that this project is on the building programme list. When the previous release of projects was made in April, it had not reached the point of being able to be released to tender because the design stage had not been completed. The matter is a priority from my point of view. Progress has been made as a result of the recent

meeting and close engagement is ongoing with the school. We will have to monitor our spending position. Hopefully, in the coming months we will be able to release commitments to go to tender. It is a high priority and I met the parents and teachers. I am fully aware of the pressure the parents and children involved are under. This is an important case.

Deputy Ruth Coppinger: I do not think it is appropriate to hijack another Deputy's question to use it to attack them, especially when the Deputy spoke on this school earlier.

Deputy Joan Burton: On a point of order-----

An Ceann Comhairle: There is no provision for points of order on Question Time.

Deputy Joan Burton: As a Member, I am entitled to contribute in respect of any question once it has been answered.

An Ceann Comhairle: Deputy Burton should resume her seat.

Deputy Ruth Coppinger: Deputy Burton is already making a show of herself.

Deputy Joan Burton: There is no regulation against me contributing to the debate on a question.

An Ceann Comhairle: Could the Deputies please desist?

Deputy Ruth Coppinger: Parents do not want people like Deputy Burton making mileage out of this by attacking other Members. The key issue is-----

Deputy Joan Burton: I am supporting the school in question. I wish Deputy Coppinger would support it too.

Deputy Ruth Coppinger: The Deputy is doing herself no favours by delaying this issue being brought to the Dáil. I would keep very quiet if I were her.

A democratic decision was taken at a meeting of 300 people. People were glad to hear that the meeting went well. Unfortunately, I received a late invitation and was not aware that it was taking place. At the meeting, people heard that there would be an increase in money in the budget for schools. What they did not hear was that there would definitely be an increase in the budget for St. Mochta's school. Accordingly, they took a decision not to just accept the Minister's word but to bring their children to the Dáil tomorrow to protest, thereby losing a day's pay in the process. These people do not want to harm their children's education but they will repeat their action if needs be.

Deputy Richard Bruton: No decision has been taken about any budgetary funding. Decisions on budgets will not be taken until next Tuesday when they will be announced in the House. Everyone will have information at that time.

I had a good and constructive meeting with the representatives of the parents and the board, the patron and the principal of the school. The frustration that was apparent among those present was well reflected by the Deputies who attended and who supported the school in their efforts. The points were well made. There is a strong realisation in the Department of the priority relating to this school. We will do our best to facilitate the project. That is the position. I will continue to work to deliver.

4 October 2016

Teachers' Remuneration

28. **Deputy Ruth Coppinger** asked the Minister for Education and Skills if he will end the treatment of newly-qualified teachers; and if he will report on discussions with the Association of Secondary Teachers of Ireland, ASTI, on this matter. [28384/16]

Deputy Ruth Coppinger: This question relates to the ongoing inequality in the pay of different groups of teachers. Obviously, this applies to other public sector workers too. When will that pay inequality end? Will the Minister report on discussions he has had with the ASTI? Will he also respond in respect of the victimisation of members of the ASTI who will not now receive partial pay restoration because they are union members? This is something we thought was meant to have ended with the 1913 Lock-out.

Deputy Richard Bruton: The recent agreement reached with the Teachers Union of Ireland, TUI, and the Irish National Teachers Organisation, INTO, on the issue of new entrant pay will result in increases of up to €2,000 per year for new teachers at the start of their careers. The estimated value of these increases over a teacher's career is €135,000. This new arrangement will apply to members of the teachers' unions which have signed up to the Lansdowne Road agreement, namely, the TUI and the INTO.

This agreement gives substantial benefits to new teachers and shows what is possible through dialogue and negotiation within the Lansdowne Road agreement.

The ASTI's decision to withdraw from the Croke Park hours means that the union has placed itself outside the Lansdowne Road agreement. However, the benefits of the new entrant pay deal can also be available to ASTI members. With that objective in mind, I wrote to the ASTI in the past fortnight to confirm my willingness to conclude a similar agreement with them and to deliver these benefits to newly-qualified ASTI members in the context of the union's co-operation with the Lansdowne Road agreement.

I also reiterated my Department's offer to suspend the implementation of measures associated with the repudiation of the Lansdowne Road agreement if the union suspends its directive to withdraw from the Croke Park hours. This would provide a more constructive context for talks to take place and would avoid disruption in schools. It would also mean that thousands of ASTI teachers would receive the payment for supervision and substitution, as well as other benefits and protections under the Lansdowne Road agreement. Unfortunately, the ASTI have refused this offer thus far but it remains open.

Despite this, my Department is making arrangements to continue the ongoing discussions with the ASTI on its issues of concern. Continuing dialogue between my Department and the ASTI would be in the best interests of schools, parents, students and teachers as is evidenced by the agreements reached with the INTO and the TUI. It is regrettable the ASTI seems determined to pursue a route of confrontation rather than dialogue.

Deputy Ruth Coppinger: There are three sets of pay scales operating in teaching. Whatever happened to equal pay for equal work? There are teachers who qualified after 2011 and 2012 who are doing exactly the same work as, but being paid less than, their counterparts in other classrooms who qualified earlier. How does the Minister justify that? That is why the ASTI is taking a stance.

The ASTI is often told it is the only teachers' union that did not accept the Lansdowne Road

agreement. It is the largest secondary teachers' union in the country. The TUI has a mix of different members. That is how I would explain the differing results on accepting the agreement. Obviously, if one does not work in those conditions, one may deliver a different result. The hourly rates of pay have been reduced, as has the qualified rate, and allowances have been removed. Teachers and others are in precarious work, with one in four secondary teachers working part-time and being forced to take up other employment. The Minister should stop attacking the ASTI when it is trying to take a stand against that.

Deputy Richard Bruton: I am not attacking the ASTI. I am saying very clearly that there is the opportunity for the members of the ASTI to benefit from agreements that are now in place with the TUI and the INTO that can provide real benefits to its members. They include the substitution and supervision amount, which is more than €700 this year, and another payment later. Also included is the qualification allowance which they lost, which is the largest issue for new entrants, whereby a significant loss is being restored in two phases. It includes flexibility in respect of the 33 hours, which are the subject of some of the ASTI's objections. We have provided more flexibility to allow those hours to be used more usefully. It includes addressing the issue of permanency for ASTI members, which is now being facilitated by new provisions. There are real benefits in the agreements we worked out that address the issues.

It is correct to say that there are issues remaining. Some newly-qualified teachers are paid less than those with longer service, but this issue applies across the public service and will be addressed by the public service commission that will be established by the Minister for Public Expenditure and Reform. The terms of reference of that will soon be worked out. There is a comprehensive approach to the issues of concern, which are genuine for the teaching profession, but I believe dialogue is the right approach to pursue in the interests of children and, indeed, teachers.

Deputy Ruth Coppinger: We see how this Government acts. The Government used the Acts - the threat of FEMPI - to get those agreements passed with the other unions. One or two unions stuck it out and did not heed those threats. What happens? The Government victimises the members and young teachers and tries to stop them getting partial pay restoration as a result. Equal pay for equal work used to be a core principle of trade unionism. That is how women won the right to equal pay and it is how migrants and others should win it as well. It has been a long-standing principle. There has been a rise in employers treating new entrants badly, and it is important in the so-called recovery that workers take a stand on that. I support the ASTI in its ballot for industrial action against this measure. I also support anything that takes young workers and new graduates out of low pay and precarious work.

What happens here is that a teacher has to sign a book that is passed around the staffroom stating what union they are a member of. If they are a member of the ASTI, they do not get the increase while if they are a member of the TUI, they get the increase. I ask people in the TUI not to go along with this kind of division.

Deputy Thomas Byrne: In respect of the first part of the question relating to newly qualified teachers, while I welcome what happened a few weeks ago, does the Minister acknowledge that it is only a start and that more must be done to equalise pay? Is the Minister prepared to be a champion for teachers, particularly young and newly qualified teachers, in this regard?

Deputy Richard Bruton: The Lansdowne Road agreement has the support of over 90% of people who work in the public service. It allows progress to be made on the genuine right of

people to see a restoration of their pay. However, it allows this to be done within a framework where we can also address the pressing needs in homelessness, housing, health, education and many other spheres, and we have to balance the amount of money being assigned to different tasks. If the entire FEMPI allowance were restored, a figure I read in the newspapers stated that it would require €2.3 billion. That would be more than we have available either in this budget or the following one, so there must be a balance in this approach. This is what the Lansdowne Road agreement has done.

Contrary to some people's views, it has succeeded in addressing issues such as newly qualified teachers and the qualification allowance. Many thought that this would not be possible but it has succeeded and that was through the persistence of my officials, the Minister for Public Expenditure and Reform and mine in making this work for people who are willing to work the agreement. If unions decide that they are going to remain outside an agreement and are going to renege on commitments that are part of it, they cannot expect the benefits to come through. This is an approach that demonstrates the benefit of negotiation, and that is what is on offer here.

Capitation Grants

29. **Deputy Thomas Pringle** asked the Minister for Education and Skills if he will increase the capitation rate for children in primary education in the upcoming budget in order that parents and communities will not have to fund-raise constantly to provide an education for their children; and if he will make a statement on the matter. [28378/16]

Deputy Thomas Pringle: This question is whether the Minister plans to secure an increase in the capitation rate for primary schools to ensure parents do not have to fund-raise constantly to support schools to ensure that heating and electricity bills are paid.

Deputy Richard Bruton: I recognise the need to improve capitation funding for primary and post-primary schools having regard to the reductions that were necessary over recent years. The previous budget resulted in the first increase in education spending in recent years. I am determined to continue pressing the case for increased investment in education in the forthcoming budget.

The Government has just launched the first action plan for education aimed at making the Irish education and training service the best in Europe by 2026. The plan outlines hundreds of actions to be implemented over the three-year period from 2016 to 2019. One of the actions as part of the plan is to strengthen the focus on reducing school costs for parents. The plan also integrates with the commitment in A Programme for a Partnership Government to increase capitation funding and to set out capitation rates to schools on a rolling three-year basis allowing for forward planning by schools.

There are limited funds available in budget 2017 to meet a wide range of needs. Discussions are ongoing on how best to deliver on our various priorities and commitments as part of our drive to deliver the best education service in Europe within these constraints. Details of the 2017 Estimates will be announced on budget day.

Deputy Thomas Pringle: I am afraid I must disagree with the Minister when he says that the reductions in capitation grants were necessary over recent years. There is a hell of a long

way to go in terms of the Government's so-called ambition to make the Irish education system the best in Europe, and it will need to do a lot more than hundreds of actions and tick boxes to make sure it delivers that. The reality is that the capitation grant for primary schools works out at something like 92 cent per student per day, which is not nearly enough.

There was talk earlier about pay restoration, but the Government could do a lot for families if it ensured they do not have to fund-raise for schools. Increasing the capitation rates would have the effect of giving all families a pay rise as well because they would not have to put their hard-earned money into supporting schools to pay electricity bills and heating costs. I have seen figures whereby the Government could provide completely free primary education for €103 million per year. Surely that would be a good step along the road to making our education system the best in Europe.

Deputy Richard Bruton: I do not agree with the Deputy. There are remarkable strengths in our education system. We attract some of the most talented people into teaching. Our performance in reading and mathematics is very strong, perhaps not so in science. We have one of the lowest school dropout rates and one of the highest third level participation rates in Europe, so we have a good education system. Of course, we need to do more to make sure it is better and the best in Europe.

We would like to be in a position to increase the capitation grant, which is currently €170, and the ancillary grant, which is currently €153 per pupil. However, it comes at a time when €600 million across all Departments is available in the budget for discretionary spend, which puts a constraint on our ambitions. I assure the Deputy that bearing in mind the views of other Deputies who have placed emphasis on the need for postgraduate education, counselling in our education system or investment in school buildings, I seek to balance all those calls in a fair way. Another factor is the need to restore qualification allowances for newly qualified teachers. All those elements are competing for resources in the budget and I will try to be as fair as possible in allocating them.

School Accommodation Provision

30. **Deputy Thomas Byrne** asked the Minister for Education and Skills his plans for further second level provision in County Meath, including language diversity and general provision for the parts of County Meath in which pupils currently predominantly attend secondary school in Drogheda. [28285/16]

Deputy Thomas Byrne: This question concerns an area of expanding population in east Meath that consists of Laytown, Bettystown, the outskirts of Drogheda, Duleek, Donore and surrounding areas. Traditionally, many people in those areas have gone to secondary school in Drogheda. There are a huge number of primary schools in that area with very large primary schools either having been built, being built or remaining to be built. I am wondering about secondary school provision. There have been calls for a secondary school in Duleek and possibly another one on the outskirts of Drogheda. What provision has the Department made in respect of that?

Deputy Richard Bruton: In identifying the requirement for new school provision and for additional school places, my Department uses a geographical information system to identify the areas under increased demographic pressure nationwide. The system uses data from the Central

Statistics Office, CSO, Ordnance Survey Ireland, the Department of Social Protection and information from my Department's own databases. With this information, my Department carries out nationwide demographic analyses to determine where additional school accommodation is needed at primary and at post-primary level. Following the 2015 demographic analysis, 13 new schools will open in 2017 and 2018 to cater for increased demographic need nationwide. Regarding the school planning areas in County Meath, my Department's demographic analysis shows these areas are experiencing demographic growth, however, the level of growth and the rate of year-on-year increase are not to an extent that would warrant the provision of additional new schools. My Department is keeping these school planning areas under review to take account of updated child benefit data, enrolment data and the impact of capacity increases in these and adjacent school planning areas. When it is decided that a new school is required to meet demographic need, a separate process is undertaken, as the Deputy knows, to determine patronage. Regarding the specific issues the Deputy raised about pupils who predominantly attend secondary school in Drogheda, a Gaelcholaiste, Coláiste Ghlór na Mara, was opened in Balbriggan in 2014 to provide Irish medium post-primary places for north Dublin, east Meath and south Louth areas, including Drogheda.

Deputy Thomas Byrne: Coláiste Ghlór na Mara is a school to which my children might go, given that they are in a Gaelscoil that feeds into it. However, it is in north County Dublin and I would probably prefer children to have an option locally. The Department got away lightly, given that Gormanston College went into the free education scheme. If it had not happened, the Department would have faced a major crisis. This was in an area in which the Department said provision was not needed. I also ask the Minister to look separately at Ashbourne. There is a serious problem there and the Department is getting the numbers wrong. They were wrong this year at primary level. Houses are being built, and people who move into the town may have difficulties regarding second level provision.

The Minister cannot accept everything the Department says. It is good to question it. It was shown that the Department got it wrong in Ashbourne this year and I am not convinced that future planning around the east Meath area is up to scratch. Duleek should be examined regarding second level education, given the range of schools and the changing demographics. It is a significantly expanding area. I am not sure the current systems are working and are fit for purpose.

Deputy Richard Bruton: I bow to the Deputy's greater knowledge and I have requested that officials meet the Deputy to discuss some of the issues, given that he has a concern. The six-year investment programme includes 31 projects for Meath which have been committed to. In Ashbourne, my Department is building a 1,000 pupil school to cater for the long-term needs of Coláiste De Lacy, which opened in temporary accommodation in 2014. Phase 1 of the permanent school is under construction and is expected to be completed shortly. Given the pressure of population growth, proof of population need has been a key criterion for prioritising projects. If a pattern emerges of people crossing county boundaries to attend another school, the pattern is factored into the planning process although, maybe, from an objective perspective one might say it might not be the preferred way. I will ask officials to meet with the Deputy. He has raised these concerns at committee and elsewhere and the Deputy needs reassurance.

Deputy Thomas Byrne: The primary schools in Drogheda are massive. There has been no new second level provision on the south side of Drogheda. The primary schools in east Meath are massive and are doing a great job. There are some great buildings and some are still on the list. However, there has been no extra second level school in the area, apart from Laytown,

which is six years old. Balbriggan is not an answer to the east Meath issue, and I worry increasingly about Drogheda and the numbers there. Sacred Heart Secondary School in Drogheda takes pupils from south Louth and east Meath and should be considered very carefully for extra provision. The school needs it, given that it has not had much work done ever and it does a great job, as does St. Mary's Diocesan School. I urge the Minister to examine it. I keep raising it because a mistake was made on the primary side. The Department was off the ball and off its game this year in Ashbourne, and this worries me regarding the future.

Deputy Richard Bruton: I just have the list. I am not in a position to give the Deputy a comprehensive answer. On the programme there is an extension to the post-primary school in Gormanstown, an extension to Ashbourne Community School and a five-year plan for Coláiste De Lacy with the first phase due to be completed this year. A number of projects are listed. I acknowledge the Deputy's concern and, hopefully, we can offer some reassurance.

Residential Institutions Statutory Fund Board

31. **Deputy Clare Daly** asked the Minister for Education and Skills if he will provide an update on the terms of reference for the review of services by Caranua; and when he expects that review to conclude. [28181/16]

Deputy Clare Daly: I have two related questions and we may not have time for the second one. They relate to the operation of the Caranua scheme. The first question deals with the terms of reference of the review. The legislation which gave rise to the scheme provided that it would be reviewed after two years. Deputy Bruton is the third Minister to have this brief and it has not yet been reviewed. When I asked the Minister in June, he told me the terms of reference would be set in July and that the review would take place in the autumn. We are almost at the end of autumn and none of the groups has been consulted. I am seeking an update on it.

Deputy Richard Bruton: I am told the terms of reference and arrangements for review are being considered, and I am hopeful they will be finalised shortly. The review will be confined to the issue of eligibility and will have regard to the level of uptake of the funding available to Caranua. Over €50 million of the €110 million earmarked for the organisation has already been expended in the provision of supports to eligible former residents. I intend that the review will have regard to the views of all interested parties and I expect the draft terms of reference will be published and submissions invited from the public.

Deputy Clare Daly: I look forward to seeing them. The Minister said it would deal with eligibility. It is open only to people who originally received an award under the State redress scheme. Is the Minister saying the Government is seeking to expand the number of people who could potentially avail of it? In our contact with people, the criterion by which people can access services is critically important, as is the way in which people are consulted with. We are dealing with incredibly vulnerable people who were abused at the hands of the State, and the manner in which many of them feel their cases are being addressed by Caranua is almost akin to a re-abuse of them. They feel they are not being listened to or updated on their claims, and they are being kept in the dark and treated poorly. Regarding the customer service charter operated by Caranua and the lofty aspirations about treating people courteously, listening to them and giving timely information, none of those has been the direct experience of survivors. Will this also be part of the review?

Deputy Richard Bruton: I understand Caranua endeavours to ensure the greatest support to the residents involved and to deal with people in a fair and equitable way. The review will examine issues such as the extent of improved services to those who have made applications, the way in which it is been promoted to eligible people and the potential changes to eligibility to include other groups or categories of assistance. The review will examine the operation and, hopefully, ensure the money available is used to best effect for the clients involved.

Deputy Clare Daly: It has been severely delayed. The review is years overdue. The Minister told me he thought the terms of reference would be available in July. Can we take it with absolute certainty that the terms of reference will be published, for example, by the end of the month? What is the likely timeframe for the review? This will not work unless there is full consultation. What process will be embarked on to ensure the information gets out there and that the service users who have interfaced with Caranua know their input can come in? They are the best people to say whether the scheme is working, given that they have had the direct experience. If we block out their knowledge, we are on a severely rocky road.

The full amount has not been handed over by the residential institutions. There were reports in the newspapers earlier in the week about the shortfall of hundreds of millions of euro in the State redress scheme. Some €25 million has yet to be put into this scheme. The idea of capping the amount to people is reprehensible. Who will decide? To whom will the terms of reference revert?

Deputy Richard Bruton: They will come to me for approval. The reason for the delay is that this was to happen two years after the operation began. As the Deputy acknowledged, applications did not begin being accepted until 6 January 2014, so the startup delayed the review date. The purpose is to open the process to those who want to make their views known based on their own experiences. That purpose will form part of the terms of reference.

Child Abuse Prevention

32. **Deputy Carol Nolan** asked the Minister for Education and Skills his Department's implementation in relation to the O'Keeffe ruling. [28334/16]

Deputy Carol Nolan: Will the Minister outline his Department's implementation of the O'Keeffe judgment of the European Court of Human Rights, ECHR, in respect of child sex abuse?

Deputy Richard Bruton: The ECHR judgment in the case of Ms Louise O'Keeffe delivered on 28 January 2014 determined that there had been a violation by Ireland of certain articles of the convention and awarded the applicant €30,000 in respect of pecuniary and non-pecuniary damages and €85,000 in costs and expenses.

The Government agreed in December 2014 that out-of-court settlements be offered in those extant cases of school child sexual abuse being brought against the State where the cases came within the terms of the ECHR judgment and satisfied the Statute of Limitations. In this regard, the State Claims Agency, SCA, which manages such cases on behalf of the State, has made settlement offers, which have been accepted in six cases. In July 2015, the Government approved proposals to offer *ex gratia* payments up to a maximum of €84,000 to those who initiated legal proceedings in such cases against the State but who subsequently discontinued their

claims against the State where, similarly, the circumstances of the claims came within the terms of the ECHR judgment and where the claims were not statute barred prior to the proceedings being discontinued.

Additional information not given on the floor of the House

Persons who believe that their cases come within the criteria can contact the SCA and provide supporting evidence. Where there is a disagreement between the SCA and the individual as to whether their circumstances come within the terms of the ECHR judgment, provision will be made for the application to be reviewed by an independent assessor.

As a result of the ECHR's judgment in January 2014, the Government provides bi-annual action plans or updates to the Council of Europe on developments. The fifth such action plan was lodged in July this year. These reports include the progress by the State in reviewing and, where necessary, updating child protection procedures in our school system to ensure that this generation of children have the benefit of the best child protection measures. The action plans also provide details of *ex gratia* payments made to people who suffered abuse in the Irish school system in previous decades and who come within the terms of the O'Keeffe ruling.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

General Practitioner Training

Deputy Martin Heydon: I thank the Minister of State for taking this important Topical Issue, namely, the need for a dedicated general practitioner, GP, training programme for County Kildare. We have a great GP service, but I am concerned about the amount of pressure on the county's current GPs. It will only worsen as the county's population grows and older GPs move towards retirement.

Someone who wants to become a GP studies medicine for six years, does a one-year internship and spends four years in the training programme for dedicated GPs, which entails two years in a hospital and two in practice.

There is no clearly defined area for Kildare at present. This creates a problem for retention levels. The latest Medical Council workforce intelligence report shows that County Kildare has only 41 GPs per 100,000 population. This is the fifth lowest ratio in the country and is well below the national and international averages, the national average being 51 per 100,000. Up to 25% of Kildare GPs are predicted to retire in the coming decade. This is concerning and, if they are not replaced and even more recruited, it has implications for patients, practices and an already overstretched out-of-hours service.

As the Minister of State will be aware, Kildare has one of the fastest-growing population centres in the country, with an increase of 5.6% according to the 2016 census, the third-largest growth nationally after Fingal and Meath. That percentage represents an extra 11,800 people living in Kildare since 2011. It is estimated that every 2,500 in population growth in the county creates the need for a new GP, which means that almost five new GPs are now needed in addi-

tion to our 2011 numbers.

The programme for a partnership Government emphasised the need to focus on enhancing primary health care services, including by building up GP capacity and increasing the number of therapists and other health professionals in primary care. In order to do this while also investing in primary care centres, we must ensure that we can attract and retain more young doctors to work as GPs. Specifically, I want to ensure that Kildare has a sufficient supply. We are lucky to have 20 GP trainers operating in the county. They are spread across a variety of schemes - midlands, midlands-Naas, Royal College of Surgeons in Ireland, RCSI, TCD and UCD. It is this spread that is the crux of the issue. While these programmes get all of the benefits of the Kildare GP community and the KDOC out-of-hours service, Kildare itself does not retain enough graduates to meet future demand.

Internationally, it has been shown that the presence of a local and identifiable GP training programme is an effective way of doing this. County Donegal is a good example. One would imagine that, due to geographics, it would be harder for that area to retain GPs after training than it would be for somewhere like County Kildare, yet Donegal exceeds the national average of GPs per population because it has its own identifiable training scheme.

During recent presentations on the future of health care, Professor Susan Smith stated that one of the solutions to the issue of GP retention was providing targeted GP training in areas where GPs were needed. I would like to see a GP training programme in County Kildare to help retain GPs. The necessary skills and infrastructure are already in place, so this measure should not have a significant additional cost. I understand that a reorganisation of GP training has been proposed for 2018 when the Irish College of General Practitioners, ICGP, will take over from the HSE. This is an opportunity for Kildare to have our own training programme. We would welcome the Minister of State's support in this regard. The programme would have the support of the majority of Kildare GPs and GP trainers and would be of significant benefit to Naas General Hospital, as trainees would spend two years on hospital placement.

I will outline the pressure that our GP services are under. KDOC deals with 60,000 clients per year. This phenomenal figure shows the level of work involved, but we will need to be able to increase our numbers in light of our growing population. The age profile of GPs is heading in the wrong direction.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Heydon for raising this important issue. I commend him on his work and interest in GP training in particular and on his views on and support for developing our GP services and, more generally, the national health service. I assure the House that the Government is committed to ensuring that patients across Ireland continue to have access to GP services, especially in remote rural areas and disadvantaged or socially deprived ones.

Several efforts have been undertaken in recent years to ensure that general practice remains an attractive and rewarding career option and to attract more GPs into the workforce. These include: changes to the entry provisions to the general medical services, GMS, scheme to accommodate flexible-shared GMS-GP contracts and the extension of the retirement age for GPs under the GMS scheme to 72 years; an increase in the annual number of GP training places; and the introduction of an enhanced supports package for rural GP practices. In addition, proposals are being developed to introduce supports for GPs working in areas of social deprivation as part of the GP contracts review process. A mapping exercise is under way and will inform the

setting of eligibility criteria and the actual content of the support framework. The GP contracts review process will, *inter alia*, seek to introduce further measures aimed at making general practice an attractive, fulfilling and rewarding career option into the future.

GPs are essential to the provision of accessible services to patients in the most appropriate setting. Increasing demands on the health system will have a major impact on the future need for GPs. The HSE's national doctors training and planning unit is working on developing detailed workforce plans for different medical specialties. Its report, *Future Demand for General Practitioners 2015-2025*, found that there was an under-supply of GPs. I accept Deputy Heydon's point in that regard. Medical workforce planning for general practice has, therefore, been prioritised in this context.

The HSE and the ICGP announced this year that they had reached general agreement on the future delivery of the national programme of specialist GP training by the latter. This is an important change in the way that GP training is delivered and funded and will ensure that we build more training capacity while maintaining the high quality of training required of our GPs.

The annual GP trainee intake was increased from 157 to 172 this year. This is an increase of 53 places on the number for 2010, when GP training places stood at only 119. This further step is crucial to ensure the capacity is there for GPs and primary care to take on additional responsibilities, including greater GP care coverage and the management of chronic diseases within the community rather than in hospitals. The programme for a partnership Government also recognises the need to build GP capacity and commits to increasing the number of GP training places over the next five years to 259 places annually.

GP training programmes are delivered by 14 separate GP training programmes throughout the country and are not designed along county boundaries. County Kildare does not have its own dedicated GP training programme but there are several GP trainees based in GP trainer practices in County Kildare. These trainees are principally aligned to the midlands and Trinity training programmes, with 14 in the midlands programme and four in the Trinity programme, a total of 18. The Department will continue to work with the HSE and the Irish College of General Practitioners to ensure the general public can continue to have ready access to GP services and that doctors have access to GP training opportunities.

Deputy Martin Heydon: I thank the Minister of State for his response and, in particular, I welcome the increase in the number of training places that he mentioned, as well as the agreement between the HSE and the Irish College of General Practitioners announced earlier this year on the future delivery of the national programme of specialist GP training by the college. That is a positive. What I want to take from this debate is an acknowledgement that the demographics of Kildare, with such a young population that is due to age and which is consistently growing, will lead to greater demand on GP services into the future. There is an ageing aspect in our current GP services and a problem in Kildare with retention of the trainees we are putting through the system.

We have 20 trainer GPs throughout the county doing great work but we are not retaining enough of those they are training. Any GP in Kildare wants to know that when he or she retires, somebody else will take his or her place and care for patients at the consistent level shown heretofore. A rural area such as Castledermot reaches from the Wicklow border over to Athy. In places such as Athy town, Newbridge, Kilcullen and everywhere in between, patients are concerned about this matter. With many families, the GP is the first port of call when anybody

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needs a service. KDOC is doing a fantastic job out of hours and, as I said, there were 60,000 clients last year. It is phenomenal and one of the most successful out-of-hours services in the country. With GP services, now is the time for us to plan adequately for the future. I hope that consideration will be taken as part of the realignment with the Irish College of General Practitioners. I ask the Minister of State to make the point through his good offices.

Deputy Finian McGrath: I thank Deputy Heydon and accept his point regarding the pressure on our GP services, which we must deal with. We had some difficult times during the past seven or eight years when there has not been enough investment in the health services. I take that point. Under the programme for Government, we intend to rebuild and invest in our health services. As part of that development, increasing the number of GPs will be a major part of our strategy. GPs play a major role in providing community medical services and they assist in relieving the pressure on emergency departments in hospitals as well.

I stated earlier that the development of the GP services was not designed along county boundaries. The Deputy has real concerns about this issue and spoke about Castledermot, Newbridge and Kilcullen. I will bring his views back to the Minister, Deputy Harris. If there are gaps in GP services in individual counties such as Kildare, they should be dealt with. I give a commitment that I will deliver that strong message to the Minister. I am strongly supportive of developing GP services, whether they are in Kildare or other counties. I stated earlier that we have prioritised disadvantaged areas but that is another day's work. I will commit to do my best to expand and develop those GP services.

Services for People with Disabilities

Deputy Martin Ferris: On Saturday, I visited St. Mary of the Angels along with Councillor Damian Quigg. We met the residents and staff there. Currently, there are 76 residents in St. Mary of the Angels and 16 residents are affected as they are housed in two places, the St. Brendan and St. Fidelis units, which hold nine and seven residents, respectively. This is a response to a HIQA report and St. John of God services being non-compliant with two living conditions elements. Apparently, the St. John of God service position is that there should be consultation and agreement with the HSE to set up a national task force to progress decongregation, with St. Mary of the Angels as a national pilot site. St. Fidelis is top priority and the plan was drawn up in agreement with the HSE.

This has caused consternation with some of the residents and their families. Some of the parents have already been contacted by St. Mary of the Angels about a proposed move for their children to various sites in communities around Kerry. Some have been told that the names of their sons and daughters are on the list for council houses. None of the parents would disagree with allowing residents not totally dependent on others leaving if they could move into the community. That is a given. Many of the residents have been there a long time and some have been there for as many as 29 years. It is their home away from home and they are used to the service. It is an excellent service and I would like the Minister of State to visit and see it for himself if he had the opportunity.

The service includes a general practitioner who visits the centre each week and an out-of-hours GP service. There are regular medical assessments, on-site services, allied health specialist services and speech and language and occupational therapy. There is also massage, music therapy and physiotherapy, along with a hydrotherapy pool, special sensory rooms and heated

water beds. It is a fantastic service for Kerry and beyond. I hope what we are hearing is not true. With a bit of investment from the Government for the St. Fidelis and St. Brendan centres, we could resolve the issue.

Deputy Danny Healy-Rae: I thank the Minister of State for taking this very important matter. I ask him to reverse the decision being made by the HSE and St. John of God services. Not only are they talking about moving 17 people out of these wards, they are also talking about closing down the entire facility. We are told this is a HSE national policy that was ordained in 2011. One size does not fit all and I am sorry but many of these people are not fit to live on their own. I saw that for myself on Friday last. We would all be delighted if some of those at the facilities could make it in the outside world but it is my firm belief - and that of many of those involved - that this is only an attempt by the HSE to throw responsibility back on the families. These are old people and it is difficult enough for them to mind themselves. They are brothers and sisters with their own families and are involved in a tough struggle to survive as matters stand. Their relatives come home for weekends and at other times. That is very much appreciated.

The cost of keeping one person in a house in a community is €600 per week. Neither the HSE nor the country has that kind of money. I know of an 89 year old woman who had two hours of home help per week which has now been cut back to one hour. Hospital beds are not available for patients who need operations and those operations are being held up. I ask the Minister of State to determine how much time HSE officials have spent on this project. Is this how valuable money is being spent?

I thank the staff who work in the centre for the loving care and attention they give to the residents and to their families. They are part of the extended family really. They work together and provide a great service. I ask the Minister of State not to break this up.

Deputy Finian McGrath: I thank Deputies Martin Ferris and Danny Healy-Rae for raising this issue. I have also been speaking to a number of their colleagues about this matter, including Danny's brother Deputy Michael Healy-Rae, in the last 24 hours. It is important when dealing with this issue to look at the facts and at what is happening on the ground. Of course, I will always listen to public representatives and to the concerns of parents.

In June 2011 the report, *Time to Move on from Congregated Settings - A Strategy for Community Inclusion*, was published by the HSE. The report identified that approximately 4,000 individuals with disabilities were living in congregated settings, defined as where ten or more people reside in a single living unit or are campus based. It found, notwithstanding the commitment and initiative of dedicated staff and management, that there was a significant number of individuals still experiencing institutional living conditions where they lacked basic privacy and dignity and lived their lives apart from any community and family.

St. John of God service in Kerry has been identified as one of the priority sites for de-congregation. The HSE is committed to working with St. John of God services and the families to transition 17 residents in ward-style accommodation from the current unsuitable accommodation on campus to more appropriate settings in the local community. The HSE has put in place comprehensive transition plans which include extensive engagement with the individuals themselves, their families, carers and advocates, as well as the service provider, to ensure successful and sustainable transitions into the community.

In May 2014 all families received correspondence from St. John of God services advising them that a development committee was being set up to explore with service users and their families the community options available within the county and to plan a strategy for future housing requirements. Reassurance was given to families that individual plans would be made in conjunction with each person and their family. In April 2015 at the regular family forum meeting an overview of the HIQA regulations and an update on de-congregation was provided. Throughout 2015 and 2016, the primary focus of St. John of God Kerry services has been on addressing the high risk areas of the HIQA action plan and in particular the issues relating to fire safety. There was significant consultation with residents and their families while this work was undertaken as some residents were temporarily relocated while the work was completed.

On 18 September 2016, a family forum meeting took place at which the HIQA inspections and de-congregation were discussed again. Concerns were raised and many family members were worried that their relative would not be suitable for community living. It was agreed that a family representative group would be set up and a meeting with the senior management of St. John of God Kerry services would be scheduled. In total, 78 people currently residing on the Beaufort campus will ultimately be supported over a number of years to move to more suitable accommodation in the community, depending on available funding and on sourcing suitable houses in the community.

Earlier this year, I announced that we are providing €100 million in capital funding from now until 2021 to ensure that people are able to move out of congregated settings and into their own homes in the community. I want to emphasise that the appropriate supports and resources are being put in place to ensure that people are supported as they move out of residential centres. I want to assure any concerned residents or family members that the process of moving a person with disabilities out of a congregated setting is not something that happens overnight. This process of moving people to more suitable accommodation in the community will take place over a number of years and will be done in full consultation with all residents and their families.

Deputy Martin Ferris: I thank the Minister of State for his response and do not doubt his sincerity concerning the residents of St. Mary of the Angels.

Effectively concern centres on two units, namely St. Fidela's and St. Brendan's. The other 60 residents are housed in chalets and state-of-the-art facilities. It would appear, however, from the Minister of State's response that the whole of St. Mary's will be closed down over a period of time.

The people I have spoken to have told me there has not been any consultation to date. I hope that will change. They are hugely concerned and worried because their loved ones have been at St. Mary's for many years. As I said earlier, one individual has been there for 29 years and has known no other home. The parents and relatives of the residents are very satisfied with the services provided and speak glowingly of the staff and facilities.

A lot of the money used in St. Mary of the Angels was raised by local people when the State failed them.

Deputy Danny Healy-Rae: St. Mary of the Angels should have been the last place to be de-congregated, given its tranquility, the beauty of its location between Carrauntoohil and Beaufort and the fact that it is in the heart of the county, making it accessible to everyone equally. If there

is a problem with the two wards then the Department should, as locals have suggested, build more bungalows on the land. The State got the land for nothing, from a retired farmer and his daughter. Is this what he wanted done with it? Did he want the centre to be closed down and the land to be sold off to pay for more HSE officials? I ask the Minister of State to visit the centre himself. What is going on there is wrong and what has been proposed is wrong. The Minister of State will only understand what we are talking about when he sees the centre for himself. If he does not do that, he will hear plenty more about this. It will not be closed very easily.

Deputy Finian McGrath: Again, I thank my colleagues for raising this matter. I also thank them for the invitation which I will seriously consider. I spent the summer visiting centres all over the country but have not reached Kerry yet -----

Deputy Martin Ferris: We will look after him if he comes down.

Deputy Finian McGrath: I assure Deputies Ferris and Healy-Rae that I will visit the centre. I would be delighted to see it.

To be honest, I disagree with some of the points made by the Deputies. I want bring an end to the situation where persons with disabilities are housed in large institutions. That is my policy, vision and plan. I have €100 million over five years at my disposal to do something about this. Of course, I listened to what the Deputies said regarding the fears and concerns of parents. I also take the point that in the past people were moved into the community but were not provided with support services. That will not happen on my watch.

I agree that we must be very vigilant about how money is spent. Further, I accept the point that there was no consultation and that is not acceptable. I had a meeting in my office about 20 minutes ago with representatives from St. Michael's House. St. Michael's House provides fantastic services and is very focused on consultation with parents through a parents forum. It recognises the importance of letting the service users and their families make important decisions. I accept the argument that one size does not fit all. I accept it totally.

6 o'clock

We need to have an equal partnership between the service providers and the people with disabilities. Two days ago, I came across a centre in Dublin city that has started the process of moving out from a congregated setting into smaller units in the community. Members of staff have been transferring as well. The CEO of that company told me that the transfer was very difficult for some of the staff and some of the individuals for the first few weeks. Some of the staff had been working in the institution for so long that they had become institutionalised. Having said that, they are now in the community. Services are being provided to four people in a beautiful house in south Dublin. That is the way I want to go forward. As far as I am concerned, the days of institutions are over. I will listen to the parents and engage in full consultation with them.

Nitrates Usage

Deputy Eamon Scanlon: I thank the Ceann Comhairle for accepting my proposal to have a debate on this important matter for the farming community. I am sure the Minister of State is aware of the calls for the October deadline for slurry spreading to be extended. The severe

weather we have experienced in recent months has severely curtailed spreading activity. Next week's 15 October deadline needs to be extended. Farmland across the country has had little time to recover from the severe downpours during the summer. Many farms are still waterlogged and large areas of land have simply become unworkable. The current slurry spreading deadline is too tight. Farmers are severely limited in their ability to do the required spreading. Each year, we face a similar scenario and the deadline must be extended. Extending it is the only sensible thing to do.

While I appreciate that the nitrates directive is in effect, I call on the Minister to talk with his European counterparts to secure some flexibility for farmers whose lands have been severely damaged as a result of recent weather conditions. Farmers need to be reassured that the Government is doing everything in its power to extend this deadline. The weather defines all options for spreading slurry for tillage farmers in various parts of the country with crop losses and for farmers who have been unable to conserve sufficient fodder for the winter period. In some parts of the country, livestock had to be housed for the better part of the summer and opportunities to spread slurry were limited by poor ground conditions. This has left many farmers with full tanks as they face next week's deadline.

The abnormal levels of rainfall that have been experienced in most parts of Ireland in recent months have made farming exceptionally difficult. Under the nitrates directive, the spreading of chemical fertilisers, livestock manure, soiled water or organic fertilisers is prohibited when the land is waterlogged, when the land is flooded or is likely to flood, and when heavy rain is forecast within 48 hours. Farmers must check the forecasts from Met Éireann. In light of these regulations, allowances need to be made in cases where farmers have not had adequate time to spread slurry given the poor conditions. Farmers have faced increased difficulties with getting machinery onto land. The weather has also affected silage and arable crop harvesting and the emptying of slurry tanks. There have been exceptional challenges in some counties as a result of high rainfall.

I understand that farmers in Northern Ireland have been given an exemption to spread slurry past next week's deadline, as long as they can provide a reasonable explanation for such an extension. I urge the Minister to argue for a similar exemption for farmers here. The Northern Ireland Minister of Agriculture, Environment and Rural Affairs, Michelle McIlveen, MLA, understands all of these difficulties, including the increased costs associated with worsening land conditions and the need to house animals earlier than usual. The recent bad weather had devastated tillage farmers' crops in some counties. Fianna Fáil has called for an emergency fund to be created to cater for farmers who have seen their farmland destroyed. A fodder scheme is needed to support farmers who have lost hay, silage and straw. I urge the Minister to take a reasoned approach to this issue and to accommodate farmers who are trying to cope with dire conditions.

Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English): I am glad to have an opportunity to outline the position in respect of the spreading periods for organic fertilisers. I thank Deputy Scanlon for raising the matter and for giving me the opportunity to bring some clarity to it.

The nitrates directive and Ireland's nitrates action programme are given legal effect by the consolidated European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014, as amended. The objective of the regulations is to protect ground and surface waters, including drinking water sources, primarily through the management of livestock

manures and other fertilisers. Good agricultural practice involves the land spreading of organic fertilisers as early as practicable in the growing season to maximise the uptake of nutrients by crops and to minimise pollution risks to water courses and ground waters.

In accordance with the requirements of the nitrates directive, the regulations mandate closed periods when the application of certain types of fertilisers is prohibited. In addition, the regulations prohibit such application at any time of the year when the ground is frozen or waterlogged or when heavy rain is forecast. Specified closed periods are a key feature of the directive in all member states. The closed periods in Ireland were decided following extensive public consultation and discussions with farming bodies and the European Commission. Recent data from the agricultural catchments programme, which is operated by Teagasc, support the current closed periods in Ireland. A key message from the research is that there are disproportionately high nutrient losses to waters during the winter. The current closed period coincides with the time during which risks of incidental nutrient losses to water are at their highest.

The expert review group that was established to manage the review of the nitrates action programme in 2013 considered whether the current closed periods were sufficient. The group was of the opinion that any change in or relaxation of the closed periods would need to be supported by science. This view was also strongly expressed by the European Commission. Having considered all the information available to it, the group concluded that no scientific evidence had been provided to it to support increased flexibility in light of the risks from spreading at this time of the year. The expert review group also agreed that the shoulder periods on either side of the opening and closing dates should be considered risky times for nutrient losses to water. As a precautionary measure, the group recommended that the stipulated setback distance from surface waters should be doubled from 5 m to 10 m for two weeks before the commencement of the closed period and two weeks after the conclusion of the closed period.

On foot of negotiations with the Commission, the current third nitrates action programme clarified that soiled farmyard water, depending on the level of dry matter content, does not need to be treated as slurry. This is of benefit to dairy farmers in addressing slurry storage capacity issues. In order to prevent an elevated risk of pollution to water bodies and the danger of the contamination of drinking water supplies, the Minister has no plans at this time to consider an extension to the period for spreading slurry in 2016. However, he will keep the matter under review. I hope my reply has been of some assistance to the Deputy.

Deputy Eamon Scanlon: The Minister of State has given me a very disappointing answer. Last year, which was not quite as bad as this year, the time was extended by two weeks. It is very disappointing to hear that the same thing will not be done this year. This decision will cause severe hardship. The tanks are full. Cattle are back in sheds again. There is nowhere to put the slurry. That will cause greater pollution over the next month, two months or three months. I am extremely disappointed. I ask the Minister of State to talk to the senior Minister to see whether he might take another look at this decision, which will cause severe hardship.

I would like to know whether the Minister, Deputy Creed, will attend next week's meeting of the Council of Ministers. He needs to do so to support tillage farmers. I understand the meeting in question will take place in Brussels next Wednesday.

I would like to mention another issue in this context. The moneys which are due to farmers should be paid straightaway. People who apply for various schemes, such as the area aid scheme, the targeted agricultural modernisation scheme, the area of natural constraint scheme

and the green low-carbon agri-environment scheme, sometimes do not discover there are problems with their applications until the time comes for payment. The Minister of State and I, as rural Deputies, have often been contacted by farmers who want to know why they have not been paid. It is only then that they discover there are problems. In fairness to farmers, they should be told about such issues when they make their applications and not three, four or five months later when payments are due to be made. There can be further delays of five, six or seven months in such circumstances. This is the only income that many farmers have. I appeal to the Minister of State to try to ensure the officials in the Department notify farmers when issues or problems arise. Farmers need to be informed of difficulties so that they have a chance to deal with these issues.

Deputy Damien English: As a rural Deputy who deals with farmers in the circumstances mentioned by Deputy Scanlon, I agree with what he said about the last two issues. I will certainly bring the message back to the Minister, Deputy Creed, on that matter and the other issues as well. I presume he is attending next week's European meeting, but I do not know for sure. Both of those issues fall under the remit of the Department of Agriculture, Food and the Marine, whereas the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, and his Department are responsible for the decision on the nitrates directive. I will bring the two other issues to the attention of the Minister, Deputy Creed, when I meet him later this evening. I agree with Deputy Scanlon that the earlier we can identify problems with applications, the better our chances of getting them solved. It is a bit too late when we go looking at these difficulties as Deputies. I will mention that. I know the Minister, Deputy Creed, like his predecessor, Deputy Coveney, is trying to improve the service in this area. There is always room to add value in that regard.

I want to make it clear that the Ministers for Housing, Planning, Community and Local Government and Agriculture, Food and the Marine, Deputies Coveney and Creed, are in communication on the nitrates directive issue which is before the House. They are keeping an open view on the matter. At present, the advice and the science behind it does not lead to the granting of an extension. It is something that will be kept under review at all times.

Nursing Staff Remuneration

Deputy Róisín Shortall: I thank the Minister for Public Expenditure and Reform, Deputy Donohoe, for coming in to the House to respond to this topical issue.

In December 2015, the Irish Nurses and Midwives Organisation, the Psychiatric Nurses Association of Ireland and the SIPTU nursing unions concluded an agreement with the HSE and the Department of Health. The agreement was to restore recognition of the incremental credit for the 36-week clinical placement to all graduates since 2011, when it was stopped. However, as the Minister is aware, the Department of Public Expenditure and Reform chose to amend this agreement to sanction recognition only for those currently on placement and future graduates. As a result, nurses who graduated between 2011 and 2015 will now be earning less than their colleagues who graduated before 2011 and the new 2016 graduates.

In reply to parliamentary questions on the matter tabled by me last week, the Minister stated that the question of extending the recognition to these nurses may be reviewed on foot of consideration of whether the sanction granted would result in an increase in recruitment and retention rates of trainee nurses in 2016 and 2017. How on earth does the Minister intend to measure

this? The fact is that for the majority of recent graduates, full-time positions are simply not on offer. Consequently, the Minister's strategy cannot accurately gauge the effectiveness of this measure to retain nurses in Ireland. Why is such a study necessary given that in the business case set out by the HSE and the Department of Health in favour of the 2015 agreement, it was acknowledged that restoration of the increment would aid in the retention of graduate nurses, a problem the HSE was trying to grapple with at the time. This finding was further supported by a recent survey conducted by the Union of Students in Ireland. The survey suggested that the withdrawal of the incremental credit was a factor not only for those who had remained in Ireland and are now deciding to leave, but also for those who have left when it comes to deciding whether to stay abroad or come back home.

In recent briefings to Deputies, representatives from the Irish Nurses and Midwives Organisation, the Psychiatric Nurses Association of Ireland and SIPTU nursing unions raised the real prospect of a scenario whereby unless we take action now, we may not be able to ensure that the winter initiative beds will actually be opened and, moreover, that we will face spiralling overtime and agency costs. Given that we are currently spending in excess of €22 million on agency staff, should every effort not have been made to retain the staff we currently have, and, thereby, demonstrate the value of their contribution to the health service? On the most basic level, this is where these measures falter. Nurses serve on the front line of our health service. Without their dedication and commitment to patients, our health system would simply cease to function. How can we expect them to believe they are valued when faced with such evident inequality in their treatment? The HSE has no issue with this. The Department of Health has no issue with this. Why is the Minister blocking this agreement?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): I thank Deputy Shortall for raising this matter, which I know to be of interest to many within the House.

The issue, as the Deputy described, relates to the campaign by the INMO and other nursing unions, including the Psychiatric Nurses Association of Ireland and SIPTU nursing unions, aimed at restoring incremental credit for the 36-week clinical placement undertaken in the fourth and final year of their degree programme in respect of former nursing trainees serving in the period 2011-15. The background to this matter is that incremental credit for the 36-week clinical placement undertaken by fourth year student nurses was abolished by the then Government in December 2010 as part of a range of measures aimed at reducing the public service wage bill.

Following consideration of a submission made on behalf of the nursing representative bodies, including INMO, PNAI and SIPTU nursing, as well as the Department of Health and the HSE, my predecessor sanctioned recognition of the 36-week placement as qualifying for incremental credit for students on a placement in 2016 and in future on 19 February this year. The sanction stated that the question of awarding incremental credit for the placement to nurses who graduated between 2011 and 2015 may be reviewed on foot of consideration of whether the sanction granted in respect of 2016 and future graduates resulted in an increase in the retention rates for these graduate nurses. Nurses who undertook the placement in 2016 have recently completed their placements and are only now in the process of becoming registered. Therefore, the extent to which the restoration of the credit will result in an increase in the retention rate of graduate nurses will not become evident in the immediate term.

Notwithstanding this matter, it is the case that officials from my Department and the Department of Health met recently to discuss whether there was scope to accelerate this review

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process for the restoration of incremental credit to 2011-15 nurses. Furthermore, the Minister for Health has now written to me on this matter.

Many initiatives are currently under way to improve nursing staff levels throughout the country. The HSE is offering permanent posts to the 2016 degree programme graduates and is offering full-time permanent contracts to those in temporary posts. The HSE launched an international staff nurse recruitment campaign focused on attracting nurses back from the UK to jobs in Ireland last year. There was a particular emphasis on targeting Irish nurses who had left Ireland in recent years and who are keen to return home. The campaign offered them a relocation package of €1,500, nursing registration costs with NMBI and funded postgraduate education. There has now been an increase of 1,163 nurses employed in the public health service, from over 34,000 to a little over 35,500 in the two years to August 2016, numbers having fallen by 4,000 in the previous seven years.

The question of whether there is scope to accelerate the review process for the restoration of incremental credit to 2011-15 graduates is currently being reviewed by my Department in consultation with the Department of Health with a view to bringing the matter to a conclusion at the earliest time.

Deputy Róisín Shortall: I thank the Minister for that reply but there are several points that the Minister seems to be ignoring. Can the Minister stand over a situation whereby people doing the same job are not being paid the same amount? That is what it amounts to for graduates who came out between 2011 and 2015. People who graduated before that get the incremental credit, but people who graduated this year do not. How can the Minister justify an arbitrary decision to single out particular graduates by virtue of the year they graduated and suggest that they are worth less than their colleagues who graduated in other years?

Does the Minister accept that the campaign run last year by the HSE to try to attract back graduates was not very successful? Graduate nurses who have found work elsewhere, who are being paid decent wages and who are living in countries where the cost of living is not as high as here will continue in their current roles if they continue to be discriminated against, as in the case of recent graduates here.

The Minister has said he will review the situation on the basis of recruitment in 2016 and 2017. Again, that is completely unfair to these people. Why should they have to wait to see the result of the outcome of the review post 2017? The Minister for Health could tell the Minister for Public Expenditure and Reform very clearly that the biggest issue facing the health service at the moment is the difficulty in staff recruitment and retention. There are many reasons for that. Pay is one, cost of living is another and lack of respect and a sense that people are not being adequately valued is certainly another. People can only feel that sense is reinforced by the Minister's failure to honour the agreement the nursing unions have reached with the Minister for Health, the Department of Health and the HSE. The Minister is welching on an agreement already reached between the nursing unions and his Cabinet colleague, and that is unacceptable. Will he apply himself to this as a matter of urgency, restore parity for these nurses and take some steps to try to assist in the recruitment and retention of vital nurses in the health service? We cannot afford to delay this any longer.

Deputy Paschal Donohoe: I am not welching on any agreement. A process was put in place between the Department of Health and my Department and that process is being carried out. On the different points the Deputy put to me and the effect of recruitment, my colleague,

the Minister for Health, is best placed to comment on the effect of that campaign. I note, to emphasise the figures, that the number of nurses working within the HSE has grown this summer compared with last summer when there were 34,953 nurses working within the health service. That figure now stands at 35,538.

Deputy Róisín Shortall: How many vacancies are there?

Deputy Paschal Donohoe: In respect of recruitment in the United Kingdom I understand 420 applications have been received for posts. That work is under way.

In response to the Deputy's first question about standing over this, I did not do this. This decision was taken in December 2010 when our country was facing gigantic economic difficulty. Now, because of the change in our circumstances, it has been possible to undo and change some of the decisions made then. On foot of my discussion with the Department of Health and with the Minister for Health, who has raised this with me on several occasions, I am committed to completing the process we have and honouring the agreement we had in respect of the people who have already received this credit and putting in place a process to review where we stand for people who fall between the two periods the Deputy has referred to. I will do that with the Minister for Health.

Health (Miscellaneous Provisions) Bill 2016: Order for Second Stage

Bill entitled an Act to amend the Irish Medicines Board Act 1995, the Nursing Homes Support Scheme Act 2009, the Health (Pricing and Supply of Medical Goods) Act 2013 and the Public Health (Standardised Packaging of Tobacco) Act 2015; and to provide for related matters

Minister for Health (Deputy Simon Harris): I move: "That Second Stage be taken now."

Question put and agreed to.

Health (Miscellaneous Provisions) Bill 2016: Second Stage

Minister for Health (Deputy Simon Harris): I move: "That the Bill be now read a Second Time."

I am very pleased to have the opportunity to address the House on the Second Stage of the Health (Miscellaneous Provisions) Bill, which was published in January this year. The Bill has five Parts, with 16 sections. Part 1 sets out the Title of the Bill and all Parts will be commenced on enactment.

Part 2 amends the Irish Medicines Board Act 1995 to allow for the payment of fees to members of the Health Products Regulatory Authority, formerly the Irish Medicines Board, as such fees are payable to the members of other boards. Currently, under section 8(7) of the Irish Medicines Board Act 1995, as amended, only the chairman of the authority is entitled to a fee. There is an onerous responsibility and a significant time commitment placed on members of the authority, and we wish to attract the highest calibre of people to apply to be members of such boards. Some people may be self-employed, and without the fee that will be paid under this amendment, it would be very difficult for them to give the time commitment involved. There

is no additional cost to the Exchequer relating to paying board members of the authority, as it is mainly self-funding. The fee approved for payment to each board member, in keeping with the guidelines issued by the Department of Public Expenditure and Reform, is €7,695 per annum. The additional cost to the authority will be up to approximately €61,560 per annum. However, some members may choose to waive their fee and the one person one salary principle will also apply to members who are in receipt of a salary from the public service.

Part 3 aims to amend the Nursing Homes Support Scheme Act 2009, otherwise known as the fair deal scheme, to exclude certain *ex gratia* payments which have been or will be made to people under specific schemes approved by Government for the purpose of assessment of means under fair deal. This is a very important amendment. Several groups within the State have been in receipt of, or will receive, *ex gratia* payments as a result of Government decisions which acknowledge the hardship, pain and suffering which the people affected underwent. The schemes being covered in this legislation are the Lourdes Hospital Redress Board, involving 119 women; the Lourdes Hospital payment scheme, which compensated women who were excluded from the redress board on age grounds alone, involving 47 women; the surgical symphysiotomy payment scheme, which has made awards to around 400 women; and payments made either by the Government or by the German Contergan Foundation to 32 Irish survivors of thalidomide.

The Bill will also amend section 36 of the 2009 Act, giving regulation-making power to the Minister to allow for an exemption for other similar groups that may receive *ex gratia* payments from being taken into consideration for support under fair deal, provided such schemes have been approved by Government. This is the way that such exemptions under various social welfare schemes are managed also by the Department of Social Protection. The key principle underlying this legislation is that a person should not be disadvantaged because of acceptance of a payment under an *ex gratia* scheme which has been approved by Government. Fair deal applications are means tested and the people themselves or their partners could be over the income threshold for availing of fair deal supports because of receipt of their *ex gratia* awards. The proposal will not give access to free nursing home care to the various groups, but it will mean that the payments they receive under Government-approved *ex gratia* schemes will be not be considered as part of their income for the purpose of assessment under the fair deal scheme.

Part 4 amends the Health (Pricing and Supply of Medical Goods) Act 2013, Part 1 of Schedule 3. This amendment is required to ensure over-the-counter products which do not require a prescription can continue to be available under the General Medical Service, GMS, and community drug schemes if so required. This will ensure over-the-counter medicinal products, including emergency contraception and nicotine replacement products, can continue to be reimbursed to medical card holders after May 2018. The amendment proposed will allow the HSE not to apply the criterion regarding prescription-only medicines when considered appropriate in the interests of patient safety or public health.

Another amendment proposed is to paragraph 1(e) of Part 1 of Schedule 3 of the Health (Pricing and Supply of Medical Goods) Act 2013, which currently specifies that medicinal products must have a marketing authorisation referred to in paragraph (a) of the definition of “authorisation holder” in section 2(1) of the Act. The reference to paragraph (a) is unintentionally restrictive as it excludes products which are authorised by the European Medicines Agency and parallel imports. Parallel importation is the importation from a European Union, EU, member state or a country within the European Economic Area, EEA, of a medicinal product, which is essentially similar to a product already authorised in Ireland, by an importer who is someone

other than the importer appointed by the marketing authorisation holder of the product on the Irish market. The parallel trade of medicinal products is based on the principle of the free movement of goods within the Internal Market of the EU, Articles 28 to 30 of the EC treaty. It was never the intention to exclude such products and any such inference would be contrary to free trade principles.

The explanatory memorandum which accompanies the Bill notes that, “Allowing reimbursement of certain over-the-counter medicines under the GMS and community drug schemes will give rise to some additional cost from loss of prescription charges over time, but this is not expected to be significant.” However, this is not correct. My officials have now confirmed that there are in fact no additional costs arising from the amendments proposed in Part 4. My Department will ensure this is clarified in any further briefing on the draft legislation.

Part 5 seeks to amend sections 2, 7, 9, 10, 13 and 14 of the Public Health (Standardised Packaging of Tobacco) Act 2015. Section 2 of the Act sets out the definitions used in the Act, section 7 deals with retail packaging of cigarettes, section 9 with roll your own tobacco products, other tobacco products including cigars are dealt with in section 10, presentation of tobacco products in section 13 and features of retail packaging in section 14. The regulation of the appearance of tobacco packaging is intended to contribute to improving public health by reducing the appeal of tobacco products to consumers, increasing the effectiveness of health warnings on retail packaging and reducing the ability of the packaging of tobacco products to mislead consumers about the harmful effects of smoking. This country has led the way through successive Governments in respect of tobacco control and moving towards a tobacco-free Ireland.

The Act currently provides for a number of elements to be prescribed by the Minister, including the colour of the outer and inner surfaces of tobacco packaging, the form and manner of barcodes and the manner in which a name may be printed on tobacco products. The amendments to the 2015 Act put forward in this Bill are to provide, by way of regulations, for a number of other matters relating to the appearance of tobacco packaging. Some of these matters are of a technical and practical nature, and some seek to provide basic information to the consumer. These amendments will permit the following elements to be included on tobacco retail packaging: text to indicate the type and weight or number of tobacco products contained in the packet; the inclusion of a tab to allow consumers to reseal the package; the inclusion of a calibration mark, which may be necessary for the automated production of the packaging; the contact details of the manufacturer; and additional information on cigar bands.

This Health (Miscellaneous Provisions) Bill serves to make important changes to four Acts in the interests of equity or, in some cases, patient safety, and of course the tobacco legislation is to help protect public health. I look forward to the passage of the Bill so that we can get on with making the improvements regarding the fair deal scheme, which is being led by my colleague, the Minister of State, Deputy Helen McEntee, and the job of introducing the standardised packaging for tobacco being led by my colleague, the Minister of State, Deputy Marcella Corcoran Kennedy, which is the next important step in terms of our move towards a tobacco-free Ireland.

I commend the Bill to the House. I hope Members on all sides can agree to support the legislation and have it passed as quickly as possible by the Oireachtas so that we can get on with making these important improvements.

Minister of State at the Department of Health (Deputy Helen McEntee): I am also delighted to have the opportunity to address the House on Second Stage of the Health (Miscel-

laneous Provisions) Bill, which was published in January.

As Minister of State for mental health and older people, I am particularly pleased about the provisions in sections 6 to 8, inclusive, in Part 3 of the Bill to amend the Nursing Homes Support Scheme Act 2009. As the Minister, Deputy Harris, pointed out, this is a critically important provision for many of our senior citizens as it will exempt payments made to persons under the *ex gratia* schemes approved by Government from being included in the assessment for support under the nursing home support scheme. This provision applies to persons who have received awards under four schemes, namely, the surgical symphysiotomy payment scheme, payments to the 32 Irish survivors of thalidomide, the Lourdes Hospital Redress Board and the Lourdes Hospital payment scheme. I am particularly pleased that the Bill provides for the Minister to make regulations to allow for this exemption for other similar groups that may in future receive *ex gratia* awards where the Government has approved the schemes.

Any individual who has received an *ex gratia* payment under the Government approved scheme has experienced much pain and suffering in their lives. It is an extremely important principle that these same people, on reaching a more senior stage in their lives, should not be in any way disadvantaged financially when it comes to making an application under the Nursing Homes Support Scheme Act or the fair deal scheme, as it is more widely known. The nursing homes support scheme is an important scheme that provides financial support for those in need of long-term nursing home care. Participants contribute to the cost of their care according to their means, while the State pays the balance of the cost. The scheme aims to ensure that long-term nursing is accessible and affordable to everyone, and that people are cared for in the most appropriate settings. The cost of the standard components of residential care is covered by the scheme, including all appropriate nursing and personal care, and any basic aids and appliances that are required by residents. It is an extremely important scheme, therefore, for many older people. To put it in context, at the end of August 2016, the scheme was supporting in excess of 23,000 older citizens in nursing home care. The net budget for the scheme this year is €940 million, which represents an increase of €43.1 million on the 2015 outturn.

All applicants to the scheme must undergo a financial assessment which is carried out by the Health Service Executive, HSE. That determines how much the participant in the scheme will contribute to the cost of their care. The scheme has a number of important safeguards built into the financial assessment to ensure that nobody will pay more than the actual cost of care and to ensure an applicant will keep a personal allowance of 20% of his or her income or 20% of the maximum rate of the State pension, whichever is greater. In addition, the Bill provides a statutory basis to exclude the *ex gratia* payment for the purposes of the HSE assessment of income for the nursing homes support scheme. It should also be noted that a person's eligibility for other State schemes such as the medical card scheme or the drugs payment card scheme are unaffected by participation in the nursing homes support scheme or residence in a nursing home.

The Health (Miscellaneous Provisions) Bill is important legislation that includes key age-related provisions in respect of persons who have received *ex gratia* awards and who now in their older years are seeking supports under the nursing homes support scheme. The Bill also proposes valuable changes to a total of four Acts to ensure equity in the case of older persons, and in the case of tobacco, drugs and medicines to help protect public health. I hope the Deputies will support this important Bill and I look forward to the debate.

I endorse what my colleague, the Minister, Deputy Harris, said and I commend the Bill to the House.

Deputy James Browne: Fianna Fáil will be supporting this Bill which makes necessary changes in a number of important areas of health provision. The Bill was originally published last January, and the delay in bringing it before the House is somewhat unfortunate. Nonetheless, the Bill is to be welcomed. While the Bill is described mostly as being technical in nature, it addresses a number of key issues affecting very vulnerable people in our society, and in that respect it is to be very much welcomed.

I will address a number of key aspects of the Bill. Part 4 amends the Health (Pricing and Supply of Medical Goods) Act 2013. I would point out that last May, Deputy Kelleher introduced a Bill to amend the Health (Pricing and Supply of Medical Goods) Act 2013 in a number of ways. The Minister recommended that it would allow prescribers, consultants and doctors to use biosimilar drugs or other biologics instead of existing medicines, with the aim of reducing the cost of drugs supply, which, as we all know, is a bone of contention. The second Part of the Bill would allow prescribers to prescribe newly diagnosed patients with generic, more affordable medicines instead of branded products. The House would welcome an update in terms of the Minister's view of that area.

I wish to raise the issue of Orkambi. The Minister will be aware that cystic fibrosis, CF, is a genetically inherited disease that primarily affects the lungs and digestive system. Ireland has the highest rate of CF in the world, with one in 19 of our people suspected of having the allele. Last January, CF patients were dismayed by a ruling by the National Centre for Pharmacoeconomics, NCPE, which recommended that this groundbreaking drug, Orkambi, would not be made available or funded by the Government. I seek clarification on the stage the Government is at in its negotiations with the supplier, Vertex, to ensure the supply of this desperately needed drug. The NCPE gave it a positive health impact assessment and recognised that Orkambi would have substantial benefits for people who suffer from CF and alleviate their suffering. It seems to be solely a pricing issue. CF patients are particularly distressed by what they see as the current stonewalling by the Department of Health in giving them information on the stage of the negotiations, or even if they are ongoing. The lack of consultation both by the Department of Health and the HSE is unacceptable. In fairness, the Minister should not have to accept these outrageous prices. In terms of ethics, Vertex and other similar companies should address the issue of the prices they are seeking. Unfortunately, we have seen a trend develop throughout the world recently of companies buying drugs that are coming off patent and jacking up the prices. We have seen that happen with regard to the EpiPen and a number of other drugs. Orkambi is a new drug that has a real effect.

I ask the Minister to explain the steps the Department has taken to challenge the unjustified prices and outline whether he has raised this issue at EU Council, EPSCO, level because the pricing of Orkambi seems to be an issue in a number of countries across the EU. I believe Germany has licensed it but there is an issue with the update because of the costs. France, the United Kingdom and other countries have an issue with the pricing also. While these issues are ongoing, and the Minister has to get a fairer deal, it is a travesty that this drug is not available for CF sufferers. Any significant delay is affecting these people. I understand the Minister's difficulties, but he must show CF sufferers the steps he is taking to address these issues, get a fairer price and, importantly, make this drug available for them as soon as possible.

The second issue I want to address is tobacco. Tobacco companies invest huge sums of money in advertising and marketing their products to recruit new customers, who are nearly always children and young people. That is the reason the 2015 Act to introduce plain or standardised packaging was so crucial. Plain or standardised packaging limits the tobacco indus-

try's ability to attract young people by using marketing techniques that are intentionally misleading. Making tobacco products less attractive to consumers, making health warnings more prominent and reducing the ability of the packs to mislead people, especially children, about the harmful effects of smoking, are critical steps to reducing the attractiveness of tobacco products. The further amendments to the Act, which will help to enable that, are very welcome. However, sections 7 to 14, inclusive, of the Act have still not been commenced. They must be commenced as soon as possible to address the issues and to take away the ability of these tobacco companies to continue to market tobacco products to young people and new customers. Fianna Fáil seeks the commencement of this absolutely critical step as soon as possible and I urge the Minister to do this. As the Minister noted earlier, Ireland has been a leading country in this area and we can take the lead once again. On commencing this legislation, Ireland once again will become a leader in the implementation of Articles 11 and 13 of the World Health Organization, WHO, Framework Convention on Tobacco Control. However, as we will not be in that position until the Act is commenced, I ask the Minister to so do as a matter of urgency.

I thank the Acting Chairman. I am sharing time with Deputies Jackie Cahill and Marc MacSharry.

Acting Chairman (Deputy Eugene Murphy): I have good news for both Deputies because although I had intended to speak, I cannot do two jobs at once. Consequently, they will have an additional few minutes.

Deputy Jackie Cahill: I thank the Acting Chairman and will focus on the fair deal aspect of this Bill. Fianna Fáil will support this Bill, which makes necessary changes in a number of areas. I specifically wish to speak on the provision for the amendment of the Nursing Homes Support Scheme Act 2009 to exclude certain *ex gratia* payments, which in the future will be made to individuals under specific schemes approved by the Government for the purpose of assessment of means under the Nursing Homes Support Scheme Act 2009. Part 3 of the Bill seeks to amend the aforementioned Act. The nursing home support scheme, also known as the fair deal scheme, provides for financial support for people who need long-term nursing home care. Those who use the scheme make a contribution towards the cost of their care and the State pays the balance. The amount paid by each person is determined by a financial means assessment. The 2009 Act has been amended in the past to exclude from financial means assessment *ex gratia* payments from the Magdalen laundry redress scheme and this Bill provides that *ex gratia* payments from other redress schemes will also be excluded from any assessment, which Fianna Fáil supports.

However, I am disappointed that while there have been media reports about family farms being treated differently under the fair deal scheme in the future, there is no mention of it in this Bill. As matters stand at present, if the owner of a family farm must enter a nursing home and is still the owner of that family farm or has only transferred it within the past five years, the entire value of that family farm is taken into account under the fair deal scheme calculations. In the case of a principal family residence, the contribution is capped at 7.5% per annum for three years, that is, 22.5% in total, and I believe this should be done for family farms as well. It is completely unfair and puts family farms at a serious disadvantage. There must be recognition that a family farm is simply a means of providing a livelihood for that family and not having a cap on the value of that farm for the fair deal scheme is completely unfair. While something may be done in this regard as part of next week's budget, it was remiss of the Government not to include such a provision in this Bill and Fianna Fáil seeks its consideration in the future.

Deputy Marc MacSharry: How much time do I have?

Acting Chairman (Deputy Eugene Murphy): The Deputy has more than 12 minutes.

Deputy Marc MacSharry: First, as our senior spokesperson and Deputy Cahill have noted, Fianna Fáil supports this Bill. It contains some good measures with many more to come. However, while the Ministers of State are present in the Chamber, I will use the opportunity to raise a number of other issues. First, I wish to raise the issue of arthritis services for children in Ireland, which are in a bad state. I gather there are precisely 2.5 whole-time equivalent rheumatologists in Ireland. That is the second worst provision in the European Union. Given the prevalence of the disease, there should be five to six rheumatologists for a population of our size. Although the World Health Organization recommends waiting times for children of no more than six weeks, the current waiting time for a child in Ireland with arthritis is a staggering two years and four months. Essential appointments for children are being cancelled regularly due to the consultant paediatric rheumatologist being called for on-call emergency treatments in Crumlin hospital. On foot of the cancellation of these essential appointments, many children who are on what are highly dangerous drugs are not being viewed with the frequency required to give them the optimum care and treatment plan that is needed. In essence, what is needed is an increase in the number of paediatricians and, in particular, an increase in the number of rheumatologists here in Ireland. In addition, I note this service is only provided for in Dublin. While Manorhamilton is a centre for arthritis and related matters in north County Leitrim, it is an adult-only service that children cannot attend. What is required to avoid children being obliged to make long journeys or to have such long waits is to have a regional locum clinic for this condition visited by the appropriate paediatric rheumatologist. As I noted, the WHO recommends six weeks whereas in Ireland, a poor service is being delivered at present with waiting times of two years and four months. Clearly, children who are obliged to wait for so long while suffering from such an acute illness could be irreparably damaged. As they are growing, they obviously need ongoing care of a specialist nature and children in Ireland are being failed at present.

I also wish to raise the issue of home help hours, which has become an issue in all Members' constituencies. All Members are aware the cupboard is bare in terms of resources but it is about the management of what is being done. Older person services are covered under the social care division, which in turn is a division within the community care area. The Ministers of State opposite may be able to find out the name of the national lead in this regard but I understand, and anecdotal evidence certainly confirms, this individual is directing nationally that all help hours are to be reduced. Moreover, the direction is not to go over a certain amount regardless of the level of needs or dependency. I ask the Ministers of State to look into this on a national basis because this is what is coming back anecdotally from the social care professionals throughout the country.

In addition, I refer to the many people who wish to be cared for in their own homes and who are surviving quite well there with the appropriate level of home help hours. The reductions arising from the new directive that appears to be coming down from the aforementioned lead person in older person services, which is under the aegis of the lead person for social care, will mean these people will not be able to cope. In turn, this will put more pressure on the nursing homes throughout the country and as Members are aware, there is a shortage of nursing home beds with an ageing population and in turn, that will put even more pressure on the acute services. Moving on from that, the winter initiative in effect means that patients being discharged from hospitals are receiving priority over those who are already receiving home help in their

homes. This will put further pressures on that scheme and there should not be such a prioritisation at the expense of people who already are being cared for in the community.

As I do not wish to be seen as merely moaning without at least suggesting some solutions, I will reiterate a suggestion I made as a Member of the Seanad and in the Dáil earlier in this term. Costings should be carried out on the partial abolition, at least, of the means test on the carer's allowance. To my mind, everyone has a relative, be it a sister, a brother, an aunt, an uncle, a father, a mother or a grandmother, for whom a family member would be more than capable of caring in the home with the benefit of the carer's allowance. This would enable that person to keep the relative in his or her home. In addition, one could ensure the person was in receipt of a medical card. To add further to this point, even if home adaptation grants were required for that purpose, it still would be a fraction of the cost when compared with the average weekly cost of a nursing home, which is between €800 and €1,600 per week depending on the part of the country and whether they are public or private, which is a colossal amount of money. To go further, the cost of an acute bed per day is approximately €1,000. Consequently, these figures certainly justify carrying out a costing on this proposal and being prepared to push the boat out to ask whether there is a better way to keep people in their homes. Clearly, that is where people would like to remain and if there are family members who are in a position to care and to do this, why do we not at least examine the potential to give such people the carer's allowance, as well as some additional supports? To my mind, a cursory glance suggests the large amount of money that could be saved, not to mention the pressure that would be taken off what is a small number of nursing home beds. Moreover, from listening to the spokesperson for the emergency medicine practitioners in Ireland, Mr. Fergal Hickey, all Members are aware of the difficulties being experienced in respect of bed numbers in acute hospitals. He suggests, for example, that 300 people die every year because not enough beds are made available for people on the acute side and I ask the Ministers of State to take this on board as well.

My colleague mentioned the drug Orkambi. I cannot stress enough the importance of making this drug available to patients throughout the country who are suitable for treatment. Orkambi is a game-changer. By changing the game, we can equally reduce the burden on the State in terms of caring for these patients when they become more ill because Orkambi is not available to them. Young people have passed away in every constituency. In my own constituency, in particular, the late and courageous Gráinne Golden and her family, her sister Aisling and mother Terri, have been exemplary in promoting the need to make this available. Former Senator John Crown and I brought forward a suggestion in the previous Seanad to the effect that rather than people being obliged to fight, through Joe Duffy's "Liveline" and other means, to get access to certain life-saving cancer treatments and drugs, it should be the case that the Government opts out of the provision of a drug if the cost per life saved is not justifiable. We had the ipilimumab crisis in terms of skin cancer some years ago. Orkambi is no different. We can change the lives of these young people and their families. As I said, if it is merely down to pounds, shillings and pence, we can also remove some of the burden on State because if people are not treated with this drug, they will become a greater burden down the line.

All politics is local, as Tip O'Neill famously said. I do not want to lose the opportunity to comment against the backdrop of a Minister of State perpetrating a charade whereby he sought to have an additional cardiac catheterisation laboratory facility put in place in Waterford where, from a clinical point of view, one is not needed. There is an existing lab there and cardiac care is available. In addition, there is also a motorway to Dublin. There is good proximity to Cork, where there are many cardiologists. The position in the north-west of the country is somewhat

different. Indeed, I must give the analogy of two maps I came across lately - one showed the road network in 1729 and the other was for the motorway network in 2016. These maps mirror each another. Indeed, many of the acute health services are the same - north of a line between Dublin and Galway and west of Mullingar, or, for want of a better expression, the greater Dublin area, there are no cardiac catheterisation laboratory facilities. If one has a heart attack in that part of the country, one has a lesser likelihood of survival than somebody in Dublin or, indeed, Waterford who suffers a heart attack. Prior to the election, the Government announced that there would be a cardiac catheterisation laboratory in Sligo to serve the north-west region. Deputy Tony McLoughlin can confirm this in the event anybody in the House has a short memory. We are anxious to know when we will move to a position where tenders will take place and these services will be available so that the people in the north-west have the same possibility to survive as those equal citizens from other parts of the country.

We have had an issue with follow-up mammography, in respect of which a pre-election promise was also made. As the Minister will be aware, cancer services were stripped out of the north-west in what, quite frankly, was a shameful act by a previous Government. In fact, my own party was in government at that time. It was the wrong decision then and it remains equally wrong today. Follow-up mammography for those ladies who require it was promised prior to the election and now it seems what we will have is a truck visiting for two weeks per annum to facilitate only those women who, thankfully, have been five years clear of cancer. That is all that will come.

In terms of other capital plans that also were announced, one which dates back to 2010 is a new 90-bed facility in Sligo University Hospital, formerly Sligo Regional Hospital. I wonder how much the rebranding cost. Perhaps that money could have been better placed in upgrading the facilities that have been promised by successive Governments over the years. There is a 90-bed facility somewhere in the mix and I would very much like to see an update on that. That hospital serves a population in the region of 280,000 and we are interested to know when precisely that will be up and running.

I refer to a new 21-bed facility at the existing mental hospital. Currently, there is a facility where, no matter what their complaints, people are all put together in wards. In terms of its practice, it is almost medieval. There is a 21-bed facility in the mix somewhere in the capital plan within the HSE but rumours abound that the priority of this Government is only the national children's hospital and that everything else will be placed on hold as a result. We would like to get some clarification on that issue also.

Finally, I wish to ask in connection with waiting list times throughout the country. I touched on the position regarding rheumatologists and, specifically, the need for more consultant rheumatologists to be appointed on the children's side. In the context of psychology and psychiatry, the waiting times for children with issues are beyond a joke. In some instances, the waiting period is a couple of years. In others, it is many months. This is simply far too long for people to be obliged to wait. I appeal to the Minister. While I appreciate that we are discussing the Health (Miscellaneous Provisions) Bill, which my party will be supporting, and rather than waste the time that was available, it was important to highlight some of the genuine needs of the north-west and, indeed, children throughout the country. I would also ask that the Minister would reminisce upon and embrace some of the pre-election promises which the people of the north-west have waited far too long to see fulfilled.

Acting Chairman (Deputy Eugene Murphy): I thank Deputy MacSharry for that valuable

contribution.

Deputy Louise O'Reilly: Obviously, I am here to discuss the Health (Miscellaneous Provisions) Bill but given that Deputy MacSharry raised the issue of home helps and home help hours, I would say for the record that, unlike him, I do not accept that the cupboard is bare in terms of resources. In fact, the cupboard is far from bare. The problem lies with the officials who stand between those who need the services and the cupboard. There are plenty of under-utilised and unused home help hours available in the system. The difficulty stems from the Department of Health and the HSE not sanctioning those staff who are available and willing to work. That said, I will talk about the matter in hand and hope that whoever else is sitting in the Chair exercises the same kind of latitude that I have just seen when I speak in the future.

On behalf of my party, I welcome the Bill. It is important that the provisions specifically relating to plain packaging will finally be enacted following the passage of the Bill. In the past year, since the successful passage of the plain packaging legislation through these Houses, we have missed a crucial deadline in respect of the circulation of plain packaged tobacco products. This has rightly been a source of a lot of discontent to those organisations, such as the Irish Cancer Society, the Irish Heart Foundation and ASH Ireland, which have been campaigning hard on this issue for a long time.

When the Public Health (Standardised Packaging of Tobacco) Act 2015 was passed, there was a collective sigh of relief. Ireland was to be one of the pioneering countries to introduce plain packaging. We had stood up to the unscrupulous tobacco companies and their extensive lobbying efforts. Public health trumped corporate interests. It is regrettable that the 20 May 2016 deadline was missed. Factors, such as the general election and the protracted negotiations relating to the formation of the Government, meant that this Bill did not come to the House soon enough. In that regard, I, as the Sinn Féin health spokesperson, wish to see the smooth passage of this Bill through the Oireachtas so that we can finally ensure that plain packaging for tobacco products begins. This is vital as the commencement of the provisions of the 2015 Act relating to standardised packaging will be deferred until the enactment of this Bill.

What strikes me, and what is important when we talk about this particular provision, is that despite what the tobacco companies may crib and moan about, despite how many billions of euro they pump into public relations, advertising and lobbying worldwide in order to talk about profits, the industry and trade, they always neglect to mention that they are peddling death. There is no other way of saying it - they are profiting directly from death, familial and community decimation and heartache.

Profit, turnover or the needs of the industry do not lie at the heart of this Bill or the legislation passed last year. I am not my party's spokesperson on jobs, enterprise and innovation; I am its spokesperson on health. This is a public health issue. It is an issue that, should we choose to ignore it, would result in a lose-lose situation for the public. The public would lose out in terms of their own health outcomes as they risk capture by - on foot of heavy marketing, branding and the lure of the tobacco industry - getting hooked on a deadly drug. We must also consider the cost to the public health system from treating the diseases caused by that same drug. Some people use the term "nanny state"; I call what we are doing being responsible legislators. This is a matter of public health.

7 o'clock

It is important that we give people all the information they need in order that they can see the effects of smoking and will be 100% in no doubt of how this drug affects them and those around them.

When preparing for this debate, I read the transcripts relating to the legislation passed last year. In that context, I was struck by how far public health legislation has come in terms of restricting the advertising relating to and packaging of these deadly products. Looking at some old advertisements from the United States, it is blatantly clear why we cannot trust nor expect tobacco companies to have any regard for public health. If they had not been regulated, they would have continued to make such ludicrous claims for their products such as “For your throat’s sake”, “Scientifically proved far less irritating to the nose and throat”, “I protect my voice with Luckies”, “More doctors smoke Camels”, “Just what the doctor ordered”, “For digestion’s sake”, and “To keep a slender figure”. They cannot be trusted with public health and that is why decisive legislation such as that before the House is badly needed. When those same companies tried to challenge democratically elected governments which were looking out for the public interest of their citizens, we should not have been surprised.

I, like many others, was happy to discover that the European Court of Justice rejected a case brought by big cigarette companies, which has meant that the passage of this legislation is now the last hurdle to the practical introduction of plain packaging for tobacco products. In a preliminary ruling last December, the advocate general of the European Court of Justice found that the standardisation of labelling and packaging is a proportionate measure. As we all know, the EU tobacco products directive, which was adopted in 2014, had been held up by a series of court cases. Earlier this year, this ruling was reaffirmed when the court said that such packaging requirements are “such as to protect consumers against the risks associated with tobacco use and does not go beyond what is necessary in order to achieve the objective pursued ... the EU legislature did not go beyond the limits of what is appropriate and necessary.” We should not run scared of these companies. We should stand confident in the fact that the research available to us demonstrates that standardised plain packaging will have a positive impact on health and that it is a proportionate and justified measure. Let us never forget that more than 5,000 Irish people die prematurely every year from the effects of smoking.

To return to the slogans used in the United States, think of the false and misleading nature of the health claims attached to them and the allure the companies employed. These items of legislation permanently consign that to the annals of history. Standardised packaging can reduce the appeal of tobacco products and increase the effectiveness of health warnings. It reduces the ability of branded tobacco packaging to mislead people about the harmful effects of smoking. When we consider that almost 80% of smokers start when they are children, these public health measures stop the normalisation of smoking before it starts.

When we speak of the legal threats of big tobacco companies and of the bully-boy tactics by these profit moguls who peddle their wares irrespective of the consequences or risks, it would be remiss of me not to mention one of the biggest threats to the success of this legislation, the Transatlantic Trade and Investment Partnership, TTIP. Countries across the globe have introduced legislation to protect citizens from the risks of smoking and to promote healthy lifestyles. As in the case of Ireland, this has included plain packaging for cigarettes and tobacco products. We have seen tobacco companies try to block such moves from becoming law. We have witnessed the extent of their lobbying. They tried to go even further with Philip Morris attempting to sue the government of Uruguay over anti-smoking legislation. This was the first time a tobacco group challenged a state in front of an international court and the first invest-

ment arbitration concerning tobacco control. Thankfully, it lost that case earlier this year. This David-and-Goliath situation is iconic because it is indicative of the way that corporations can use international investment treaties to attack those regulations made in the public interest.

The Guardian newspaper earlier this year quoted Juan Fernández-Armesto, a Spanish lawyer and expert on investment arbitrators who said:

It never ceases to amaze me that sovereign states have agreed to investment arbitration at all ... Three private individuals are entrusted with the power to review, without any restriction or appeal procedure, all actions of the government, all decisions of the courts, and all laws and regulations emanating from parliament.

The ability of tobacco companies to take this action with European governments may be made possible because of the investor-state dispute settlement, ISDS, mechanism. This is why Sinn Féin opposes TTIP, which contains the ISDS. TTIP is not just a free trade deal. It will extend beyond the removal of tariffs to include the opening of markets on investment, services and public procurement and the removal of any so-called barriers to trade. The stated aim of TTIP is to remove unnecessary barriers to trade through regulatory convergence. However, these barriers are some of our most prized standards. Changes to regulation can have negative impacts at great social cost. We cannot have a situation where big tobacco companies can try to undermine the legislation and the public health concerns of individual countries because specific laws jeopardise their profit margins. The health of citizens is more important than the wealth of tobacco companies.

It would be a slap in the face in the context of this legislation and all the work that was put in by the Oireachtas and the relevant non-governmental organisations, stakeholders and health professionals if TTIP were not opposed. While I welcome the passage of the legislation and look forward to seeing plain packaging in operation, I worry that, should TTIP succeed and should the ISDS mechanism be introduced, all this hard work will have been in vain. I invite the Minister to outline the Government's position on TTIP in this regard.

Regarding the part of the Bill that amends the Health (Pricing and Supply of Medical Goods) Act 2013, I recognise the importance of ensuring that over-the-counter products continue to be available under the General Medical Services, GMS, and community drug schemes. Public health is paramount. Any measures we can take in the Legislature to ensure it remains paramount should be welcomed.

I wish to revert to comments I made, and to which the Minister responded, during a motion on pharmacy fees a week ago. One of the amendments I tabled sought to look at how dispensing fees could possibly be reduced for patients. In that regard, we recognised that the switching of medications from a prescription to a non-prescription basis could do this in some small way. The Health Products Regulatory Authority, HPRA, oversees the reclassification of both prescription-only medicine to over the counter, OTC, in pharmacy status and from OTC to general retail sale. In our Better4Health policy document launched late last year, we note that at that time the authority identified more than 30 products that could be reclassified. These include topical antifungals, steroid creams and proton-pump inhibitors. The Minister noted that this was an issue for the statutory agency and I understand that the HPRA actively seeks applications from suppliers and gives ongoing consideration to the relevant issues. Following on from this debate, it would be interesting if the Minister could advise - perhaps not now but at some point in the future - how successful this call for applications has been, at what

rate suppliers are seeking reclassification or why, perhaps, there is not a greater take up of this reclassification option. Similarly, if these medicines were reclassified, would they continue to be available under the GMS and community drug schemes or would further amendments to the Health (Pricing and Supply of Medical Goods) Act 2013 be required?

I do not wish to speak for too long but I would like to encourage the swift passage of this legislation so that we might finally see plain packaging for tobacco products become a reality. This is a critical public health matter and, ultimately, I would like to see smoking eradicated completely. In our pre-budget submission today, Sinn Féin has proposed an increase in excise duty of 50 cent on a packet of cigarettes. This is on public health grounds, obviously, and is not intended to be a revenue-raising exercise, as I am sure the Ministers of State will appreciate. My colleague, Deputy Ó Caoláin, Sinn Féin spokesperson on disability rights and older people, will use a later speaking slot to discuss the amendment to the Nursing Homes Support Scheme Act 2009.

While I have the attention of the two Ministers of State who are present, I would like to put on record that I was outraged to read media reports to the effect that a member of the Government will seek to oppose any measures designed to increase the cost of a packet of cigarettes. I am a former smoker. I understand it is incredibly difficult to give up smoking but I also understand it is incredibly important that we encourage people to do so in whatever way that we can. I would like to hear a clear statement from either of the Ministers of State or any member of Government that would distance this Administration from those potentially dangerous remarks. Remarks such as those that were reported in the media with regard to smoking do damage to any person who is considering giving up smoking. It is against public health policy. I would like to see members of this Government clearly distance themselves from those shameful and outrageous remarks.

It is not acceptable that a member of Government would seek to block an increase in the cost of a packet of cigarettes. I am sure there are no members of Government - at least I hope not - who are unaware of the damage, danger and cost to our public health service of smoking and smoking-related diseases.

Acting Chairman (Deputy Eugene Murphy): Deputy Alan Kelly has 30 minutes.

Deputy Alan Kelly: I will not use all of the 30 minutes. I will break my contribution into three components. The first is on the Bill, which I will go through in a small bit of detail. I have two very capable Ministers of State in front of me, one of whom is leaving the Chamber. I want to make a number of short pre-budget contributions. I will raise a very serious issue which is not one I have raised before with the Minister. It is on something very specific which I want to raise on the record of the House.

The Labour Party will support the Bill but I am perturbed with regard to why it took so long to come before the House. It was drafted and in place over six months ago while I was still in government. It is not contentious; it is something the House will, by and large, support. This is the “Go slow” Dáil and the “Whatever you do, do nothing” Dáil. This is a Bill that could have been brought before the Houses before now. Why was it not? It should not have been delayed.

There is no issue on the fees in the amendment to the Irish Medicines Board Act so long as everything is done within the regulations set out and normal caveats apply to things like double jobbing. The amendments to the Nursing Homes Support Scheme Act are long overdue.

Anomalies existed with regard to the different groups that received settlements down through the years and the amendment is necessary because of that. It is long overdue, it is common sense and we very much support it. On the amendment to the Health (Pricing and Supply of Medical Goods) Act 2013 and the over-the-counter medicines, we welcome that this change will be brought about. It is necessary to update it to ensure that all of these are covered under the GMS scheme so that people will be protected and will have the medicine they require.

I have very strong views on the issue of tobacco packaging. Unlike the previous speaker, I have never smoked. I absolutely despise the practice. I have zero tolerance of it. I am perturbed that it took so long to bring this forward. I accept all the amendments; they are a necessity. It is a pity the Minister of State with responsibility for public health is not still in the Chamber because this is an area in respect of which we need to up our game. We need to up our game with regard to public health, smoking and young people. The percentage of young people smoking is unacceptable. We have a huge awareness campaign across a range of different areas. Public health policy needs to improve dramatically in respect of this matter and we must use new mediums to connect with young people. We have to intervene very quickly with them, show them it is not cool to smoke and that the health impacts over their lifetimes will be disastrous. The number of young people one sees smoking is disheartening. From a public health point of view, we will have the full support of the House. The Minister will have everyone's support, although possibly not the support of one of the Ministers of State in the Department of Health, particularly in light of some of his recent comments.

This an area in respect of which there is a need for an increase in funds. We should ensure we are using every medium and social media in particular. There should be a concentrated campaign in schools and colleges to ensure the effects of smoking on health are brought to their attention. A discourse should be encouraged in Irish society to the effect that smoking is not an acceptable practice, that it has impacts beyond one's own health and that it affects other people's health. It is something we need to improve on. We need to be very honest. Such a practice and such honesty from all Ministers of State in the Department of Health would be helpful in light of the recent comments by one Minister of State in this area. I compliment the Minister of State with responsibility for health promotion on her honesty in how she is tackling some of the issues. I hope all other Ministers of State in the Department of Health take up this practice, particularly in trying to ensure we limit the damage smoking is doing to our young people in particular and to everyone in society.

I want to raise a number of pre-budget issues. We will be putting forward our budget proposals in the coming days. I will get a great deal of time to speak on this matter on many different occasions, so I will not take up too much time doing so now. I want to be very specific. We have to completely change tack in the area of community interventions, home help hours and home-care packages. Like a number of other Deputies who are present in the Chamber, I am a member of the Committee on the Future of Healthcare. A submission was made by one of the hospital groups. If one breaks that submission down, it was saying that in order to prevent the overcrowding in some of our hospitals, which is obviously a serious and critical issue, we need to redistribute the funding in the community sector and ensure that it is actually administered, real, and having results. That will do more to prevent the overcrowding we see in our hospitals all the time. Given the ongoing discussions, I implore the Minister of State to make provision for a dramatic increase in home help hours and home-care packages. I also ask that in the administration and coverage of community intervention teams, we create a situation where they are consistent across the country. We should not have a situation where, for example, they work

certain hours in the south east, other hours in the south west and another group of hours in the mid west. Some are working Monday to Friday and others are working Sunday to Sunday. It is just crazy. We need a consistent approach and one that is working all over the country.

There is a necessity, from the point of view of the backlog, to invest serious funding in the area of dental health care for children. I am nearly ten years at this and in my time in politics I have never seen backlogs such as those which exist now in terms of the provision of dental care for children and particularly for young teenagers. The indications I am getting with regard to waiting times are absolutely scandalous. It needs to be dealt with because it will create other costs down the road if it is not dealt with. It means we are only pushing problems down the road which will cost us more so we might as well put in the intervention for these people as early as possible.

The final issue on which I wish to comment has nothing to do with the budget or the Bill. It is something I have not raised before but it is very important. I want the Minister of State to take some account of it. I refer to the treatment abroad scheme. This is a scheme whereby treatment that cannot be brought about in Ireland happens elsewhere, in many cases in Northern Ireland or Britain. The costs are quite severe and the cases that are brought about in this area are unique. In the past, this was managed through the HSE but part of the management of the costs has transferred to the Department of Social Protection in recent years. Some of those who have to avail of this scheme are not being treated well and are falling between the two stools of the two Departments. I would like the Minister of State to investigate this. I have one example of a young boy who is four years of age. I will not give his full name. His first name is Billy and he loves tractors. He suffers from transverse myelitis, which is a neurological disorder caused by an infection. He is paralysed. He had a home-care package at three years of age, with which I was able to help him. He does not live in my constituency, if anyone thinks so, but actually in the constituency of the Minister of State, Deputy Marcella Corcoran Kennedy. Although he received great treatment at Temple Street hospital and a fantastic reception from the Health Service Executive, HSE, with a home care package, Billy's condition in the rehabilitation centre could not be improved. Subsequently, he had to go under the transfer abroad scheme to Stoke Mandeville Hospital in the UK. In fairness, under the scheme, Billy's associated costs are covered as well as flights for his mother. Billy's condition is very rare and the quicker the intervention he gets, the more chance he has of making a recovery. He will have to spend one week of every five weeks going to Stoke Mandeville. The issue is that the one week he already has gone over to Stoke Mandeville has cost his family €3,000. If his treatment will take up to four years, this cost will not be sustainable for his family.

I thank the Acting Chairman for giving me some latitude on this. The family has asked me to highlight this case and has already made it public, so I am not stepping outside on this. There is a precedent with the exceptional needs payment from the Department of Social Protection. It is a unique case and there seems to be a gap between the HSE and the Department of Social Protection. The community welfare officer has said they cannot do any more. It needs a quick rethink to impact on the life of a beautiful young boy who has a great future in front of him. I have visited him myself and he has a huge personality. His family is looking for the State to match up and do its best for him too.

I will pass on the personal details of the case to the Minister of State. I hope she, along with the Minister for Health, Deputy Simon Harris, and the Minister for Social Protection, Deputy Leo Varadkar, will examine this to find a solution for Billy and others who may be in this situation. I do not believe what has occurred in this case is deliberate. Simply put, since the transfer

from the HSE to the Department of Social Protection, a gap has emerged in how it is being dealt with. I would appreciate it if it could be looked into.

Deputy Mick Barry: One aim of the Health (Miscellaneous Provisions) Bill is to amend the Health (Pricing and Supply of Medical Goods) Act 2013 to allow the reimbursement of some over-the-counter medical products, including emergency contraception, to medical card-holders. I, along with Members from the Anti-Austerity Alliance-People Before Profit, AAA-PBP, will vote for this. It is better that those on medical cards and those on low incomes can have access to emergency contraception rather than being forced to pay for it. However, I draw attention to some of the problems with the current system in this regard.

Emergency contraception is more likely to be effective the sooner it is taken. A woman who has need of emergency contraception and can afford to pay for it over the counter in a pharmacist is one matter. What about the situation facing a woman who has to go to her general practitioner for a prescription for emergency contraception? What happens if the GP is closed for the weekend, as is the norm? It means the woman has to wait until such time as she can get a prescription. The longer one waits, the less effective the emergency contraception is likely to be. This discriminates against those on medical cards and low incomes who, because they are forced to wait, will have an increased chance of an unwanted pregnancy.

How do we overcome this situation to get rid of this problem? A simple way would be not to require a prescription for emergency contraception for a woman on a medical card. A better way would be that emergency contraception should be available at pharmacists and free of charge. This is a health priority for women faced with an emergency situation and who want to take steps to avoid an unwanted pregnancy. It is not like this is not done in other countries. One need look no further than the UK. A woman in London, Birmingham or Glasgow who finds herself in such a situation can go to some pharmacies, a contraception clinic or most National Health Service walk-in centres to avail of emergency contraception free of charge. If it can be done in the UK, why can it not be done here? We believe it would be the right course of action.

I draw attention also to another incredible fact. In Ireland in 2016, a pharmacist is legally entitled to refuse to dispense emergency contraception on the grounds of conscientious objection. Such a pharmacist is obliged by law to refer the woman to another pharmacist who will provide emergency contraception. However, in practice in some rural areas, where there may not be a significant number of pharmacies, it can mean emergency contraception becomes extremely difficult to access or even inaccessible. That is completely unacceptable. This conscientious objection get-out clause should be scrapped. This is the 21st century and this country has to stop facilitating those who would drag us back to the 19th century. Women's health is too important for that.

The Bill provides for plain packaging for tobacco products, a measure I strongly support. I would warn, however, against this progressive measure being trumped by new trade agreements. For example, the Transatlantic Trade and Investment Partnership, TTIP, currently under negotiation between the European Union and the United States, would provide for the possibility of the establishment of investor-state dispute settlement courts. These would be business courts which would allow big business interests to sue governments for hindering their attempts to maximise profits. As such, these courts could regard the plain packaging for tobacco products measure as an illegal restriction on the right of tobacco companies to maximise profits and sell their products. It has happened in other countries with similar settlement courts. This measure is a progressive one that should be adopted. Instead, the likes of the TTIP agreement

should be scrapped, along with its investor-state dispute settlement courts. They are courts for big business and are not in the interests of ordinary people.

Acting Chairman (Deputy Eugene Murphy): I am delighted to see Deputy Clare Daly. She has just saved me from having to suspend the debate.

Deputy Clare Daly: I know, but I am utterly shocked that not only do I have to speak to-night, I must speak for half an hour.

Acting Chairman (Deputy Eugene Murphy): The Deputy can speak for ten minutes if she so wishes.

Deputy Clare Daly: We do not want to crash the debate because it is an important one and, obviously, everybody went short. As I said, I certainly was not expecting to have to speak tonight. The Bill has five Parts, each one amending a different aspect of existing health legislation. I will deal with some of them separately and we will see how we get on.

I will start by looking at Part 4, which amends the Health (Pricing and Supply of Medical Goods) Act 2013. The amendment to that Act will allow the HSE to include non-prescription medicines on the reimbursement list applicable to medical card and other drug schemes. From that point of view, such a measure is to be welcomed. However, this Bill limits the drugs that can be reimbursed to emergency contraception and nicotine replacement therapy drugs. While it is great to see these two categories of drugs being reimbursed, there are a number of issues about how it is being done.

As it currently stands, medicines must only be available by prescription in order for people with medical cards and long-term illness cards to be able to access them without charge. The Health (Pricing and Supply of Medical Goods) Act 2013 included a provision that medicines to be reimbursed must be available only on prescription with the reimbursement list to be reviewed every three years. In essence, that meant that in June 2016, any drugs that came off the prescription list since the introduction of the Act had to be removed from the reimbursement list. We saw that one of the morning-after pills was made available without prescription in February 2011 but another was reclassified as non-prescription in April 2015.

This Bill aims to ensure the morning-after pill is reimbursed by the HSE but it falls far short of making emergency contraception easily available to women with medical cards or long-term illnesses. In that sense, the manner in which it does is regrettable because this is a huge area in terms of women's reproductive health. The morning-after pill should be easily available, accessible and free to those on medical cards. What we have here is discrimination or two-tier access to reproductive health care products and drugs because women with medical cards or long-term illnesses will still need to go to a doctor to get a prescription for the morning-after pill. The morning-after pill is freely available without prescription to women who are lucky enough to be able afford it and only involves a trip to the chemist. It is ridiculous and utterly discriminatory that women who have a medical card or a long-term illness have to go to a doctor to get a prescription. It goes against the very sound rationale that made these drugs available without prescription in the first place and is completely unacceptable.

It is probably another instance of how the State has in a certain sense exercised control of women's bodies and has displayed distrust of the choices women made regarding their reproductive health. Who are the people who are most victimised by these decisions? In the same way as in all aspects, it is working class women, poor women and those who do not have the

economic means who are targeted because they are the ones whose decision-making is affected because they do not have the means to exercise it. What other impression can a woman with a medical card come away with other than that this provision exists in order that a doctor can, more or less, keep an eye on her sexual choices and intervene if necessary by saying she is not getting one? It is ludicrous. It is like a throwback to decades past.

The rationale offered for forcing women with medical cards or long-term illness cards to jump through these extra hoops if they want to get access to what is, in a sense, essential medicine is pathetic, with the Department saying that a number of policy issues would need to be considered before this could be contemplated, including the potential cost from loss of prescription charges or otherwise. I would like to know what these policy decisions are. Is it an administrative issue? I cannot believe that it is insurmountable. If another group, for example, well-heeled businessmen, was affected by a decision, I am sure a way around it could be found. I do not accept the argument that no solution to the administrative difficulties can be found. Were any solutions explored because it is a bit of a double standard?

We expect women to take responsibility for their reproductive health - for when they have children - but if we are not going to give equal access to essential reproductive medication and drugs such as the morning-after pill, it does introduce discrimination. It is exactly the same mentality that gave us the eighth amendment and a scenario whereby if someone has money, she can travel and exercise her legal right to have an abortion in another jurisdiction but if someone is poor, a migrant or of limited status, she cannot. It is the old scenario whereby women who have money can travel while women who cannot travel have children, in some instances, when they are not ready or are without the means to support them.

It is worth looking back and pointing out that prescription charges were introduced by Fiana Fáil. It is the great hero of change now but it introduced prescription charges in July 2010 as part of the first round of the suite of austerity measures. The former Minister for Health, James Reilly, who is my constituency colleague, said it was vehemently opposed by Fine Gael at that time and that is true. What is interesting is that the former Minister anticipated the situation correctly. He said at the time, "it is clear that once the Minister gets this charge under the door, it will continue to increase". How right he was because the charge started out at 50 cent and after nearly six years of Fine Gael in Government, it is €2.50. The former Minister said in 2011 that it was very unfortunate that he had to defer the removal of the charge, which was then 50 cent, saying that getting rid of it had been one of his goals when entering office. Now we have Fine Gael building discriminatory provisions into legislation on the basis of a prescription charge to which it was once vehemently opposed. This is discrimination in an area where Fine Gael said it never wanted to go. Fine Gael campaigned in the previous general election on the basis that the economy was in recovery. Why then do we still have prescription charges for medical card holders given that they were supposed to be an emergency measure when they were brought in? Why are we endangering the health of women with medical cards or long-term illness cards on the basis of a charge that should not be levied in the first place? It does not make any sense. We are putting a barrier in the way of women who want to access emergency contraception and we could certainly address this aspect.

Apart from the discriminatory aspect of forcing women with medical cards to jump through hoops to get access to essential medicine, there are major health implications for forcing them to wait until they see a doctor. A person can often wait a considerable period of time to see a doctor to get a prescription before they can then take the emergency contraception. The morning-after pill declines in efficiency the more time passes between having unprotected sex

and taking the pill, so it is 95% effective if it is taken within 24 hours of having sex, but is only 58% effective if it is taken within 48 to 72 hours of having sex. In my area, one would be doing well to get an appointment with a GP within 24 hours. One would be very lucky to get one. It is unacceptable to force people who have medical cards to do this to access that to which the rest of us have access.

In April 2015, the Irish Pharmacy Union, IPU, called on the HSE to make the morning after pill directly available to GMS patients from pharmacies free of charge, calling the system whereby GMS patients have to get a prescription for the pill “farcical, discriminatory and unacceptable.” Yet, that system is enshrined in legislation. The IPU pointed out that 77% of pharmacy consultations about the morning after pill occur within 24 hours of unprotected sex and noted that this shows how important it is that the pill be readily available to women as soon as they need it. It is a basic health care product and it would be regrettable if we maintained that discriminatory concept in this piece of legislation. The IPU presented a proposal to improve access to emergency contraception to the Minister for Health’s predecessor, Deputy Leo Varadkar. The proposal made the Minister aware that, “The process of [a woman] attending her GP for a prescription puts an unnecessary barrier in her way and causes unnecessary delay and inconvenience.” It outlined practical steps for the cost of the drug to be reimbursed by the HSE without the need for a prescription using unified claims forms carrying the patients’ medical card number. I do not see why this could not be done and I do not know why the Government did not listen to the sensible proposal which could have been adopted as part of the Bill.

We are left with a farcical, discriminatory and unacceptable system being enshrined in law. The Bill should have addressed the issue of access to the morning after pill, without prescription, for medical card patients. This is being ignored and it is regrettable. I hope the Minister will take on board some of these points, which are critical against the backdrop of the debate in which Irish society is engaged regarding reproductive rights and women taking responsibility for decisions about their reproductive systems and bodily autonomy. Crisis pregnancy is common. Let us be clear - one in three women with an experience of pregnancy has experienced a crisis pregnancy. In Ireland, if one cannot access emergency contraception, or if one accesses it too late because the Government has forced one to make an appointment with one’s doctor in order to get a prescription, and one finds oneself pregnant and unable to deal with the situation, one’s only option is to travel abroad if one wants to end the crisis pregnancy. The fact that the Irish State forces women to travel for abortions makes it very difficult for poorer women to access this essential medical procedure. Again, the poorer women are those before whom the legislation will put up barriers regarding their ability to access emergency contraception. That is not right.

I do not accept that the administrative hurdles that need to be leaped in order to make it possible for women to access emergency contraception without a prescription could not have been addressed relatively easily. Provisions regarding women’s health, particularly reproductive health, are utterly demoralising. No bar is too low. We see it in abortion access, maternity services and, now, the discriminatory provisions in the Bill. It is ironic that lack of access to emergency contraception is almost like enforcing pregnancy on some people. Yet the Minister for Health, Deputy Simon Harris, came before the health committee last week and apologised for the manner in which maternity services had let women and their children down. Maternity services are brutally understaffed and women’s lives have been placed at risk as a result. At least eight maternity services are under investigation due to safety issues regarding the deaths of women or children. It is estimated that there is 20% understaffing of midwives in the three

Dublin hospitals, at which 40% of births in this country take place. Nationally, we are down more than 200 whole-time equivalent midwives. This is serious. Forcing somebody to carry on a pregnancy is not something I would favour. We need to level the playing field in terms of access to emergency contraception and I appeal to the Minister to examine the issue.

Part 3 of the Bill amends the Nursing Homes Support Scheme Act 2009 to allow payments from certain redress schemes to be exempt from means testing for the fair deal scheme. The fair deal scheme involves elderly citizens paying 80% of their income towards nursing home care plus 7.5% of the value of any assets per annum up to a maximum of 22.5% of the value of their principal residence if that is their only asset. The State pays the balance. There is a major crisis in nursing care provision, caused particularly by over-reliance on the private market and the deliberate running down of what used to be State nursing homes which people could access. It is frightening. Nursing home care costs between €800 and €1,200 per week. The vast majority of nursing homes are private. There are approximately 84 private nursing homes in Dublin compared to 20 public homes. This is the wrong way around. The result is that huge sums of money are channelled into private pockets every year from elderly citizens and the State to provide nursing home care. I have mentioned before how investment in nursing homes is advertised as a no-brainer for private investors, given the high rate of returns on investment they can expect. The return on investment and the profit they can expect comes out of the pockets of elderly citizens and the State. It is reprehensible.

The way we treat older citizens in Ireland is at variance with what happens in many other European countries. In countries such as Italy and Spain, older people are respected, looked after and recognised for the contribution they have made through rearing families and during their working lives. Here, older people are nearly viewed as a sort of hindrance that should be cast aside and forgotten about. The fact that we have allowed the care of the elderly and nursing home provision to remain in the hands of the private sector is criminal.

The Bill specifies that the symphysiotomy redress scheme is one of the schemes to be exempt from means testing for the fair deal scheme. While I welcome the exemption for the symphysiotomy redress payments, I could not allow the scheme to be mentioned in legislation without using the opportunity to highlight the enormous problems with the structure and administration of the symphysiotomy redress scheme. It is a travesty that international media outlets such as al-Jazeera have publicised the damage done to older Irish women as a result of the procedure whereas the Irish media have given it hardly any consideration. The scheme was designed with budgetary considerations in mind rather than justice and making a right from a wrong that was done to those women. It is a scheme that is antagonistic and distrustful of the women involved.

Let us be clear about what it is and how it came about. These women were butchered against their will and, in many instances, without their knowledge of the procedure having been carried out. Their pelvic bones were sawn in half, often while they were awake and watching, in order to facilitate their having multiple pregnancies. We are back to pregnancies and reproductive rights. Surprise, surprise. As a result of this butchery, many of the women were left incontinent, with pelvic and back pain, difficulty walking, psychological damage, difficulty connecting with their kids and so on. It was an horrendous abuse of women who often were very young. Of a slight build, they were deemed unable to undergo Caesarean sections because that would have limited their childbearing years and they would only have been able to have perhaps three children. To let them at it and procreate as was intended, their pelvic bones were instead cut open. What was done was disgraceful.

The scheme was set up to redress some of the pain and injustice that these women experienced, but we must be honest, in that the manner in which the scheme has been implemented has actually resulted in more pain and distress for them. Payments from the scheme have been paltry relative to the damage done. That payments are anchored at €50,000, €100,000 and a maximum of €150,000 for lifelong pain and disability is crazy. According to the figures, the majority of women were restricted to smaller payments. In this sense, they were denied even basic compensation. They were asked for records and were scrutinised for validity, as if anyone would make this stuff up and look for that money based on records that, in some instances, did not exist. Given the pain that had been suffered, this was poor. The scheme was limited, offered no right of appeal and provided no protection for the women's legal rights. As some of the participants have mentioned, the scheme forces women to indemnify their abusers as the price for getting a bit of redress. The scheme refused to take on board the oral testimony of survivors, depending instead on a paper trail that traced back more than 50 years. That trail can be incomplete and, without a complete record, the scheme will reject an application or offer a lower payment. It is unreasonable to expect that those records would survive after so long.

If no trace of a general practitioner's record dating from the 1950s can be found, which we know is most likely because it has been destroyed, then the scheme tells the women that they do not actually have the chronic incontinence or whatever they have had their entire lives and will not pay them the compensation. They are told that they do not actually have the disability that has meant they have been unable to go to the shops or wherever, that the reality they have been living is not true. I have seen some of the letters sent by the justice who administers the scheme, although "justice" is the wrong word in this regard. The letter more or less told the woman to buy herself something nice out of the money. That is an utter violation of these women's experiences and negates the good in the scheme.

Of course, exempting the payments that the women have received from an assessment under the fair deal scheme is good. It is the least that the Government can do. To be honest, though, a reconstitution and re-examination of the scheme and a recognition that a payment of €50,000 for lifelong agony is inadequate would be a better and more respectful way to deal with these women.

The final aspect of the Bill that I wish to discuss relates to payments to board members of the Health Products Regulatory Authority, HPRA. According to the explanatory memorandum accompanying the Bill, there is "an onerous responsibility and significant time commitment placed on members of the Authority" and, as such, they should be paid for it. That is kind of fine but, viewing this in a balanced way, the HPRA failed to include a warning about possible kidney damage that had been issued by the maker of the drug Lariam on its website for more than one year because of what the authority called an administrative error. It is good if efforts are being made to reduce the chance of administrative errors being made by the authority, since the HPRA needs such measures. If that is the reason for this provision in the Bill, I welcome it. However, I am unsure because some of the drugs licensed for use in this country are profoundly dangerous. It is a fact. Lariam is a perfect example. It is fortuitous that we are discussing this Bill on the day that PDFORRA, the soldiers' organisation, held its annual conference and spoke about this matter.

The HPRA has an important job because it is the body that licenses drugs and publicises their dangers. A drug like Lariam, which is neurotoxic, can leave those who take it with permanent psychological impairments, psychosis and depression. We have met many survivors, dignified members of the Defence Forces who served this country proudly, went abroad and

were prescribed Lariam and whose lives have never been the same since. On the HPRA's list of the ten medicines most frequently associated with suicide attempts, suicidal ideation and self-harm, Lariam is at the top and miles ahead of the other drugs. There is a strong link between taking Lariam and self-harm, thoughts of suicide and suicide. While the HPRA issues warnings about Lariam on the one hand, members of our Defence Forces are still forced to take it by our Government on the other because it believes that Lariam should be the first choice for soldiers going to sub-Saharan Africa. For other armed forces, including those of the US, France and Germany, Lariam is the last resort drug. In most countries, it is not even used. The British House of Commons Select Defence Committee published a highly critical report on the use of Lariam, going as far as recommending that its use by Ministry of Defence personnel be banned. The Australian Department of Defence has acknowledged that short-term and long-term side effects can result from the use of Lariam and that those suffering such side effects can claim compensation.

I have a problem. Given that we are discussing payment for and the enhancement of an organisation that oversees how drugs are advertised and monitored, we should examine this situation. He who pays the piper calls the tune and so forth. If so, we must demand a transformed system of accountability for how drugs are administered. I used the example of Lariam because it was in the news today and because of its devastating consequences for the lives of young people who served the State loyally. We have seen them - they have been in the Public Gallery. Their lives have been ruined, their families left with loving parents and spouses who cannot function properly because of how this drug was administered. If we are beefing up and making improvements to the authority, we must be sure that it is doing its job properly.

8 o'clock

We absolutely need to be sure that these people are doing their job properly. In that sense, there is a long way to go. I will leave it at that and we can continue the debate later.

Acting Chairman (Deputy Eugene Murphy): I apologise to Deputy Shortall as we are just out of time.

Debate adjourned.

Criminal Justice (Aggravation by Prejudice) Bill 2016: Second Stage [Private Members]

Deputy Fiona O'Loughlin: I move: "That the Bill be now read a Second Time."

I propose to share time with my colleague, Deputy Murphy O'Mahony, who is co-sponsoring the Bill. I am delighted to bring forward the Criminal Justice (Aggravation by Prejudice) Bill 2016 before the Dáil. This Bill essentially seeks to tackle hate crimes in an effective and a robust manner. As Fianna Fáil spokesperson for equality, I am sponsoring it along with my colleague, Deputy Murphy O'Mahony, our party spokesperson on disability. Deputy Murphy O'Mahony will address the disability-specific issues in her contribution. Legislation is fundamental to demonstrate the State's intolerance of hate and to allow for hostility to be measured and challenged. This Bill can provide a positive route to improving State responses and although the implementation will always need strong and inclusive leadership, these proposals should provide the foundations for an effective solution.

The 2011 census established that diversity is now a concrete fact of life for Ireland. Shifting patterns have changed the racial, ethnic and religious composition of Irish society. This change in society has not been welcomed by all and for some, diversity represents a threat to “Irishness” and frequently meets with violent opposition. Hate crime has become a fact of life in Ireland. Yet, alone among European nations, Ireland has not introduced statutory protections from hate crime. If the harm of hate is to be acknowledged and countered, this Dáil must act to provide a legislative framework for the explicit naming of bias crime. Ireland must join other nations in ensuring that the violence of hate experienced by vulnerable individuals and communities is challenged head-on.

In a society that expounds principles of inclusivity and diversity, which was founded on the idea that all people should be cherished equally, and which has recently celebrated the welcoming and embracing of difference, crimes of hate are simply unacceptable. It should not be the responsibility of victims to avoid being targets of hate crime; it is the responsibility of the Legislature to send a clear message to society that this behaviour is not tolerated. It is then the responsibility of the criminal justice system to ensure this message is operational. By adopting our legislative proposals, we hope to provide tools that society needs to combat criminal expressions of hatred, hostility, prejudice, bias and contempt.

The human rights of some living in Ireland are currently being violated on a daily basis in a manner that is deeply damaging to both individuals and society. In the absence of an adequate criminal justice response to hate crime offenders, victims continue to pay for these crimes. Research provides convincing evidence that victims of hate crimes suffer more severely than victims of equivalent crimes that are not associated with targeted hostility. Victims of hate crime cannot simply assert that their experience was an unlucky occurrence or a case of being in the wrong place at the wrong time. Instead, they are forced to accept that their social identity was targeted and they remain at risk of repeat victimisation.

Our proposed Bill will ensure the option is open to the Garda and Director of Public Prosecutions to pursue a hate crime conviction should such an offence have occurred. It has been pointed out for some time now that Ireland is out of step with the majority of countries in the Organization for Security and Co-operation in Europe and the European Union in that we have made no legal provision for hate crime in this country. That is what this Bill seeks to do; it will make provision for aggravation by prejudice of offences in circumstances where an offence, when, at the time of commission, is accompanied by prejudice relating to the race, colour or ethnic origin, a disability, sexual orientation or transgender identity of a person and to provide for related matters if so proven. This Criminal Justice (Aggravation by Prejudice) Bill 2016 proposes that when an offence occurs and that offence is aggravated by prejudice relating to colour or ethnic origin, a disability, sexual orientation or transgender identity of the person against whom the offence is committed and when it is stated in either an indictment or a complaint, or both, that an offence is aggravated by prejudice, then on conviction, the court shall find that the offence is aggravated by prejudice relating to race, colour or ethnic origin. The court shall also record the conviction in a manner that demonstrates that it is an offence aggravated by prejudice and will take this into account when determining the sentence. Where the sentence in respect of the offence is different from that which the court would have imposed if the offence was not aggravated, it shall state the extent of and the reasons for that difference. Therefore, the effect of this Bill would be that the courts would have to consider an offender’s prejudice or hatred towards these groups and sentence the offender accordingly.

Currently we have the Prohibition of Incitement to Hatred Act 1989 in place. This Act

makes it an offence to incite hatred against a particular group but it does not criminalise those who commit the crimes against that group except under general legislation. We also need to bear in mind how much Ireland has changed since that time. As the Immigrant Council of Ireland has pointed out, it is now two decades since immigration into Ireland commenced and it is time for our laws to reflect the major changes that have taken place. Ireland is behind the curve when it comes to having effective legislation in place to deal with hate crimes. Currently, we do not have specific hate crime laws and such legislation is needed. This will help make it clear that such hatred will not be tolerated in our society. Similar legislation is in place in Scotland, Northern Ireland, England and Wales and many non-governmental organisations and voluntary bodies have been highlighting the need for hate crime legislation.

It is possible too that we are not in compliance with the implementation of the European Council's 2008 framework decision on combatting certain forms and expressions of racism and xenophobia by means of criminal law. The 2008 framework decision states that with regard to hate crime, "member states must ensure that racist and xenophobic motivation is considered as an aggravating circumstance, or alternatively that such motivation may be taken into account by the courts in determining the applicable penalties."

In July, shortly before I moved this Bill in the Dáil, the Rape Crisis Network insisted that we need to introduce hate crime legislation in this country. A report published by the Rape Crisis Network indicates that lesbian, gay, bisexual or transexual, LGBT, survivors were more likely to have experienced multiple incidents of sexual abuse and they generally took longer to report these incidents. The director, Dr. Cliona Saidléar, said hate crime legislation would make it easier to protect vulnerable LGBT victims. The report, based on research during 2013, had many alarming findings, such as that lesbian, gay and bisexual survivors have higher levels of multiple incidents of sexual violence than heterosexual survivors. Gay and bisexual males had almost twice the levels of rape of heterosexual males, at 63% compared with 34%. Moreover, 47% of lesbian, gay or bisexual survivors waited more than ten years to report the abuse, compared with 21% of heterosexual survivors. As Dr. Saidléar, director of Rape Crisis Network, commented, "the evidence in this report makes a strong case for the need for hate crime legislation. LGBT people are targeted by homophobia and hate."

Similarly, the LGBTIreland report for 2016 found that LGBT people face levels of discrimination and harassment and that many LGBT people cannot be themselves in their daily lives. The report indicates significant levels of harassment or discrimination experienced by LGBT people in Ireland. Up to one third of participants had experienced verbal harassment or threats of violence due to being LGBT while 21% had been punched, hit or physically attacked during their lifetime. A shocking 75% experienced being verbally hurt, more than 50% would feel unsafe or very unsafe holding the hand of their same-sex partner and 15% had been sexually attacked. Many of us know many of these people.

The Gay and Lesbian Equality Network, GLEN, makes the point that information about violence and harassment against LGBT people is very limited because of the under-reporting of such experiences. In order for the Garda Síochána to provide comprehensive services and strategies to tackle this violence, there must be a full understanding of the true extent of such occurrences. This corresponds with the European Council's 2008 framework which found that under-reporting is common for hate speech and hate crime. According to the CSO, there were 113 hate crimes recorded in 2013, 94 of which were racist, two were anti-Semitic and 17 were homophobic. The European Network Against Racism Ireland recorded 137 religiously or racially aggravated crimes in 2014 while between December 2014 and June 2015, GLEN

recorded 19 homophobic or transphobic crimes. In 2015, 240 racist incidents were reported to the Immigrant Council of Ireland compared to 217 in 2014.

The introduction of hate crime legislation is also backed by those at the forefront of the fight against racism. In bringing forward this Bill this evening, I am very conscious that a number of NGOs and voluntary bodies have indicated a belief that it is in need of amendment. Let me be clear that I am absolutely fine with that. I am happy to discuss and agree amendments to this legislation. Indeed, I may very well bring some amendments forward myself should the House agree to allow this Bill to progress to Committee Stage. My primary concern and that of my party is to get hate crime legislation onto the Statute Book. It is vital that this House sends a clear message that crimes motivated and exacerbated by prejudice and hatred will not be tolerated. I commend the Bill to the House and look forward to hearing other Members' contributions.

Deputy Margaret Murphy O'Mahony: I am delighted to be able to bring this very important Bill to the House because it represents an important step forward in the pursuit of equality and justice for all of our citizens. As a constitutional republican party, Fianna Fáil has always been committed to fighting discrimination in all forms. In government, Fianna Fáil brought forward policies and legislation to advance the rights of people with disabilities. Our proactive approach in government made a positive impact on the lives of people with disabilities. Fianna Fáil was the first Irish party ever to set out a comprehensive commitment to address the specific needs and rights of people with disabilities. During our time in government, there was a dramatic change in terms of legislation, planning, specialist service provision and access to mainstream services and activities for people with disabilities. To that end, the first national disability strategy was developed and commenced. The strategy set out a comprehensive package of legislation, policies and targets. In addition, thousands of day, residential and respite care places were created while a mandatory quota for the employment of people with disabilities in the public sector was also put in place. These are just some examples of the progress we achieved while in government.

This Bill is a vital step forward in further advancing and protecting the rights of people with disabilities because if passed, it will make it an offence to commit a crime motivated by prejudice. Violent offences motivated by bias, hostility, contempt, malice, or bigotry - in effect, hate crimes - must be legislated for and Ireland is one of the few EU member states without effective hate crime legislation. Indeed, research conducted in 2015 by the hate and hostility research group, HHRG, at the University of Limerick found that hate crime lives in the shadows of Irish criminal justice and is systematically "disappeared" from the criminal justice process. The researchers argue that no one organisation or policy is at fault in this process but that it is a system-wide failure to recognise the harms of hate. Systematic blindness results in a "disappearing" of the hate element of many crimes in the criminal justice process and a failure to provide victims with appropriate protection under the law. The researchers went on to point out that this disappearing of hate crime from the criminal justice system is most particular in the case of disability hate crime.

Based on data from the 2011 census, 13% of the Irish population is classified as having a disability. Research has shown that living with a disability affects people in multiple ways. People with disabilities are more likely to experience poverty and deprivation, have lower levels of educational attainment and are less likely to participate in the labour market. While people with disabilities face structural and cultural barriers that can prevent them from participating fully in society, research by the European Union Agency for Fundamental Rights shows that violence,

harassment and abuse are also regular occurrences for many people with disabilities, creating another barrier to their inclusion and participation in the community, thereby reinforcing the exclusion of an already marginalised group. This is then compounded by the fact that crime is often not understood, forgotten about or considered of lesser significance than hate crimes motivated by racism, religious intolerance, ethnicity, or sexual orientation.

This Bill is a very positive step forward in enhancing and protecting the rights of persons with a disability. It is my hope that this Bill will not only make hate crime based on disability an offence but will also improve the reporting and recording of disability hate crime which is generally considered to be under-reported. Disability hate crimes may be one-off incidents or systematic abuse that may continue over periods of weeks, months or even years. It can happen between strangers who have never met, between friends or within the family. However, it occurs and it is important that we have the relevant statistics and accurate reporting to help us improve the situation for victims as well as identify ways to reduce and eliminate hate crime.

While this proposed legislation is a vital step, it should operate in tandem with awareness raising and further research into disability hate crime so that we have a fuller picture of the forms that such crime can take, its effects and consequences. This proposed legislation must also be looked at in the context of the United Nations Convention on the Rights of Persons with Disabilities which was signed by Ireland in 2007. A commitment has been given in the programme for Government to put the ratification before the Houses of the Oireachtas by the end of 2016. Ratification will represent a huge step forward in advancing the rights of people with a disability in Ireland and will demonstrate this country's commitment, albeit late in the day, to promoting and protecting the full enjoyment of human rights by people with disabilities and ensuring they have full equality under the law.

The convention covers a wide range of areas, including health, education, employment, access to justice, personal security, independent living and access to information. This proposed Bill complements the convention and will help to ensure that the State lives up to its commitment under Article 16 of the convention to take "all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse". It is my sincere hope that the Government makes ratification a priority and in the coming weeks puts in place the legislative changes that are required to ratify the convention. Every person has an equal right to be protected by the criminal justice system. Stopping disability hate crime and bringing perpetrators to justice must be a priority. As elected representatives and legislators, we have a duty to put in place mechanisms that will counter the prejudice, hostility and violence that people can experience as a consequence of disability. By legislating for disability hate crime and raising awareness of it, we can improve the inclusion of people with disabilities into our communities. However, we must not limit our responses to disability hate crime to the justice system alone. We must work at all levels of society to challenge discrimination and prejudice and ensure that people with disabilities are treated as full and equal citizens.

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I thank Deputies Margaret Murphy O'Mahony and Fiona O'Loughlin for introducing this Bill. No one could disagree with the purpose of the Bill which aims to ensure that where an offence is committed against a person that is motivated by prejudice or hate relating to the victim's race, colour, ethnic origin, disability, sexual orientation or transgender identification, motivation will be taken into account for the purposes of determining sentence. The issue of legislating for crime motivated by prejudice against another person has increasingly been the subject of dis-

cussion. It has been argued that introducing such provisions recognises the impact such crimes have on victims. While I would agree with that view, I believe aspects of the Bill before the House require further consideration. I refer, for example, to provisions that could give rise to unintended operational difficulties in the prosecution of these offences.

Currently, if an offence such as assault or criminal damage is committed against a person based on his or her race, religion, sexual orientation or other identity characteristics, the offence is prosecuted as an offence under the wider criminal law. The judgment of the Court of Appeal in *DPP v. Elders* in 2014 unequivocally states that racist motivation is an aggravating factor for the purpose of sentencing. It is open to a judge to consider any other bias motivation as an aggravating factor in the same way. In effect, if in the course of a criminal trial it is demonstrated that some form of bias motivated the offence, a judge may consider that in sentencing. This is in line with the requirement on all sentencing courts when determining a sentence to take into account both the nature of the offence and the circumstances of the offender. Under the provisions of the Bill before the House, bias motivation cannot be taken into account unless it is stated in the indictment or complaint and it is proven that the offence is so aggravated. I ask the Deputies to consider that this could in fact be a significant restriction on existing judicial discretion.

I would like to mention some other potential issues with this legislation. The Bill, as drafted, applies to all offences on the Statute Book. It appears to be modelled on the UK Crime and Disorder Act 1998, which specifies the criminal offences to which it applies, namely, assaults, criminal damage, public order offences and harassment. I believe the more targeted approach of identifying the specific offences to which the Bill would apply is preferred and would avoid any possible problems in prosecution. Clearly, the Bill could not be applied to the offence of murder, for which the mandatory sentence is imprisonment for life. It is also in respect of successfully prosecuting offences that I have other concerns relating to the Bill. As I have mentioned, the Bill requires the aggravation by prejudice to be proven, whereas it is currently sufficient for bias motivation to be demonstrated during the trial for a court to take it into account as an aggravating factor for the purpose of sentencing. By establishing a higher standard in this regard, this Bill could limit the circumstances in which bias motivation could be taken into account during sentencing. I also have concerns about how the provision in the Bill whereby “it is proved” that an offence is so aggravated would work in practice. As I have said, the Bill does not create an offence *per se*. When a trial involves a jury, it makes a determination on the offence with which the person is charged, such as assault. Under what circumstances would the motivation be determined? If it is not a matter for the jury, and I do not see how it can be, it seems difficult to envisage how this would operate in practice. It does not seem appropriate for a court following a verdict of guilty from a jury to state that the offence was aggravated in the manner set out in the Bill where this was not a matter determined by the jury. Clearly, this matter needs to be clarified before the Bill proceeds further.

While this is one of the more challenging aspects of the Bill, I would like to highlight some other issues which are perhaps more straightforward to address. For instance, the Bill provides for the aggravation of sentences for offences based on race, colour, ethnic origin, disability, sexual orientation and transgender identification. I would be grateful if the sponsoring Deputies could clarify whether they considered including other forms of prejudice within the Bill, such as prejudice based on religious intolerance or a person being a member of the Traveller community or prejudice based on a person’s gender beyond that provided for under section 4. I mention religion, gender and membership of the Traveller community specifically as these

groups are protected under the Prohibition of Incitement to Hatred Act 1989, which prohibits actions which are likely to stir up hatred against particular groups. There seems to be a case that any group identified for the purpose of protection from incitement to hatred should equally be protected under legislation along the lines of the Bill that has been presented today.

I believe there is a difficulty with the vagueness of certain terms in the Bill. For instance, the Bill provides that an offence is aggravated by prejudice if “at the time of committing the offence or immediately before or after so committing, a person evinces towards a victim of said offence, malice or ill-will”. The concept of “ill-will” is not defined and is potentially difficult to prove. I also have questions about the definition of “disability” in this Bill, which is based on the definition contained in the Disability Act 2005. I think that definition might be too narrow, given the purpose of this Bill. I am sure this can be considered further by the Deputies who introduced this Bill. I noted Deputy O’Loughlin’s confirmation that she would be open to considering amendments and ongoing improvements to the Bill. I am highlighting these issues because I think they need to be considered. Despite the concerns I have highlighted, I do not oppose the principle of this Bill. I raise these issues to highlight areas that merit further consideration if the Bill is to achieve its purpose and not have unintended consequences. I ask the Deputies to reflect on these issues.

The whole question of hate-motivated crime is under consideration in my Department. This involves a review of the Prohibition of Incitement to Hatred Act 1989 as well as ongoing consultation with the European Commission on the State’s implementation of the framework decision on racism and xenophobia. The latter is part of the Commission’s EU-wide review of the implementation of that particular framework decision. This is in line with recommendations contained in the Law Reform Commission’s report on harmful communications and digital safety, which was published last week. While one of the issues addressed in that report concerns online hate speech, the report recommends a wider reform of hate crime, which would include hate speech. I would like it if this Bill and the discussions here tonight could feed into the ongoing work in my Department on this issue.

As I am sure the Deputies present will agree, addressing hate crime and hate speech is not simply a matter of introducing tough legislation. The many people who have responsibility for working on these issues can make a difference by taking a variety of other actions. For example, the Garda racial, intercultural and diversity office has responsibility for co-ordinating, monitoring and advising on all aspects of policing Ireland’s diverse communities. This is an ever-increasing issue, given the changing population in this country. In addition, Garda ethnic liaison officers work directly with minority communities at local level. As Deputies are aware, many non-governmental organisations are working on a range of diversity issues. I note the research that has been done by both Deputies on the challenges facing many of the people this Bill is intended to address. Despite the passing of the marriage equality Bill last year, it is clear that we must continue to be alert to ongoing issues of discrimination.

The same point can be made with regard to disability. I am happy to confirm to the House that we will make the further legislative changes that are necessary to sign the UN Convention on the Rights of Persons with Disabilities by the end of this year. The Department of Health has to do some additional work before that will be possible. In addition to the work of the Garda, my Department’s office for the promotion of migrant integration is the focal point for the Government’s commitment on anti-racism as a key aspect of integration, diversity management and broader national social policy. Later this year, we will publish the Government’s integration strategy, which has already been the subject of a great deal of consultation. I think that will be

a very important marker of the State's approach to the question of integration and the kind of issues we need to address. I thank the Deputies for bringing forward this Bill. I welcome the debate we are having today. I repeat that we do not intend to oppose the Bill.

Deputy Jonathan O'Brien: In the spirit of providing constructive opposition, I will begin by welcoming the opportunity to debate the issue of hate crime legislation. I also welcome the initiative of Deputies O'Loughlin and Murphy O'Mahony in prioritising the introduction of a Bill to put hate crime legislation on Ireland's Statute Book. Over recent years, a number of non-governmental organisations and human rights groups have repeatedly called on the Government to legislate for specific hate crimes. In particular, they have called for the introduction of legislation to cover crimes against people from minority religious and racial groups. Unfortunately, this State is no stranger to hate crimes. Declan Flynn was murdered in Fairview in 1982 for being gay. In 2002, a 29 year old Chinese student was beaten repeatedly with metal bars as his attackers shouted racial slurs. As recently as 2010, two Polish men were stabbed in the head with screwdrivers after being racially abused. There are many other such instances.

The aim of hate crime legislation is to provide for an enhanced sentence if merited if an attack has taken place because of a bias held by the attacker. It may be a bias on the grounds of race, sexual orientation, ethnicity, disability or religion. An attack carried out because of this bias, in my opinion, sends a message to minority groups that they are different, not wanted or not welcome. It is only fair, then, that these attacks should warrant extended criminal prosecutions, indictments and provisions, given the effect they have on an entire community. Sinn Féin, a party with a true republican ideology, has always and will always view all of Ireland's inhabitants as equal. As the justice and equality spokesperson on behalf of Sinn Féin, I have been disappointed at the lack of hate crime legislation to date, as has the Minister. I know that the Minister is preparing a Bill, a move we welcome. Sinn Féin understands that many minority groups in today's society believe they are completely marginalised and at risk of attack because of their skin colour, religion, sexuality, disability or ethnicity. However, this proposed legislation is no more than a proposal. It is an attempt, a poorly-constructed attempt at that.

Section 1 deals with the interpretation of the Bill. If the authors are tripping up at the first obstacle, then we have to wonder what hope there is for the rest of the Bill. I will outline the problems I have identified. These and other problems have been identified by NGOs as well. Even the Minister has outlined some of the difficulties in the proposed legislation.

Section 1 provides an interpretation of the term "disability". The Minister has expressed her view on this. It links back to the Disability Act 2005. It is important for people with disabilities that they are protected by such legislation and the inclusion of this measure is warmly welcomed. However, neither of the Fianna Fáil Deputies have made any attempt to describe ethnicities, origin or race to enable them to be covered in this Bill. I wondered whether I had misread the legislation when I discovered that in the interpretation of the Bill, there was a clear omission in respect of giving any description to these vital factors.

I am unsure how a judge or jury could make a ruling on whether a defendant is guilty of a prejudiced attack on the grounds of race or ethnicity if no guidelines whatsoever are included in respect of protected ethnicity or race in the Bill. Judges and juries already have a difficult job without having to become accomplished mind-readers in the middle of a trial. The Minister has pointed out the difficulties in the Bill in this regard. It is proposed that if there is a prejudice, it would have to be stated on the indictment and could not be formulated during the course of the trial. That is counter-productive.

I find it insulting to the many members of the Traveller community in Ireland that Fianna Fáil simply did not bother to take this opportunity to classify their group as a protected ethnic minority in Ireland. Pavee Point, various other groups and Sinn Féin have repeatedly called for this on behalf of the Irish Traveller community. These calls have been consistently ignored by Fianna Fáil and the Government. Then again, I suppose if the brother of the Fianna Fáil Party leader and his colleague objected to a vote in favour of classifying Travellers as a protected ethnic minority on Cork City Council, why would I expect Fianna Fáil to behave any differently at a national level?

Section 1 offers protection to members of the LGBT community, including those who are transgender. This is another point I welcome. After the support last year for the marriage rights referendum for the LGBT community, I imagine we can all agree that there is still a need to protect the community with hate crime legislation. However, I believe this Bill has fallen short in protecting a number of subgroups within the LGBTQ community. Specifically, there is no mention in this legislation of protection for people on the basis of their gender identity or gender expression. While there is always a need to include gender as a protected ground in any new law, this Bill excludes those who might be targeted on the basis of cisgender identity. I wish to bring to the attention of the Fianna Fáil Deputies present the repeated calls by the European Network Against Racism to withdraw the Bill in favour of examining the existing heads of a Bill from 2015. The heads in question were drafted by ENAR and more than 60 NGOs working in the area of hate crime. A detailed Bill was produced and ENAR has asked that it be considered by the Oireachtas. That Bill was drafted on the back of a report following the establishment of a working group. Unfortunately, that has not materialised.

Shane O'Curry, director of ENAR, has expressed concern on the question this week. He said this Bill is fundamentally flawed and that passing it would be deeply counter-productive. That opinion is shared by a coalition of more than 60 NGOs, academics and authors. They have stated that the Bill is so deeply problematic as to render it unworkable and unamendable. It uses outdated language and does not cover trans people, Travellers, refugees or asylum seekers. This is a glaring oversight, unfortunately, one I find difficult to understand, given that I come from a community with a growing population of differing religions.

According to reports in recent years from Migrant Rights Centre Ireland and the European Network Against Racism, there has been a marked increase in attacks on people of African origin. Furthermore, there is evidence in my constituency in Cork of a rise in attacks against people of Islamic faith.

Despite all of this, the Fianna Fáil Bill neglects to mention what ethnicities or origins are covered under attacks of prejudice. In many other jurisdictions, clear parameters are set out. The nature of a prejudiced attack is that it is prejudiced because it has been perpetrated against a member of a protected ethnicity or race. Without these parameters, this legislation is unworkable in court. Again, the Minister has made this point. The Fianna Fáil Deputies may have forgotten to include those parameters when they copied and pasted many sections of the Bill from Scottish legislation. There are numerous similarities between the Scottish legislation and this Bill. These have been identified not only by me and my party but also by the European Network Against Racism and the many bodies on which ENAR frequently calls for advice, including the hate and hostility research group in the University of Limerick. I am afraid to say it but this Bill is essentially a copy-and-paste of Scottish law but this is not Scotland. This is a frightening example of lazy legislating. Ireland has a significantly different criminal justice context. We have constitutional requirements in respect of which Scottish law takes a different approach. These

include the guarantee of equality and freedom of expression and the requirement for certainty. Without addressing these constitutional points, the Bill is simply unworkable.

ENAR has also noted that there is absolutely no mention of coverage in this Bill for members of minority religious groups. That is staggering. I am unsure whether this has been done by accident or design. Either way, Fianna Fáil has actually further marginalised those who are already struggling to integrate in this State by excluding them from legislation, the purpose of which is to protect these very same groups. Hate crime is not about protecting minority groups that Fianna Fáil may earn votes from. It is about providing legal protection to all minorities against attacks because of race, religion, ethnicity, disability, gender expression or sexual orientation. It would seem that in producing this Bill, Fianna Fáil has actually marginalised more groups that it proposes to protect. It is not just my party that is unhappy with the Bill. Several interest groups, human rights groups, non-governmental organisations and some trade unions have expressed concern about it. They have asked for it to be completely rejected because it is so fundamentally flawed that it is beyond saving by amendments on Committee Stage. That is their opinion and it is mine.

I am also a bit dismayed by the apparent lack of consultation by Fianna Fáil with the relevant interest groups. The Deputies may outline in the closing stages of this debate what consultation they had with the NGOs who have called their legislation fundamentally flawed and unworkable. When any legislation is being drafted or thought of the first port of call should always be those who are most affected by the proposed law, those who campaign daily on the issue and those affected by the issue who need the protection of a Bill such as this. We should offer them the opportunity to give their opinion on the development of a Bill. Had this happened the Bill might not have as many glaring deficiencies as it does. With this Bill Fianna Fáil has created new offences but has given no indication whatsoever of the severity of a sentence for someone convicted of a crime of prejudice. It is creating a crime without creating a punishment. The only reference to that is that the judge must take it into account at sentencing but it does not say what the consequences will be.

I am concerned about how little detail is in the Bill. There are many jurisdictions around the world that have hate crime laws on their statute books but those laws are very rarely used because they are poorly constructed and unworkable. If this Bill was to pass in its current state we would become another state that talks the talk about hate crime laws but does not walk the walk. This is not a road we want to go down. There is no point in having legislation unless it can be implemented properly and accordingly and it is our belief that this Bill could not function within the context of Ireland's legal system. I would be the first to let a Bill go to Committee Stage if I thought there was any hope of it being amended but allowing this Bill go forward to Committee Stage would be irresponsible and regressive. For that reason we cannot in all good conscience support such vague legislation and will vote against it on Second Stage.

Deputy Jan O'Sullivan: It is welcome that we are debating hate crime legislation because there is certainly a need for it. I commend Deputies O'Loughlin and Murphy O'Mahony for giving us the opportunity to debate it and for drafting legislation. We also have difficulties with the way it is drafted but we are willing to allow it go through Second Stage. On the point made by Deputy Jonathan O'Brien, there is a need for wide consultation with a variety of civil society groups etc. which have been calling for such legislation. There are pieces and sectors left out of this legislation.

When we were in government the then Minister of State, Aodhán Ó Ríordáin, in conjunction

with the Department of Justice and Equality, investigated the need for hate crime legislation. Some findings were made and the “love not hate” campaign started and was supported by many trade unions and civil society groups. In her contribution Deputy O’Loughlin said she would be open to amendments to the legislation and if that was not the case we would not be able to support the Bill because it needs considerable change and expansion.

Hate crimes are horrible crimes motivated by prejudice and there have been some very ugly examples, as outlined by Deputy Jonathan O’Brien. We have to change attitudes and the legal response. That is why it is important to have legislation, particularly given the motivation for and the violent and gruesome elements of many of these crimes. The definitions need to be expanded. They are not by any means inclusive. Travellers in particular are not included. In the equal status and employment equality legislation there are nine grounds for discrimination some of which are not included here, such as ethnicity, and the lesbian gay bisexual transgender, LGBT, definitions are not totally inclusive. If we are to end up with inclusive and workable legislation the Bill needs considerable amendments.

Reference was made to the Scottish legislation but the English and Welsh legislation is a better model. Sentencing alone will not address the issue; there are more extensive ways of addressing hate crimes in the English and Welsh legislation. It has to be legislation for ourselves and our country. We often pride ourselves on progress we have made in a variety of ways but we still have, very sadly, a minority of people who will commit vicious crimes purely on the basis of having a prejudice against a group of people that they do not see as people like themselves. We need to change that through legislation and in a variety of other ways, such as dealing with bullying in schools and attitudes. We need to change the way people think but a big and vital element of that is having legislation that is a strong enough deterrent and states clearly that these crimes are not to be tolerated and are to be appropriately punished. There is a variety of civil society groups which have done a lot of research on this, including the University of Limerick, and we need to draw on all of that for legislation, whether this Bill or the one the Minister is working on, but we need it soon.

Deputy Bríd Smith: We will not support this Bill. There is absolutely a need for a Bill which addresses hate crime. There have been attacks on migrants, refugees and people from different religious, racial and ethnic backgrounds and we would welcome a Bill that addresses this problem correctly but unfortunately this Bill is not what we need.

I am not fully equipped to deal with whether this Bill is workable in the Irish legal context but I do know the opinions of Jennifer Schweppe and Amanda Haynes of the Hate and Hostility research group that this is not suitable and we cannot transpose an Act from Scotland to here without running legal risks. However, I want to concentrate on what is not proposed in the Bill. The wording on categories at risk from hate crime have been pointed out. They are outdated, regardless of how well meaning they may be. For example, the Deputy uses a term in the Bill for trans people. Is it not possible for the terms to cover Roma, people without documents, refugees or those seeking asylum? The key to the success of a Bill dealing with hate crime would be to identify the victim groups we are seeking to protect. On that key issue, this Bill is, to say the least, wanting. For example, the wording on trans people does not recognise individuals who face hate crime as a result of their being agender or gender fluid, which would be a far better concept to protect people based on their gender identity and gender expression.

More worrying in an Irish context, and as referred to by other speakers, is that the Bill does not specifically mention Travellers. That is crucial and I will concentrate on that aspect for the

remainder of the time available to me. Rarely a month goes by when we do not witness prejudice against Travellers in this country. On many occasions, statements that could encourage discrimination and hate are directed at the Traveller community, often by elected representatives, some in this House and in many county councils up and down the country. To give some examples, Fianna Fáil Councillor Sean McEniff said on a local radio station in Donegal that one would not want them beside one and that he did not want them beside him. The councillor made a number of remarks about Traveller families ranging from saying they would wreck houses to branding them as bad eggs.

Councillor Tom Sheahan referred-----

An Leas-Cheann Comhairle: It is not customary to mention names of those outside the House when they are not here to defend themselves. I ask the Deputy to desist from doing that.

Deputy Bríd Smith: Okay. Another councillor from Kerry referred to people from outside the county who had relocated in Kerry securing houses over people who had been on the waiting list for a longer time. He actually mentioned 150 Wards. He did not mean electoral areas but the family Ward on the county council waiting list. If those and many other comments were directed at any other group, it would be seen as a clear example of a hate crime or of encouraging a hate crime.

I will quote from a study of Travellers in Britain because we do not have proper studies of hate directed at Travellers here. The facts and figures are stark. Nine out of ten gypsy and Traveller children suffered racial abuse and two thirds of children from Traveller groups have been bullied and physically attacked in other communities. We do not document or record incidents involving Travellers or others here but we know, to paraphrase another, that it is the last acceptable form of racism and it is practised by councillors and Deputies across the country.

While there is a reference in the Bill to race, colour and ethnic origin, it does not recognise Travellers as a distinct ethnic group, despite Travellers campaigning across the country to have their ethnicity recognised. We still do not do it.

I want to make a wider point on the limitations in the Bill. Hate and hostility should be dealt with. We are in favour of a category of offence that states that where there is an attack, such as a violent or verbal attack on a person that is motivated based on hate of gender, race, ethnicity or other category, it should be recognised and we should say, as a society, that we find those attacks intolerable and they should be dealt with.

I have a question for all of us. What about hate and discrimination when the State is the agent of it? If we define hate as hostility, prejudice, bias or hatred, I believe this State at all levels, from Government to Departments and down to local authorities, in how it operates and deals with Travellers, has a case to answer. If hate is not demonstrated in the response of the State to the crisis, for example, in Traveller accommodation, Traveller life expectancy, health outcomes, educational achievements, etc., then I do not know the definition of hate. To mention a few, the cuts to the Traveller accommodation budget have been appalling. It went from €40 million in 2008 down to €4 million last year. That is a 90% cut to Traveller accommodation alone during the period of the recession. The cuts to Traveller education are in the region of 84% and many of us have seen the impact of that in our communities.

In terms of the discussion last week on the accommodation crisis in Dundalk, we responded to that and we responded after the fire in Carrickmines last year. We are not supporting this Bill

as an alternative. There are better worded alternatives coming from people who were involved in the very campaigns and crimes this Bill says it will address. The Bill fails to address the issues around anti-Traveller sentiment and actions by individuals, the State and its bodies.

An Leas-Cheann Comhairle: I call Deputy Thomas Pringle. There are nine minutes in this slot.

Deputy Thomas Pringle: I will be sharing time with Deputy Clare Daly. It is welcome to have the issue of hate crime, or aggravated bias, on the agenda in the House tonight. Unfortunately, I will be voting against the Bill because I believe it is outdated and not fit for purpose. I am suspicious of the timing of the Bill and wonder if this is the dark side of new politics. Is it a way to get the European Commission off the Government's back as it investigates Ireland with regard to its obligations under the 2008 Framework Decision on Racism and Xenophobia?

What is most astonishing is the fact Fianna Fáil did not seem to consult with any of the victims' groups or any representative organisations in regard to the Bill. I remind the House of the incredible work carried out by the Hate and Hostility Research Group, which is the only research group in Ireland dedicated to the study of hate crime. In particular, I want to acknowledge the work carried out by Dr. Amanda Haynes and Jennifer Scheppe who, alongside ENAR Ireland and TENI, have been pushing for progressive policy and legislative changes for over a decade. In fact, in 2015, the findings of all their research and the heads of a Bill were published, which Fianna Fáil seems to have completely sidestepped and dismissed throughout this whole process. That 2015 Bill had the support of the working group on hate crime established by the former Labour Party Minister of State, now Senator Aodhán Ó Ríordáin.

According to experts in the field of hate crime, international best practice draws on three key elements which need to be considered in a legislative context. First, determining which victim groups are to be protected; second, deciding whether the "hate" element will be addressed by way of aggravated offences or aggravated sentencing; and, third, determining how "hate" will be established and what "hate" is understood to mean. This Bill substantially fails in all three elements. However, due to time constraints, I will focus on the first element, which is the identification of victim groups that should be afforded protection in legislation.

First, Deputy O'Loughlin failed to reference the most recent statistics on hate crime. There was mention of CSO figures and that 113 hate crimes were recorded in 2013 but the most up to date figure for 2015, directly obtained by ENAR Ireland's iReport data project, would suggest a much higher figure of 165 crimes. The report showed the highest rate of assault for a six month period since iReport began in 2013, which is a very worrying trend but not worrying enough for Fianna Fáil to mention. How can it legislate for an issue if it does not know the true extent of it?

Fianna Fáil has also failed to determine the victims' groups. The Bill refers to transgender identity, which includes transvestism, transsexualism, intersexuality or having changed gender under the Gender Recognition Act 2015. However, that language is dated and does not represent the full diversity of the trans community. The correct wording in the Bill should instead reference sexual orientation, gender identity, gender expression and sex characteristics. This would be in line with international best practice and provide robust coverage of trans and intersex experiences and identities.

The inclusion of intersex is positive but it fails to mention agender or gender fluid persons, which fails to afford the protection of individuals on the basis of their gender identity and gen-

der expression.

There is no mention of membership of the Traveller community, which is consistently targeted in hate crime or bias. It is not good enough to mention ethnicity in the Bill when the Traveller community is not recognised as an ethnic group. Furthermore, the Roma community, which is very much vulnerable to hate crime or bias, is not mentioned in the Bill. We only have to recall the murder of Marioara Rostas to remind us of the fact.

It is not clear in the Bill if the mention of disability includes developmental and intellectual disabilities such as autism. The list goes on. There is no mention of cisgender identity and it excludes protection of women who are subject to misogynistic hate crime or bias. There is no reference to religion, belief or lack of, and in the context of rising Islamophobia, it is incredible that was omitted in the Bill.

The Bill also failed to mention residence status, which will leave out protection for those who are targeted because they are refugees or are seeking asylum seeker status. There is no mention of age, either of elderly people or children targeted by their status.

The Bill fails in its codifying of outdated language, including the term “hate crime”, although I use it here; in its lack of consultation with interest groups; in not identifying the victims groups who need protection; and in not specifically addressing the groups that are disproportionately targeted in society.

9 o'clock

It will serve well to remember what one victim said of hate crime, “in theft, you are going for the value of the object [but with hate crime] you are going for the value of the person”.

Deputy Clare Daly: In many ways it is unfortunate that Members are discussing something that potentially could have been a positive and constructive proposal but find themselves obliged to concentrate on all the massive glaring omissions and the categories of citizens who deserve legislative protection in this regard and who certainly are not getting it. I am glad Members have highlighted the issue of hate crime, which I appreciate, but it could have been so much better. I had the advantage this morning of attending a highly constructive meeting on the harm that will be done regarding the proposed legislation on criminalising the purchase of sex. I met some Traveller women at that meeting who told me I would be discussing this hate crime Bill in the Dáil tonight. I replied I did not think so and had not seen such a measure on the schedule because I had not looked at the fine print. However, they were utterly shocked at the concept of their exclusion from this legislation. It probably is the most identifiable group in Irish society that needs protection from such a provision and their omission is glaring. I note that in its press release, Fianna Fáil pointed to the legislation that existed in Scotland, Northern Ireland and England and Wales and how supposedly this legislation would bring us in line with that. However, those jurisdictions have something we lack, namely, the recognition of Traveller ethnicity and they recognise Travellers as a distinct ethnic group.

This Bill does not give any protection to Travellers and on that basis alone, is severely worrying. Let us face it, they probably are targeted more than anybody else. In fairness, Sinn Féin moved a Private Members’ motion that called on the Taoiseach to recognise Traveller ethnicity, which would have committed the Dáil to implementing the recommendations of the April 2014 report of the Oireachtas Joint Committee on Justice, Defence and Equality on the recognition of Traveller ethnicity before the end of the last Dáil term. That proposal was supported by Fianna

Fáil at the time and I do not know why Fianna Fáil did not re-table it now because were it to do so, it would be passed. That would be something concrete that could really deal with an issue in this regard. If Members wish to deal with equality, let us put that centre stage because to me, tabling so-called equality legislation that explicitly excludes one of the most discriminated against and vulnerable sections of the community is simply bizarre. It has the net effect of making a discriminated against minority feel even more discriminated against than they were before Members mentioned this proposal, which I think is ludicrous.

It is appropriate to mention the statistics because there clearly are people present who do not get it. Travellers on average die 15 years younger than the general population and infant mortality is three times that of the general population. The female and male death rates are, respectively, three and four times those of the general population. Fewer than 1% of Travellers progress to third level education. I refer to the details of four and five-year-old children being put up on the PULSE system - babies in some instances - because of where they came from. The Travelling community is discriminated against at every turn and is particularly vulnerable to attack. It is an absolute everyday feature of Traveller life and a Maynooth study from 2010 even reported that 60% of Irish people would not welcome a Traveller as a member of the family.

Deputy Bríd Smith mentioned the activity of a number of councillors who have played a role in stirring up racism but I put it that the Deputy sitting opposite overtly played a role in stirring up racism towards the Travelling community in opposing Traveller accommodation in her constituency as a waste of valuable resources. This type of hate-based propaganda put out by individuals to boost their individual profile for electoral purposes or whatever is absolutely abhorrent. When Members talk about hate crime, let us start in here as well. Research from Pavee Point shows that 61% of Travellers have experienced discrimination in shops, pubs and restaurants, 62% in schools and 50% in public settings. Members must take account of this and include it as part of really dealing with hate. I believe recognising Traveller ethnicity probably would be a more practical way of doing it than this Bill.

Deputy Michael Healy-Rae: At the outset, I am grateful for the opportunity to speak on this important issue and I acknowledge the Tánaiste's presence in the Chamber. It is ironic that Members are having this debate at all this evening because at the same time, a person is running to be President of America who believes it is okay to insult a massive number of people, that is, those of the Muslim faith. It beggars belief that in a modern, educated society, a person running for high office like that would think it is all right to target a group of people. I thought it was awful and wrong. It shows up some of the problems in society when an educated person like that would make such a statement because the Muslim people who have come to our country have contributed in a great, sound and solid fashion through their work, through having their children here and through being part of our society. The area from which I come was very fortunate over the past 30 years in particular, in that many people came from all over Europe to live, to work and to raise their children. I know of one national school not far from where I live that was being attended by young children of 12 or 13 different nationalities. Every child in that school benefited from being there because there was such a diversity of cultures, religions and educational backgrounds. It made for a great place of learning.

To turn to the Bill and what it is trying to achieve, people could be critical of it and could state it is not going far enough. Whenever one tries to do something, is it not a good thing that one at least is making a start? We live in an ever-changing world with problems that, because of changes in society, were never experienced in the past and with which our parents or grand-

parents never had to deal. One hears of the most awful things in the whole world happening with cyber-crimes and all that sort of thing. Those issues never existed before because it simply was not an issue. Legislation must be brought forward and there must be laws to assist people who have a different way of living and to make their lives safer and happier because life is very short for everybody. Our job as legislators is to try to ensure that people, no matter what type of people they are or what type of gender they are or in what way they wish to lead their lives, who want to live out their lives in a way that is different from what might be called the norm can do so in safety and happiness and free from any type of taunting, bullying or interference. An Garda Síochána must be supported and the Tánaiste, as Minister for Justice and Equality, must be supported in her endeavours to ensure the safety and well-being of all types of people, no matter what their particular persuasions.

I will return to the structure of schools and starting off in school. While they do this, it is extremely important that teachers try to make sure that from an early age, if there are differences in young people they are encouraged to be themselves, whatever that means, and are allowed to flourish and to be educated and that there is zero tolerance of any type of bullying. Our schools have come on a great deal and their principals and teachers must be commended on what they have done in respect of changes over the past 20 or 30 years because again, they have lived through an awful change in culture and in society in general and have been obliged to deal with the consequences of that within schools. They must be strict about ensuring that young people, from an early age, learn that one cannot pick on people because of what they are or what they are like, and that one cannot bully people. Long ago there was no such thing as bullying in the way we know it today. Bullying can take on all sorts of different manifestations and one can be nasty to a person in underhanded ways, and our teachers and principals must try to watch out for that. If zero tolerance can start in school, hopefully, students in later life will behave properly and will not interfere with others.

Coming back to what happens on the Internet, I have grave concerns over the way people can go on the Internet and, using false identities, lure children and twist their minds with unreasonable behaviour. That is a big worry for parents. It is also a big worry for grandparents. Young people, with a telephone inside their pocket, can be subjected to all types of low behaviour by such people who would be out to abuse or mistreat them.

This raises the issue to a wider platform than what we are debating here, that is, the subject of how we will protect our young people from the dangers of the Internet and social media, which should not be tolerated. Members of this House have been victims of that type of loutish behaviour. The funny aspect of it is if one ever goes looking at the profile of those who go on the Internet insulting others one will see that it is done between the hours of 11 o'clock at night and 4 o'clock in the morning. I will tell the Minister that those people are not getting up at 6 o'clock or 7 o'clock the following morning, pulling up their trousers and going out to work. If they were going to work, they would not be up in the middle of the night insulting everybody, particularly women, and saying offensive things and displaying all that type of behaviour. They would not be able to be at it, if they were getting up and going out to work. It is easy for them to be fiddling with their fingers at 2 o'clock and 3 o'clock in the morning, and seeing who will they insult next. I believe the word for it is "trolling"; it is something like that.

We have that big problem to deal with and it merits a lot of debate. I do not know how it will be legislated for, but I know that it is in everybody's interests, particularly in the interests of impressionable youngsters and teenagers, that they be protected from the dangers and what is completely uncontrolled. Anybody can go on the Internet. They can hide with total privacy

and lure people, and as I say, subject them to all types of badness. I would like to see that being addressed. I thank the Ceann Comhairle for allowing me the opportunity to speak.

Deputy Anne Rabbitte: I welcome the opportunity to speak on the Bill before us this evening and I compliment my two colleagues, Deputies O'Loughlin and Murphy O'Mahony, for bringing it forward. This Bill essentially seeks to tackle hate crime in an effective and robust manner. It seeks to ensure that the option is open to the Garda and the Director of Public Prosecutions to pursue a hate crime conviction should such an offence have occurred.

Under the Bill, if somebody is convicted of an offence that is aggravated by prejudice or hatred, then that must be taken into account when sentencing. Ireland is currently out of step by not having a specific hate crime. Fianna Fáil firmly believes that such legislation is needed and there is an onus on us to make it clear that such hatred will not be tolerated in society.

I also compliment Deputy Murphy O'Mahony on the Bill as a positive step forward in enhancing and protecting the rights of persons with disability. It is hoped that the Bill will not only make hate crime based on disability an offence, but will also improve on the reporting and recording of hate crime, which is generally considered under reported.

Hate crime legislation is in place in Scotland, Northern Ireland, England and Wales and Fianna Fáil introduced this Bill to bring the legislation up to date. We are currently working off the Prohibition of Incitement to Racial Religious or National Hatred Act 1989. Under the Act, it is an offence to incite hatred against a particular group but it does not criminalise those who commit the crimes against the other groups, except under general legislation. We also must bear in mind how much Ireland has changed since that time. As the Immigrant Council of Ireland pointed out, it is two decades since immigration into Ireland commenced and it is time for laws to reflect such changes were put in place.

Ireland is behind the curve when it comes to having effective legislation in place to deal with hate crimes. Currently, we do not have specific hate crime laws. Fianna Fáil firmly believes that such legislation is needed and this will help make it clear.

Earlier I listened to the debate as I went through the House. I welcome the contributions of the Minister, Deputy Frances Fitzgerald, and Deputy Jan O'Sullivan. We acknowledge the Bill is not perfect. If we get it to committee we will bring in the NGOs and we will all sit together around the table to make it a far stronger and robust Bill for all sectors of society.

I acknowledge what Deputy Jonathan O'Brien stated earlier. The Deputy found so many flaws in it. I hear what the Deputy is saying, that there is so much left out and he is correct. The Deputy stated it does not mention the Travelling community, but it does in the sense that people are targeted because of their sexual orientation, gender, including gender identity, race, religion, disability, age and ethnicity, including membership of the Traveller community. We must acknowledge that this is all about inclusion. Deputy O'Brien is saying it is a weak Bill and poor legislation. The Deputy referred to it as lazy legislation, and a regressive Bill. Surely the Deputy cannot see it as a regressive Bill when there was nothing there beforehand. It is our first step. When other groups in the House are acknowledging that it is the right step in the right direction, we must acknowledge that we will never change anything unless we start working together and bring in all groups and ethnic minorities to be part of it.

What is going on in communities is wrong. It is wrong that individuals are singled out. It is wrong that the Traveller community is treated so. It is wrong that Asians and the other groups

are singled out. We must start protecting them and that is what Deputy Jonathan O'Brien and I, and all in this House, are elected to do. We are elected to be legislators. We are elected to bring Bills before the House. We are elected to discuss the Bill but then we also have a duty to bring them to committee to bring in all those who we represent around the table to discuss how we can strengthen the legislation.

There is no point in bringing Bills before the House unless we are prepared to see them through. Sometimes it is so easy to find fault with everything but it is far more constructive to work as a unit to represent the people Deputy Jonathan O'Brien and I represent. All of us who represent the people come from the various groups this seeks to address.

Deputy Jonathan O'Brien: I agree completely.

Deputy Anne Rabbitte: I thank Deputy O'Brien.

Deputy Jonathan O'Brien: Unfortunately, Fianna Fáil did not do that when it was in government.

Deputy Anne Rabbitte: With respect-----

An Leas-Cheann Comhairle: Deputy Rabbitte without interruption.

Deputy Anne Rabbitte: -----what I am trying to say is the Bill that the Deputies have brought before the House is a positive step in the right direction of addressing hate crime. It is not a perfect Bill but I hope it will be by the time we all work together on it at Committee Stage. I hope Deputy Jonathan O'Brien and his party will come along with us to bring it through to Committee Stage. We owe it to the people who put us here because they need an input, they need their voices on this Bill and they need protection.

I thank the Leas-Cheann Comhairle for allowing me the opportunity to speak.

Deputy Josepha Madigan: I am thankful for this opportunity to contribute. I thank Deputies Margaret Murphy O'Mahony and Fiona O'Loughlin for bringing forward this Bill. It is important that we are having this debate today and I appreciate all the contributions made. Like the Tánaiste, I have issues with certain aspects of this Bill but overall I support the rationale and premise behind it.

The Government is firmly committed to combating and challenging all manifestations of prejudice - racism, homophobia, sexism or religious discrimination. Being the target of a crime for simply being who one is or for being perceived as different is completely unacceptable and must not be tolerated.

Irish society is changing and evolving into a diverse society every day. We need to ensure, where necessary, that we respect and protect all members and all vulnerable groups from any type of discrimination and particularly from hate crime. We have made great strides. We have looked after the LGBT people but we still have much work to do to ensure all sectors of society are protected from all types of irrational hatred and violence.

All crime has an impact on victims, particularly hate-motivated crimes, and it does not impact only on the victim but on all members of that particular group. It feeds feelings of rejection, loneliness and isolation and, in turn, that prompts reactions of alienation and counter-responses, and the cycle continues. We must bring our understanding and solidarity to these

people. This is essential if we are to live together in diverse groups in our society as a whole.

A review of our approach to the integration of migrants, which was launched in 2014, provides the basis for a new and updated migrant integration strategy, which will be published soon. This will include a strong anti-racism component, with specific areas for action to promote intercultural awareness and to combat racism and xenophobia.

Hate crime and less serious levels of public harassment and insult, if not tackled adequately, reduce the safety of public spaces by creating an impression of impunity and public support for these crimes. Deputy Jonathan O'Brien mentioned some very heinous crimes. We are all aware of these in society and they can be very significant. Violent prejudice attacks the very cohesion and fabric of our society.

The Tánaiste mentioned that there is an ongoing review of Ireland's Prohibition of Incitement to Hatred Act 1989 and this is being done in light of reports by civil society, international obligations and changes in society, including the use of the Internet and social media. The wider issue of hate-based crime is also forming part of this review. The provisions of this Bill and this debate will also feed into this work. Having said that, I reiterate what the Tánaiste said earlier. It is a fact that the courts can and do take into account bias or prejudice motivation as an aggravating factor when it comes to sentencing. I share the Tánaiste's concerns as to how some of these provisions would work in a practical sense, such as how the aggravation of the offence would be proved in court. I believe this will be difficult to demonstrate in practice.

Equally, as mentioned by other speakers, where we are legislating for certain bias motivation, as this Bill does, I believe consideration should be given at a minimum to including prejudice based on religious intolerance, gender or members of the Travelling community, as mentioned by many speakers. These are all groups protected under the Prohibition against Incitement to Hatred Act.

Last November An Garda Síochána extended recording of bias motivation indicators for hate-motivated incidents on the Garda PULSE system to include anti-Traveller and anti-Roma as well as anti-Muslim, transphobia, age related, gender related and disability related motivation indicators. These, in addition to the existing bias motivation indicators, which are anti-Semitism, homophobia, racism, sectarianism and xenophobia, will enable more comprehensive collection of data when recording incidents, and this is very important. This more detailed recording will also form part of the victim assessment in accordance with the EU victims directive.

There is very much an awareness on the Government's part of the seriousness and the impact of hate crime and this debate reflects that awareness, although it must be said that the Tánaiste has expressed concerns about the import of this proposed Bill and she outlined her concerns about aspects of it, its effectiveness and the amendments it may require, and I share those views.

I thank the Deputies for bringing forward this Bill and I know they will be anxious to consider how best to address the policy and drafting issues raised in this debate, as another Deputy opposite said, as this Bill moves forward.

Deputy Fiona O'Loughlin: Ultimately, the reason we brought forward this Bill is to do with the type of society we live in. Our society is out of sync. The one word that is hugely important in any of the communities we represent is "respect", and that is respect for everybody in our communities and respect for everybody in society, including respect for different voices

in the Dáil. It is not about taking cheap shots which, unfortunately, happened earlier.

In the Bill I put before the House we did not set out to exclude any particular group. I had understood, and obviously wrongly so, that the Traveller community was covered by the term ethnic minority. I point out, as this was questioned by Deputy Clare Daly, that Fianna Fáil absolutely supports the inclusion of the Traveller community being classified as an ethnic minority.

I thank the Minister for her comments and support. I agree there are aspects of the Bill which require further consideration. I made that very clear in our opening statement. I clarify that we will certainly give consideration to including other forms of prejudice. In a meeting with ENAR Ireland and Mr. Shane O'Curry on Thursday, we discussed these elements and that is why I was very clear, both earlier in discussion with members of the media and here this evening, that we have to include other areas such as, for example, gender fluidity.

Deputy Jonathan O'Brien was completely wrong in saying that ENAR Ireland asked us several times to withdraw this Bill. It most certainly did not. I met with its representatives as recently as Thursday and I have an e-mail from Shane O'Curry, which I received today-----

Deputy Jonathan O'Brien: I have an e-mail also.

Deputy Fiona O'Loughlin: -----the final paragraph of which reads:

The Deputies are again to be commended for seeking to address hate through the criminal law. We look forward to working with you in developing this issue further.

It is very unfair to say that we were asked to withdraw this Bill. I only became aware of this on Friday and only got a copy of the heads of the Bill that the former Minister, now Senator Aodhán Ó Ríordáin, had put together. I accept it does go further than our Bill. I literally only received that on Friday. I was not aware of it before then. If I had received it prior to that, I accept that we would have made changes within this Bill. That is why it is important that we will have an opportunity in committee to have open and honest debate. I certainly would take on board aspects of that Bill.

Deputy O'Brien mentioned that we just copied and pasted this Bill from the Scottish legislation. That is completely untrue. We looked at the legislation in the UK and in Northern Ireland where his party has much more influence than it has in the Republic.

(Interruptions).

An Ceann Comhairle: I ask Deputy O'Brien to desist. He was not interrupted.

Deputy Fiona O'Loughlin: I am sure it has had an influence in that regard.

I welcome the debate we have had. It is important that we have brought the Bill to the floor of the House. As Deputy Murphy O'Mahony and I have said, we are completely open to debating the Bill on Committee Stage. We accept there are flaws in what we put forward. I intend to put forward amendments to the Bill. Deputy Jonathan O'Brien asked about the research. We have the Out of the Shadows report. The Deputy is maintaining we did not have any consultation but we certainly did. I have the publications, Reports of Racism in Ireland, from which I took records, and A Life Free From Fear. I compliment the non-governmental organisations and the 60 organisations that have put a great deal of work into this. I engaged with a certain number of NGOs and I accept that I should have engaged with more. We have put this Bill on

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the floor of the House and it needs to be debated. All members of the Dáil have to have the opportunity to put their ideas and suggestions forward. Deputy Margaret Murphy O'Mahony and I are coming with open hands to say we want to hear what Members have to say. We have done service to the Dáil and to the people we represent by starting this discussion. I apologise for leaving certain minorities out. It was not what we intended to do. I have a list of amendments here that I wish to table so I hope Members of the House will see the Bill is worthy of going to Committee Stage. We will be able to debate it further and bring in the other NGOs with which I have already started to engage at a higher level. I look forward to that opportunity.

Question put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 6 October 2016.

The Dáil adjourned at 9.35 p.m. until 12 noon on Wednesday, 5 October 2016.