



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Leaders' Questions . . . . .	2
Questions on Promised Legislation . . . . .	10
Ceisteanna - Questions . . . . .	15
Cabinet Committee Meetings . . . . .	15
British-Irish Co-operation . . . . .	20
Cabinet Committee Meetings . . . . .	24
Topical Issue Matters . . . . .	28
Ceisteanna - Questions (Resumed) . . . . .	29
Priority Questions . . . . .	29
Building Control Management System . . . . .	29
Local Authority Housing Provision . . . . .	32
Local Authority Staff . . . . .	34
Social and Affordable Housing Provision . . . . .	36
Local Authority Housing Funding . . . . .	39
Other Questions . . . . .	41
Housing Finance Agency Funding . . . . .	41
Library Services . . . . .	42
Building Regulations . . . . .	45
Housing Assistance Payment Implementation . . . . .	48
Irish Water Funding . . . . .	52
Housing Policy . . . . .	54
Topical Issue Debate . . . . .	57
Respite Care Services . . . . .	57
Home Care Packages . . . . .	59
Agriculture Schemes . . . . .	62
Apprenticeship Programmes . . . . .	65
Mental Health Services: Motion [Private Members] . . . . .	67
Health (Miscellaneous Provisions) Bill 2016: Second Stage (Resumed) . . . . .	95
Health (Miscellaneous Provisions) Bill 2016: Referral to Select Committee . . . . .	114
Criminal Law (Sexual Offences) Bill 2015 [Seanad]: Second Stage . . . . .	114

# DÁIL ÉIREANN

*Dé Céadaoin, 5 Deireadh Fómhair 2016*

*Wednesday, 5 October 2016*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 12 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Michael McGrath:** I am aware the Taoiseach briefed party leaders last evening about the Government's plans on how to deal with Brexit. There is no doubt it is the single biggest challenge that all of us on the island of Ireland face. What we need is a coherent and multilayered response to deal with this issue. In the Taoiseach's announcement yesterday, there were plans for forums and lots of dialogue, all of which are important. We also need, however, practical measures in the short term to assist businesses dealing with the fallout from Brexit.

This morning, the euro is trading at 88.2p sterling. Before the referendum in June, it was trading at 77p sterling. That means for Irish businesses exporting to the UK, their goods and services have, in relative terms, become 14% more expensive. That makes us 14% less competitive in our trade with the UK. Many analysts predict that sterling will fall further, with some even predicting it will reach parity with the euro in the next year or so. This already has cost jobs and will cost many more in the period ahead if this trend continues. On top of that, inbound tourism from the UK is inevitably going to be affected because it is more expensive. We are all well aware of the impact on Border communities of the fall in sterling and the deep uncertainty that now prevails about the Border post-Brexit. In addition, the very terms on which we will be able to trade with the UK post-Brexit are unclear and mired in uncertainty.

We must accept and prepare for the fact that Brexit is going to happen, possibly within a two and a half year period. We must also prepare for the fact and the possibility that it may not happen in an orderly way. Certainly, the UK Prime Minister's comments over the weekend have heightened the risk of a so-called "hard Brexit". Next week's budget presents an ideal opportunity to help businesses address the major challenge posed by Brexit. Fianna Fáil would like to see the 9% VAT rate on tourism and hospitality fully retained, unlike our colleagues, Sinn Féin. We would like to see an improved capital gains tax regime for entrepreneurs and a real focus by Enterprise Ireland and other agencies on supporting exporting firms, which are very dependent on the UK market, to achieve greater market diversification. We want to see investment in infrastructure in the Border region to make us more competitive in that part of the island. The Government should establish a national hedging strategy, as recommended by the Irish Exporters Association. I ask the Taoiseach to read the association's budget submission because it addresses the very specific issue that has now come to the fore in terms of SMEs. It wants a strategy managed by the NTMA offering a discounted exchange rate to qualifying busi-

nesses. There must be a renewed focus on reducing costs - costs that the State can influence, be they insurance, transport or energy costs - to make us more competitive and to deal with the inevitable headwinds that Brexit will produce. There is an opportunity within a week to set out our stall and to help up to 800,000 employees who work in SMEs to deal with these major challenges.

**The Taoiseach:** I thank Deputy Michael McGrath for his comments. We had a very good meeting with the leaders of the different parties yesterday in respect of Brexit and a number of other matters. The Deputy will have been briefed by the Minister for Finance in respect of the general situation as we approach this budget. The issues raised by the Deputy are real, important and very urgent. Clearly, the question of Brexit will not become the central focus from a European point of view until the British Prime Minister triggers Article 50 at the end of March. At least, we have clarity on that now.

In the meantime, the Government outlined at some length yesterday a series of agendas to deal with the issues arising. The Deputy mentioned a number of them. Obviously, the VAT rate was reduced from 13.5% to 9% a number of years ago to stabilise an industry that was in seriously bad shape. That industry has recovered and has been a catalyst in creating thousands of jobs. That decision was followed by the decision to remove the travel tax which had a further impact in terms of the numbers of people being brought to Ireland by the different air carriers. That is an issue the Government will consider in the context of the budget. The Minister referred to the question of capital gains tax for entrepreneurs. He introduced the first initiative relating to that from an Irish point of view last year. We did not have the resources to match what was done in Great Britain but the Minister is conscious of that.

This morning, I opened the Irish Exporters Association conference in the RDS to which Enterprise Ireland has brought back all its overseas staff to talk to hundreds of entrepreneurs and SMEs in Ireland about diversification into new markets in the US, Canada, the EU and so on. The Credit Guarantee (Amendment) Act was introduced in February 2016. I can confirm to the Deputy that the Department of Finance, the Department of Jobs, Enterprise and Innovation and the Strategic Banking Corporation of Ireland are looking at the options that might be open in terms of financial supports or access to credit for businesses that are suffering because of the decline in the strength of sterling. I will read the report mentioned by the Deputy. All these matters are very important in the context of employment growing, unemployment dropping, a steady growth rate here and a very bright opportunity for many Irish firms to continue to expand. This is a matter of urgency and I hope the budget will have a number of what we might call “Brexit-proofing” measures in respect of the issues raised by the Deputy.

**Deputy Michael McGrath:** I thank the Taoiseach for his response. The reality is that thousands of businesses operating in Ireland today are very dependent on the UK market. Many mortgages and salaries are dependent on having access to the UK market on reasonable terms. The fall in sterling and the possibility of tariffs and customs being reinstated is a doomsday scenario for many businesses. The message they want to hear next week is that the Government is prepared to provide tangible supports to help them work through these difficulties. We all know of the dependence of the agrifood sector on the UK market. For example, Deputy Brendan Smith has recently been raising issues around the mushroom industry. They must be practical measures that will make a difference. This will involve providing extra supports through the taxation system and through funding for Enterprise Ireland.

The challenges are acute. While there are opportunities for Ireland regarding Brexit, par-

ticularly in inward investment, from an exporting perspective it is about damage limitation and assisting firms to work their way through a very uncertain time. Many of them will be going to banks seeking working capital and support at a time when banks cannot be sure those firms will have access to the UK market in two and a half years' time without tariffs and customs charges. We must provide support, and next week will be a very important first step.

**The Taoiseach:** Some 200,000 jobs are dependent on exports to the UK. The figure of over €7 billion in exports, much of it in the agrifood sector, speaks for itself. The Minister for Agriculture, Food and the Marine, Deputy Michael Creed, has commented on it and has met with different groups. We have already had evidence of jobs in the agrifood sector being lost due to the situation regarding exports to Britain and currency fluctuations. It is important we reflect on the capacity of Enterprise Ireland in terms of companies exporting and IDA Ireland in terms of attracting foreign direct investment, in the context of the personnel numbers they have. The Minister will reflect on it very carefully before next week's budget.

This is a matter of the greatest urgency. As the Deputy pointed out, so many jobs are dependent on it for repayments of mortgages, building houses and maintaining family life in Ireland. It was brought very much to the fore this morning. It was a very opportune time for Enterprise Ireland to say innovation means business. It is very optimistic and is looking to the future where real opportunities exist and talking to people who, despite all the difficulties, are making significant progress. While the Government cannot do everything here, given the scale of what we have to contend with, we intend to put in a number of measures in so far as we can to Brexit-proof and support in a tangible way Irish firms exporting to the UK.

**Deputy Mary Lou McDonald:** Here we go again - another week and another controversy surrounding the Garda Commissioner and the treatment of Garda whistleblowers. The protected disclosures made by two senior gardaí to the Department of Justice and Equality during the past week outline an orchestrated campaign by some in senior Garda management positions to undermine whistleblowers. They include the distribution of text messages to attack the reputations of whistleblowers, the opening of intelligence files on whistleblowers, the monitoring of the activity of whistleblowers and the briefing of elements of the media and selected politicians about the characters of whistleblowers. These are incredibly serious issues which go to the very core of our policing and justice systems.

We all have a duty to build public confidence in those systems. However, revelations such as those made in recent days do the very opposite, and contribute to declining morale in the Garda Síochána. No doubt, they make other potential whistleblowers think twice about coming forward. It seems that this is the very motive for such smears and attacks. The Government has failed to protect whistleblowers. A series of allegations has been made about how Sergeant Maurice McCabe was treated after he raised concerns about the investigation of serious crime in the Cavan-Monaghan division. Sergeant McCabe and John Wilson were smeared and bullied. The O'Higgins report said such actions contributed to what it called a continued "closing of ranks". Following the publication of the Guerin report, the Taoiseach told the Dáil there was a need for a root and branch analysis of the administration of justice, but here we are back to square one. Nothing has changed. The mentality of some in senior Garda management is perhaps best summed up by the admission of the former Garda Commissioner, Mr. Martin Callinan, to me at the Committee of Public Accounts when he stated that the actions of whistleblowers are "disgusting". His word, not mine. The current Garda Commissioner, Ms Nóirín O'Sullivan, has again run for cover in respect of these allegations. She has talked the talk about disclosure, transparency and openness. When it comes to walking the walk, however, it is busi-

ness as usual.

It has gone beyond the point of pushing these matters under the table. What is the Taoiseach going to do about these latest allegations of whistleblowers being hounded and discredited at the behest of some in senior Garda management? What of the suggestions that the Tánaiste has received other complaints to which, it appears, she has failed to respond for months? Is the Taoiseach aware of these complaints? Are the Tánaiste and the Garda Commissioner running for cover?

**The Taoiseach:** In the first instance, this is a very serious matter. I referred to it yesterday and confirmed that the Tánaiste and Minister for Justice and Equality has received correspondence from members of An Garda Síochána under the Protected Disclosures Act. Deputy McDonald is aware that, under section 16(1) of that Act, a person to whom a protected disclosure is made “shall not disclose to another person any information that might identify the person by whom the protected disclosure was made.” Obviously, I have not seen the correspondence or whatever. I assume that the Tánaiste has now to look at this documentation sent to her in a sensitive manner and do so quickly. I would assume - I do not know the extent of the correspondence - that the Tánaiste herself is not going to be in a position to verify the allegations that have been made one way or the other. Therefore, this will have to be dealt with by a competent person. In that context, we must look at what is the structure that can best deal with this conclusively once a protected disclosure document has been received by the Minister of the day. Yesterday, Deputy Micheál Martin raised the question of GSOC. This documentation was sent to the Tánaiste directly under the Act. Ms Justice Mary Ellen Ring has spoken about different powers or increased powers for GSOC. The Tánaiste is looking at that.

I would expect that, in the next couple of days, the Tánaiste will make a decision, having looked at the information that she has been sent under this Act, as to what is the best option. I would say to Deputy McDonald, as I have said before, that it is utterly unacceptable that somebody, often described as a whistleblower, who reports wrong-doing is not treated properly and to the very highest standards. We cannot and we will not shirk responsibility in that regard. It is, however, for the Tánaiste to examine the documentation that she received and decide what is the best option to deal with it conclusively. That may well be the appointment of a sitting judge to look at the documentation to verify the contents and whatever action follows from that. Obviously, following the O’Higgins report, the Tánaiste wrote to the Policing Authority in June asking that it submit its views on a policy and procedures to be followed that would be put in place in An Garda Síochána where whistleblowers or people within the force decided to say that what is happening there is wrong or incorrect. So, I would expect in the next short time that the Tánaiste will make her view known about the documentation she has received.

**Deputy Mary Lou McDonald:** The difficulty is that this line has been well rehearsed in the Chamber and beyond for a long time. I suggest that the position, as the Taoiseach has outlined it, has run out of any credibility, not least for serving members of An Garda Síochána and, most particularly, for whistleblowers who have come forward only to be targeted and smeared.

The Taoiseach stated that the Minister will reflect on these matters and decide what to do. I understand the Minister has been in possession of correspondence for some months. I understand the Minister failed to respond to a number of Garda whistleblowers. Who is in charge? Is the Minister or the Garda Commissioner in charge? Who is accountable for these practices and the smearing and targeting of Garda whistleblowers? Does the Taoiseach have confidence in the Garda Commissioner that she is discharging her duties fully and faithfully? Does he have

confidence in her capacity to protect whistleblowers? I ask the same question of his Minister, Deputy Frances Fitzgerald.

**The Taoiseach:** The Deputy made the point earlier that nothing has changed but it has. There is the independent Policing Authority, which has received a formal request from the Minister for Justice and Equality to set out its view on how members of the Garda Síochána should be treated with regard to whistleblowers providing information. This is about the law of the land, which is the Protected Disclosures Act. I have quoted the relevant section for the Deputy.

I have not seen the correspondence received by the Minister, and nor should I, as it was sent to her under that Act. I assume the information contained therein must be examined and reflected upon very carefully as it is very serious. Otherwise it would not be received under that section of the Act. Somebody must do that and I expect it will be, or certainly could be, a member of the Judiciary who would examine the contents of the received document and see if they stand up or not.

**Deputy Mary Lou McDonald:** Does the Taoiseach have confidence in the Minister and the Garda Commissioner?

**The Taoiseach:** Out of that comes a decision as to what action might or might not be taken. I have already stated I have absolute confidence in the Minister for Justice and Equality and the Garda Commissioner. I do not have any reason not to.

**Deputy Clare Daly:** The Taoiseach might have gotten away with that response to Deputy McDonald - if one could call it a response - if this was an isolated incidence of mistreatment of whistleblowers. I note the Taoiseach's confidence in the Minister and the Garda Commissioner is a bit like when he had 100% confidence to the last two occupants of those offices before it went to zero overnight.

Exactly two years ago this week, I put it to the Taoiseach that a Garda whistleblower in the midlands region had come forward with serious information regarding Garda involvement in the drugs trade. The information was indisputable. That individual, Nick Keogh, has subsequently been vindicated by an internal Garda inquiry supporting his allegations in that regard. Nevertheless, two and a half years on, this whistleblower has been out sick for almost a year and is surviving on just over €200 per week. He has had five internal investigations drummed up against him. Medical certificates submitted that stated he was out with work-related stress were changed to indicating absence from flu. Meanwhile, the superintendent who stood over all that is on the promotions list.

The Taoiseach was twice approached by a garda in that division and warned about a senior officer who failed to deal with complaints in that area. Twice since he was approached, that senior officer was promoted, including being hand-picked by the Garda Commissioner for a high-profile job in the Phoenix Park, despite three complaints from Garda whistleblowers against him. Four times one of the Garda whistleblowers wrote directly to the Minister for Justice and Equality and told her of the treatment he was experiencing. He made the point that as his colleague in a different region was getting exactly the same treatment, it could not be a coincidence and it was inconceivable that senior management and the Garda Commissioner would not be aware of it. Deputy Wallace and I have raised what has been happening to whistleblowers Nick Keogh and Keith Harrison - who is out for two years, surviving on a pittance with a young family - 19 times. His post has been opened and Garda patrol cars have cruised down a lane

5 October 2016

on which he lived, 25 km from the nearest Garda station. The HSE has called to his children. This has all happened on Garda Commissioner O'Sullivan's watch. How many examples does the Taoiseach need presented to him of the gulf between the public statements of the Garda Commissioner and her private actions in terms of dealing with whistleblowers before he will act? The Tánaiste and Minister for Justice and Equality has had evidence from the O'Higgins commission of investigation, a section 41 complaint from the civilian head of An Garda Síochána and, most shockingly, she has had the protected disclosures of two senior gardaí outlining systematic, organised, orchestrated campaigns not just to discredit a whistleblower but to annihilate him, with the full involvement of the current and former Garda Commissioners.

What in God's name does the Taoiseach need another investigation for? Is it not patently obvious that it is beyond time-----

**An Leas-Cheann Comhairle:** I thank the Deputy.

**Deputy Clare Daly:** -----for the Commissioner to go?

**The Taoiseach:** The question here is in respect of the information received under the Protected Disclosures Act. That has been received by the Tánaiste and Minister for Justice and Equality. She has to assess it and appoint a person of competence to deal with it. As I said, whatever is in that documentation either stands up or it does not. In that regard, this is a very serious matter.

The powers of GSOC are there for all to see but the Chair, Ms Justice Mary Ellen Ring, has requested that those powers be extended and the Minister is considering that. The independent Policing Authority has been asked for its views on the treatment of whistleblowers or those within An Garda Síochána who make disclosures about wrong doing or alleged wrong doing. From that point of view, as I said, whistleblowers should not be in a position like that outlined by Deputy Clare Daly in respect of two members of An Garda Síochána. Obviously, if these investigations have been pursued - whether by GSOC or internally - the matter must be concluded. Whistleblowers have always provided a valuable service in the public interest and I respect that completely and will defend it. In the case of the most recent documentation received by the Tánaiste and Minister for Justice and Equality, we must proceed by appointing a person of ability to go through that documentation and assess whether the contents stand up. I expect that the Tánaiste will make an announcement about that very soon.

**Deputy Clare Daly:** The problem with the Taoiseach's response is that he tells us that whistleblowers should not be treated poorly and that he respects and defends that. However, our interpretations of what constitutes respect and defence must be different because the Tánaiste and Minister for Justice and Equality has been presented with evidence over a period of two and half years which shows that has not been the case. The Taoiseach tells us that GSOC has the powers and that its powers are there for all to see but its powers are not there for all to see. Even GSOC has said that it does not have the powers to deal with this situation. Did the Garda Commissioner's comments this morning to the effect that she wants to encourage whistleblowers within An Garda Síochána to come forward - despite all of the evidence that these people have been mistreated - not strike the Taoiseach as odd?

If the Garda Commissioner is not directly involved in the harassment, does the Taoiseach not have a problem with the fact that her authority has been so discredited that instructions she has allegedly given for whistleblowers to be protected are being completely ignored across the

ranks of An Garda Síochána? That is the evidence that has been presented to the Tánaiste and Minister for Justice and Equality over a long period.

**An Leas-Cheann Comhairle:** I thank the Deputy.

**Deputy Clare Daly:** If the Taoiseach means what he says and if he really does respect and defend whistleblowers, then he would be answering very differently and he would actually be doing something rather than just talking about it.

**The Taoiseach:** In respect of GSOC, obviously I have absolute confidence in the Chair, Ms Justice Mary Ellen Ring. She has said that GSOC needs extra powers and the Tánaiste and Minister for Justice and Equality is considering her request. In respect of the documents received under the Protected Disclosures Act by the Tánaiste, I have already said that she has a duty to examine that and to appoint a person of standing to deal with it. In that sense, I expect the Tánaiste will make her decision known very shortly.

**An Leas-Cheann Comhairle:** I now call Deputy Michael Harty on behalf of the rural Independent group.

**Deputy Michael Harty:** I ask the Taoiseach to address the Government's failure to support our post office network. This is a national issue which is of fundamental importance to all small communities across Ireland, both rural and urban, in our small towns and villages. Under the programme for Government, this Administration committed to doing three things to support the local post office network. First, it committed to the development of a suite of services by the post office network through a hub, whereby Government services would be available to the community at local post offices, meaning that people would not have to log onto websites or wait endlessly on telephones while they try to get answers. Many people have great difficulty doing that. The provision of passports through post offices is a case in point. This is a wonderful opportunity for people to get fundamental services through their post offices. Many other services could be delivered through post offices. All Government applications, including applications for motor tax and driving licences, could be processed through post offices. Foreign exchange is another of the many services that could be decentralised and devolved to enable them to be provided through post offices.

The Government also committed to advancing a community-based banking system through our post offices. We do not have to invent the wheel in this regard. Examples of very successful community-based post offices include Kiwibank in New Zealand and Sparkasse in Germany. Post offices in Japan supply banking services locally.

The third commitment in this area within the programme for Government involves supporting the current contract for social welfare payments. This is absolutely vital for the survival of our post office network. I ask the Taoiseach to tell us what proposals have been advanced in this regard. By failing to support the maintenance and development of our post office network, we are allowing another national asset to disappear. Commercial banks have abandoned our towns and villages. Does the Government intend to abandon our post offices as well? Post offices can flourish and contribute to the social fabric of urban and rural communities if they are allowed to do so. The loss of the sole post office in a local community leads to the ultimate unravelling of the social fabric of such communities. There are villages without a post office, a doctor, a shop, a pub, a school or any commercial or social activity. Such communities are shells of their former selves. Is this the legacy the Government wishes to leave? Rural Ireland wants to

move in modern times. It must adapt to modern technology, but that does not mean it should be killed off by new technology. Rural Ireland is looking for innovative support that allows it to contribute to Irish society in an imaginative and cost-effective way. Will the Taoiseach instruct Departments to decentralise services to post office networks and develop a community-based post office bank system to meet the needs of local communities?

**The Taoiseach:** Deputy Harty has raised an issue that has gone on for many years. While the post office network has been extensively reduced in the past ten or 15 years, it is still an important entity. An Post is conscious of the impact and the potential loss to many places in rural Ireland of the closure of post offices. Clearly, many of the post office systems in large cities and smaller towns in rural areas have suffered because of changes in communications and the way business is conducted. The previous Government conducted and supervised Bobby Kerr's investigation into the remit, range and potential of post offices. The Government accepted the Kerr report and decided to implement a basic bank account system for post offices. While this would not save post offices or protect their futures, it would be of assistance in that regard. I have to say the Government has always been in favour of the post office system and of attempts to provide new business for post offices, postmasters and postmistresses. It is not that easy in some cases where, for one reason or another, the ability to avail of all the modern methods of communication and technology does not exist.

The Minister of State, Deputy Ring, who is dealing with this matter, has set up a group to look at options that might be available to post offices in the future. This group, which involves postmasters and postmistresses, has met twice and quite a number of extra suggestions beyond the Kerr report have been produced at its meetings. The Minister of State will report its findings as soon as possible. Clearly, the post office network has been an integral part of rural Ireland for many years. I notice that, with the advantage and use of the Internet, post office depots have become receiving places for huge quantities of goods coming in from abroad after being bought online. Many of them no longer deal with the traditional way of business in post offices. Government is intent on maintaining the post office network, where at all possible. Having said that, I recall one case in the west recently where a post office closed that had been there for 70 years. When An Post inquired in the local area whether anyone else was interested in taking on the facility, there was no positive response from anyone. The situation is changing. We would like to protect, in whatever way we can, the system as it currently stands.

**Deputy Michael Harty:** We have had enough reports in this regard. What we really want now is action. If the Government is going to stand aside passively, post offices are going to disappear. We need decisive action and we need the Government to support post offices actively.

The Irish Postmasters' Union projects that in the next five years the income for the average post office will drop by 50%. That will lead to the demise of these post offices. Up to 500 communities are going to lose their post office structure. If the Government does not act, it will passively strangle post offices. Many Deputies on both sides of the House have no wish to see that happen, especially when solutions are available and can be implemented readily. If there is will and imagination, post offices can survive, giving an extraordinary social dividend. The Government must act decisively. Waiting on reports is not going to save our post offices. We need decisive action.

**The Taoiseach:** I put it to Deputy Harty that we are not waiting on the report. The report has been done, conducted, published and is being acted upon. One element is the basic bank account, which postmasters and postmistresses have sought for quite some time. Government

has also tried to put business the way of post offices. For example, there was the question of driving licences and the question of whether the contributions that were coming in for water could be paid through post offices.

It is not a case of not wanting to help. If we were to define the post office in a rural village in Clare in five years' time, what would it be? Would it be the same size as it is now? What services would it offer? What would be the increased capacity of the postmaster or postmistress to do business? Many maintain we need to surround that country house with other services provided by the State. That is not feasible in many circumstances either. As Deputy Harty is aware, with the change in the way business operates, people can conduct business traditionally done in the post office in other outlets. While we have 1,100 or 1,000 post offices throughout the country, Government is favourably disposed towards keeping business alive. It is a question of what we can do to help them in terms of technology, training, upskilling and new services that can be provided. As Deputy Harty is aware, many of these services have changed radically.

It is not a question of waiting for reports. It is a question of acting on the report we have. I can confirm for Deputy Harty that the Minister of State, Deputy Ring, is very active in this regard.

### **Questions on Promised Legislation**

**An Leas-Cheann Comhairle:** I want to give an opportunity to as many as possible. I have a number of indications already. I want to be very strict on this. The question has to relate to business which has been promised, including legislation promised either within or outside the House. The first to indicate was Deputy McGrath.

**Deputy Michael McGrath:** As the Taoiseach is aware, there is a real crisis in motor insurance premiums. A Government working group is examining the issue at the moment. Will the Taoiseach give a commitment that we will have recommendations from that group by the end of this month, as promised? The personal injuries assessment board (amendment) Bill has been proposed to reform the Injuries Board. It is to be hoped it will contain measures to strengthen the powers of the board to deal with the issue. Will the Taoiseach give a commitment on when it will be published and enacted?

There is a commitment in the programme for Government to set up a new mortgage court. The mortgages (special courts) Bill is to give more powers to the courts to impose solutions in certain cases of mortgage arrears and personal insolvency. Will the Taoiseach update the House on when that legislation will be published and debated?

**The Taoiseach:** We expect the mortgage court Bill to go for pre-legislative scrutiny in November. We expect the heads of the personal injuries Bill to be produced by the end of the year and the Minister of State at the Department of Finance, Deputy Eoghan Murphy, has been working on motor insurance and hopes to have his proposals ready in November. I will confirm progress on that to Deputy Michael McGrath but he expects to have several proposals for action fairly soon.

**Deputy Brendan Howlin:** Yesterday, when I raised the judicial appointments legislation, the Taoiseach gave an undertaking to the House that he will not allow the year, or many months, it will take to enact the legislation to stop the appointment of urgently needed judges, for ex-

ample, to the Court of Appeal. That was the instance he gave. According to *The Irish Times*, a few hours later his spokesperson contradicted that. I do not know if that was the Minister for Transport, Tourism and Sport, Deputy Ross, striking back. What is the position? Is it, as he set out to the House yesterday, that we will take the proper time to consider this legislation, which will take several months to enact because it has not been drafted yet, and that meanwhile a backlog, which would have serious hardship and financial implications for citizens and businesses, will not be allowed to arise in the Court of Appeal or the superior courts?

**The Taoiseach:** The Government is fully focused on producing the legislation for the judicial appointments commission. There are a few vacancies in the courts. On the last occasion when we made appointments we expected them to be the last appointments under the old system pending the introduction of the new judicial appointments commission. I do not have any proposals to bring names before Cabinet for appointment to the Judiciary now.

**Deputy Brendan Howlin:** Is there an embargo on appointments?

**The Taoiseach:** We are working on the creation of the new system and the judicial appointments commission.

**Deputy Mary Lou McDonald:** The programme for Government commits the Government to pursuing the implementation of the independent working group on Seanad reform as a priority. The report of the working group acknowledged that the current electoral system for the Seanad is elitist and it produced a range of proposals for the reform of the Seanad, including opening up the electoral participation for emigrants and citizens in the North. The programme for Government describes the implementation of the Manning report as a priority. There has been very little evidence of this. It is a year and a half since its publication and there is no sign of prioritisation. Has the Taoiseach set a date for the Dáil debate on the working group's report on Seanad reform? The working group also recommended that the interim implementation body be established, and the Taoiseach wrote to party leaders on this matter last week. Does the Taoiseach have a date in mind for the establishment of that implementation body? Given that in the Seanad last week the Taoiseach committed to implementing the proposals of the working group, how confident is he that this will happen before Fianna Fáil decides to call an election?

**The Taoiseach:** I wrote to all the party leaders asking them to nominate somebody to serve on the implementation committee. As soon as I have all those names, and I assume every party will want to participate, under the direction of the Leader of the Seanad, Senator Buttimer, the first meeting will take place and the authors of the report, former Senators Manning and O'Toole, are available to give technical advice if necessary to the implementation group. I referred to this in the Seanad last week. As soon as the names come back from the parties, we will have the implementation group's first meeting and get on with implementation. I hope that everybody will support it although there have been 11 reports on the Seanad over the past 35 years and there was never agreement, even from within the Seanad of the day. I hope that it will look more favourably on this.

Separate from that, the Minister of State with responsibility for the diaspora, Deputy McHugh, is pursuing the question of votes for emigrants and for those in Northern Ireland and we will move that forward as quickly as possible.

**Deputy Bríd Smith:** When the Simon Community's latest report was released, it showed very clearly that the people least able to access private rental accommodation are those on the

lowest incomes, those dependent on the housing assistance payment, HAP, scheme and those on the rental accommodation scheme, RAS. If the Taoiseach reads the Simon Community report he will see that they are not able to get rented accommodation. The housing (miscellaneous provisions) Bill is down for priority in the autumn schedule, but will the Taoiseach give me the exact date it will come before the Dáil? That legislation will be mainly about fast-tracking the planning process. How will that help those who today cannot access private rented accommodation, despite being supported by the State to do so, because the rents are so high and landlords do not want them? We have a real problem in this regard, with over-reliance on the market, a lack of social housing, and a Bill that is being brought forward to fast-track planning. That needs to be addressed, but we need a debate on it as soon as possible. I ask the Taoiseach to comment on the latest report from the Simon Community.

**The Taoiseach:** The point Deputy Smith raises deals with the real problem, which is a supply of housing.

**Deputy Bríd Smith:** Social housing.

**The Taoiseach:** Social housing and other housing. The shortage of housing supply has been the main cause of the problem because of the collapse of the entire construction industry during and after the recession. That is the focus of the housing programme put forward by Government. I expect the housing (miscellaneous provisions) Bill will be debated here - I do not know the exact date - in three weeks' time.

**Deputy Charlie McConalogue:** On the programme for Government commitment to support family farms, the tillage forum is meeting today but I wish to ask the Taoiseach specifically about the need for emergency funding for farmers who have lost crops this autumn. Does the Government intend to come forward with a package to support them in the very near future as there is a crisis on many farms, particularly those on the west coast? The Taoiseach will be aware of that in terms of his own county.

**The Taoiseach:** Some of those involved in the grain business will have no income at all this year. The Minister, Deputy Creed, has been speaking to the banks in respect of possible support measures. It is an issue of concern to us because of the extent of the bad weather. I will have the Minister respond to the Deputy on the contacts and the outcome of discussions he has had.

**Deputy Willie O'Dea:** I wish to clarify a point raised by Deputy Howlin earlier. Did the Taoiseach say in reply to Deputy Howlin that the Government intends not to fill any vacancies on the Bench until such time as he gets an agreement on the new system of appointing judges? Is that the position?

**The Taoiseach:** No. What I said was that there are a small number of judicial positions that are vacant. I do not intend to bring names to Government for appointment to fill those small number of positions. My focus is on introducing a new way of appointing members of the Judiciary under legislation currently being drafted for the judicial appointments commission. I said yesterday that we cannot have a situation where an excessive backlog builds up in the courts and the judicial system comes to a halt. In the meantime, there are a very small number of positions vacant now but it is not my intention to bring names to Government. I intend to follow through as quickly as I can with the production of the legislation for the judicial appointments commission. When the last few judges were appointed, we assumed that would be the last series of appointments under the old system. The appointments commission legislation is

complicated enough.

**Deputy Carol Nolan:** I ask the Taoiseach about the review of barriers to education for lone parents. That report was meant to be published at the end of August. It is very disappointing that it was not, given that we have had cuts to the one-parent family payment. Surveys have been published which show that 59% of one-parent households suffer material deprivation. I ask the Taoiseach for a clear commitment that this report will be published before the budget is announced.

Bhuail mé le Conradh na Gaeilge ar maidin. Caithfidh mé ceist a chur faoin bpolasaí oideachais don Ghaeltacht. Cén fáth nach bhfuil sé foilsithe? An bhfuil an Rialtas chun an polasaí oideachais i gcomhair na Gaeltachta a fhoilsiú gan mhoill?

**The Taoiseach:** The Minister for Education and Skills might respond to that question.

**Minister for Education and Skills (Deputy Richard Bruton):** That report is being worked on. It is taking somewhat longer than was expected but the authors are working on it, and we will be paying close heed to their recommendations.

**An Leas-Cheann Comhairle:** Agus Bille na Gaeltachta?

**The Taoiseach:** Tá cruinniú den choiste le bheith ann go luath. Tá an dáta socraithe. Beidh faisnéis le fáil tar éis an chruinniú sin.

**Deputy Catherine Connolly:** Ó thaobh chlár gníomhaíochta an Rialtais, Acht na dTeangacha Oifigiúla agus na leasuithe atá beartaithe, an féidir leis an Taoiseach soiléiriú a thabhairt dom maidir le scéim na gcúntóirí teanga agus an laghdú airgid atá i gceist? Níl an scéim in ann feidhmiú. Seo scéim bunúsach san Iarthar. Faoin scéim, téann cúntóirí isteach sna scoileanna agus tugann siad cabhair do na gasúir an Ghaeilge a shealbhú agus a láidriú. Cén chaoi is féidir leis, mar Thaoiseach, seasamh taobh thiar den gcinneadh agus an gearradh siar atá i gceist? Níos tabhachtaí, an féidir leis geallúint a thabhairt dom go mbeidh athbhreithniú ar an gcinneadh sin?

**The Taoiseach:** Níl figiúirí an bhuiséid cinnte ag an bpointe seo. Beidh siad san nochtaithe an Mháirt seo chugainn.

**Deputy Catherine Connolly:** Táimid ag caint faoi chinneadh atá déanta agus fógra a rinne an tAire Coimirce Sóisialaí coicíos ó shin maidir leis an mbliain seo agus ní an bhliain seo chugainn.

**An Leas-Cheann Comhairle:** Ceist amháin, a Theachta.

**Deputy Catherine Connolly:** Gabh mo leiscéal, ach an bhfuil freagra ar an gceist sin?

**An Leas-Cheann Comhairle:** Muna bhfuil, an mbeidh an Taoiseach ábalta-----

**The Taoiseach:** Cuirfidh mé scéal chuig an Teachta Connolly.

**An Leas-Cheann Comhairle:** Ag coinneáil leis an nGaeilge, glaoim ar an Teachta Breathnach.

**Deputy Declan Breathnach:** The current commercial rate base is totally archaic and outdated and is becoming a daily burden on the commercial sector nationwide. The Taoiseach has

indicated that the heads of the rates Bill are expected. When can Members expect them? In my view and that of most people, it is time to have a full review to create a scenario in which the rate should be self-assessed and based on an ability to pay, that is, on the income of the particular business. I seek the Taoiseach's comments as to when Members can bring this forward.

**The Taoiseach:** For the information of Deputy Breathnach, the heads of that Bill should be available by the end of the year. They are being worked upon.

**Deputy Jack Chambers:** My question relates to the programme for Government and the commitment to investing in the schools capital programme. The programme stated the Government is committed to:

... extensions/refurbishments, additional school places, and eliminating the use of pre-fabs. Significant funding has been secured as part of the Capital Plan.

The Taoiseach visited my constituency at the end of 2015 to announce a number of schools that were on the list for this year. However, hundreds of pupils, teachers and parents were outside the gates of Leinster House earlier as they discovered only in the past month that the funding might not be available this year or in future years. I have spoken about this matter to both Ministers sitting beside the Taoiseach. Can he give an assurance that the appropriate allocation will be available for schools, as the Government promised? It is important not to have an under-provision of funding and an over-provision of promises, particularly around election time, and that the Taoiseach matches his words relating to important capital matters.

**The Taoiseach:** I will ask the Minister, Deputy Bruton, to respond to the Deputy.

**Deputy Richard Bruton:** An additional €100 million was added to the capital budget for schools this year. I had a very useful meeting with the board, principal and patron of the particular school about which the Deputy is concerned. I gave a commitment that the Department would review its spending programmes to ascertain whether, in the light of the phasing of different programmes, additional schools could be released. However, there is a very full programme at present and the Department makes sure every penny allocated to it is spent. Nevertheless, I assure the Deputy that I understand the priority of the school to which the Deputy refers.

**Deputy Danny Healy-Rae:** Why is the Department holding up the building of local authority houses or social housing and curtailing the number of rural cottages that can be built? Why is this happening after all the talk we have had about housing?

**An Leas-Cheann Comhairle:** I thank the Deputy for his brevity, which will give a few other Members a chance.

**The Taoiseach:** Deputy Healy-Rae will understand that local authorities have been given money. They have been given targets for the number of houses to be built and the opportunity to do their own planning and design and to get on with the job. He should discuss that with the chief executive in County Kerry because the local authorities have the resources and the authority to get on with the job and they should be doing that.

**Deputy Robert Troy:** I have two brief questions for the Taoiseach.

**An Leas-Cheann Comhairle:** The Deputy should make it two in one.

**Deputy Robert Troy:** The consultation process regarding the wind energy guidelines

5 October 2016

closed more than two years ago. The previous Government failed to publish them and the current Administration is failing to publish them. When will they be published?

Second, when can Members expect to have the Technological Universities Bill back before the Oireachtas for debate?

**The Taoiseach:** I can confirm to the Deputy that the Technological Universities Bill is awaiting Committee Stage. I will have to come back to Deputy Troy. In fairness, he raised this on quite a number of occasions previously. There was a difference of opinion between Ministers at the time. There is one Minister handling this now. I will have him advise Deputy Troy-----

**Deputy Robert Troy:** It was more than a difference of opinion between Ministers.

**The Taoiseach:** I will have him advise Deputy Troy as to the position.

**An Leas-Cheann Comhairle:** Unfortunately, I am bound by Standing Orders. Regarding questions indicated to me from Deputies Healy-Rae, Kenny, Madigan and Durkan, I assure the Deputies that if I am in the House tomorrow, they will be first on my list.

## **Ceisteanna - Questions**

### **Cabinet Committee Meetings**

1. **Deputy Paul Murphy** asked the Taoiseach when the last meeting of the Cabinet committee on European affairs took place. [28290/16]

**The Taoiseach:** The Cabinet committee on European affairs was re-established by the Government on 23 May 2016 and met on 21 June 2016, prior to the June European Council. The next meeting of the committee will take place on 17 October.

The purpose of the committee is to discuss and to shape Ireland's strategic approach to our EU engagement. The committee will continue to work to ensure a coherent approach across all policy areas, particularly on priority issues for Ireland and, above all, to anchor Ireland's influence and interests in Brussels. This strategic approach at EU level will continue to include engagement at bilateral level with fellow member states and alliance building with key partners.

I would add that the EU negotiations on Brexit will be overseen by a separate new Cabinet committee, which met on 8 September. The committee will meet again before this month's European Council in Brussels.

**Deputy Paul Murphy:** Has the Cabinet committee discussed the growing momentum towards a significant further step in the militarisation of the European Union in the context of Brexit, which has, according to one source who comes from an EU state with a large defence industry, created a "new situation" but that "we are just at the beginning of the process" and that talks could go on for "years to come"? He or she is explicitly talking about that process of further military integration.

We have a joint proposal from Germany and France which proposes the establishment of an

EU military headquarters. According to the *EU Observer*, “The paper added that a core group of EU states could launch the new security policy”, and “In one suggestion, it also declared the political intention to create ‘an authentically European esprit de corps’ by joint training of military officers.”, and “spoke of other projects, such as making EU ‘tactical groups’ ready to go into action, sharing military satellite imagery, and joint procurement of high-end technology”. The proposals also included a joint EU defence budget, shared military surveillance and joint procurement. The Italian Government has gone even further, calling for a “powerful and usable European Force that can also be employed in support to Nato or UN operations”. That covers France, Germany and Italy.

In the recent state of the Union address to the European Parliament by the President of the European Commission, Mr. Juncker, the points on so-called defence, in reality, militarisation, are quite striking. He stated:

Europe needs to toughen up. Nowhere is this truer than in our defence policy.

Europe can no longer afford to piggy-back on the military might of others or let France alone defend its honour in Mali.

As if that is what France is defending in Mali. Mr. Juncker added:

For European defence to be strong, the European defence industry needs to innovate. That is why we will propose before the end of the year a European Defence Fund, to turbo boost research and innovation.

This is a bloc that currently spends €200 billion a year on investment in research and development of weapons which are designed to kill and maim people. What is important is that Mr. Juncker stated, “The Lisbon Treaty enables those Member States who wish, to pool their defence capabilities in the form of a permanent structured cooperation.” This drive towards further militarisation will be carried out under the title of permanent structured co-operation, a provision introduced by the Lisbon treaty. People will remember that the Lisbon treaty apparently had nothing to do with militarisation. The straw man of conscription into European armies was knocked down.

*1 o'clock*

This is happening. They are driving towards further militarisation in the context of Brexit. What is the Government’s position? Has it discussed that at a sub-committee? What position did the Minister for Defence take at the meeting in Bratislava at which these matters were discussed?

**The Taoiseach:** I thank the Deputy for those questions. Obviously, security is a central issue of serious concern to the European Union as a whole and we need to respond to that in a coherent and pragmatic way, using the full range of tools - diplomatic, economic development, peace support, etc. - available. Strengthening the EU’s peacekeeping capacity and support of the United Nations will be an integral part of the effort to support international peace and security and that will be done through the further development of the common security and defence policy, as defined in the European Union treaties. We contribute actively to that, including commanding EU operations in Chad and Somalia, and we are prepared to engage in further development of this in support of international peace and security, as provided for under the European Union treaties.

At the Bratislava meeting on 16 September, the Heads of State and Government of the 27 member states held a broad debate on the key priorities for the coming months. The President of the European Council and the President of the Council of the European Commission proposed a programme known as the Bratislava roadmap and that addressed several areas, including security and defence. Obviously, security and defence will be discussed in the context of the EU global strategy in the coming months. That strategy on foreign and security policy recognises the need to invest more in conflict resolution and to tackle the root causes of instability. We discussed this yesterday to some degree in respect of the catastrophe unfolding before our eyes in Aleppo. What will be involved here will be a mix of coherent EU policies to support international peace and economic development and to help build state and societal capacity on the rule of law, human rights and governance. Strengthening the EU's peacekeeping capacity in support of the UN will be an integral part of that. This will be done through the further development of the common security and defence policy, as defined in the EU treaties.

There are different views among the 28 member states on how to progress the security and defence aspect of European defence. Ireland, along with a number of other member states, favours practical co-operation in support of international peace and security in crisis management. There is a general understanding that to be effective in this and to deliver a proper response to different crises, we need to make progress across all elements of that global strategy and not just in the area of security and defence.

Suggestions have been made about a proposal that has been around for some time that the EU should establish a joint operational headquarters to support the planning and conduct of its civil and military operations. A permanent joint civil military operational headquarters, appropriately configured, could potentially deliver a more effective and responsive common security and defence policy operations in support of UN and international peace and security, a position which this country supports. However, this is a matter for the EU member states, including Ireland, and it is a matter that will be considered in the context of the implementation plan for the recently published EU global strategy for foreign and security policy, and we will participate fully in that.

There are no suggestions for a European army. The Irish protocol to the Lisbon treaty clearly states that the Treaty of Lisbon does not provide for the creation of a European army.

**Deputy Brendan Smith:** I thank the Taoiseach for his reply. After eight years of economic and political crisis, the European Union is now faced with a lengthy crisis about its future direction, not only in the context of Brexit but also in regard to its respect for shared values and rules.

In recent weeks, a range of senior politicians, as Deputy Paul Murphy stated, in member states and institutions have begun talking about changes to treaties and legislation. Ireland cannot stay on the sidelines; we need to set out our policies. For example, we should be very clear in telling President Juncker that there is no public demand or benefit concerning his proposal for focusing on military capabilities. What we need is a reform which addresses the core lack of capacity in the European Union which would assist in increasing much needed economic growth. Did the Taoiseach have any direct contact with President Juncker or any other senior person at Council or Commission level on President Juncker's proposals for changes in the EU?

**The Taoiseach:** They are part of the discussions that take place all the time. I spoke at the meeting in Bratislava about the reasons we should be optimistic about the future of the European Union. It will require political decisions of the 27 member states. The European Central

Bank can only do so much in terms of interest rates and buying up paper and all of that. There are decisions that must be taken by Europe if we are to move forward as 27 member states with almost 500 million people. The Juncker plan was one in terms of investment in major pieces of infrastructure. Perhaps it has not been taken up to the extent that it should have been and has not applied to smaller countries like Ireland in the way it might have. It is an issue I have raised with him.

We also had the question of public-private partnerships for investment and how they were being assessed by the EUROSTAT independent office. Following difficulties we were having here, I wrote to the President of the European Commission and circulated it to all the other leaders and I am glad to say movement is being made on it. It will allow for off-balance-sheet investment for major pieces of infrastructure, including housing in some countries, which will be to everybody's benefit. These things are discussed on a regular basis. Getting consensus on where we want to be in five, ten or 20 years is the difficulty.

**Deputy Mary Lou McDonald:** The Taoiseach is aware that we are at least nominally militarily neutral. The concerns raised about military capacity, obscene levels of spending and a growing symbiotic relationship with NATO are points that are well and fairly made and factually based. They have been rehearsed before. How is it, despite the suggestion of lots of people, including us in Sinn Féin, the Taoiseach has never pursued a protocol in respect of the militarily neutral states within the European Union? How come he has never challenged the militarisation agenda? Perhaps he has but I am not aware of it.

**An Leas-Cheann Comhairle:** Thank you, Deputy.

**Deputy Mary Lou McDonald:** On the Cabinet sub-committee on Brexit, will the Taoiseach accept that the overriding priority of the civic dialogue he proposes with the Government and Oireachtas must be to advocate on behalf of the remain vote in the North and that it should be the structure and context in which this sub-committee and all other discussions are framed?

**An Leas-Cheann Comhairle:** We will be discussing Brexit at the next-----

**The Taoiseach:** One of our priorities, which I said at the meeting yesterday evening, is the support from Europe for the peace process. We also have a real responsibility here to the many thousands of small firms that export over €7 billion into the United Kingdom. The currency fluctuations are already causing difficulty there. We have to deal with a range of priorities as part of the Brexit discussions. The Deputy will be kept fully informed of that.

I answered questions this morning on the work going on between the Department of Finance, the Department of Jobs, Enterprise and Innovation and the Strategic Banking Corporation of Ireland to provide a range of supports for small and medium enterprises that export directly to Britain. This morning, Enterprise Ireland has people from all over the world out in the RDS talking about new opportunities in new markets in America, Canada, Europe and places beyond.

We are militarily neutral as Deputy McDonald said. Our participation in the Common Security and Defence Policy is prohibited by Article 29.4.9° of the Constitution. That protection is reinforced by the Irish protocol in the Lisbon treaty which was voted upon by the people and can only be changed by the people. We are very proud that members of our Defence Forces operate as a support in terms of humanitarian or peacekeeping missions in a number of locations. They do so exceptionally professionally but strictly within the confines of the European Union

Treaties and the triple lock. That will remain the position.

**Deputy Eamon Ryan:** The Green Party supports the various calls here today for us to reaffirm that our position in the European Union is to uphold a tradition of neutrality and the peacekeeping work we have done down through the years. Has the Taoiseach come under any pressure to increase the defence budget? Apart from the constitutional arrangements, is there any pressure coming from Europe to increase our spending on defence as part of a wider aim to do that within the Union?

**The Taoiseach:** The answer is “No” to Deputy Ryan’s question. There has been no pressure placed on us to increase spending. As I said in my earlier reply, we take a very practical view of how we can assist in terms of support and we operate within the confines of the regulations that everybody adheres to.

**Deputy Paul Murphy:** The Taoiseach in his response said something that is extremely revealing. He basically said he is in favour of an EU military headquarters. I do not see how that tallies with a position of formal neutrality.

**The Taoiseach:** How did the Deputy figure that out?

**Deputy Paul Murphy:** The Taoiseach said a permanent joint civil-military operational headquarters could potentially deliver more effective, etc., and that this was the Government’s position.

**The Taoiseach:** Yes.

**Deputy Paul Murphy:** In principle, the Government is agreeing with the idea of an EU military headquarters. He then tells us there is nothing in here about militarisation when the Italian Government is calling for a powerful and useable European force that can also be employed to support NATO or UN operations. That is a European army. An EU source at the Bratislava event, according to the *EUobserver*, said everyone mentioned the HQ issue. Did the Irish Government mention it? Did it say it is in favour in principle of the military HQ as is put forward today? A debate on this matter is happening in the European Union. However, it is not a debate between those who are for and those who are against militarisation. It is a debate between those who are for EU militarisation separate from NATO and those who are for EU militarisation integrated into NATO. If Ireland has a neutral position, it should be against both of those positions.

**The Taoiseach:** I said a permanent joint civil-military operational headquarters, appropriately configured, could potentially deliver more effective and responsive Common Security and Defence Policy operations in support of UN and international peace and security, a position which Ireland supports. I said further that this is a matter which EU member states, including Ireland, will consider in the context of the implementation plan for the recently published EU global strategy of foreign and security policy.

### **British-Irish Co-operation**

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the British Secretary of State, James Brokenshire, in Oxford. [28355/16]

3. **Deputy Eamon Ryan** asked the Taoiseach his plans for the North-South summit on Brexit. [28712/16]

4. **Deputy Mick Barry** asked the Taoiseach if he will report on the last British-Irish Council. [28715/16]

**The Taoiseach:** I propose to take Questions Nos. 2 to 4, inclusive, together.

I spoke to the Secretary of State, Mr. Brokenshire, MP, at the British-Irish Association conference in Oxford, where we discussed the future of Britain and Ireland against the backdrop of the UK vote to leave the EU and the particular concerns of Northern Ireland in that context. In addition, we discussed legacy matters and our ongoing commitment to the establishment of a legacy framework as envisaged in the Stormont House Agreement.

The Government believes there is a need for the widest possible conversation on the implications of the referendum result for Ireland, North and South and for North-South relations. To facilitate this conversation, the Government has agreed there will be an all-island civic dialogue on Brexit with the first meeting to be hosted by myself and the Minister for Foreign Affairs and Trade on 2 November in Dublin. This is to allow for the widest possible conversation on the implications of the UK referendum result for Ireland, North and South, and for North-South relations.

This event will provide an opportunity to hear the voices of the people affected by the vote, both directly and through their representative groups. It will also provide an opportunity to map the challenges presented by Brexit and how they might impact on different elements of society and the economy on an all-island basis. Invitations will be extended to a broad range of civic society groups, trade unions, business groups and non-governmental organisations, as well as representatives of the main political parties on the island. The main output will be a report and recommendations which will be used to help inform the Government's position on issues related to the UK's exit negotiations.

I attended an extraordinary meeting of the British-Irish Council, BIC, in Cardiff on 22 July, hosted by the First Minister of Wales, Carwyn Jones. Arising from the UK vote to leave the EU on 24 June, this summit was convened to discuss the implications of Brexit for the council and its members, including those who are not EU member states but whose relationship with the EU is dependent on UK membership. This Cardiff meeting was the 27th to be held since the inaugural meeting of the council in 1999. The meeting was also attended by the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, the new Secretary of State for Northern Ireland, James Brokenshire, First Minister, Arlene Foster, Deputy First Minister, Martin McGuinness, the First Minister of Scotland, Nicola Sturgeon, and representatives from all other member Administrations.

The council noted there are several priority areas where implications arise, in particular the economy and trade, the common travel area, relations with the EU and the status of all citizens affected by the change. They further noted the process for implementing the referendum outcome would become clearer in the coming months. During discussions, Ministers collectively reaffirmed the importance of the council as a key institution of the 1998 Agreement and an important and unique forum to share views, enhance co-operation and strengthen relationships among all member Administrations at this time.

**Deputy Mary Lou McDonald:** I understand that during the meeting of the British-Irish As-

sociation in Oxford, the Taoiseach acknowledged a key priority for him in the midst of Brexit negotiations would be the role of the EU in supporting the peace process, including through the special EU programmes body and EU funding. The Brexit referendum will obviously have implications for those programmes that are 85% funded by the European Union. As one can imagine, this has created significant uncertainty for all of those communities and sectors dependent on funding for and the implementation of these programmes.

Will the Taoiseach provide us with an update on the work in which officials have been involved between the Northern Ireland Executive, the special EU programmes body and the European Commission? Did the Taoiseach discuss with Mr. Brokenshire the implications of the British Chancellor's autumn statement in November? The British Government has only given assurances in the case of funding for Structural Funds for those projects approved before the autumn statement. How confident is the Taoiseach that the British will deliver on these assurances? Is he confident that outstanding letters of offer from the Government will be published before the Chancellor's statement?

Did he have an opportunity to discuss the legacy issue with the new Secretary of State for Northern Ireland? His meeting predated the row between Mr. Brokenshire and the Ballymurphy families? The British Government's approach to legacy matters has been unhelpful, to say the least, and hurtful. Did the Taoiseach discuss with Mr. Brokenshire the failure of his predecessor, Ms Theresa Villiers, and of the Cameron Government to co-operate with the legacy process agreed at Stormont House two years ago? There are some 97 deaths awaiting inquests. There is a suggestion that the North's Attorney General might be preparing to refer even more murders for new inquests. The North's Lord Chief Justice has called for urgent action on the issue. He has proposed a £10 million, five-year plan to clear the backlog in legacy inquests. Did the Taoiseach discuss with the British Secretary of State the refusal by his Government and the DUP to fund legacy inquests?

**An Leas-Cheann Comhairle:** Will the Deputy conclude as I want to accommodate other Members?

**Deputy Mary Lou McDonald:** These issues are relevant to the meeting in question.

**An Leas-Cheann Comhairle:** I know they may be but I want to accommodate other Members.

**Deputy Mary Lou McDonald:** It is a bit berserk having such a limited time. Can I have answers to those specific questions?

**The Taoiseach:** The Deputy is not going to get answers to them all just now. She read out a substantial list of questions there. I did not have time to discuss all those matters with the Secretary of State, James Brokenshire. I did discuss with him what he might do under the legacy issue. I pointed out to him that, while it was never assumed it could happen here, this State under my direction submitted to the coroner's inquest in Belfast whatever information was on files here in respect of the Garda Síochána arising from the Kingsmill massacre. I spoke to him specifically about Ballymurphy. I met the Ballymurphy families in Government Buildings some time ago and it was a very fine meeting. I also visited those good people myself in Ballymurphy to see at first hand the locations where their loved ones were murdered.

I told the Secretary of State that this State providing information to the coroner's inquest on the Kingsmill issue was an example of what should and could happen under his stewardship.

While he was very new in his job at the time, I spoke to him briefly in respect of the Border and said that I agreed with the British Prime Minister that there would be no return to a hard Border, a fact which she publicly announced in Downing Street, and I emphasised the importance of that.

On the EU-funded PEACE and INTERREG programmes, on 24 June, the day of the Brexit referendum, officials from the Department of Public Expenditure and Reform were in touch with their Northern Ireland counterparts and the European Commission, as well as with the special EU programme body, to underscore the Government's commitment to the programme and discuss how they would continue to benefit from European funding. The matter was discussed at the plenary meeting of the North-South Ministerial Council that took place in Dublin Castle on 4 July 2016 and at a sectoral meeting of the special EU programmes body that took place in Iveagh House on 7 July 2016. I know that the Minister for Public Expenditure and Reform and the Northern Ireland Minister of Finance, Máirtín Ó Muilleoir, agreed to write jointly to the European Commissioner for Regional Policy, Corina Creţu. That work is continuing and I am aware that officials of the Department of Public Expenditure and Reform are continuing to engage with the Minister of Finance's officials, the special EU programmes body and the European Commission to establish the basis on which programmes will be allowed to continue to be implemented. Both the Minister for Public Expenditure and Reform and the Minister of Finance have also been in touch.

While there are complex financial, technical and legal issues that need to be worked through, I assure Deputy McDonald that, in this regard, the Government's commitment to the successful implementation of the programmes is total. They are an essential and critical part of what we need to discuss in changing circumstances arising from the peace process and the support from Europe for these very important programmes, not just here but indeed in Scotland.

**Deputy Eamon Ryan:** I very much welcome the initiative to establish the summit and to look at the trade issue first. Will the Taoiseach consider using that sectoral approach and having one on the free movement of people, one on security issues and one on the environment? It is a potential way that could evolve given it is so difficult because there are so many issues at play here.

What we are facing is probably the most protracted and difficult negotiations with the British Government. The only example I can think of is the Home Rule negotiations at the end of the 19th century and the start of the 20th century. It is at that level of complexity. Added to that is the fact that, like them, we have deep divisions in Northern Ireland where it looks like it will be very difficult to get political agreement on whatever approach we want to take as an island.

In those circumstances and given that the British Government has been following a deluded and deeply flawed path to try to become an unregulated state, a pirate state that will try to get the best of both worlds, is it not time for us as a friend, because one can only say this as a friend, to tell it the approach it is taking will be deeply damaging to all sides? Is it not time for us to say to the British Prime Minister that the British Government's disregard for the island of Ireland question in the way she presented her intention to trigger Article 50 is a very bad sign and that she must stop and take a different approach if we are going to get some sort of outcome out of this process that will not be deeply damaging to the people of Great Britain and Ireland, North and South?

**Deputy Mick Barry:** My question relates to corporation tax rates. After the Brexit refer-

5 October 2016

endum, the former British Chancellor of the Exchequer, George Osborne, announced plans to slash the UK corporation tax rate from 20% to below 15%. On BBC Radio Ulster on 5 July 2016, the Minister of Finance, Máirtín Ó Muilleoir, referred to this in light of the plans by the Northern Ireland Executive to reduce the corporation tax rate in Northern Ireland to 12.5% by 2018. The Minister said, “I think he has put a horse and carriage through our policy.” He then referred to the need to consider a different strategy involving reducing the corporation tax rate even further.

In this House, we often speak about the race to the bottom and Sinn Féin Deputies often raise their voices against it, but here we have a Sinn Féin finance minister positively embracing the race to the bottom, slavishly copying British Tory Party policy and promoting the notion of a bidding war whereby tax for multinational corporations would be slashed at a time when profits are sky high and public services are crying out for investment. Was this issue raised at the recent British-Irish Council and, if so, what was discussed? Will the Taoiseach give a commitment to the House that he will not enter into a bidding war of this type?

**The Taoiseach:** Quite a number of issues were raised at the British-Irish Council. I cannot recall this issue being raised but I will check the minutes of the meeting for Deputy Barry. I can confirm that it has been very clear for a very long time and enshrined in European treaties that tax matters are matters for the individual competence of each country. We set out our corporation tax rate at 12.5% many years ago and we are not changing that. It is not going up and it is not going down.

However, in recognition of the right of any country to move its tax rate, we did support a situation whereby the much higher British tax rate might be lowered in Northern Ireland to make the island of Ireland a more attractive economic entity in its overall context for foreign direct investment. The former British Prime Minister devolved that authority to the Northern Ireland Executive if it wished to implement it and that is what it decided to do. In the run up to the referendum, the former Chancellor of the Exchequer, George Osborne, said that the British Government might reduce the corporation rate in Great Britain to boost the economy. We are not entering any bidding war. Our rate is 12.5% and will remain so.

**Deputy Eamon Ryan:** I asked the Taoiseach whether he would consider further strands. They could vary.

**The Taoiseach:** I already made the point that this was not a result that we wanted but it is one we must accept because it is a democratic decision of the electorate of England, Northern Ireland Scotland and Wales. We will have differences of opinion with the British Government regarding matters that will probably arise in respect of Brexit, but we are committed to the common travel area and no return to a hard Border and we want to maintain the trading links we have with Great Britain. A total of 200,000 jobs here are dependent on exports to Britain and similarly from Great Britain. We will remain a member of the EU. I discussed this with Deputy Ryan yesterday evening. Clearly, we have a lot of negotiating to do to protect our vital national interests and we intend to meet that challenge head on.

### **Cabinet Committee Meetings**

5. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet committee on housing last met. [28622/16]

6. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on housing last met; and when the next meeting is scheduled. [28718/16]

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

The last meeting of the Cabinet committee on housing was held on Wednesday, 28 September 2016. The committee will meet again later this month. The committee meets regularly to oversee the implementation of the Action Plan on Housing and Homelessness, which is a priority for Government.

**Deputy Brendan Smith:** I thank the Taoiseach for his reply and welcome the fact that he has given a clear commitment that the Cabinet committee will meet regularly regarding this very important issue. I represent two very rural counties and the largest number of representations received by me, and I am sure by my fellow public representatives, day in and day out relate to housing. Unfortunately, there are individuals and families in rural and urban Ireland living in bed and breakfast accommodation and hotel rooms, which is far from satisfactory.

There has been quite an amount of public commentary about possible incentives relating to housing in the forthcoming budget. Have impact assessments been carried out on the various incentives that might be introduced? If they have been undertaken, do such assessments give a clear answer that such incentives will considerably increase supply? The programme for a partnership Government also contained a commitment to planning reforms that would be undertaken immediately and implemented incrementally. Has there been any progress on that?

In the previous Dáil, we often heard the Taoiseach talk about the provision of additional much-needed housing stock using modular builds. Unfortunately, that did not happen. The previous Government identified modular building as a key way of increasing housing stock quickly and at affordable rates. As it turns out, the houses have not been provided and they will not be nearly as cost-effective as was originally thought.

The Taoiseach is well aware of housing assistance payment, HAP, provisions and the fact a person is removed from the social housing list when they go on the HAP scheme. That they will no longer be on the social housing list discourages people who are in urgent need of housing from availing of the HAP scheme. While there has been some commentary on the transfer, in reality people are removed from the traditional social housing list when they avail of the HAP scheme.

The action plan which the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, recently published does not give clear targets for how many social houses will be new, that is, how many new builds will arise from the action plan. There is a great need to increase social housing considerably. Only 9% of Ireland's housing stock is social housing compared with the EU average of 17%. We have a considerable way to go to reach the EU average. Could progress be made quickly on restoring to habitable condition houses that have been left vacant by local authorities? This should be the quickest way of bringing homes back into use for the many families which are desperate for accommodation.

**The Taoiseach:** The committee met nine times, on 12, 20 and 26 May, 2, 9, 15 and 30 June, 7 July and 28 September. The committee will meet as appropriate. If it is necessary for it to meet every week, it will do so. The State must deal with the issue. Due to the total collapse of the construction sector, the senior Minister with responsibility for housing and construction, Deputy Coveney, has produced the most comprehensive construction plan for housing

ever produced by the State and backed by resources. We want to deal with the homeless and rough sleepers as a matter of urgency. They are symbols of the failure to deal with people on the streets who, in the vast majority of cases, should not be there. The Minister wants, by the middle of next year, to end the situation of having families in emergency hotel accommodation. It is an ambitious plan, but we intend to meet it.

Good progress has been made in implementing the plan. The HAP homeless pilot in Dublin has been extended. A Housing Agency rolling fund of €70 million has been established to purchase vacant properties from banks. The Minister will give all the details of this in a few minutes. There are plans to provide further family and child welfare support for homeless families. A housing delivery office has been established within the Department and a dedicated housing procurement unit has been established within the Housing Agency to assess vacant houses as they arise and make offers to buy them. New planning application process legislation has been published to expedite several priority reforms in planning and tenant protection. A call for proposals has been issued to access the €200 million local infrastructure housing activation fund, which should lead to approximately 11,000 to 15,000 extra houses being produced.

The latest data show that 4,248 adult individuals used State-funded emergency accommodation nationally during a week in August 2016. The August 2016 survey identified 1,151 families in emergency accommodation nationally, a 63% increase over the year. This included 2,363 dependents. I am setting out the scale of the challenge the Minister faces.

I will detail the key social housing actions. We will provide 47,000 social housing units delivered by 2021, supported by an investment of €5.35 billion. Some 26,000 of these units will be new builds. There is the accelerated housing assistance payment and the National Treasury Management Agency, NTMA, private sector housing fund to deliver increased housing supply, which is where the big focus is. There will be mixed tenure development on State lands and other lands, the housing delivery office has been established and there is extensive support for local authorities and approved housing bodies. I referred to this in reply to Deputy Danny Healy-Rae earlier. There are to be streamlined approval processes. The Minister is moving through the right of local authorities to expedite planning applications, and major planning applications for more than 100 units can go straight to An Bord Pleanála.

While 26,000 of the 47,000 social housing units will be new builds, 11,000 will be acquired by local authorities and approved housing bodies directly from the market or the Housing Agency, with a portion of these being newly built units. Some 10,000 will be leased by local authorities and approved housing bodies, which will include an estimated 5,000 units to be sourced from the NTMA special purpose vehicle, SPV. A further 5,000 units are to be secured from a combination of the repair and leasing initiative under long-term lease arrangements by local authorities and approved housing bodies from a range of different sources not including Part 5.

The Deputy asked how many vacant properties the €70 million Housing Agency fund has bought. Under the new acquisitions programme, it will use a rotating fund of €70 million. It is estimated that the mechanism will deliver 1,600 units over the period to 2020. Some 700 properties have been referred to the Housing Agency for potential acquisition and, as of 22 September, the agency has made a bid in respect of 96 of these, of which 49 have been accepted. These are in addition to the 171 properties the Housing Agency has acquired on behalf of local authorities from the two pillar banks under its existing acquisition programme.

It is a very extensive challenge. It is a massive programme and, in so far as the direction can be given through the Cabinet sub-committee, it will meet as necessary. The third quarter report will be published in the coming weeks and the Minister will supply the Deputy with all the details necessary.

**Deputy Mary Lou McDonald:** The Simon Community survey found that 87% of rental properties are beyond the reach of people who depend on State housing benefits. This was raised earlier. It also found that less than half the number of rental properties are available than were available in May 2015. The Simon Community is deeply and rightly concerned about the ongoing reduction in the availability of homes to rent, which is down by 19% from August 2015 and by 55% since May 2015. The report is the first since the Minister introduced changes to the rent supplement payment in July, and it strongly suggests that the Minister's changes have had little or no impact.

One of the marks of Fine Gael in government has been its utter failure to tackle properly the issue of social housing and homelessness. The Taoiseach once promised to end homelessness by 2016. That was five years ago, and the situation has deteriorated. Recently, the number of rough sleepers on the streets of Dublin increased to 168, the highest number ever recorded. In the Taoiseach's previous remarks, he referred to homeless people or rough sleepers and said the vast majority should not be there. I do not know what he means by that.

**The Taoiseach:** I meant some rough sleepers do not want to go into accommodation.

**Deputy Mary Lou McDonald:** I am glad the Taoiseach has clarified that. It was an alarming thing to say. No family or individual should be homeless or raising their children in a hotel room or bed and breakfast accommodation. I am sure we agree on this.

**The Taoiseach:** It is a priority of the Minister to deal with it.

**Deputy Mary Lou McDonald:** There has been a 32% increase in those recorded as sleeping rough during the past year. This happened on the Taoiseach's watch. Two weeks ago, we saw the re-launch of most of the same proposals that were announced in July, in the Government's action plan for housing. There were many promises but there was very little sign of real progress. While the announcement of 200 additional emergency beds for rough sleepers is welcome, these are emergency beds, not a permanent solution for the trauma of those who are rough sleepers or homeless.

The Government decision to create an additional 300 Housing First tenancies is, at best, a modest expansion and is nowhere near sufficient when set against the fact that there are more than 2,000 homeless single people. The Government's decision to provide €70 million in funding over three years for the Housing Agency to purchase 1,600 vacant units is not good enough. According to census figures, there are more than 189,000 vacant units in the State, more than 40,000 of which are in Dublin. To allocate €70 million over three years to purchase only 1,600 of them is miserly and not nearly enough.

The most recent figures from the Residential Tenancies Board reveal that rents are increasing faster than inflation. It found that, across the State, rents increased by just under 10% in the second quarter of this year. The index also showed that significant increases were not confined to the Dublin region. In Dublin, rents are now 3.9% higher than they were at the previous high point in 2007.

The absence of rent certainty is causing major distress for households. The Taoiseach will recall that, last June, Sinn Féin tabled the Rent Certainty Bill, which would have saved working families up to €2,000 per year. To its shame, if it has any, Fianna Fáil backed its partners in government, namely, Fine Gael, to vote the Bill down. The Government is due to publish its housing (miscellaneous provisions) Bill in October. Will the Government reconsider its position and introduce into that legislation the rent certainty measures outlined by Sinn Féin and, sadly, voted down last June?

**The Taoiseach:** The most fantastic document that I have read in recent years emerged from Sinn Féin yesterday on how to sort out all of the problems of Ireland - no interest in water conservation - and provide money for every single problem that has ever existed. Absolutely brilliant. I am not sure who Deputy McDonald expects to believe that. In any event, as the deputy leader of her party, she is fully entitled to produce any policy document she wishes, but I wish that it was based on-----

**Deputy Mary Lou McDonald:** Really? How kind of the Taoiseach.

**An Leas-Cheann Comhairle:** The Taoiseach, without interruption.

**The Taoiseach:** -----some measure of reality. The Ministers, Deputies Coveney and Varadkar, increased the rent supplement and the HAP in July. The challenge here is to deal with supply. There is a series of schemes to bring vacant properties back into good use for families. We had a situation where any vacant property in Dublin was being completely gutted and refurbished as a brand new build at excessive cost. That was changed to be a practical component whereby one provided a decent house - well insulated, warm and comfortable - for families. That is an issue that is part of the provision of many more houses that were vacant for a long time and are now being brought back into use.

There are 220 extra beds being provided for rough sleepers on an emergency basis, bringing the total to 1,800. I do not want to see anybody on the streets this Christmas, and there was no one on the streets last Christmas except those few people who wanted to be there and who, as Deputy McDonald knows very well, have a variety of complications, difficulties and challenges and never wanted to be in accommodation - hostel, rental or whatever - in the first instance.

**Deputy Mary Lou McDonald:** They were not going to hostels. That is an entirely different issue.

**An Leas-Cheann Comhairle:** We have exceeded the time.

**The Taoiseach:** Last year, there were 74 social houses built in this country. “7” and “4”.

**Deputy Mary Lou McDonald:** Who was in government last year?

**An Leas-Cheann Comhairle:** I ask the Taoiseach to conclude his response.

**Deputy Barry Cowen:** A plan of Deputy Kelly’s.

**The Taoiseach:** By the end of this year, there will be 1,500 and the Minister will bring forward-----

**Deputy Mary Lou McDonald:** Who was in government last year?

**Deputy Dessie Ellis:** That was the Government’s plan for €3.8 billion.

**The Taoiseach:** -----his full rental proposals, which will be vastly more realistic and comprehensive than what Sinn Féin has proposed.

**Deputy Mary Lou McDonald:** We will see. The jury is out on that.

**Deputy Barry Cowen:** An endorsement of the former Minister, Deputy Kelly.

### **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 Brendan Griffin - the Minister for Foreign Affairs and Trade's views on the continuing humanitarian situation in Aleppo; (2) Deputy Robert Troy - the need for the Minister for Education and Skills to discuss the position regarding progress on Coosan national school, Athlone; (3) 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; (4) 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; (5) Deputy Jackie Cahill - if the Tánaiste and Minister for Justice and Equality will intervene in the work to rule by cleaning staff at the Garda college in Templemore; (6) 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; (7) Deputy Peter Fitzpatrick - the Minister for Health's views on the lack of respite beds in County Louth; (8) Deputy Martin Kenny - the Minister for Agriculture, Food and the Marine's views on penalties being imposed under AEOS and GLAS in respect of rush cutting; (9) Deputy Imelda Munster - the need for the Minister for Education and Skills to discuss the position with regard to funding for the planned extension for Scoil Naomh Feichín, Termonfeckin, County Louth; (10) Deputy Lisa Chambers - the Taoiseach's views on the report on the well-being of members of the Permanent Defence Force; (11) Deputy Barry Cowen - the Minister for Health's views on the reduction in ambulance services in Edenderry and relocation to Tullamore; (12) Deputy Margaret Murphy O'Mahony - the need for the Minister for Health to discuss the position in terms of beds at Clonakilty district hospital; (13) Deputy John Brassil - the Minister for Health's views on the need to protect the two titles of physiotherapist and physical therapist on one register; (14) Deputy Maurice Quinlivan - the Minister for Health's views on the ongoing crisis in the accident and emergency department at University Hospital Limerick in Dooradoyle and the delay in opening the new accident and emergency unit; (15) Deputy Charlie McConalogue - the Minister for Agriculture, Food and the Marine's views on the need for a crisis fund to support tillage farmers who have lost their crops; (16) Deputy Dara Calleary - the Minister for Finance's views on the need to investigate underwriting an insurance scheme for communities affected by the absence of flood defences; (17) Deputy Aengus Ó Snodaigh - the need for the Minister for Education and Skills to discuss difficulties regarding apprenticeship courses in ETBs across the country, tutors and equipment shortages; (18) Deputy Catherine Connolly - the Minister for Health's views on the inadequacy of home care packages and the consequently delayed discharge of patients from hospital and delayed admission to University Hospital Galway; (19) Deputy Clare Daly - the Minister for Transport, Tourism and Sport's views on the new runway and implications of the decision to appoint the Irish Aviation Authority, IAA, as the competent authority in respect of airport noise at Dublin Airport; (20) Deputy Darragh O'Brien - the Minister for Foreign Affairs and Trade's views on the British Prime Minister's decision to invoke

Article 50 by March of next year and the Government's preparations for same; (21) Deputy Pearse Doherty - ní mór don Aire Ealaíon, Oidhreacht agus Gaeltachta freastal ar riachtanais na n-eagraíochtaí a réachtalann scéim na gcúntoirí teanga thar ceann na Roinne i bhfianaise na gciorraithe a bhí déanta le dornán beag blianta anuas; (22) Deputy Martin Ferris - the Minister for Transport, Tourism and Sport's views on the future of Valentia car ferry and the implications for tourism in south Kerry of any change in service; (23) Deputy Gino Kenny - the Minister for Foreign Affairs and Trade's views on the continued incarceration of an Irish citizen in Egypt; (24) Deputy Bríd Smith - the Minister for Housing, Planning, Community and Local Government's views on the Simon Community report into rent prices and the housing assistance payment, HAP, scheme; (25) Deputy John Curran - the Minister for Health's views on the lack of provision of primary care centres in Clondalkin and Lucan; (26) Deputy Mick Wallace - the Minister for Foreign Affairs and Trade's views on the use of Shannon Airport by the US military since the start of the Afghan war; and (27) Deputy Eamon Ryan - the Minister for Social Protection's views on the plan to revisit changes to the one-parent family payment in light of the UNESCO report.

The matters raised by Deputies Peter Fitzpatrick, Catherine Connolly, Charlie McConalogue and Aengus Ó Snodaigh have been selected for discussion.

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

### **Priority Questions**

#### **Building Control Management System**

9. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government if he will introduce a requirement that his Department undertake an annual audit of construction costs as recommended by the housing and homelessness committee; and his views on whether the current system of building control is appropriate and provides for safe and cost-effective oversight of building during design and construction. [28798/16]

**Deputy Barry Cowen:** The Minister has acknowledged that the problem with the housing situation is the lack of supply. Key to holding back supply is the cost of building. The special housing committee acknowledged this during the course of its deliberations. All known stakeholders in and experts on this area have also acknowledged it. Yet, remarkably, there is no specific Government research on construction costs. Nor is there a mention of addressing this issue in the plan. Like many others, I could talk all day about how the development levies of local authorities, the VAT content and the certification costs in terms of building regulations are impediments in this regard, but we need recommendations that are independent and can be backed up. We should not be depending on the industry to provide that information. Will the Minister of State consider committing to doing what we are asking?

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** As the Deputy rightly signalled, the issue of cost in the deliver and supply of housing is of grave concern to us all. There are numerous commitments

and a broad range of measures to tackle the cost of same and to make it easier to increase supply. Some 84 actions are set out in the action plan. Most aim to increase activity and supply while making housing more affordable. There have already been changes to Part 8 requirements, levy requirements and many other aspects. These enable the more affordable construction of housing, the opening up of sites and easier delivery. Under one of the actions, we are considering paying upfront for Part V housing in recognition of the fact that raising money is difficult.

Recommendation No. 6 of the Committee on Housing and Homelessness calls for a detailed audit every year. We have not committed in the action plan to having that audit every year. Rather, we have committed to a detailed analysis, as a follow-up to the recent National Competitiveness Council research on this matter and in conjunction with the construction sector, in order to benchmark housing delivery input costs in Ireland. The intention is to publish the findings with a view to identifying economies. Our Department has started preliminary work on analysing costs as well as on the various reports and international studies that, for example, compare costs in Ireland with those in the UK and the rest of Europe. We will have ongoing consultation with the stakeholders in the sector in the months ahead to determine how, if possible, to affect costs.

The Deputy mentioned increased regulatory costs, but these have been disputed. Figures of €20,000 and €30,000 have been cited. I urge the committee to analyse these. In our work, we have met many of those involved in regulation and certification roles. It does not have to cost €20,000 or €30,000. It accounts for much less than 2% of the build cost, putting it at lower than €3,000 or €4,000. In some cases, it is much cheaper. I have met people involved in the business who can do a good job providing the service for €1,000 per unit.

While increasing housing supply, we must not neglect quality. We have all dealt with issues concerning low standards and a lack of quality in our areas in recent years. A developer might claim that it cost more to reach the quality mark in the past, but the administration and certification under the regulations do not cost €20,000 or €30,000, so it is wrong to keep saying that it does.

As to the committee's recommendation, we are doing that, only not in the exact way that the committee wanted us to. We have started that work because it is an important part.

**Deputy Barry Cowen:** I thank the Minister of State for his response. I do not agree with his assertion that ongoing consultation with the sector regarding the costs associated with building and the provision of housing is adequate in the space in which we find ourselves, particularly in light of the fact that supply is key to addressing this issue. It is remarkable that there is no State-sponsored reporting. We are in an emergency and I earnestly ask the Minister of State and the Minister to reconsider this and ask the Housing Finance Agency, HFA, to publish quarterly reports so that, if this is a myth - it is not - it can be put to bed.

The Minister of State mentioned the various options concerning levies. The Minister made a commitment to me in recent months that he would consider asking his Department to pass judgment and examine the certification methods that exist in the UK. They have a €1,200 certification cost. I am not saying all of these are €20,000 or €30,000 but they are much more than €1,200. Where this element has been identified as a barrier, in addition to VAT and other costs, it is incumbent on us to address it. I ask the House Finance Agency to bring quarterly reports. The Minister has previously committed to examining the certification issue and to come back to the House.

**Deputy Damien English:** We are probably achieving the same thing. Our Department is analysing this cost and has done much preliminary work over the past couple of months. It will now engage with the various sectors to progress that analysis and see how we can affect these costs. There are numerous reports out there already. The report from 2015 compares costs in other countries and it is worthy of studying. We are using that as part of our analysis as well. There may be a difference in labour costs but with many other costs, we are approximately the same and come in at a cost level less than many countries in Europe in terms of construction costs.

We recognise the overall cost of a house is too high and we are trying to bring down that cost where possible and there is genuine space to do so. The Deputy is quoting a UK model in saying certification costs €1,200 there but I have engaged with companies that can do it for even less. It does not have to cost €5,000, €6,000, €10,000 or €20,000 for certification costs or to monitor regulations. The Deputy, the committee Chairman and members of the committee are here and the committee could feed into the work of the Department by analysing this and engaging with the people involved with certification so we can see what are the costs. We should examine the use of technology as I am not convinced that some of the certifiers with large bills are availing of modern technology to help with the certification.

**An Leas-Cheann Comhairle:** If we do not respect the clock, some Members will not be able to get questions answered today.

**Deputy Barry Coveney:** I remind the Minister of State that the special housing committee considered this. After the election it met and made recommendations to the Minister that fed into his Rebuilding Ireland programme. We welcome the commitment he made to produce that plan and I look forward to various legislation emanating from the plan so we can debate, analyse, scrutinise and, I hope, amend legislation in order to bring forward better legislation for the House. This relates to one of the key recommendations and there is no need for the committee to meet again to formulate the same recommendation. I ask the Department to analyse the system in the UK and the North of Ireland to see if it can be used here, at least on a pilot basis in various counties.

**Deputy Damien English:** I am not saying the committee should meet again to formulate new recommendations. I am saying if the Deputy really believes in this, it would be worth the committee's time to analyse the certification costs, as those figures are being thrown out there. I am not convinced they are reasonable costs. The Department is examining the costs and we will publish the findings. That is not an issue. The committee, as a public forum, could thrash out the costs of certification and regulation. It would be a worthwhile exercise.

The specific request was that there be an annual audit and we are not committing to that yet in our action plan for housing. We are analysing the cost. We are doing the same work but we are not committing to doing it annually, as was recommended in the report. In fairness, the Minister, Deputy Coveney, has stated on numerous occasions that we recognise the value of the work done in that committee. Many of the recommendations feature strongly in the Action Plan for Housing and Homelessness. We want to continue working in that partnership together. Additionally, the committee could be a useful forum for analysing some of those costs in that area. There is a great disparity in the figures and they should be examined further. We will do it and I recommend the committee does the same.

## **Local Authority Housing Provision**

10. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government if he will review the decision to discontinue with the ministerial directive that instructed local authorities to allocate 50% of social housing to homeless and other vulnerable households on the grounds that the research report on which the decision was taken is fundamentally flawed. [28800/16]

**Deputy Dessie Ellis:** Will the Minister review the decision to discontinue the ministerial directive instructing local authorities to allocate 50% of social housing to homelessness and other vulnerable groups on the grounds that the research by the Housing Agency on which this decision was formulated is fundamentally flawed?

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** I thank Deputy Ellis for taking the questions for Deputy Ó Broin, who for whatever reason is unable to be here. That is fine.

In January 2015, a ministerial direction was put in place that required the Dublin region housing authorities to allocate at least 50% of tenancies under their control to homeless and other vulnerable households, with the authorities in counties Cork, Galway, Limerick and Waterford being required to allocate at least 30% to such households. The direction was subsequently renewed on two occasions, with the last renewal expiring on 30 April 2016. At the time of the last renewal in February 2016, the Housing Agency was requested to conduct a review of the operation of the direction and provide an impartial assessment. The agency recommended that the direction should be allowed to lapse upon its expiry date.

This direction was only ever intended to operate for a short period to provide an immediate increase in the number of social housing tenancies being allocated to homeless households. In the normal course, local authorities and their elected members are best placed to determine the allocation of social housing for their areas in line with national policy. Among the agency's findings was that the well-established allocation procedures of housing authorities are capable of responding to particular housing need without an ongoing ministerial direction. This analysis is vindicated by the fact that in the first six months of this year, local authorities nationally have assisted more than 1,350 sustainable exits from homelessness into independent tenancies, with almost half of these going into social housing tenancies. By the end of this year, there will be more tenancies provided for people and families who have been homeless than in any year in the past. That this direction has lapsed does not mean we are not prioritising and getting better results for families that are homeless.

Taking account of the Housing Agency's report, my predecessor decided not to renew the direction after 30 April 2016. I do not propose to revisit the issue as I do not intend to renew the terms of this direction. I am confident the comprehensive range of actions and initiatives under way to increase housing supply generally, as set out in *Rebuilding Ireland: An Action Plan for Housing and Homelessness*, will enable local authorities to maintain or exceed the level of housing allocations to homeless households and other vulnerable groups achieved under the ministerial direction. All the evidence suggests that is happening.

**Deputy Dessie Ellis:** The Minister stated that last April the Housing Agency made the recommendation to discontinue this directive. I find that hard to believe when we are in the midst of an emergency. In one week in August this year, 6,611 people were homeless. The issue has

continued even in spite of the decision and people still report as homeless. The problem will get worse. There are more than 1,200 children in emergency accommodation and the last count of those who sleep rough was up as well. What is the decision based on? I cannot understand how we are allowing this when there is a crisis because of so many homeless people. Why have we discontinued the direction to allow 50% of allocations go to those who are homeless? I understand that we do not want to go down that road indefinitely but we must do something by continuing the direction.

**Deputy Simon Coveney:** I agree with all the sentiments. We must do something significant and we are doing so. Tomorrow we will announce how we will spend €5.35 billion on a social housing programme that will add 30% to existing social housing stock nationally in the next five years. It is why we have a raft of measures to bring vacant properties back into use and we have tripled the ambition of the rapid build programme initiated by the last Government. It is why, this year, we will have significantly more homeless families and individuals housed in sustainable tenancies than last year, despite the directive being in force at that time.

There is no lack of priority or ambition in responding to what the Deputy directly describe as a crisis. I am working night and day on that, as are many other people. Before answering these questions I had a meeting with the Dublin Region Homeless Executive to make sure we are on schedule with the targets we are setting for ourselves. I am asking whether having a 50% requirement on local authorities in Dublin adds to what we are trying to achieve, as opposed to allowing those authorities to judge the percentages for themselves. We will probably go beyond that prescribed percentage in certain months. It is too blunt a tool and all the evidence suggests the new approach is working better.

*2 o'clock*

**Deputy Dessie Ellis:** I disagree that it is too blunt a tool. There were signs that it was starting to work but the reality is that the numbers are still well up. The Minister is rolling out his programme tomorrow and I wish him all the best with it, but we had the same problem when the last Government was in office. It also rolled out a programme worth €3.3 billion but we are actually in a worse position now. I am not saying that the same will happen this time because I believe the Minister is very sincere but the evidence so far indicates that the figures do not add up in terms of what we are building. We are relying too much on the private sector and that is the big problem. Unless local authorities start building and delivering social housing, we will be in the same position in another year or two. That is the problem we are facing.

**Deputy Simon Coveney:** I do not disagree with much of what Deputy Ellis has said and that is why we are ramping up new-build social housing delivery through the local authorities. Last year, as the Taoiseach mentioned earlier, only 74 or 75 local authority houses were built across the whole country. Other local authority housing units were made available through voids being brought back into use and through acquisitions but in terms of new builds, there were only about 75 units. In contrast, by the end of this year there will be 1,500 units under construction-----

**Deputy Richard Boyd Barrett:** Will they all be local authority units?

**Deputy Simon Coveney:** It will be a combination of local authority and approved housing body, AHB, units, with around 1,200 being built by the local authorities. We are ramping up and by the middle of next year that figure will be significantly increased. However, we must

recognise the realities in the meantime. We have to get families who are currently in totally unsuitable accommodation and people who are in danger of rough sleeping who are in emergency accommodation into sustainable tenancies where possible. Over time, we will dramatically increase the number of social houses that are available to house people but in the meantime we must rely on the housing assistance payment, HAP, the rental accommodation scheme, RAS, and other forms of supported tenancies. Most of the HAP tenancies, by the way, are long term, ranging from five to 20 years, so in that sense they can provide good, sustainable solutions for families.

### **Local Authority Staff**

11. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government the additional funding and staffing allocations his Department is making to local authorities and planning authorities to increase social housing output and quality planning outputs in the context of the new targets under the action plan for housing; his views on whether housing and planning units in local authorities are adequately resourced and staffed. [28799/16]

**Deputy Barry Cowen:** The last Government failed drastically to address the housing situation. It made huge commitments in terms of enabling local authorities to build houses but, as the Minister has just said, they only built 75 last year. What resources is the Minister now making available to local authorities to enable them to build 1,200 units this year, let alone the increased numbers for subsequent years referred to by the Minister? How can I, my constituents and Members of this House be confident that progress will be made, considering the failures in recent years?

**Deputy Simon Coveney:** Since the publication of Rebuilding Ireland: Action Plan for Housing and Homelessness, the focus has been very much on implementation and driving an acceleration in housing delivery. To this end, I have visited a number of local authorities and have met all the chief executives. I have assured them that they will have the necessary support and resources to deliver on Rebuilding Ireland.

In terms of staffing associated with the delivery of housing, local authorities have been rebuilding their resource base for some time now. Since January 2015, my Department has received 518 staffing requests, of which 502 have been approved, with the remaining 16 pending awaiting further information. These posts are varied and include planners, technicians, surveyors, engineers, project managers, housing welfare officers, building inspectors, clerks of works and administrative staff. Arrangements are in place under which certain staffing costs associated with the roll-out of the social housing capital programme can be recouped as part of project costs, providing an important support for local authorities.

In terms of funding, the social housing element of Rebuilding Ireland proposes a significantly increased level of ambition, aiming for the delivery of 47,000 social housing units through new builds, refurbishment, acquisitions and leasing over the 2016 to 2021 period, supported by Exchequer investment of some €5.35 billion. A further €200 million is being provided for the local infrastructure housing activation fund which, as the Deputy knows, is being competed for at the moment.

In addition, Rebuilding Ireland will deliver innovations to improve, support and accelerate delivery at local authority level. These include building on streamlining and efficiencies

already introduced for the social housing approval process, streamlining the Part 8 planning process for local authority development and time limited changes to the planning process for housing more generally, with large scale projects of 100 units or more being submitted directly to An Bord Pleanála for decision following a statutory pre-planning consultation period at local authority level.

**Deputy Barry Cowen:** I thank the Minister for his reply. I have a number of supplementary questions and would like specific answers, if at all possible.

Have the local authorities specifically requested extra staff as part of the resources needed to meet the demands being placed upon them? Is there a staff resourcing issue that needs to be addressed? Have the local authorities identified it and made specific requests of the Department? When will the Department respond and can the local authorities be assured that their requests will be met?

The Minister referred to the housing activation fund of €200 million, for which the local authorities must compete, to provide necessary infrastructure. I ask him to confirm that it amounts to €50 million over four years. Is there conditionality associated with that fund? Many developers and local authorities have told me that the conditions associated with the fund render it unviable into the future. While the announcement of €200 million sounds good, when one drills down, one finds that it is over a four year period. The conditionality means that it may not even be spent. It is like the urban renewal scheme in that regard. Councillors have told me that it could be up to 18 months before the funding that is needed today becomes available. It is good from the perspective of the Minister and the Department because they may not have to spend what they say they are spending.

**Deputy Simon Coveney:** The Deputy asked about extra staff. I have spoken to many CEOs and some of them have said that they need to bump up their staffing levels. Others had already asked my predecessor for additional staffing and had received approval. More than 500 approvals for extra staffing have been granted, mostly in the housing and housing-related areas. I have made it very clear to the chief executives of local authorities that if they have a staffing shortage that is causing a significant problem in terms of housing delivery, I need to know about it. I will then try to solve it. The local authorities can talk to the housing delivery unit in my Department if there are problems or they can come to me directly.

The infrastructure fund comprises €150 million from the State and €50 million from the local authorities, over three rather than four years. If it is front-loaded, so be it. The Department of Public Expenditure and Reform is open to that, potentially. That said, some infrastructure projects will undoubtedly take time to deliver. When one is talking about bridges, extra lanes in roads and so forth, permissions are required and processes must be gone through. However, work on building sites can start once developers know that the infrastructure is on the way, whether by next year or the year after. That is the whole purpose here, to try to get sites moving.

**Acting Chairman (Deputy Jim Daly):** I must ask the Minister and Deputies to keep to the clock. I want to be fair to everyone and to make sure all Deputies get a chance to put their questions. No one question takes precedence over another so I ask all speakers to adhere to the clock.

**Deputy Barry Cowen:** I ask the Minister to consider strongly reverting to the old serviced land scheme that used to be in place under which councils could recoup funding spent on pro-

viding infrastructure through local levies. I also ask the Minister to front-load much of the available funding because, in the long run, it is cost-neutral and is badly needed at this time.

**Deputy Simon Coveney:** Councils can, of course, add levies to development charges to get certain things done. That has been one of the big problems to date. Many developers have said to me, and I am sure to Deputy Cowen, that they simply could not make the numbers add up if they had to fund a bridge, a road or a new water connection, for example, to a site that may or may not be serviced. The whole point of the State intervening here is to try to pick up some of that tab in order to make a business case for a site to be opened and for houses to be built. That is the whole point of it but the option is still there for local authorities to recoup some of the cost of providing infrastructure through a levy system. There are many examples of where that will happen.

### **Social and Affordable Housing Provision**

12. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning, Community and Local Government if his plans for mixed-tenure social and affordable developments on publicly-owned land, outlined in *Rebuilding Ireland*, will effectively mean the privatisation of publicly-owned land; his understanding of what constitutes affordable rental and the way in which this differs from the current local authority housing model, or the HAP and RAS schemes; and if he will make a statement on the matter. [28730/16]

**Deputy Richard Boyd Barrett:** I am seeking to ascertain why the Minister, who says he is committed to delivering social housing to deal with the housing emergency, is proposing to give away two thirds of public land - I refer to land on which 100% council housing would previously have been developed - for private housing that is called affordable rental or affordable. If I understand this correctly, two thirds of any publicly-owned site will be developed by the private sector and will not be used for council housing. I will refer to some individual sites when I ask my supplementary questions. If we need to get large quantities of council housing quickly, why are we proposing to privatise two thirds of publicly owned sites?

**Deputy Simon Coveney:** We are not prescribing that. We are saying we will look at sites on a case-by-case basis. We are asking councils to be ambitious and to use publicly-owned landbanks much more strategically than they have perhaps been used in the past. We want to promote a different way of developing social housing and the communities served by such housing. We want to integrate private housing with social housing in a much more progressive way. For all of those reasons, we are asking local authorities to submit proposals for the strategic use of publicly-owned landbanks. We want them to create partnerships with the private sector to build some private housing, some social housing and some affordable housing, depending on what kind of mix is appropriate for the local area. People are using ratios that have been politically agreed by a number of parties. In the case of O'Devaney Gardens, for example, there is a mix of 50% private housing, 20% affordable rental and 30% social housing. That is not necessarily the percentage that will apply to every publicly-owned landbank. Sometimes it will make sense to have 100% social housing and sometimes it will make sense to do a deal with a developer to have a 50-50 split. Different percentages will be appropriate, depending on what is needed and the area it is in. The core issue here is that we need to get better value out of our publicly-owned land. This is not some giveaway to the private sector. It is about using the leverage we have in terms in public landbanks, either to get cash back from the private sector or to

get the private sector to pay for social housing programmes that we might not otherwise be able to afford to develop as quickly, while at the same time availing of the private sector's know-how in terms of design. If we can develop communities that are of a higher quality, are more integrated and have more diversity within them, we will ultimately build healthier communities that involve an awful lot of social housing. For me, all of that is positive. I do not approach this from some sort of ideological position, where all State land must accommodate State housing only. I think that would be a flawed approach. It is not the approach we are taking.

**Deputy Richard Boyd Barrett:** I beg to differ. I think it is precisely ideological. I will give the Minister an example. The site of the former prison at Shanganagh Castle in Shankill is owned by the council. Some 550 units can be built there. In the past, 550 council houses would have been built there. As a result of the Minister's proposals, some 180 council houses will be built and the other houses will be designated as affordable housing and affordable rental, whatever they are. It is clear that it is a public-private partnership. I understand that the same thing has happened at Oscar Traynor Road in Coolock. It is happening all over the place. At the same time that a site where 550 council units would once have been built is being developed in a way that will give us just 180 council units, the NAMA development at the former Dún Laoghaire Golf Club site, which would have given us 320 social units if the 20% rule had been in play, is giving us just 160 social units as a result of the Minister's decision to reduce the 20% requirement to 10%. The private developers are gaining everywhere. They are gaining on the private developments and they are now gaining on public land. People on the list are asking why 550 units were not provided, instead of 180, which is what they are going to get under the Minister's plan.

**Deputy Simon Coveney:** Many people are looking for housing. The Deputy mentioned people on the list, but there are many people who are looking to try to buy their own homes. We have to try to cater for everybody and not just for one segment, which seems to be the only segment the Deputy represents. My job is to get more houses built for everybody, including people on social housing lists, people who are homeless, young couples who want to buy their own homes and people who want to get into secure rental accommodation. That is a broad mix. This is not about solving one problem. If we solve one problem without solving the others, we create more and more pressure, which drives more people onto housing lists. I will explain what we are trying to do here. First of all, these are decisions for local authorities to make. The proposals come from the local authorities first and foremost. We have given a commitment to increase the number of social houses nationally by 47,000 in five years. We do not want all of them to be concentrated into social housing-only estates. The Deputy wants large estates of 500 or 600 social houses with nothing else, but I do not think that is the way to develop diverse communities in which issues like social disadvantage and opportunity can be addressed for people. We will have multiple sites with lots of social housing delivery. They will be integrated sites with private sector and affordable housing delivery. I think that is the right way to do it. I commend the council on that.

**Deputy Richard Boyd Barrett:** Two major sites are being developed in my local area at the moment. In the case of a development of 1,800 houses, there will be just 180 social houses as a result of the Minister's 10% rule. There is private housing. I want people who want private housing to get private housing.

**Deputy Simon Coveney:** I am glad to hear it.

**Deputy Richard Boyd Barrett:** We are getting just 10% for social housing. The balance

could be redressed at the next big site, which is publicly-owned, so that we get more social housing, but that is not going to happen. We could have got 550 council houses at that site, but instead we are going to get 180. If there are 180 council houses at one site and 180 council houses at the other site, that means there will be 360-----

**Deputy Maria Bailey:** They were never full social houses-----

**Deputy Richard Boyd Barrett:** I ask the Deputy not to intervene. Some 2,000 private houses are being developed at these sites. The proportion of social housing is falling all the time.

**Deputy Simon Coveney:** It is not.

**Deputy Richard Boyd Barrett:** The Minister is going to accelerate that by allowing two thirds of public land to be handed over. When he says this is a matter for the local authorities, is he telling me that my local authority can choose for all of those units to be social housing? Under the public private partnerships, will the actual title to the land be handed over to the private developers in the case of the so-called affordable rental or affordable housing? I want to know whether it is going to be privatised.

**Deputy Simon Coveney:** It is important to correct the record. The Deputy suggested that Part V required 20% social housing, rather than 10% social housing. It was not 20% social housing; it was 10% social housing and 10% affordable housing. The Deputy does not seem to care about affordable housing one way or the other because he does not consider it to be social housing. The first thing he should do is get his facts right. The various local authorities have to make proposals to us to get funding for social housing. In our housing strategy, we have a policy position around mixed tenure developments because we believe that is the right way forward. I think most people in this House see it as the right way forward, given the lessons of the past.

**Deputy Richard Boyd Barrett:** It means people on the list will be waiting longer.

**Deputy Simon Coveney:** That is not how Deputy Boyd Barrett sees it, however. We will have many developments progressing at the same time. It seems that the Deputy would prefer small numbers of large-scale social housing developments on big sites creating large mono-tenure developments. I do not think that is how we should be developing the communities of the future. We will continue to take proactive steps to increase social housing numbers dramatically. We want to do it in a much more integrated way than it was done in the past.

### **Local Authority Housing Funding**

13. **Deputy Joan Collins** asked the Minister for Housing, Planning, Community and Local Government the required funding for the provision of local authority housing in the Dublin City Council administrative area with reference to the Rebuilding Ireland action plan, which acknowledges the extent of the homelessness and housing crisis in Dublin city; the source of funding available to the council by way of grants and/or capital loans and the amounts envisaged over the course of the plan; and the grants and capital loans the council has received to date. [28731/16]

**Deputy Joan Collins:** This is a sort of follow-on from the previous questions. It is no ac-

cident that every question we have had to date has been on housing.

**Deputy Simon Coveney:** It is a big issue.

**Deputy Joan Collins:** Yes, it is one of the biggest issues we are facing in this country. I think it should be registered here that it is an emergency rather than a crisis. My question relates to the funding and grant levels being allocated to Dublin City Council through the Rebuilding Ireland action plan. How much money has been allocated to date? How much money does the Minister envisage will be allocated in the future? I will come back in on a few points after the Minister's reply.

**Deputy Simon Coveney:** I agree that this is the big issue for me to deal with. It is great that we are talking about these issues, rather than water. While water is a difficult political issue to deal with in some ways, as far as I am concerned, housing is where it is at in terms of changing people's lives. That is why I welcome the fact that housing has been the dominant issue in these questions. All local authorities, including Dublin City Council, already have social housing delivery targets set out to the end of 2017. The former Minister, Deputy Kelly, put that in place. It was a very ambitious plan at the time and we are building on it now. The targets in question were issued to my Department in April of last year and are available on my Department's website. In the case of Dublin City Council, the target is 3,347 additional units to be delivered through build, buying, refurbishment and leasing programmes, supported by an allocation of almost €300 million. Funding is recouped to the local authority once approved expenditure on programmes takes place. The council submits recoupment claims on an ongoing basis.

With the publication of Rebuilding Ireland: an Action Plan for Housing and Homelessness, the Government has secured additional funding for social housing delivery and has set increased national-level targets. Accordingly, increased targets and funding will be allocated to all local authorities. It is important that these are based on the 2016 summary of social housing assessments, and this part of the plan will be done before the end of the year. These assessments are now well advanced and will provide updated figures of national and local housing need. The use of the latest social housing assessments will ensure that new social housing targets and funding are designed in line with housing need. I expect to be advising local authorities of their new targets early in 2017. In the meantime, my Department continues to engage with all local authorities, including Dublin City Council, to expedite social housing delivery, including additional projects that would take local authorities beyond their 2015 targets.

The funding that will be provided to Dublin City Council to support its delivery of social housing will be commensurate with the target set and drawn from the range of sources and programmes set out in pillar two of Rebuilding Ireland, including capital and current funding programmes.

**Deputy Joan Collins:** According to the September report of the housing committee in Dublin City Council, 314 houses have been completed to date, including housing body units. Given that 23,000 people are on the housing waiting list and given the crisis relating to homeless families, Dublin City Council will need far more funding.

This goes back to the question earlier relating to O'Devaney Gardens. A motion was put through the council to ensure that all houses built in O'Devaney Gardens would either be social housing or units offered to people who had applied for mortgages. That is the way to go. If we add the private element to the plan, there is no provision in the system to ensure these units

will be owner-occupied. Most would probably go out to private rent from landlords, investors and so on. There is no guarantee that it will be a good mix. Most units will be rented or social housing. There is a need to match the numbers on the list to the amount of houses built. To my mind, this will not be done by giving developers the opportunity to make vast amounts of money on these sites, which are public lands.

**Deputy Simon Coveney:** Obviously Dublin City Council faces more pressures than any other council in terms of numbers. Dublin City Council also has higher targets than anyone else and it has more money available as a result. I am glad to say that Dublin City Council is actually well ahead of target and of where it is supposed to be by the end of next year. In fact, the council is already nearly there through a series of building, buying, refurbishment and leasing programmes and so on. Of course we will have to review the council's targets and the budgets that go with those targets.

We do not have the detailed picture of what will be proposed for O'Devaney Gardens yet. All we have is an agreement in principle to a split of private, affordable and social housing. We want a competitive process to come up with the best plan with these guidelines in place as well as the other guidelines Dublin City Council is seeking to put in place in order that we get a proposal councillors can then vote on and pass. If they vote on it and pass it, we will look to fund it.

**Deputy Joan Collins:** Is the target for Dublin City Council to have 23,000 houses built over the next five years? The Minister referred to Dublin City Council meeting its targets. What are the council's targets for this year? A total of 314 units have been completed and 23,000 families are on the waiting list. Are we saying the targets are going to be met depending on the need? I am not hearing that. The reason for so much suspicion is because the last Government did not deliver. We are hoping that the Minister will deliver better on these issues. If the figure is 23,000, are we saying that in five years' time we are going to build or buy to ensure those 23,000 families will be housed?

**Deputy Simon Coveney:** This year, approximately 17,000 tenancies will be put in place for people looking for secure accommodation. This will come from a broad range of measures, including new build, leasing, the rental accommodation scheme, increased numbers on housing assistant payment scheme and so on. The target for Dublin City Council at the moment is to deliver 3,347 additional units through build, buy, refurbishment and leasing programmes by the end of next year. The council is making great progress on that. The challenge for the council is that it has vast numbers of people who are homeless and on housing lists who are demanding more. By early next year we will have a clearer picture of the appropriate target for Dublin City Council. Then, we will look to see how we can accommodate that from a funding point of view. The overall plan, set out in the Rebuilding Ireland document, is to deliver an extra 47,000 social housing units by the end of 2021.

## **Other Questions**

### **Housing Finance Agency Funding**

14. **Deputy Joan Collins** asked the Minister for Housing, Planning, Community and Local Government to set out the amount which has been drawn down from the €300 million Housing

Finance Agency fund; the approved housing bodies and local authorities which have drawn down moneys from the fund; the purposes of each drawdown, that is, whether for social housing build or upgrading social housing; and if he will make a statement on the matter. [28423/16]

**Deputy Joan Collins:** What is situation with the €300 million in the Housing Finance Agency fund? Is it being used? If so, who by? What is it being used for? To date, what percentage of that money has been drawn down for social housing?

**Deputy Simon Coveney:** I am glad Deputy Collins has asked me this question because it gives me an opportunity to clarify the position. In 2015, a €300 million fund for investment in social housing was put in place by the Housing Finance Agency with the support of the Government. A sum of €150 million of this fund was provided by the European Investment Bank. This funding is available to approved housing bodies for the delivery and upgrade of social housing. A 25-year fixed rate of 3.25% is charged.

To date, 29 individual projects totalling €233 million have been approved for support from the fund. The funding is being provided to seven AHBs to develop a total of 964 new homes and for retrofitting and upgrading projects in respect of an additional 550 homes. The AHBs concerned include Clúid Housing Association, Oaklee House Trust, Túath Housing Association, The Iveagh Trust, Co-Operative Housing Ireland, Focus Housing Association and Respond Housing Association. I have become familiar with all of these organisations and they are all doing a great job.

Of the €300 million in the fund, €34 million has been drawn down to date. Given the nature of the projects the majority of the drawdown will occur in 2017. It is expected that the fund will be fully allocated for specific projects by the end of this year.

Given the success of this fund, initial discussions have commenced with the European Investment Bank with a view to establishing another fund. This would incorporate a €200 million contribution from the European Investment Bank and would be match-funded by the Government. This fund would be aimed at providing loans to both AHBs and local authorities to support the provision of social housing.

**Deputy Joan Collins:** I thank the Minister for the reply. Is the Minister saying that €34 million has been drawn down to date? I understood a figure of €233 million had been drawn down. Will the Minister clarify the position?

**Deputy Simon Coveney:** There is a difference between what has been committed and what has actually been drawn down. We only draw down the funding when it is actually spent. We believe all this funding will be committed and allocated by the end of the year. What has actually been drawn down, that is, spent so far, is €34 million. However, to date, 29 individual projects totalling €233 million have been approved for support by the fund. In other words, they have effectively got approval to move ahead. Once they move ahead, the money will be drawn down. By and large, nearly all of that money will be drawn down next year.

**Deputy Joan Collins:** Does the Minister expect to apply for the other tranche from the European Investment Bank when that money is drawn down, has been committed or the 29 projects have received consent to go ahead? The Minister has suggested the timeline for this is the end of next year. Does the Minister envisage that by 2018 there will be another drawdown from the European Investment Bank of €200 million?

Can the Government draw down more from the European Investment Bank? Other European countries have drawn down a lot more from the European Investment Bank that could be put into supporting the work being done. It is positive that the money is being drawn down by those bodies and local authorities. It would be part of what is needed but does not take away from the emergency on our hands and more people will face homelessness. Next April the two-year cap on rent will be up. Will we immediately bring in another two-year cap because when that cap is lifted we will see many more homeless people on the streets?

**Deputy Simon Coveney:** We will have a new rental strategy in place by the end of the year. There will be plenty of consultation on that I hope with the committee and other parties before we finalise it. Whatever we do we need a fairly comprehensive and more progressive approach to a more stable rental market.

The Housing Finance Agency is trying to get as much money into housing as possible. Our problem is not accessing money, it is how to spend it in compliance with the rules. We can access money through the European Investment Bank and raise it as a State by issuing bonds for virtually nothing. However, spending that money is restricted under the spending rules. People are familiar with that because there have been endless debates in this House about those rules. We need to come up with new financing models that can allow us spend as much money as we can in terms of off-balance-sheet vehicles to do that and the Irish Strategic Investment Fund is working on funds and the Housing Finance Agency is also considering what it can do. In the meantime the European Investment Bank is happy to invest significant additional sums in social housing because that meets all of its guidelines and parameters. This is not a grant, it is a loan but over a long period and it is relatively cost-effective. It supports broader European policy around social housing and dealing with the housing crisis in Ireland. The money will be drawn down. The real challenge for us is to find ways to spend more money beyond what we are allowed to spend, even though we are spending a significant portion of what we are allowed to spend overall on housing.

### **Library Services**

15. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government the rationale for the proposed use of staffless libraries; and if he will reconsider the introduction of this policy in view of opposition from library staff and local communities. [28699/16]

**Deputy Dessie Ellis:** What is the rationale for the proposed use of staffless libraries? These proposals have met with strong opposition from staff, library users and local communities. Will the Minister reconsider the introduction of this policy? There are many people with disabilities and visual impairment and this is a retrograde step in the use of libraries.

**Deputy Damien English:** My Department is working with local authorities to extend the initial pilot phase of the open library service, an initiative under Opportunities for All, A Strategy for Public Libraries 2013-2017. As part of the “My Open Library” service, participating branches will open from 8 a.m. to 10 p.m. seven days per week. Regular staffed hours will be complemented by unstaffed hours, thereby providing increased access for users and communities to a broad range of library services at times when access to these services and facilities would otherwise be unavailable. To be clear this involves increased access. We had this discussion last week. It is extra activity not a reduction in hours. The services will include book

lending, Wi-Fi, computers and printing facilities, study spaces and community facilities. It will open up the space at night to make it available for communities to have meetings and use the library services.

The pilot is being extended to 20 or so branches on foot of the successful initial trial of the service in Tullamore, Banagher and Tubbercurry libraries. Feedback from users in these branches has been very positive to date. I heard in the debate last week that people had fears and concerns. There have been no problems in the pilot phase in the three libraries. There have been no difficulties. Staff are very happy, some have said publicly that they were delighted with the service and the increased activity. I do not really understand the issue here and why people are fighting back on this. There are other issues that people might have concerns about in libraries but this initiative is to increase the services by having additional opening hours to provide services.

The aim of the extended pilot is to gather further learning and to develop a model that may be rolled-out on a mainstream basis in the longer term. We are confident that the service will continue to grow in popularity with users and communities and will be supported fully by staff in the participating branches. Accordingly, we have no plans to reconsider the introduction of the service. We plan to increase and enhance it and I encourage more local authorities to avail of it.

**Deputy Dessie Ellis:** The Minister of State says it provides increased services but we have seen in the past with other services that this can lead to privatisation and the big worry is that we are going down that road, which poses a threat to the staff and their jobs. People who are impaired or who have disabilities will not have the same access to staff members. They may need help and so on. Why not extend this as a normal process of opening the libraries up more for people and provide the staff to do that? I do not know why we are going to have a personal identification number, PIN, and other mechanisms to get into a library. A library is a place where there should be a member of staff to help people. What will happen if someone comes in and causes problems with anti-social behaviour? We expect a library to be silent. It would make more sense to have staff on hand.

**Deputy Damien English:** Here we go again with the scaremongering. I heard this last week. This pilot scheme has run in three locations. There have been no difficulties or concerns. It is typical of Sinn Féin to try to raise red flags where there are no problems. This is a positive development. I understand what the Deputy says about people with disabilities wanting to access this. This is a start to increase the service. There is no danger to anyone's job. This is not to replace staff. It is a commitment to increase the offering of the service and to build on it and collect data. The number of users has been very positive and that might lead in the future to having more staff in these hours because users show they want to use it over the Christmas holidays, bank holidays and at night too. The Minister wants to speak about Sligo.

**Deputy Simon Coveney:** I want to give some reassurance. We have had some difficult debates in respect of Sligo libraries.

**Deputy Martin Kenny:** I commend the Minister on his work in respect of that issue.

**Deputy Simon Coveney:** We have worked through those issues and have given sanction for some more staff to deal with those issues.

This is not the thin end of the wedge, this is a case of using technology to open library

hours for much longer than is the case because people are working. I have seen the technology working in one of the libraries in Cork. A person is given a fob and can drop books back and collect others late into the evening when the library would normally not be open. This is using technology to extend opening hours. It is no more nor less than that. We have not rushed it. It has been a pilot project and so far it has been a great success.

**Deputy Dessie Ellis:** No one is saying this is not working but there could be problems and it would have made more sense to provide staff. People and staff have said this, as have service users in the disability sector. I do not understand why it is such a big issue. It seems like cost-cutting instead of putting an extra few bob in place to provide more staff. Ultimately, it will probably lead to the privatisation of services. The Minister of State may laugh but I have seen that happen in the past. This is not a Sinn Féin issue. This comes from concerns raised by constituents across the board. Our libraries have been a great asset to the people, particularly those in working class areas who cannot afford to buy books. Not having someone on hand might work in certain places but not necessarily in others.

**Deputy Damien English:** It is apt to say that our libraries are great assets and that we want to increase their use. This is a common approach across the world to extend their opening hours. In an ideal world, and if we had the resources, we would provide more staff if they were required, but is it not better to have the libraries usable at night time, weekends, Christmas, Easter and bank holidays when they were not in the past? That is what we are trying to do. The intention is not to cut back on anyone's hours or do away with someone's job. There is a strong commitment to develop the library service and to increase the usage numbers, and the statistics on the three libraries that were involved in the pilot show increased usage. Members signed up to this because they wanted the service. They had asked for it. It is part of a consultation process, and it might lead to even greater services because people are showing that they want to go to their library at night-time, weekends, Christmas and Easter. We can adapt to that, but this is about gathering information and having the libraries open longer. It is common for someone in a university or other educational facility to use their fob to go into the library. It is the normal approach to doing business. This must be viewed as an enhancement of the service. The Deputy should not talk about the privatisation of libraries because that is so far from the truth. It is typical of the Deputy who cannot take a positive approach to what is a positive development.

### **Building Regulations**

16. **Deputy Charlie McConalogue** asked the Minister for Housing, Planning, Community and Local Government the status of the work of the expert panel set up to examine the mica issue; when the panel will report its findings to his Department; if he has a timeline for a decision on putting a redress scheme in place to provide financial assistance to affected home owners following on from the panel's report; and if he will make a statement on the matter. [28425/16]

43. **Deputy Thomas Pringle** asked the Minister for Housing, Planning, Community and Local Government when the independent panel on mica is due to report its findings; and if he will make a statement on the matter. [28644/16]

**Deputy Charlie McConalogue:** This is to ask the Minister of State for an update on the work of the mica panel established to examine the extent of the problem in terms of mica affected blocks which are leading to many homes having cracks in walls and other severe structural problems. What progress has the panel made so far? What is the deadline in terms of when it

should report? I ask also for an update on the Government's plans for a redress scheme to assist home owners fix their homes following on from that report.

I thank the Minister of State for travelling to Donegal and meeting with affected home owners since I last raised this issue before the Dáil recess. The Minister of State committed to doing that in the Dáil and took the time to do that. He met many home owners and saw for himself the impact this problem is having and how damaging it is in terms of the houses affected and the lives of the families who live in them.

The Government has dragged its feet on this issue over the course of the past two to three years. Initially, it dragged its feet in terms of committing to setting up the expert panel to assess the problem and report on it. The panel, since it was set up, has also dragged its feet in terms of the report deadline. When it was set up initially, the deadline was 31 May. It was then pushed back to the end of October, and I believe now it has been pushed out to the end of this year.

**Acting Chairman (Deputy Jim Daly):** Thank you, Deputy. I will call you again.

**Deputy Charlie McConalogue:** That is not acceptable, and I would like an update from the Minister of State on that.

**Deputy Damien English:** I propose to take Questions Nos. 16 and 43 together.

The expert panel on concrete blocks has met on four occasions since it was established in April 2016 and is continuing to receive and review the information that has been made available to it on the problems that have emerged in affected homes in Donegal and Mayo. The accusation made by Deputy McConalogue that it is dragging its feet is unfair. It was set up in April. The members of the panel were in Donegal in May. I was there in July. The expert panel members were in Mayo in September. An offer was made to meet Oireachtas Members in July, although not everyone could turn up. Two out of seven Members turned up. The Minister of State, Deputy Joe McHugh, was asked to meet the panel again. That will happen next week. The members of the panel are doing the best they possibly can. It is a major issue and the problems must be analysed properly. It is unfair to accuse them of dragging their feet when they made themselves available as quickly as possible.

A substantial volume of information has been provided by affected home owners in both counties, as well as by Donegal and Mayo county councils, which will be of particular assistance in completing the necessary research to inform the preparation of the panel's report.

Further meetings have taken place with key stakeholders including affected home owners, the elected members of Donegal and Mayo county councils, whom I have met also, local authority officials, and industry bodies. Additional meetings are anticipated with other stakeholders over the months ahead before the panel concludes its research into the problems that have emerged in the affected homes.

Ultimately, the aim of the panel's terms of reference is to establish the facts behind the problems that have emerged in Donegal and Mayo and to outline technical options for addressing the problems identified to assist affected home owners.

It is anticipated that the panel will complete its report before the end of the year. I would have liked to have had it done by October or November. It might take a little longer, but in my view, and I have said this on many occasions when I met the home owners in their homes, we

have to get it right, and the home owners agree with that approach. They did not ask me to rush it. They asked me to get right and to make sure the panel does the work properly. That is what it is doing. It is a strong panel which is doing good work. It is anticipated that it will complete its report before the end of the year. The Minister, Deputy Coveney, I and the Department will await the outcome of the report. We will have the report first and then we will analyse how we should proceed, but it is important, and I have had this conversation with other Deputies, that the panel members are given the space and the resources to do their work. Most of the groups the panel wanted to meet have met it. Some declined, but it managed to meet most of the stakeholders involved in this, and it is hoped it will be able to recommend solutions.

**Deputy Charlie McConalogue:** I thank the Minister of State for his reply. He will know, having met the families, that this is an urgent matter for those affected by it because houses continue to deteriorate as time moves on, and the cost of having tests conducted on individual houses is prohibitive, being in the range of €2,000 to €3,000. Families are waiting for these tests to be conducted by the panel. They are waiting on the expert opinion of the panel as to the nature and extent of the problem and the remedies that can be brought to bear. Following on from that, they also await the Government's response on what help will be available because these families will need help to address the problems in their homes.

I said the Government has dragged its feet on this issue because it took too long to set up the expert panel. However, when it was set up, the report deadline given was 31 May. That was then pushed out to the end of October. In a reply to a parliamentary question from me last week and again today, it was pushed out to the end of this year. It could be done more quickly than that. It is possible to have it delivered more quickly, and I ask the Minister of State to engage with the members of the panel and ensure it is delivered by the end of the year. The Minister of State might also update us on the number of staff from the Department working with the panel as a secretariat.

**Acting Chairman (Deputy Jim Daly):** I ask the Deputy to adhere to the clock, please.

**Deputy Charlie McConalogue:** The Minister of State might address also the point as to the Government's position on the supports that will be available to families to repair their homes following on from the report.

**Deputy Damien English:** In terms of my meetings, I met the Mica Action Group in Donegal as well as the home owners in Mayo. They made it clear to me that they understood the importance of the expert panel doing its work correctly and producing a report we can use that outlines the causes and possible remedies for this problem. I cannot stress that enough. I do not know what information the Deputy has in terms of the expert panel doing its work more quickly. I do not want the panel to do the work more quickly if it is not done right. I want to have the report as quickly as possible in order that we can analyse it and decide what to do with it, but I would not ask someone not to do their job correctly. The Deputy might know of some scientific reason it can do it more quickly. I am not aware of it, but it was set up in April.

**Deputy Charlie McConalogue:** It is in the terms of reference given to the committee.

**Acting Chairman (Deputy Jim Daly):** The Minister of State has the floor.

**Deputy Damien English:** It was in Donegal in May. The panel members have had numerous meetings all summer. They are meeting again on 17 October. I believe they are doing their work. We have asked them about it. They have the resources to do the work as quickly as pos-

sible, but many home owners want to meet them. They visited the home owners in their houses in both Donegal and Mayo. They met local authority members and Oireachtas Members. The offer is there if the Deputy wants to meet them. They are doing their job right. When we get the report, we will analyse it and determine the best way to remedy the problem. Most people say they want a solution to the problems with their houses. To be clear, this was an issue from 1999 to 2008. It predates our Government, but we are trying to bring forward solutions to the problems.

**Deputy Charlie McConalogue:** In pointing out the dates to the Minister of State I am simply pointing out the terms of reference given to the committee by his predecessor, the former Deputy Paudie Coffey, at the outset. That was on 31 May. Obviously, the assessment made by the Minister of State's Department was that it was achievable to have the report dealt with in that time. I am not picking these figures out of the air. The Minister of State's Department set the deadline of 31 May. It then pushed that out to the end of October, and it has now it pushed out further to the end of December. As the Minister of State will understand, this is a source of great stress for families.

It is achievable to have the report dealt with in the period provided but I ask the Minister of State and his good offices to ensure that every support is given to the panel to have the work completed by the end of the year. Following on from that, it will be about the level of support the Minister of State's Department can provide to the families who cannot afford to fix these houses. Some of them cannot be fixed, but the panel will recommend what is possible in that regard. I ask the Minister of State to address the point about the support he will be in a position to offer following the report.

**Acting Chairman (Deputy Jim Daly):** We have the Deputy's point.

**Deputy Damien English:** The people the Deputy represents recognise that we have to wait for the report before we can come up with the best way forward. There was a process to be followed. I have seen the process in action in other situations and it has worked quite well. When I engage with people directly, they understand and are clear on what has to happen. I am not sure what the Deputy's difficulty is with that, but I have to wait until I get the report before we can do anything further. The Deputy is right that initially we had hoped to have a report in May, but the panel only came together in April. It was clear then that we would not have a report in May. I am sure the Deputy would accept that. No one expects magic. We have to give the panel enough time to do its work.

From the submissions and other details that have been received and the reports on people's homes, the panel members have gathered a good deal of data on many houses. There are more than 300 members of the Mica Action Group. Quite a number of houses are affected in Mayo as well. Moreover, 450 local authority houses potentially are affected. Many houses are involved in this regard and we have a lot of information. As more information probably has come into the expert panel than it originally envisaged, the panel has asked for a little more time with the report. I accept that and will work with it but it is not being kicked out until next year or two or three years' time. It will be an additional couple of months, which is all right from my perspective if it leads to the proper analysis of the problem and the possible solutions.

## **Housing Assistance Payment Implementation**

17. **Deputy Thomas P. Broughan** asked the Minister for Housing, Planning, Community and Local Government the current uptake of the housing assistance payment, HAP, scheme; if he will report on difficulties this scheme is facing; and if he will make a statement on the matter. [28433/16]

32. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government his views on how the restriction under HAP, whereby recipients are taken off the normal social housing waiting list and placed on a transfer list, is discouraging persons from taking up the scheme. [28632/16]

**Deputy Thomas P. Broughan:** As the Minister is aware, the core problem with the operation of HAP, certainly in the Dublin region, is the great reluctance of families to take up the housing assistance payment because of the insecurity of the three-year tenure. They are often families who had been in private rented accommodation with rent supplement and had then effectively been evicted, became homeless and, like numerous people I represent, may have been homeless for a year or two. The Minister now wishes to put them back into insecure accommodation again. Can the Minister report on the working of the HAP implementation group in Dublin, whether he has met it and what kind of numbers are involved? Is the Minister's entire plan of relying on the private sector in respect of this area not completely misconceived?

**Deputy Simon Coveney:** I propose to take Questions Nos. 17 and 32 together.

Approximately 13,600 households are currently being supported by the housing assistance payment scheme across 19 local authority areas in which the scheme is operational, including eligible homeless households under the homeless HAP pilot scheme managed by the Dublin Region Homeless Executive, DRHE, which I met just before Question Time began, for all four local authorities in the Dublin region. On average, approximately 224 additional households have been supported by HAP each week during 2016 and this figure continues to rise with 362 households commencing support under the scheme this week. HAP will be rolled out in nine more local authority areas before the end of 2016, with the remaining three Dublin authorities coming on stream towards the end of the first quarter of 2017. This will complete the full roll-out of the scheme.

The phased nature of the HAP roll-out has allowed for significant learning in the operation of the scheme. In this way, new HAP authorities have benefited from the experience of those authorities where the scheme has been operational longest. The HAP practitioners group, which is made up of local authority staff and was established following a review of HAP governance structures earlier this year, meets regularly to discuss issues or opportunities they identify to improve the operation of the scheme. My Department continues to work with key stakeholders, like the HAP practitioners group, who also are represented at the HAP project board to ensure the scheme's operation is as effective and efficient as possible.

As for HAP and social housing waiting lists, local authorities have been directed that HAP recipients who apply to go on the transfer list should get full credit for the time they spent on the waiting list and be placed on the transfer list with no less favourable terms than if they had remained on the waiting list. In practice, housing authorities inform HAP recipients in writing of their entitlement to apply to go on the transfer list when they are approved for HAP. As of mid-September 2016, more than 160 households have transferred from the scheme to other

forms of social housing support.

In general, I am very satisfied with how the HAP scheme is operating and I consider it to be a key vehicle for meeting housing need, particularly in the immediate term, and for fulfilling the ambitions of the Rebuilding Ireland plan.

**Deputy Thomas P. Broughan:** I cannot see how the Minister can be very satisfied. I regularly get letters for people I have been representing in which they are told Dublin City Council is pleased to confirm the household in question is eligible for HAP and should contact the place finder service. People then try but fail to get accommodation under it and the place finder service established by Dublin City Council does not appear to interact directly and vigorously with landlords on behalf of people who wish to become tenants. The Minister has just mentioned that people go off the housing list and on to a transfer list. On the Minister's watch, we are just passing the milestone of 1,000 households being homeless this very minute. The Minister is responsible for housing and the numbers are rising day after day and week after week. Six or seven months ago when he took up this job, the Minister told Members he would act vigorously to deal with it and sort it out. It has not been sorted and many children and families remain homeless. As the Minister is aware, the problem about HAP is that people do not wish to go-----

**Acting Chairman (Deputy Jim Daly):** Thank you, Deputy.

**Deputy Thomas P. Broughan:** Perhaps after ten years in private rented accommodation and a number of years being homeless, the Minister wishes them to return to insecure accommodation and to go off the housing list.

**Acting Chairman (Deputy Jim Daly):** The time is up, Deputy.

**Deputy Thomas P. Broughan:** It is just a ridiculous situation. In the Dublin region, the Minister does not have a solution.

**Deputy Richard Boyd Barrett:** Hear, hear.

**Deputy Simon Coveney:** I am unsure what the Deputy is proposing. Does he suggest we would be in a better position if we did not have HAP?

**Deputy Thomas P. Broughan:** I suggested the Minister should go and build houses.

**Deputy Simon Coveney:** No, Deputy, let me answer.

**Acting Chairman (Deputy Jim Daly):** Excuse me, Deputy, please let the Minister answer.

**Deputy Thomas P. Broughan:** I suggest the Minister should-----

**Deputy Simon Coveney:** We are building houses.

**Deputy Thomas P. Broughan:** -----equip the Dublin local authorities to directly build houses.

**Deputy Simon Coveney:** Let me answer the Deputy's question.

**Acting Chairman (Deputy Jim Daly):** Deputy, please take your seat.

**Deputy Thomas P. Broughan:** No more schemes-----

**Deputy Simon Coveney:** Yes, and that is exactly-----

**Deputy Thomas P. Broughan:** -----no more rapid build-----

**Acting Chairman (Deputy Jim Daly):** Deputy, please take your seat.

**Deputy Thomas P. Broughan:** -----no more public private partnerships.

**Deputy Damien English:** The Deputy has a magic pen.

**Deputy Thomas P. Broughan:** Go out and build the houses. In many parts of the constituency-----

**Acting Chairman (Deputy Jim Daly):** Deputy, please take your seat.

**Deputy Thomas P. Broughan:** -----I am proud to represent, families would happily live in them. Acting Chairman, he is the responsible Minister.

**Acting Chairman (Deputy Jim Daly):** You have made your point, Deputy, take your seat and allow the Minister respond and to answer the question.

**Deputy Simon Coveney:** I am glad we have-----

**Deputy Thomas P. Broughan:** I know what I would have been doing if I was Minister for housing but the Minister is not taking action.

**Acting Chairman (Deputy Jim Daly):** At least have the manners to listen to the Chair. If you are not going to listen to the Minister, please listen to the Chair. Now resume your seat.

**Deputy Simon Coveney:** I am glad we now have the Deputy on the record as saying “no more rapid build”. You do not want us to deliver-----

**Deputy Thomas P. Broughan:** I do not want it.

**Acting Chairman (Deputy Jim Daly):** Minister, will you please address the Chair and not the Deputy directly?

**Deputy Thomas P. Broughan:** I do not want timber-framed houses.

**Deputy Simon Coveney:** They are not timber-framed houses.

**Deputy Thomas P. Broughan:** I want quickly-built houses for the people who are in homeless accommodation tonight.

**Acting Chairman (Deputy Jim Daly):** Deputy, I will move on to the next question unless you resume your seat now.

**Deputy Simon Coveney:** The Deputy has plenty of criticisms but no suggestions to make.

**Deputy Thomas P. Broughan:** I made suggestions.

**Acting Chairman (Deputy Jim Daly):** You will have your minute in a second, Deputy. If you interject again, I will not give you any more time on it; I am moving on.

**Deputy Simon Coveney:** We are delivering a lot of new social houses and are doing that as

quickly as is physically possible. Moreover, we will do it in a way that learns from the mistakes of the past in respect of the need for mixed-tenure developments and so on. I note HAP has not even been rolled out in Dublin; the homeless HAP project has been rolled out.

**Deputy Thomas P. Broughan:** Yes, I know.

**Deputy Richard Boyd Barrett:** This is just a cover for privatisation.

**Acting Chairman (Deputy Jim Daly):** I did warn you, Deputy, and I will move on to the next question if you are going to continue interjecting.

**Deputy Simon Coveney:** The Deputy is judging HAP before it even has been introduced to Dublin City Council. It is a joke. Thus far this year, approximately 550 families and individuals have got secure tenancies under the homeless HAP project, which certainly is a great deal better than the alternatives that are available for them. Most of the HAP schemes are not on three-year tenancies. Some of them are for five years, others are for ten years and some are even negotiating 20-year tenancies. With respect, the Deputy should do his homework.

**Deputy Thomas P. Broughan:** I did my homework. Incidentally, the Minister is aware that I sent him a detailed briefing of what I would like to do, starting with the declaration of a housing emergency. I ask the Minister to give some attention to the issue of the place finder service and to assisting people who are in homeless accommodation or are sleeping in cars and are literally homeless and who cannot access services. Will the Minister give some attention to ascertaining whether this service could be ramped up into being of real assistance to homeless families?

**Deputy Simon Coveney:** I will.

**Deputy Thomas P. Broughan:** The general point is there is a reluctance regardless of whether a tenancy is for three, five or ten years. If one has been in insecure accommodation with the threat of being evicted at any time over the years, it is an appalling vista to be obliged to return to and spend one's entire life in such accommodation. I represent children, as obviously does the Minister also, who have grown up in a situation in which there has been no stable accommodation, which is completely unacceptable. As I stated, the Minister in particular must examine the way in which this scheme is not fit for purpose. It is not delivering and is not solving the problem. As I stated, there are 1,000 such families on this very day.

**Acting Chairman (Deputy Jim Daly):** Thank you, Deputy. Please allow the Minister to respond.

**Deputy Simon Coveney:** First, I will take on board the comments in respect of the place finder service. However, I note HAP has not been rolled out in the Dublin City Council area yet. It is a specific homeless HAP pilot project, which is a different, albeit highly important, scheme because it has found sustainable tenancies for many people. The entire point of HAP is to take people out of the type of uncertainty the Deputy rightly talks about, which many people find themselves in or from which they are pushed, in the private rental sector. The point is to put in place a much more solid and sustainable tenancy under HAP in which the local authority deals directly with the landlord and does a deal with that landlord on a medium to long-term tenancy. In this scheme, the tenant then deals with the local authority rather than with the landlord. That is the entire purpose of trying to switch people from rent supplement, for example, onto HAP, namely, to try to get much greater certainty and to try to enforce standards, because

HAP tenancies and facilities are inspected by my Department before they are approved.

*3 o'clock*

HAP is not perfect but it is a big step in the right direction.

### **Irish Water Funding**

18. **Deputy John Brady** asked the Minister for Housing, Planning, Community and Local Government the impact on the financing of the Irish Water capital programme to 2021 from any reduction in water charge revenues arising from the outcome of the independent commission and the Oireachtas committee on the future of water charges. [28707/16]

30. **Deputy Imelda Munster** asked the Minister for Housing, Planning, Community and Local Government if he will provide a breakdown of Irish Water capital funding between Exchequer and equity for each of the years 2016 to 2019, inclusive. [28697/16]

**Acting Chairman (Deputy Jim Daly):** Deputy Martin Kenny is taking these.

**Deputy Martin Kenny:** The first question asks the Minister about the impact on the financing of the Irish Water capital programme up to 2021 from the expected reduction in water charges that may be the outcome of the independent commission and the Oireachtas committee on the future of water charges. The second linked question, Question No. 30 from Deputy Imelda Munster, looks for a breakdown of the capital programme over the next number of years.

**Deputy Simon Coveney:** I propose to take Questions Nos. 18 and 30 together.

We finally got to one on Irish Water. Irish Water's capital investment in the period 2017 to 2021 will be funded by a mix of debt and equity, including capital transfers from Government. This investment programme for the period 2017 to 2021 will be subject to review by the Commission for Energy Regulation, CER, and Government funding will be subject to future budgetary decisions.

On 30 September last, the CER published its consultation on the level of Irish Water's allowed revenue, including proposals on operational and capital budgets, for the 2017 and 2018 period with a view to a final decision being made by the CER in the fourth quarter of 2016. A copy of the CER's consultation paper is available on its website, [www.cer.ie](http://www.cer.ie).

The capital contribution agreed by Government for Irish Water in 2016 is €184 million and this has already been paid to Irish Water to support its increased investment in public water services infrastructure. The balance of Irish Water's capital investment in 2016 is being supported through borrowing. The capital contribution for Irish Water in 2017 is being considered as part of the 2017 budgetary process.

The Government has established an expert commission to make recommendations for the sustainable long-term funding model for the delivery of domestic water and wastewater services by Irish Water. The commission will report to a special Oireachtas committee and consideration of recommendations on the funding model will ultimately be voted upon by the Oireachtas next year. The financial implications arising from this will be considered by the Government at that stage.

As Deputies will be aware, the Government is committed to retaining Irish Water as a single national utility in public ownership responsible for the delivery of water and wastewater services, and to protecting the €5.5 billion investment set out by Irish Water in its business plan 2014-2021 to continue to upgrade the vital national water infrastructure.

**Deputy Martin Kenny:** In a sense, the Minister did not answer the question. I suppose it is impossible to answer it as the matter is all in flux.

The concern many have is that when water charges go, and we all expect that is what will ultimately be the outcome of all this and it is certainly what the majority of Deputies in the House want, the Government should have a clear plan in place to support existing infrastructure and the development of new infrastructure throughout the country. We see a lot of problems with leaks. Certainly, in rural areas, such as where I live, there are significant problems.

I am particularly interested to hear whether the Minister has any plans to fund group water and sewerage schemes in the future, and also the grants and level of support that will be put in place for local authorities to get the infrastructure in place to ensure there is a proper, fully serviced water system in place countrywide. While Irish Water has done some work, unfortunately, it has fallen far short of the heralded expectations. We wait with bated breath for something meaningful to be put in place that will ensure a proper infrastructure will be put in place for all the people.

**Deputy Simon Coveney:** It is not possible to give an exact commitment until we know what the funding model will be. I am sure that will result in a lot of political debate between now and next March or April when the Oireachtas votes on it.

We are committed to the business plan that Irish Water has put in place and is implementing. What Irish Water has done on conservation of water by fixing leaks has generated significant savings in much of the country, but there is a lot more still to do. What it is doing around wastewater treatment is also significant. In my home county, there are currently 50,000 households pumping raw sewage into Cork Harbour, that is, approximately 35,000 wheelie bins full every day. Irish Water will have that problem fixed in the next 18 months by spending nearly €100 million on it. There is a lot to do here.

We have a funding package for group water schemes. That has been signed off with those schemes' representative body and I think they are happy with that.

**Deputy Martin Kenny:** The essence of all of this is wait and we will see what the Government can do. The model that has been put in place, where the Government set up this structure off the books and tried to borrow the money on the international markets to provide the infrastructure, simply has not worked and that must be recognised. Irish Water has been a failure. That is the reality for the people.

It is certainly a reality for the local authorities which have in many cases continued to do the work, and all we have seen is an additional layer of management put on top. It has been a total heartbreak for many, who have worked all their lives in local authorities and who have provided an excellent service for people, to find that they are merely cast aside as if they had been doing nothing all down the years. The fact is the local authorities and the good staff who worked in them did an excellent job with the limited resources they were given. We need to see adequate resources provided to ensure a proper infrastructure can be put in place.

I take the Minister's point that there are many instances where raw sewage is poured into the sea and into rivers, and there are significant problems to be addressed. The model of funding is one issue, but the lack of adequate funding is the real problem. There is not enough funding being put in place to provide a solution to the problem.

**Deputy Simon Coveney:** I am tempted not to get into the water charges debate here around ring-fencing adequate funding. If we are not careful, we will get into the realm of funding for medium-term and long-term water projects having to compete with immediate spending commitments that we must decide year after year on budgets. That is the whole point of having a sustainable funding model for what we need here.

Many staff who are involved in the water sector had been working in local authorities. I agree there were some really good staff but the problem was each local authority was doing its own thing. There were 31 systems, many of which were not connected with each other at all. There was no interoperability. There were no economies of scale. There was no central skill-set of staff because we did not have economies of scale. Irish Water is a single utility that can achieve many of the more national strategic goals that need to be attained around water that individual local authorities on their own could not do. I am not for one minute saying that local authorities were a disaster or whatever, but the outcome of having each local authority doing its own thing on water was a fairly bad outcome in terms of where the water infrastructure is today, and Irish Water is there to fix that.

## **Housing Policy**

19. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning, Community and Local Government the amount of money projected to be spent on the rental accommodation scheme, RAS, housing assistance payment, HAP, and long-term leasing programmes over each of the years 2017 to 2021, listing the cost of each programme separately; and if he will make a statement on the matter. [28687/16]

**Deputy Richard Boyd Barrett:** In my opinion, the dirty little secret about Rebuilding Ireland is that the majority of the so-called social housing the Minister intends to deliver will, in fact, be private housing. It will not work in the form of HAP. I was doing a tot on the graph on page 46 of the Minister's Rebuilding Ireland - an Action Plan on Housing and Homelessness. Approximately 80,000 of the social housing units the Minister plans to deliver between now and 2021 involve HAP. Then the Minister adds to those another 8,000 to 9,000 in leasing and another few thousand in RAS. I have made the point it will not work. Will the Minister tell me how much it will cost the Exchequer annually to fork out the money to those private landlords?

**Deputy Simon Coveney:** All three of the current expenditure funded schemes – the rental accommodation scheme, RAS, the housing assistance payment, HAP, and the social housing current expenditure programme, SHCEP, are critical components to the accelerated delivery of social housing envisaged under Rebuilding Ireland - an Action Plan on Housing and Homelessness. It is anticipated that more than 111,000 households will have their housing need met by one of these schemes in the period to 2021.

The annual cost of the three schemes to the Exchequer is made up of the continuing cost of supporting the tenancies and contracts in place at the end of the previous year and the additional cost of the new tenancies and contracts supported over the course of the year to which the al-

location relates. The cost of the schemes in future years is, therefore, dependent on the number of housing units or tenancies falling to be funded within each of the schemes and the rental or lease payments involved.

In 2017, the housing assistance payment, HAP, scheme will support an additional 15,000 households, the rental accommodation scheme, RAS, will support an additional 1,000 households transferring from rent supplement and the social housing current expenditure programme, SHCEP, is targeted to secure an additional 2,250 social housing units using a variety of different delivery mechanisms, with each unit secured under the long-term availability lease arrangement. This level of increased output will necessitate increased financial support for these programmes in 2017.

The annual Estimates process is currently under way and my Department is working with the Department of Public Expenditure and Reform to finalise the necessary allocations for the delivery of these schemes in 2017.

**Deputy Richard Boyd Barrett:** We are not getting an answer. My figures were broadly correct. That scale of outsourcing of social housing to private landlords will be ramped up again and again to a total of 111,000, as outlined by the Minister, through the HAP scheme, the rental accommodation scheme, RAS, and leasing. That is what he just said. That will happen between now and 2021. That is set out in Minister's graph. Stop shaking your head; you just said that.

**Acting Chairman (Deputy Jim Daly):** The Deputy should address his remarks through the Chair; I am not shaking my head.

**Deputy Richard Boyd Barrett:** I am looking at the Minister's graphs and at the figures he just gave me.

**Deputy Simon Coveney:** The SHCEP-----

**Deputy Richard Boyd Barrett:** The Minister did not answer the question regarding how much it will cost. If I picked him up wrong there, correct me. Under this plan, how many houses will be delivered up to 2021 by the HAP scheme, the rental accommodation scheme, RAS, and long-term leasing? I ask him not to tell me that he does not have estimated figures of how much that will cost the State. I can tell him that it does not take a rocket scientist to work out that it will cost us a fortune. That is as against directly building local authority houses, council houses that people who are on the local authority housing list want, which would generate a rental stream for us and mean that the State would have an asset.

**Deputy Simon Coveney:** Unfortunately, the reality is that we cannot do everything together. Not even the Deputy could deliver all the social houses within the timeframe that he seems to think is possible. The reality is that we have huge pressure on the system and there is no one silver bullet. What we need to do is to put sustainable, long-term tenancies in place where we can. We need to put long-term leasing arrangements in place where it is appropriate to do so. We need to have a very aggressive build programme, which we now have. I would ask for the support of local authorities in doing that and, for the most part, that has been forthcoming so far. A combination of all of those elements will deliver an extra 47,000 social housing units in terms of extra units into the system as well as an increasing number of people coming onto the HAP scheme, some of whom will move from rent supplement, which we are seeking to phase out, to have a much more sustainable, long-term supportive rental model, which will come under the

HAP scheme. We are working with the realities we face to try to get good sustainable solutions for as many families as possible.

**Deputy Richard Boyd Barrett:** I want to correct the record with respect to an earlier remark. I want to stress that we are in favour of affordable housing; we are not against it. The Minister will not be able to deliver that unless he does what the Keane report proposed in the 1970s, which is to take control of all building land and make sure that we set the prices because the last affordable housing scheme failed catastrophically. It did not deliver any affordable housing because prices in the market went through the roof. The question is how do we control the market. The answer is that we build more social housing. That would provide low cost housing and it would also keep a lid on the market as a whole. Will the Minister answer the question about how much will this cost? It is obvious from what he is saying and from his report that the amount of money that will be going out from the Exchequer will increase exponentially over the next five or six years. I put it to him that would be money going out the door when he should be putting the money into local authority housing, which we would then own and from which we would secure rent. In the long term it would be better in that we would have better quality housing and it would represent better value for money for the State.

**Deputy Simon Coveney:** The truth is that it is a combination of both. Some people do not have any issue with being in long-term tenancies.

**Deputy Richard Boyd Barrett:** Only some do not.

**Deputy Simon Coveney:** The Deputy has this ideological perspective that the State has to control all this land and property. We are going to increase significantly the State's stock of social housing and we will build that increased stock as quickly as we can. We have funding in place of more than €5 billion for the next five years to do that. On top of that, we want to learn lessons from the past, to put secure and sustainable tenancies in place for families and individuals who need the help of the State to do that. The most efficient way to do that is to pursue the course of action we are taking, which is to shift people from rent supplement, over time, onto the HAP scheme and to take on many extra people who, unfortunately, cannot afford to secure tenancies in the private rental sector but are happy to rent as long as they have support from the State. That is where the HAP scheme comes in. From the take up of the HAP scheme to date and from the feedback we are getting on it, it is very positive. Perhaps in Dublin the approach to the HAP scheme is a little different. That is because it has not been rolled out in Dublin yet, except in one of the local authorities. We will be able to judge that much more accurately this time next year when we have it rolled out across Dublin.

**Deputy Richard Boyd Barrett:** Are there no costings?

**Deputy Simon Coveney:** The Deputy will see all the costings and details in the budget next week; they will all be published next week

*Written Answers are published on the Oireachtas website.*

5 October 2016

## Topical Issue Debate

### Respite Care Services

**Deputy Peter Fitzpatrick:** I welcome the opportunity to raise this very important topic. I attended a meeting with the Louth Respite Working Group this week. Members of the group outlined in great detail the current situation regarding the provision of respite care in County Louth. In addition to the facilities already available, Louth currently requires respite care for an extra 60 families. The current situation is that seven beds are provided by St. John of God in Drumcar, with 42 adults and nine children having access. In addition to this, there is a three-bed facility in a small bungalow in Ardee, which allows 81 adults access respite care on a basis of one weekend and one five-day week annually. We have the Maria Goretti facility in Lordship which gives access to respite care for 80 families. On top of this, six young adults will leave children's respite this year and a further 12 next year but none of these will have access to adult respite care.

It has been clearly identified in County Louth that additional adult respite care services are urgently required for older adults with a disability living at home with older parents, for younger adults with challenging behaviour, and for emergency or crisis situations. These needs were agreed by the HSE but it stated that it had no funds in its existing service plan. I do not accept this and ask that funding be made available as a matter of urgency. Also, a very serious situation arose in the summer months when respite care services were cancelled in St. John of God in Drumcar, which resulted in a number of families being left in limbo and without respite care services at very short notice. This is not acceptable and we, as a Government, should be doing more for these families, not only in County Louth but throughout the country.

I will give the example of a case involving a 17 year old boy with severe autism spectrum disorder, ASD, and intellectual disability, ID, who experiences random meltdowns along with physically challenging behaviour. These events have escalated over time. There have also been a number of serious assaults on his mother and other family members. An incident happened while he was in respite care which resulted in no respite care for a period of months. At this stage there was no other respite care available to the family. The family applied for a three-month residential assessment. Their business case was supported by the local HSE staff but was refused by senior management. This decision is typical in these circumstances. This child will be 18 years of age soon at which stage there will be no respite care available to the family. This is not acceptable and it is a disgrace that this is still allowed to happen.

Another situation that must be considered is the needs of older families with adult dependants with a disability. Many parents of these children are now in their sixties and seventies and in many cases they are suffering from ill health. They would previously have received respite care services but now this is unavailable due to the age of the child. These are people who probably need respite services more than others, yet these are the people who have the most difficulty accessing respite services. We must remember that respite does not end when a child reaches the age of 18.

I ask the Minister to examine the situation urgently in respect of respite care in County Louth and to find a proper solution to this very serious matter. There must be a ring-fenced revenue stream allocated to the Louth HSE to provide appropriate, regular and planned respite

for families with adult children with a disability in Louth.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):**

I thank Deputy Fitzpatrick for raising this important issue and for giving me the opportunity to address the House on this matter. A key objective of the Government's health policy is to support people to live in dignity and independence in their own homes and communities for as long as possible. Respite services are a key element of achieving this, both to improve the quality of life of patients and to provide support to carers who are the backbone of the provision of care services in Ireland.

Respite care is provided in a number of different ways and settings. It may be provided via an enhanced home care package for the period of respite or in public or private nursing home beds. Respite beds are also contracted by the HSE in private nursing homes where it is used to boost the availability of such beds to meet demand within the resources available in the local health office or integrated services area. In addition, there are 2,000 short stay public beds within our health system which include step-up-step-down care, intermediate care and rehab and respite care, which are used in a flexible manner to meet local needs at any given time. These are interchangeable for use depending on demand in the units so the number of respite beds in any one month can fluctuate depending on demand for the short stay beds.

Louth County Hospital is an 89-bed hospital including 28 day beds and 61 inpatient beds that provide palliative, step-down and rehabilitation care. Efforts to expand capacity in Louth County Hospital and Our Lady of Lourdes Hospital, Drogheda include the opening of 24 new beds in a modular build at Our Lady of Lourdes Hospital, Drogheda within the last six months. The purpose of the new capacity is to improve patient flow from the emergency department and assist in early admission decisions. In addition, as part of the winter initiative 2015-16, ten new beds were provided in February 2016. The new capacity includes the elderly medical rehabilitation service, the purpose of which is to facilitate discharges from Our Lady of Lourdes, Drogheda. As the Deputy rightly highlighted, there are currently no specifically designated respite beds in Louth County Hospital. However, inpatient beds can be used flexibly to meet patients' needs. Respite services are provided in a range of other settings in the community, in nursing homes or as appropriate in specific residential centres, for example, the St. Oliver Plunkett Hospital, which is designed to provide respite care for older people, and the children's respite centre in Lordship which opened in 2014. These services can be accessed via the local public health nurse or GP.

Our Lady of Lourdes Hospital is one of nine hospitals targeted under the winter initiative 2016-17 to reduce overcrowding and improve winter preparedness. This will include the expansion of community intervention teams in the Louth-Meath region and an increase in home care packages to support the discharge of patients at the hospital.

**Deputy Peter Fitzpatrick:** I thank the Minister of State for her reply. We spoke to the Ceann Comhairle's office this morning and explained that this Topical Issue matter was not on respite services in Louth County Hospital but in County Louth as a whole. It is a very serious concern for the families affected. The situation is such that more funding is needed urgently. At a meeting with the Louth respite working group the amount of funding required in Louth to support respite for an additional 60 families was identified. With funding of approximately €800,000, additional respite could be provided for 30 families. This would amount to seven week's respite per family per annum. If this was to be spread further to provide three to four weeks of respite per family, we could have a situation whereby 60 families could be supported

with respite for the same amount. These figures are based on providing a four-bed respite service seven nights a week, 52 weeks a year, in other words a full-time service. An alternative service could be provided on a part-time basis, for example from Thursday to Monday. The cost of such a service would be in the region of €500,000. While the part-time option is cheaper, in the long run the full-time option is much better value for money and provides a better service to families. There are many companies and organisations capable of providing this service and which have the knowledge and experience to do so. One company that also attended a meeting this week with the Louth respite working group provided the figures I have mentioned and also stated that any property or vehicles required would be purchased and maintained by them. We must not forget that families are the real losers here. Sometimes we get caught up in the figures and statistics. The families going through this at the moment are the ones in the real crisis. We must do all we can to support these families. I urge the Minister of State to ring fence funding for respite services in County Louth.

**Deputy Marcella Corcoran Kennedy:** I thank the Deputy for the clarification. The information sought was on Louth County Hospital so I will seek the information the Deputy requires on the county of Louth. I will ensure the Deputy's requests are submitted to the Department and the HSE, which is responsible for funding. The Deputy is concerned about specific issues that arose and I see no reason why we could not get some response in a confidential capacity on how those situations arose and why. I could not comment on them publicly but I will certainly seek the information for the Deputy.

Respite is a cornerstone of public health policy in terms of encouraging people to remain at home, which is where they want to be. It will become an increasing challenge for the Health Service Executive because we are all living longer. It is something we will have to focus on and while the Deputy's focus will have to be on Louth it is something that will resonate with Deputies across the country as these issues arise. I thank the Deputy for raising the issue and I will get him the specific information on County Louth as he requested.

### **Home Care Packages**

**Deputy Catherine Connolly:** I tabled a written question on the cutbacks in home care packages in Galway. I addressed the question to the Minister and got a reply on 4 October which said "As this is a service matter it has been referred to the Health Service Executive for direct reply". I contacted the Health Service Executive before I tabled the question which I tabled in exasperation to the Minister and this is the response I received. New politics has been mentioned but at this point it is a cliché. How in God's name could I get a reply that this is a matter for the Health Service Executive when it has clearly pointed out that its money and funding have run out? I will put the consequence of that funding running out in context for the Minister of State. There are two oncology wards in the hospital in Galway which cannot discharge or admit patients. That is a centre of excellence that covers Donegal down to Clare. They cannot discharge patients who are ready for discharge and they cannot admit patients. Those they cannot discharge cannot be discharged because recently a patient, who I will not identify, with stage 4 cancer was discharged with six home care hours when 21 hours were recommended. In that week, a person suffering from leukaemia stayed in bed and breakfast accommodation because they could not gain admission to the oncology ward. Yesterday there were 35 patients on trolleys in a centre of excellence. Two weeks ago, a woman in her mid-80s died on a trolley while waiting for admission. Full capacity protocol has been in operation

in the hospital in Galway every day since last Thursday and sporadically before then. Code black, which is the top code, has been in operation every day this week and most of last week. Yesterday there were four people in a queue to gain admission to the resuscitation room in the accident and emergency department. That is four patients waiting for admission to a resuscitation room where there are two beds. There is a two-hour wait for a triage nurse in the accident and emergency department. Elective procedures have been cancelled. Oncology clinics have been cancelled without explanation. There is a new ward - I might pre-empt the Minister of State's reply - that is almost finished and has 75 beds. Management has confirmed there is no funding for this hospital and that by January or February its intention is to close two wards in the hospital, reducing capacity further, and transfer the equivalent of one ward into an empty building which has the capacity for 75 beds and will be operating at one third capacity.

That is the position in Galway. I make no apology for raising this and I will raise it at every single opportunity I get. Two actions need to be taken. First, a commitment to a new hospital in Merlin Park is needed as a long-term measure. This has been called for not just by me, but by the hospital's clinical director, who has said the state of the hospital is number one on the clinical risk register. Second, we need immediate extra funding for home care packages to relieve the pressure on the hospital. No Government can stand over a situation where four people are waiting to go into a resuscitation room, an 80 year-old woman dies on a trolley and there are any amount of other incidents in that hospital.

I know this is not the Minister of State's area but I tried to table a question to the Minister. I received a circular answer so I am tabling it again and seeking an answer.

**Deputy Marcella Corcoran Kennedy:** I thank Deputy Catherine Connolly for raising this important issue which is close to all of our hearts. There but for the grace of God it could be any of us requiring services for our elderly relatives.

On the point about a couple of sentences in a reply to a parliamentary question, the Health Service Executive has the facts. Questions are often referred from the Department of Health to the HSE to get the information. It is not that there is an unwillingness to provide the information. There is a procedure as to how that information is obtained. I will follow up on that matter on the Deputy's behalf.

Home care services are critical to support older people to stay in their own homes and communities, and maintain their independence for as long as possible. This is better for older people as they are happier in their own homes. It also makes sense because it helps avoid admissions to acute hospitals and many people can be supported at home at a far lower cost than in residential care. The HSE's national service plan for 2016 provides for a target of 10.4 million home help hours to support about 47,800 people. It provides for 15,450 home care packages and 190 intensive home care packages for clients with complex needs, including dementia. This is less than we would like to have available, however. Services are being stretched by demands from more people, as well as for more hours at times outside of core hours, in the evenings and at weekends, all of which cost more.

The Government has made a start in responding to this demand by providing an extra €40 million for home care packages in 2016, allowing us to maintain services at a higher level than would otherwise have been the case. The Government will allocate €10 million to support discharges from acute hospitals as part of the next winter initiative. We will now provide an extra 115,000 home help hours and 528 additional home care packages in 2016.

5 October 2016

On 9 September 2016, the HSE published its winter initiative plan for 2016-17. The plan will focus on specific measures required to address the anticipated surge in health service activity in hospitals and in the community nominally associated with this time of year. One of its key objectives is to reduce the numbers of people waiting to be discharged from hospitals by providing the specific supports and pathways to allow patients to move home or to a suitable community setting which meets their needs. Achieving this objective will free up beds in the acute hospital system which, in turn, will lead to less overcrowding in emergency departments.

We have several initiatives aimed at increasing capacity at University Hospital Galway. Earlier this year, 30 new beds were opened. In addition, a 75-bed ward block and acute adult mental health unit are under construction. They are expected to be operational by 2017. Further, the programme for a partnership Government contains a commitment for a new emergency department for University Hospital Galway. Community services are endeavouring to support the discharge of patients who have been deemed medically fit for discharge and require alternative supports, be that long-term care, home care and transitional care.

University Hospital Galway is within the community area of CHO, community healthcare organisations, area 2 which has received almost €5.5 million for home care as part of the €40 million additional funding to which I referred to earlier. In addition, as part of the winter initiative funding, CHO area 2 is receiving €1.8 million specifically for University Hospital Galway to provide six new home care packages each week from October to February.

**Deputy Catherine Connolly:** I thank the Minister of State for her reply. However, the full capacity protocol is in operation in Galway. Code black is the one it is using. The hospital is in crisis, notwithstanding anything the Minister of State has told me in this reply. That is the position in Galway. The money for the home care packages has been used up and no money is available to provide the necessary home care packages for patients who cannot be discharged from the hospital. The manager in charge of home care packages must make cutbacks to save further money.

I am not here to scaremonger but to argue for a public health system in Galway. Will the Minister of State respond to the concerns I have raised about the full capacity protocol? Hospital management has said no funding is available for the 75-bed unit, which will remain empty, other than 25 beds that are to be taken from the hospital, which reduces its capacity. There is no *quid pro quo* gain. No funding is available for the new ward. The home care packages cannot be delivered. Somebody on the oncology ward cannot go home because there is no home care package. It makes no sense on a human or health level. More importantly, it does not make sense on an economic level because it is costing more money to keep a patient in the general hospital. It makes more sense to put the money into home care packages.

What is the Minister of State's response to my request for a new hospital for Galway? What is her response to the risk identified that the condition of the hospital places it No. 1 one on the risk register for Galway?

**Deputy Marcella Corcoran Kennedy:** I appreciate the Deputy's concerns on this matter. She has addressed specific questions to me but I do not have a reply to them because they were not part of her original question to the Department. If her question had been more detailed, I would have been able to get a more specific response. I can only give her a response to what she submitted in her original question.

CHO area 2 is receiving €1.8 million specifically for University Hospital Galway to provide six new home care packages each week from October to February. This will provide for 114 new home care packages over the winter period. Intensive home care packages are being provided to 32 clients in that area who require considerable levels of resources and who would, in the absence of this support, be admitted to long-stay residential care or would have remained in an acute hospital.

University Hospital Galway is in receipt of transitional care beds throughout the course of the year and averages 16 approvals per week. Transitional care beds support patients who have been deemed fit for discharge but may be awaiting a specific bed in a long-term care facility, or some degree of convalescence prior to returning home. The hospital is also supported by the provision of short-stay public beds throughout the Galway and Mayo region.

Similar to all acute hospitals, we will keep the situation in Galway under constant review in line with the winter initiative plan.

### **Agriculture Schemes**

**Deputy Charlie McConalogue:** I thank the Ceann Comhairle for selecting this matter and the Minister for Agriculture, Food and the Marine, Deputy Michael Creed, for coming into the Chamber to respond in person to it, as he has been at the tillage sector forum today. It is certainly a very important issue and a matter of the utmost urgency. We need to see a move from the talking that will happen at the forum to actually seeing action and delivery for farmers. There is no doubt that there has been a growing crisis in our tillage sector in recent weeks as the weather has failed to improve and as farmers on the west coast from Kerry and Cork up to my county of Donegal have been unable to get the crops in. At this stage, a fair percentage of the crop in those counties is lost and many of those farmers are facing financial disaster in terms of their income this year and their ability to pay bills.

This is an issue for me and my fellow members on the Joint Committee on Agriculture, Food and the Marine, Deputy Cahill and Senator Paul Daly, as well as Deputies Aylward and O'Keeffe. Fianna Fáil is seeking an emergency crisis fund to support those farmers who have not been able to get their crops. I know farming organisations are also looking for it. Prices have fallen four years in a row. The price per tonne this year is expected to be approximately €130. That is below the cost of production, so everyone in the grain industry is suffering a lot of stress this year. I know Teagasc is indicating that the average income on a tillage farm this year is expected to drop by €14,000.

There is a real crisis for those farmers who have not been able to get their grain out of the ground. Many on the east coast, where rainfall levels have been below normal, have been surprised to hear that rainfall on the west coast has been up to one and half times what would normally be the case. Grounds are still exceptionally wet and saving the crop has proved to be impossible. Is it the Minister's intention to put in place a crisis fund for those farmers who have not been able to harvest their crops? Is this something he has raised with his European counterparts and is it on the agenda for the forthcoming Council of Ministers meeting next Monday where it will be important to try to get consent from his colleagues at European level to contribute to a fund? We know it was put in place for the livestock and dairy sectors when they faced income crises. It should and must be delivered to support the tillage sector, which is currently in crisis.

There is precedent for this. At the end of last year, a crisis fund was set up to support farmers who lost their fodder. If we go back to 2009, a crisis fund was put in place for the horticulture industry. There is no doubt on the part of anyone involved in the agriculture sector that the tillage sector needs this support. Since 2012, the tillage sector has lost 100,000 acres and this pressure will only continue to increase. We are not self-sufficient in grain so it is a sector that needs to be encouraged. Unless the Minister can deliver that over the coming number of days, many farmers will be facing very difficult scenarios this autumn.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank Deputy McConalogue for raising this issue and for giving me an opportunity to address the House in respect of it. I fully acknowledge and accept that ongoing difficulties are being experienced by the farming community, not least our tillage farmers. This sector is very important in the agricultural economy but it has been a challenging year in terms of both market returns and weather. I am in the middle of chairing the tillage stakeholders forum and have stepped out to take this important debate. I decided to convene the forum today because I thought it would be an apt date on which to obtain a sense of the bigger picture regarding what the harvest has been like. According to the information available, matters have been difficult, particularly on the western seaboard. I have met representatives of the IFA in Donegal, Sligo and Leitrim. I know from my own experience in west Cork that it has been a particular problem along the western seaboard. In the context of convening the forum, I also felt it was important not to go in with a prescription that might not fit the ailment that was articulated. I wanted to involve all the stakeholders so it is not just in the context of the forum and it is not just the farming organisations. It takes in the gamut of people who have a vested interest in the viability and prosperity of the sector, from the State agencies and farming organisations to the feed industry, the distillers and the brewers. In the context, today is in many respects a listening exercise and I appreciate the points of view that have been articulated at that forum.

The tillage sector provides valuable raw material for the feed industry, straw for the livestock and mushroom compost industries and, importantly, material for the rapidly developing brewing and distilling industries. I am most conscious of the challenges posed by the current weather and price-related difficulties for growers and that significant changes will take place in the international trading environment in the coming months and year.

In the light of these challenges, I directed my officials to prioritise the processing of all payments this year, including the basic payment scheme, BPS, the areas of natural constraint scheme, GLAS and AEOS, which are in total worth over €1.5 billion annually to the agriculture industry. In respect of the BPS and the greening payment, I am pleased to confirm that advance payment is scheduled for 17 October next, the earliest possible date by which payments can commence under the governing EU regulations. The necessary preparations are being made to maximise the number of payments on that date. In response to the difficulties being encountered on farms, this payment will be at 70%, which will significantly support farmers with cash flow problems. The second instalment of payments will commence on 1 December next. I am also pleased to note that the processing of the areas of natural constraint payment scheme is on schedule and payments have already commenced during the third week in September. It is expected that approximately 96,500 people will fulfil the scheme eligibility requirements. I am happy to confirm that, to date, in excess of 77,500 applicants have been paid a total of €167 million. Payments are continuing on a twice-weekly basis to ensure prompt payments to applicants as and when they fulfil the scheme stocking requirements.

I also confirmed at this afternoon's meeting the Government's commitment to the sector,

both at farm and processing level, which is fully reflected in the Food Wise 2025 blueprint for the industry. In particular, I highlighted the opportunities to increase the focus on adding value to what is a quality product. I also indicated that the provision of low-cost flexible finance is a priority for us under the programme for Government. To this end, I have been engaged in intensive consultations with the Government Departments, the EU Commission and the Strategic Banking Corporation of Ireland with a view to developing a product that is better than anything in the marketplace. I hope to be in a position to make an announcement on this shortly. I am determined to ensure that any new loan product will be available to tillage farmers on similar terms and conditions as those for livestock farmers under *de minimis* state-aid rules. I stressed at the meeting, and I do so again in this House, that in this changing landscape, we need to take a fresh look at our tillage industry to ensure that it is best positioned to withstand possible future threats and to avail of the new opportunities which may present themselves.

**Deputy Charlie McConalogue:** I thank the Minister for his reply. While the measures he outlined are important in respect of ensuring that direct payments are paid promptly and with regard to delivering affordable credit to farmers in all farming sectors, it is exceptionally disappointing to see that he made no reference to the need for a crisis fund to assist those farmers who are facing ruin in certain parts of the country because they have not been able to get their crops. That is most acute problem facing us at the moment and one that needs the most urgent response.

The tillage forum is welcome. I know the Minister has come from a meeting of the forum and I appreciate the fact that he is taking time to update us. However, I was particularly hopeful that there would be more substance in terms of what the response might be because this is what grain farmers across the country, including the western seaboard, who have not been able to get their crops are seeking. While affordable credit for cashflow pressures is necessary for many in the farming industry, unless there is a recognition of what farmers - who will be ploughing this year's crop back into the ground in the coming weeks because they were not able to get it and who are facing merchant bills, contractor bills and conacre bills for those who rented the land for which they are now getting no return - are facing, many will simply not be able to manage their finances, pay their bills this year or remain in the sector. As I pointed out earlier, we have lost 100,000 acres of tillage in the past four years. It is crucial that the Minister responds. I ask the Minister to zone in on it. Will there be a crisis fund and will he raise it at next Monday's Council of Ministers to seek the support of his EU colleagues to introduce such a fund?

**Deputy Michael Creed:** I ask the Deputy to reflect on the following point. It is difficult, and that which can be salvaged at this stage may be a small fraction. However, if I were to introduce a fund, every endeavour to salvage whatever is salvageable would cease. I want to ensure the endeavour continues. This point was made at the forum today and was reflected in contributions from all sides. Until we have a full picture, I will not jump into making any hasty announcements regarding the measures we might consider appropriate.

I have been on the ground and in the Deputy's county. I have met farm organisations, both national and local. We are anxious to get a full and accurate picture in respect of the endeavour and where a line can be drawn under it to say beyond this point no further harvest can be salvaged. We are far from that stage. Only a full picture can inform us on the appropriate policy instruments that are being considered.

The Deputy raised the EU agenda. When 27 or 28 member states jump up and down in unison about the dairy industry, the Commission responds. Unfortunately, member states are

5 October 2016

not jumping up and down about the grain industry. Until there is a clamour for a response at a political level in the Commission that is led by the main grain growing countries, there will be no prospect of a bailout package for the grain industry. This is why we are availing of the opportunity under the scope given to us under the *de minimis* rules, as in State aid. Neither the French, Poles, Hungarians, Romanians nor any of them are jumping up and down and saying there is a crisis in their grain industries.

### **Apprenticeship Programmes**

**Deputy Aengus Ó Snodaigh:** My question relates to the delivery of apprenticeships in a safe, practical way and the chaos that seems to be happening. A change came about due to the collapse in the construction industry and our economy, and many construction related apprenticeships ended abruptly. It is, therefore, good to see that SOLAS and the education and training boards, ETBs, are working together to offer apprenticeships as FÁS did in the past. From the debacle around JobBridge, we know the range of apprenticeships should be much greater and we should offer much more. We should offer something similar to the Germans rather than the approximately five apprenticeships that have been on offer to date.

It is regrettable that the ETBs and SOLAS did not use the opportunity of the downturn to reorganise the sector and the centres to ensure there were enough qualified instructors to deliver the courses they were offering. Decisions taken at the time of the collapse, since then and recently have many of the SOLAS and ETB centres in chaos. For example, in some centres there is no or very limited equipment related to the apprenticeship offered, so the course cannot be run. There are no instructors for some of the courses offered.

In Loughlinstown, the instructor walked off the job given that he could not get a contract that would allow him to deliver the six months' apprenticeship. He was offered only one month's contract. It is crazy. There is a shortage of instructors based on the fact that the ETB, SOLAS or whoever is paying are offering only short-term, rolling, four-week contracts for courses that last six months or longer. Maybe it is because they are happy to use retired instructors or tutors. In those cases, there seem to be three different sets of wages for instructors. Retired instructors are getting €36 per hour while those on four-week contracts are getting €23 per hour and those who have managed to get a one-year contract - imagine that - are on less attractive hourly rates of €20. What is the difference? There is no reason, in this day and age, that there should be a set of differences.

In the past, when the courses were run by FÁS, instructors had no issues with payment. Obviously, everybody wished to be paid more. Now, if one works in a centre and wants to help at another centre to cover somebody's holiday or sick leave, it is a bureaucratic quagmire. One is paid and taxed in a different way and the employer is different. It is a disincentive. If the instructor in Loughlinstown is sick, an instructor from Baldoyle who might have spare hours will not travel to Loughlinstown to provide cover. Can the Minister elaborate and explain why those differences exist, given where we have come from?

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Deputy for raising the very important issue of apprenticeships. We have made a serious commitment to expand the range of options. The position is not one of the chaos which the Deputy described but one of very rapid expansion in the number of people enrolling in traditional apprenticeships. During the past three years, including this year, there was an increase of more than 20% each

year in the number of enrolments in apprenticeships and the forecast is for further increases in each of the next years of over 20% per year. We have already trebled compared to the lowest number of apprenticeships and we are planning to expand the numbers rapidly.

I will investigate the issues of concern to the Deputy regarding individual centres such as Loughlinstown or any others he wishes to bring to my attention. With the collapse in the number of apprenticeships, and as we seek to rebuild this national scheme, we cannot ensure every centre will always offer the range of options. Given that it is a national scheme, we must ensure that we build up capacity in an efficient way. This may require people not going to their nearest centre to complete their programme. This is in the context of major expansion.

As the Deputy recognises, we are moving to fill the gap which he rightly pointed out. In Germany, approximately 40 young people per 1,000 take up apprenticeships, whereas here it is approximately ten. We need to move to a much higher level. To do this, we propose to increase the number of apprentices from the current 27, which the Deputy mentioned, to 100 over the coming years. Some of them will be at a very high level, such as the one I recently launched at the Institute of Technology, Sligo, which will be a level 8 apprenticeship. We recognise that as we move to meet the challenges of a new economy which is emerging, and the challenges of Brexit, we need to rebuild this skill base and build it in new areas of technical expertise.

I will seek information for the Deputy on the issues regarding the contract terms of different instructors. The terms under which people are employed are, presumably, tied up with various negotiated agreements. Given that the Deputy did not mention the issue in his question, I do not have any briefing on it.

**Deputy Aengus Ó Snodaigh:** I thank the Minister for his reply. Hopefully, the answers will prove the point I made, having talked to a number of instructors from different centres to ensure I was not being over the top in my suggestions.

*4 o'clock*

I will move on to the second issue that I wish to raise. Is the Minister aware of cases of instructors delivering classes on trades in which they are not qualified? It is fine for an instructor to cover once in a while if, for example, someone else is sick or on leave, but the course is short. While the expansion in the number of courses being offered is welcome, I am aware of a carpentry instructor delivering a painting course. One might believe that this was fair enough, but the instructor also delivered an electrical course. Given the dangers of electrics, this was neither good nor safe. It was also unfair on the apprentices who were supposed to be learning in the centre.

Some centres were stripped of equipment in recent years. In Ballyfermot, three houses that had been built and used by apprentice carpenters to learn their trade were knocked down. The carpentry courses in Ballyfermot are due to restart next week or the week after, but half of the equipment is not in place as we speak and is unlikely to be in place when the courses start. The same is true of the painting and motor mechanics courses that are due to start. Although the apparent rush is welcome, this seems chaotic and the part of the job that ensures we have top grade apprentices is not being done right. Funding has not been spent on ensuring that the centres are fully equipped and instructors who can deliver these courses properly are there for the next group of apprentices.

**Deputy Richard Bruton:** I would be the first to recognise that we need to invest further in

apprenticeships, not only the traditional ones, but also new ones. The Deputy must make an allowance for the fact that we are experiencing 20% growth per annum in the number of people participating in apprenticeships. This is a rapid expansion. While I would be disappointed to hear of some of the experiences to which the Deputy referred, that is in the context of us delivering for a higher intake.

In early 2015 and in conjunction with SOLAS, Quality and Qualifications Ireland, QQI, formally extended a suite of professional award-type descriptors to carpentry, joinery, electrical, plumbing, metal fabrication and heavy vehicle mechanic apprenticeships and adopted standards regarding these. In September 2015, QQI validated new curricula for these trades, which have been implemented since April 2016. Accordingly, instructors' ability to deliver these curricula would have to be validated. If the Deputy wants to supply me with the details of cases in which it is believed that people without adequate qualifications are providing course instruction, I will investigate them.

Like other sectors, this sector's capacity to respond has been affected by the moratorium on recruitment. My Department is in discussion with the education and training boards, ETBs, regarding some elements of the moratorium in order to ensure that, as we meet the emerging skill needs in our economy, we are in a position to deal with any shortage that might arise in respect of tutors.

*Sitting suspended at 4.05 p.m. and resumed at 4.30 p.m.*

### **Mental Health Services: Motion [Private Members]**

**Deputy Mary Lou McDonald:** I move:

That Dáil Éireann:

notes that:

- 2016 marks the 10th anniversary of the publication of the Report of the Expert Group on Mental Health Policy entitled *A Vision for Change*, which laid out a pathway to progressive, modern and recovery-based mental health care in Ireland;
- despite plans for its complete implementation by 2016, much of the strategy is incomplete and many of its recommendations are still to be implemented;
- the crisis in our mental health service has been exacerbated by the failure to implement *A Vision for Change* in full;
- the current Programme for Government provides no significant detail on plans for the implementation of the reforms laid down in *A Vision for Change*; and
- there remains no state-wide 24/7 crisis intervention adult mental health service in this State, a major recommendation of *A Vision for Change*;

recognises that:

- without a 24/7 crisis intervention adult mental health service, the lives and health of people in mental health distress are being put at great risk;

- it is the responsibility of the State to ensure that those who need crisis mental health supports receive that support in a timely and efficient fashion in line with international best practice;

- 66 per cent of all people who are admitted to an Irish acute mental health unit are readmitted within 12 months and Ireland's 30 day readmission rate is double that of the United Kingdom; and

- the alarmingly high rate of readmissions for mental health difficulties is due to a lack of outpatient community intervention services which are accessible and flexible; and

resolves that the Government must:

- publish within three months, an implementation plan for a seven-day-a-week adult mental health service in every catchment area to be completed within 12 months;

- open recruiting to employ a full complement of staff to provide a multidisciplinary team for these units which can also operate home visits seven-days-a-week;

- provide immediate funding for, and begin the establishment of, a crisis house in every catchment area as an alternative to in-patient care; and

- publish a detailed implementation plan for the full roll out of 24/7 multidisciplinary crisis intervention adult mental health services in every catchment area within 12 months.

I am pleased to move the motion calling for 24-7 crisis intervention mental health services to be delivered throughout the State. Over recent months I have traversed the country, North and South, meeting representatives of statutory bodies and non-governmental organisations as well as families and citizens who have helped to set up awareness programmes, help groups and local community initiatives to discuss issues around mental health and suicide prevention. Of most importance, I suppose, is that I listened to these people. The motion is very much directed by these ongoing conversations and is a direct consequence of meeting such a wide range of people. It reflects the most immediate concern expressed by all of them at the coalface of these issues, many of whom, I am very pleased to say, join us in the Gallery for the debate.

It is clear from our dialogue that we have much work to do in mental health. I could recite a very lengthy list of what must be done. However, the motion on the provision of 24-7 crisis intervention services reflects the most immediate concern of these groups and individuals. We have very consciously chosen to focus on this. I am aware that every deficiency in a service or euro not allocated to mental health causes distress and damage to those with mental health issues. However, the absence of 24-7 intervention services is the point where lives are lost. Lives have been lost.

We know crises do not occur during set hours and there is no timetable or schedule for a crisis occurring for somebody. By their very nature, crises are unpredictable and unexpected. They do not operate on a nine-to-five basis. As things stand, what may a person do if that person or someone he or she knows or loves is experiencing a serious mental health crisis? There are few options out of hours. The person may go to the Garda and many have done so. The

person may go to the accident and emergency department. Many have done this and will continue to do so. Neither of these options remotely offers the appropriate care that is required.

I have mentioned before a young man called Ryan Dempsey. I raised his case in this Chamber. Ryan's case epitomises the absolute and immediate need for 24-7 crisis intervention services. Over six months, he repeatedly presented to accident and emergency services because of suicidal ideation or having self-harmed. He was discharged repeatedly within hours. On his last presentation to an accident and emergency department he self-harmed and, having been left in a ward on his own, he died by suicide. Ryan was not a unique case and others like him require psychological help as well as emotional and social support. This cannot be provided by An Garda Síochána and it certainly cannot be provided in a very busy and stretched accident and emergency department. People are left sitting for hours in an accident and emergency department, waiting for help, when they need immediate and special help in the here and now.

I acknowledge the work of mental health services where they exist but these are only available during office hours, five days per week. After hours service provision is still, sadly and disgracefully, the exception in this State. Our mental health services, as currently configured, are not functioning as required. In 2013, 11,000 people presented to accident and emergency departments having self-harmed. It is shocking that statistics indicate that more than one in five is a repeat attender for self-harm. Most are sent home after a few hours and many receive very little care. It is unlikely they will see follow-up.

We need more than general aspirations. We must be focused and get the ball rolling. We need to implement all of A Vision for Change, as that is clearly what all stakeholders and families, among all of us, wish to see. For today, for the purposes of this debate and motion, we want an agreed position on 24-7 crisis care being made available, with an implementation plan within three months and the services being rolled out over the course of 12 months. That is the essence of our motion.

I again welcome the families in the Gallery. I do not know if Fran Dempsey, Ryan's father, is here but I know there are other family members here. They are most welcome and I look forward to a productive and hopeful debate. I also hope there will be universal support for what is a very specific and focused motion.

**An Leas-Cheann Comhairle:** Deputy McDonald is sharing time with Deputies Buckley, Ellis, O'Brien and Brady.

**Deputy Pat Buckley:** It is high time this Dáil had a proper and meaningful discussion on mental health and, more important, the services needed for treating mental health. From the many conversations I have had with groups and affected individuals throughout the State, I know the lack of 24-7 crisis intervention services is a major issue that must be tackled.

Many here will be very aware that mental health and suicide prevention is very close to my own heart. Like many other families, I and my extended family have had to go through the trauma of burying loved ones, not once but on two occasions. Over the years I have seen too many of my friends end their lives by suicide. One cannot describe the hurt and sense of loss that is experienced within a family when family members are told that one of their own has died by suicide. Emotions are just sucked from the body and automatically replaced with feelings of hopelessness, sadness, bewilderment and anger. As the eldest of the family, it was I who was tasked with the responsibility of breaking the news to my parents and the rest of my siblings. I

did not have the answers at the time to my brothers' deaths and still do not, but surely with better preventative measures and services like 24-7 crisis intervention, many other families could have been spared the same trauma. Unfortunately, in the past two weeks, I have been made aware of three more people who have taken their own lives. I am also sure that my story is replicated by many families across the country and this is still happening today, as we speak. I have spoken to many coroners throughout the State in recent months and I have heard the same story repeated again and again about a handful of suicides in their localities each month.

A Vision for Change, published in 2006, proposed crisis intervention services and called for a full range of community mental health teams and programmes for adults with mental health issues to be rolled out. It specifically recommended a 24-7 crisis intervention service that would include the capacity to respond in a multidisciplinary way to the specific needs of every individual. This would be done through community mental health teams, if and when they get adequate resources and appropriate staffing. Ten years on and there is still no State-wide 24-7 crisis intervention service for people in need of emergency mental health care in this country.

To where do people turn? At present, their options are very limited. When people take steps to seek help, they are left, along with their families and friends, with nowhere appropriate to go. Often the only option is the emergency department, which is the wrong place entirely for a person in severe mental distress. One family who experienced this is that of Stephen Byrne. Stephen took his own life in January at the age of 20, having been turned away from hospital multiple times and after an attempted hanging while in Garda custody. He took his own life in desperation and hopelessness after failing to get adequate care. Some members of Stephen's family are here today, including his mother Patricia, who is now a voice for her son. She is calling for crisis intervention services to be made available at all times, for which I commend her. I also commend her on her strength and I am very proud to be representing her family and many others. The situation is also unfair on the staff in emergency departments who are not trained to deal with mentally distressed people and who are already under extreme strain due to the failings in our general health care system.

It is clear that mental health care in this country must be taken more seriously. People in distress often feel let down by society and by our health services. A properly functioning mental health care system requires a whole range of supports to operate properly. The community is a crucial part of this recipe and we need fully staffed community mental health teams. Sadly, we are very far short of this at present. The HSE's report, *Delivering Specialist Mental Health Services 2014-2015*, found that child and adolescent mental health services, CAMHS, staffing was only at half the recommended level.

I urge the Minister of State to take the first step and to invest in mental health. She must start by rolling out the plan to deliver 24-7 crisis intervention services. We have waited far too long already. We need to start helping the 8,708 individuals who presented with self-harm at hospitals nationally in 2014 and some of the 17,000 people who were referred for counselling in primary care in 2015, many of whom are still on lengthy waiting lists. We must also help those who need the help of CAMHS, referrals to which have grown from 8,633 in 2011 to a staggering 13,062 in 2014.

This motion asks for nothing more than what the State has already signed up to deliver. The problem for the Government is that it demands that action be taken sooner rather than later. Let there be no more kicking the can down the road, waiting for reports that will just gather dust. We want no more lengthy lead-ins for half-measures. We must start the process of delivering

what was promised ten years ago because with every passing day, the lack of action puts lives at risk. I implore the House to support the motion.

**Deputy Dessie Ellis:** Issues of mental health and well-being are some of the greatest challenges facing us as a society. The suicide rate stemming from mental health issues has reached epidemic proportions and has well overtaken the road death rate. As a society, we must ask why this is happening, what remedies are needed and where the shortfalls in our system lie.

It is very clear there has been a huge haemorrhage of nurses and front-line professionals. A report by the Psychiatric Nurses Association, PNA and the Royal College of Surgeons in Ireland, RCSI, found that there has been an overall reduction in mental health staff numbers since 2006. The HSE's report, *Delivering Specialist Mental Health Services 2014-2015*, identifies the fact that staffing in CAMHS was half the recommended level. The mental health service needs more staff, particularly psychiatric professionals, in virtually every area. The current staff do Trojan work, often on their own time and go way beyond the call of duty. Psychiatric care professionals aim to assist in the recovery of people experiencing mental health problems and to promote mental health and well-being. However, understaffing puts the whole system under pressure. It is imperative that service levels are increased and that more nurses and trained professionals are recruited. The availability of services locally, in our communities, also needs to be resourced properly. Were it not for voluntary groups and individuals, I shudder to think how bad things could be. We owe a huge debt of gratitude to all those who give their time, energy and commitment.

There is a huge deficit in our system whereby at weekends or after hours, services are not available. A failure to provide community-based mental health services to replace the institutions that have been closed has led to many falling through the cracks. This motion clearly highlights what is needed from the Government, namely, the provision of a 24-7 crisis intervention service. In terms of staffing, an additional €37.5 million would fund all the positions outlined in the recommendations of *A Vision for Change*. The provision of 24-7 care would alleviate some of these problems but the process of admission to services also needs to be considered. Presenting oneself to a GP to get a note or to the emergency department is not working; nor is reporting to a Garda station. We cannot treat mental health issues in the same way as other medical issues. Any response to mental health problems must be flexible and capable of providing professional care when people need it, particularly in extreme circumstances.

There is a persistent problem of people presenting at accident and emergency departments with mental health issues being turned away for various reasons. There are many such cases to which I could refer. Indeed, I had the recent experience of seeing my own son being refused admission even though he has had a history of admission to the psychiatric services. This is not the exception but is happening regularly all over the country. The problem of dual diagnosis, whereby people are taking alcohol or drugs on top of their illness is not taken into account and such people are also being refused access to services. This need to be urgently changed and dedicated staff must be provided and trained to deal with it. We need more outreach workers to deal with people in their homes and their communities. The stigma associated with mental health difficulties needs to be tackled. The message needs to go out that help is available and that those in distress must talk to someone - a friend, family member or service provider. People should not bottle it up. It is okay not to feel okay - that should be the message.

**Deputy John Brady:** In May, Wicklow Comhairle na nÓg conducted a survey to which over 1,000 young people from across the county responded, with 89% of them rating mental

health as the number one issue for them. They cited the need for more conversations around mental health, improving services and reducing the stigma around the entire issue. This is a fascinating statistic coming directly from young people. On Monday of this week, I attended the launch of Be Well Wicklow, which originally started in 2012 as Be Well Bray but has since expanded across the entire county. Be Well Wicklow involves a group of young people from the age of 13 upwards who have taken on the challenge of promoting positive mental health in communities across County Wicklow. Be Well Wicklow is based on three key elements: battling the stigma surrounding youth mental health, learning and sharing the skills that build resilience and ensuring young people's ideas and opinions are central to everything we do. Next week marks the group's annual Be Well week, which will be marked by a range of activities across the county aimed at raising awareness of youth mental health and promoting positive mental health. As part of Be Well week, these young people have designed and created conversation cards, one of which I have with me. The aim of these cards, which will be found in cafés across County Wicklow, is to encourage people to discuss their feelings.

I commend these young people and thank them for everything they have done to engage with this issue. They have shown year after year that they are determined to continue the conversation on mental health. We could all learn a great deal from the work they are doing by taking on the challenge of promoting mental health and thereby inspiring many people throughout the entire county. I would like to wish the members of the Be Well branch in Arklow well with their first Be Well week. A Be Well group is currently setting up in Kilcoole. There are other Be Well groups across the county. Young people are leading the way on mental health in Wicklow. They are setting the agenda. Our job is to recognise the work of these groups and to do everything in our power to support them. I hope groups like Be Well Wicklow will spring up across the entire State. I am delighted that this motion has been introduced by my party. I hope it will receive unanimous cross-party support. In the words of Be Well Wicklow, mental health is not the same as mental illness. Everybody has mental health, and we need to start promoting positive mental health.

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

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

“notes:

— in line with the Programme for a Partnership Government, the Government acknowledges that:

— 2016 marks the 10th anniversary of the publication of the Report of the Expert Group on Mental Health Policy entitled *A Vision for Change*, which laid out a pathway to progressive, modern and recovery-based mental health care in Ireland;

— the critical importance of prioritising mental health policy and service development;

— the need to increase the mental health budget annually during the lifetime of the Government, building on the substantial additional funding provided for mental health services between 2012 and 2016; and

— the need to further develop crisis and 24/7 responses, building on the invest-

ment to date in Acute Units and in supports at community level;

recognises that the Government is committed to:

— continuing to implement *A Vision for Change*, in a manner which recognises geographical accessibility, in the spirit of both the Programme for a Partnership Government and the Confidence and Supply Arrangement;

— increasing the mental health budget annually during the lifetime of the Government building on the substantial additional funding provided for mental health services between 2012 and 2016;

— completing an evidence-based expert review of the current status of implementation in Ireland and of international best practice in the area of mental health;

— establishing an oversight committee within three months, to oversee the development of a new policy for mental health based on the outcome of the expert review; and

— directing the Health Service Executive to develop a multi-annual approach to the development of mental health services.”

I welcome this debate as a chance to restate the Government’s commitment to further develop and improve mental health services in Ireland. I have met voluntary, public and private organisations. Unfortunately, I have personal experience of losing a loved one to suicide. I do not think any one person in this Chamber is any more committed to this issue than the next person. We are unanimous on the need to work together to tackle this issue. I welcome the timely manner of this motion, given that next Monday, 10 October, is world suicide prevention day. I am conscious that many organisations and groups are holding events throughout the country. I thank all of those who are making an effort. In my own county, mental health week is being marked by those who are trying to reduce the stigma and to get people talking and raise conversations.

The Government recognises that we cannot afford to be complacent about mental health. That is why the programme for partnership Government includes a clear commitment to undertake to increase the mental health budget annually to try to build capacity in existing services and develop new services. Since 2012, an additional €115 million has been put into our mental health services. That equates to 1,150 new posts. The funding for suicide prevention has increased almost fourfold, from €3.7 million to €11.5 million in 2015. I think this reflects a deliberate decision to try to tackle this issue. Each suicide is one suicide too many. We need to continue to try to bring the figures down. Funding for mental health will continue to increase this year from last year’s figure of €785 million to €826 million this year. That is an increase of 5.2%. While I agree that this is not half enough, I suggest that there has probably been more investment in mental health services in the past five years than there was in the previous ten years. This continued investment underscores the fact that this Government is focusing on the modernisation of our mental health services, in line with *A Vision for Change*, and is aiming to develop mental health policies and services that are, above all, person-centred and recovery-based. I think that is particularly important because for a long time, our services focused on treatment without considering the possibility that people might recover and go on to live, work and have happy and healthy lives in their communities.

It is obvious that financial commitment is not enough in isolation. It must be directed to-

wards what is needed to effect real change. That is why the Government is committed to updating the policy set out in *A Vision for Change*. This process has commenced with an evidence-based expert review, which is focusing on the progress that has been made in implementing *A Vision for Change* and is reviewing the current delivery of services in Ireland. This report will take account of international best practice and will inform the next steps in the development of our policy, having regard to human rights, health and well-being. The tender for this review was awarded recently. The report will provide a solid evidence base to determine the policy direction for the revision of *A Vision for Change* and provide a basis for further service development in this area to help to shape future policy. When *A Vision for Change* was launched in 2006, it highlighted many areas where attention needed to be increased. *A Vision for Change* was undoubtedly affected by a number of factors in recent years, including the changed economic context, the constraints on public spending and, most important, the moratorium on recruitment, which probably had the greatest effect. Recent years have seen investment in this area prioritised and significant reforms made.

One suggestion in *A Vision for Change* was the provision of State-wide 24/7 crisis intervention adult mental health cover. Services are provided to those in need of urgent care. I agree that they are not perfect and we need to continue to improve them. The interlinked components across the services include community mental health teams, which we have been building on. I acknowledge that not all of these teams are full. The staff of these teams are working to the best of their ability. They are able to respond to crises during normal working hours. These teams have established pathways of contact for existing patients, while other individuals can be referred through their GPs. All of the mental health teams keep slots for urgent referrals and emergency cases, for example when people are acutely suicidal or severely depressed. An individual in crisis may present to an emergency department outside of normal working hours. The mental health division has now ensured that all level 4 hospitals have a liaison psychiatric service available on the site of the acute hospital. This service provides prompt assessments in emergency departments. Most level 3 hospitals now have a service in place or one planned. Recruitment is taking place for the planned services. Where a liaison service is not in place, the local service has an alternative arrangement whereby the person is assessed by a liaison nurse, or else the on-duty consultant provides that advice.

While I acknowledge that dual diagnosis is a problem, a clinical programme is being established and worked on. We have appointed a national clinical lead in that area. I hope we will develop that, particularly in our accident and emergency units, as a means of providing additional support. Another example of this is the national clinical programme for the assessment and management of self-harm in emergency departments, which began in 2014. We often speak about suicide, but self-harm is actually an equal if not a greater problem throughout the country. The national clinical programme has trained and deployed 25 senior mental health nurses at clinical nurse specialist level to emergency departments around the country. This facilitates an onsite, rapid response to those who have self-harmed or are suicidal. It supplements and works with the liaison psychiatry services to provide a bespoke response to those who are suicidal or have self-harmed.

There are other measures to note, such as consultant psychiatrists being on call outside normal working hours. This is another example of a service that has been affected by a lack of staff and the moratorium on recruitment. The consultants who are working in this area, together with the psychiatric registrars or senior house officers on duty in acute hospitals, provide an urgent crisis response to people who present to emergency departments. In line with the focus of *A Vi-*

sion for Change on early intervention and community-based resources, approximately half the areas in this country offer a contact point for existing patients within the mental health service seven days a week. This is provided for existing patients who are thought to require additional follow-up, particularly on Saturdays and Sundays when there are no clinics operating.

*5 o'clock*

It is important that we ensure we get the seven day services working as best we can. The 24/7 services need to be our priority and our goal but we need to ensure we can provide a seven day service as well.

The motion specifically mentions crisis houses as an alternative to inpatient care. When discussing this topic we must bear in mind the fact that while A Vision for Change recommends the provision of crisis houses on a population basis, it does not detail the model of care or the specific role or functions of such facilities. Currently, the HSE mental health division is concentrating on the development of a seven day service focused around day hospital and home supports as a priority. It is crucial to match the needs of our population with the services that benefit them most. This approach is in line with the resources currently available to the HSE.

We need to look forward. We must acknowledge that we have a duty to prioritise where and how our services are delivered at present to ensure the provision of safe and evidence-based interventions. However, a good deal of progress has been made. Advances have been made through the implementation of A Vision for Change, including the closure of the vast majority of old institutions, the expansion of community services and funding of specialist areas. I acknowledge the need for continued attention and monitoring to help to ensure that we meet the needs. The review of the implementation of A vision for Change will assist this process, especially in light of the fact that many of the recommendations made in 2006 are based on the 2002 census, when we had a population of 3.9 million. We now have a population of 4.8 million.

We should focus on what is positive as well. Investment in mental health services in recent years has resulted in an increase in the number of staffing levels for adult, child and adolescent community mental health teams. It has helped in the development of specialist services, including those relating to forensics, eating disorders and mental health of those with intellectual disability. Additional investment has also helped us to commit to building a liaison psychiatry service to help develop community mental health services.

Recent data on admission rates from the Health Research Board show a decrease of 20% even though we have had an increase in people seeking services. However, I agree with the comments of Deputies in the sense that we need to continue to see these numbers decrease. In particular we need to focus on the recovery model. Earlier, I emphasised the need for people to understand that they can recover within their communities. This is vital to prevent their relapsing or coming back to hospital with the same problems.

Finally, I am keen to discuss the area of prevention. The programme for partnership Government states that we will establish a youth mental health task force. The task force has been set out. Often we discuss services but until we actually address the area of prevention we will be simply chasing our tails and always playing catch-up. The task force is asking simple questions. How can we align services at national level? How can we align community interaction at a local level? How can we get these strands working together in the best way to help build resilience within our younger people and to ensure they are equipped for everyday life? This

would ensure we do not see the same numbers of people needing to or seeking to access these services. Until we deal with these questions, we will always have problems.

While I very much welcome the candid discussion on this critical issue, I call on Deputies to maintain sight of our common goal - ensuring that the mental health needs of our nation are best served. I look forward to the remainder of the debate and everything my colleagues raise today.

**An Leas-Cheann Comhairle:** Deputy James Browne is next. I understand he is sharing time.

**Deputy James Browne:** I am sharing my time with Deputy Robert Troy. We have five minutes each. By agreement, we will share the remaining two minutes with Deputy Michael Fitzmaurice.

I welcome the opportunity to discuss mental health in the Chamber. The promotion of mental health and well-being in addition to the provision of services for those suffering or affected by mental illness must be a priority for us all. I welcome the many mental health spokespeople and family members in the Gallery today.

Mental health issues continue to inflict immense damage on our community. Depression, anxiety, addiction and self-harm are profound and great problems in our society and have been for a long time. No family is untouched by mental health issues. For example, we know from an Irish Creamery Milk Supplier Association survey that 51% of farmers have been directly affected by suicide. That is only one section of our society. I have no doubt this is reflected throughout every section of Irish society.

We have successfully confronted dangerous challenges like this before, when people said it could not be done, for example tackling road traffic accidents. We need a similar national platform to address mental health issues.

Suicide is preventable. It was said earlier that it was okay not to be okay and that it was okay to say as much as well. A breakdown in services and access to specialist treatment is all too often a common feature, as attested by the brave families who have told their stories in recent times. More and more, families are stepping out to tell their stories. Our mental health services are under-funded and under-resourced. Disarmingly, the service a person receives can be totally dependent on the county he lives in. A type of post-code lottery applies. We are all too aware of this in my county of Wexford, where the population is ostensibly under the care of Wexford and Waterford mental health services. However, when people present with mental health issues in Wexford they suffer discrimination in terms of a lack of availability of specialist assessment. They are assessed by a triage nurse over the telephone whereas those in Waterford get specialist treatment in person. This highlights the inadequacies, differences and inconsistencies from county to county throughout the country.

Since my appointment as the Fianna Fáil spokesperson on mental health I have had the opportunity to discuss the issues around mental health and access to services with leaders in the field of medicine, practitioners, nurses, other providers, volunteers, sufferers and family members. They have provided me with the necessary information to advance the cause of mental health.

One of the big issues facing patients with mental health problems is that they are seen in

overcrowded emergency departments with little or no privacy or confidentiality. They have to wait excessive periods to be seen and they are exposed to constant noise, light and stimulation. Emergency departments should have a designated safe psychiatric area, away from the main emergency department to allow people to get confidential treatment. I will read out extracts from an e-mail sent to me by a lady who came in to my clinic two weeks ago. This lady is available to meet the Minister of State provided her identity is kept secret. She has given me permission to read these extracts. She said:

I took an overdose of paracetamol in an attempted suicide. For about half an hour I felt very dizzy and nauseous. My nose dried up. I could barely breathe and my heart was pounding through my chest. I felt like I was going to be sick but could not get sick, nor could I fall asleep. In fact, my mind was never more alert and was racing faster and faster. I took the overdose thinking I would die fast. But I did not. And I could not take the pain in my chest and stomach any longer, so I went to CareDoc and I was advised to go to Wexford accident and emergency, where I went.

Eventually she was seen in Wexford accident and emergency department and admitted to a six-bed ward. In the morning she woke up in the six-bed ward. She goes on to say:

I was very uneasy about this as I was extremely upset and dealing with a lot of anxiety after an attempted suicide. To have to fix yourself up and not look as if you have been crying all morning as quietly as you can so people can't hear you is very distressing for someone in my situation. Shortly after breakfast the doctors done their rounds. You could pretty much hear what they were saying to each patient as they went around, not exactly everything, but I could still tell you what was wrong with each patient in the room that day. This meant they would hear that I had taken an overdose and this really panicked me.

Eventually she was released from hospital. She was given a referral letter to give to her general practitioner. She told me she never had any contact from the GP. Two days later, she received a bill from the hospital for an overnight stay. It was another two weeks before she got a date for a referral, two months down the line, for psychological services. The bill came first.

I do not hold the Minister of State personally responsible for that individual situation. I realise the Minister of State can relate to that story. However, we must take steps to address these gaps. These are not extremely costly gaps to address either. It simply requires arrangements in hospitals whereby there are proper referral systems. Again, I do not hold the staff in the hospital responsible - they are stressed all the way out the door - but there are simple things we can do. Sometimes we have to get away from the idea of big strategies and reorganisation of the health system. We need to start looking at the simple things that can be done to alleviate people's problems, because these problems have serious consequences.

I want to address the situation with regard to children in particular. In Ireland, one in four of the population is under 18 years of age. Yet, at the end of 2015 the HSE had a total of 600.95 whole time equivalent staff working in children and adolescent mental health services, some 51.6% of the staffing levels recommended in A Vision for Change. This is insufficient for our mental health services and must be addressed as a matter of urgency. We know that the inadequacy of current provision can have serious knock-on effects. For example, the Mental Health Commission reported earlier this year that the lack of provision of emergency assessment by a CAMHS team in respect of children presenting at emergency departments and adult units is one of the factors contributing to the continuing high number of admissions of children to adult

units. The practice of admitting children to adult psychiatric units is one we all want to see end. The provision of a 24-hour emergency CAMHS service in all community health care organisations, CHOs, and the proper resourcing of CAMHS community services is fundamental to achieving this. It will not, however, be possible with such a low staff complement. We need a child-centred approach, the availability of direct access to seven day a week crisis intervention mental health services with outside office hours and specialist telephone support in every catchment area. That is only for a start. Ten years after the publication of *A Vision for Change*, we have only 75% of the staff required and in the CAMHS only 51%.

Today, I followed up on a situation that I raised during the summer involving a girl who was aged three and a half years when an aunt she was very close to died. She was a lively girl but went into a state of depression afterwards. During the summer, I pointed out that she had been on a waiting list to be seen for 18 months. Last week, she got a letter from the psychological service informing her that it does not cover bereavement. It took 18 months to get a rejection. Yesterday we met Hospice Ireland which told us about the importance of mental health support in end of life situations. It is unbelievable that bereavement does not merit mental health supports. If that is the case, it should be covered. The child turned five a week ago. It is ridiculous that she had to wait 18 months to be told that the service did not cover her.

In the 1980s, approximately 12% to 13% of the health budget was spent on mental health but that figure is now barely over 6%. I am told but I do not know if it is true, the Minister of State might be able to confirm it, that the dedicated section for mental health funding in the HSE will be subsumed into a broader budgetary process. I read that simply as meaning that the HSE is fed up with people in here pointing out that while money is allocated to it for mental health in the budget it is not being spent. This will make it almost impossible to track where mental health spending is going. Will the Minister of State confirm that is the case? We have to track the funding for mental health services.

There is a confidence and supply agreement between Fianna Fáil and Fine Gael to facilitate a Fine Gael minority Government. The preamble to one of the terms in the agreement states that the confidence and supply votes are dependent on the full implementation of the policy principles attached to this document in appendix 1. One of the terms within appendix 1 refers to full implementation of *A Vision for Change* in the area of mental health. It does not say “prioritise”, “facilitate” or “look at” but “implement”. I am somewhat concerned by some of the things I am hearing from the Department of Public Expenditure and Reform in the last day or two that suggest mental health services are not being taken seriously when it comes to funding. It is the little things that bring down governments. I am very concerned that the Minister for Public Expenditure and Reform, Deputy Donohoe, and the Department see mental health services as a little thing.

**Deputy Robert Troy:** I welcome the opportunity to contribute to this debate. I compliment Sinn Féin on bringing forward this important topic in their Private Member’s time. This is the second opportunity in a short space of time that we have had the opportunity to speak to this issue here. I listened to the Minister of State say how we need to address services. Prevention, however, is equally important. It is key to get to people before they become severely depressed or need the services. Earlier this year, it took a national outcry and a debate in this House to force the then Minister for Health to reverse the decision to cut money from the mental health budget. That was before this Minister of State’s time. It was not then described as a cut but as a time-sensitive cost saving. While I acknowledge that cut has been reversed, it is worrying that there is no specific commitment in the programme for Government in respect of how much

5 October 2016

additional funding will be allocated to mental health services annually.

The lack of funding and resources affects a fabulous service - Good 2 Talk - in my constituency, Longford-Westmeath. This service provides low cost counselling services for children and adults. Anybody can turn up with no appointment, no long waiting lists. It has yet to receive its 2016 allocation of funding or to be informed that the funding has been approved. It is operating on a shoestring, on donations and the goodwill of members of the general public who are fund-raising to enable it to provide the service. The Department of Health has approved the group. Will the Minister of State take note and come back to me with the reasons as to why this service is still waiting in October 2016 for its 2016 allocation? Where is the priority there?

I have two letters from families bereaved by suicide. No one knows the problem better than the Minister of State. One letter reads:

I am writing this letter with such anger at the state of the mental health system in this country, it is basically non-existent. I am writing this from personal experience. My dad passed away from suicide not even a month ago. I brought him to doc on call on Saturday the 2nd of July after he had a breakdown that morning. This doctor said he was suffering from stress and depression but sent him home. He presented himself to [ ] hospital on Monday the 4th of July. He told them he was suffering from stress and depression but they were just interested in finding a physical reason for his behaviour. After hours of scans, x-rays and blood tests they concluded there was no physical reason for his condition and sent him home. He was not assessed by anyone from the mental health team.

He attended his GP for the next couple of weeks and was on medication to treat his anxiety and depression. My dad tried to call the [local] primary care centre on Thursday the 4th of August to try to get help but they were on holidays until the 15th of August. He even said himself that there is no help out there for mental health. He was dead the next day.

We are so unbelievably heartbroken and angry that there was no help out there for him especially when he tried to get help. Even in this time of utter sadness, I wonder how many other families go through what we are going right now. I feel deep down that this could have been avoided if someone was willing to help.

In another case, a mother contacted me about her son, who took his own life. I will give a synopsis of the letter by asking the questions with which she ended the letter. She stated:

Why would nobody take my word when I was desperate for help? I explained to the staff that he was taking a knife into his room at night, taking overdoses eg. paracetamol, and had suicidal intentions. Everything was put down to alcohol. I was his Mam for 22 years so I had a better knowledge of [my son] than anyone else [yet] while in [hospital] he never received any counselling.

I have given the Minister of State two examples, but there are many other examples. Unfortunately, the only conclusion we can come to is that our mental health service is not fit for purpose.

The Minister of State has an incredibly difficult task on her hands, but that task will not be made any easier if she is not given the necessary resources to implement the change that must be brought about. A Vision for Change was published in 2006 with a deadline of 2016. It is now 2016 with only 75% of the proposals implemented. I urge the Minister of State to ensure,

as the budget deliberations come to a conclusion, that the necessary resources are put in place in order that we can live up to the commitment given and that there is full implementation of A Vision for Change without any further delay.

**Deputy Michael Fitzmaurice:** I welcome the opportunity of speaking to the motion and I commend Sinn Féin on bringing it forward. There is not a family in Ireland that has not been touched by this issue or that does not have someone close to them who has a mental health issue. The problem is not confined to one area. All Deputies are echoing the need for mental health services. Back bench Deputies are saying that this 24-7 crisis intervention team is needed. As politicians, we get telephone calls perhaps on a Friday, Saturday or Sunday night. Every Member in this House tries to do their best for people, but our hands are tied. What can we say to a person? We can bring them to an accident and emergency department where they may have to wait three, four or five hours to see a doctor, but given the state those people are in, they lose hope. They get fed up waiting. They do not have the patience for it. In fairness, the system in place is not right. Roscommon hospital can bring people in directly for assessment. That should be the case throughout the country. We should not have people waiting four and five hours to be seen.

Yesterday, I got a telephone call from a person I know in the Minister of State's own county who was in a bad state. We rang, e-mailed and got talking to people, but there was nobody who would say it was his or her job. Everyone we spoke to said it was not his or her job. I wanted somebody to call to the person's house to talk to that person and encourage the person to try to get help but, unfortunately, it was the same story. The person was told to go to the hospital and wait for hours.

A review of mental health services in the Roscommon area is due but it is being kicked down the road, so to speak. I ask the Minister of State not to keep kicking it down the road. Regardless of whether it contains bad stuff, she should get it out there because the only way we will solve this problem is to put it in the public domain in order that we can talk about it and try to solve it. The sad reality is that every Deputy in this House is interested in trying to solve this problem. We have had three or four debates in this House but from what I can see, nothing is improving.

**An Leas-Cheann Comhairle:** I call Deputy Barry who I understand is sharing time.

**Deputy Mick Barry:** I am sharing my time with Deputy Gino Kenny.

**An Leas-Cheann Comhairle:** There are eight minutes in the slot.

**Deputy Mick Barry:** I will start by extending a welcome to the campaigners in the Public Gallery and indicating that we will be voting for the motion.

On 7 May this year, 120,000 people gathered at various locations throughout the State at 4.15 in the morning. They walked and ran five kilometres, crossing the finishing lines of the Darkness Into Light events as the sun came up, raising money for the suicide prevention charity, Pieta House. What is interesting is that in 2009, at the first Darkness Into Light event in the Phoenix Park, approximately 200 people showed up. That is an indication of the growing awareness of this issue in society. The parties of the political establishment have completely lagged behind in appreciating that and in matching it with the funds that are needed.

This week, the world famous musician, Bruce Springsteen, published his autobiography,

*Born to Run*. One of the striking features of the autobiography is the searingly honest and frank description he gives of his battles with depression. On page 528 he puts it very well:

Depression will steal your life. It will take it right out from underneath you by the things you do.

He talks about the effect on him that effective treatment has had, “[It] gave me my life back, which was slipping away between my fingers due to the fact that I couldn’t control my anxieties and my neuroses.” Bruce Springsteen is a working class hero, but he is a wealthy man now. He has the money to access whatever services he needs. Many people do not have that money, and many in this country do not have access to those services. Successive Governments have let down those people and their families. To illustrate that, current spending on mental health services in the State is €145 million less than it was at the start of the crisis, despite the fact that there are 400,000 more people in the State now. As the motion puts starkly, there is no State-wide 24-7 crisis intervention for adult mental health services.

In his contribution, the Fianna Fáil Deputy, James Browne, said that the programme for Government means the full implementation of A Vision for Change and warned that little things bring down Governments. I would like someone from Fianna Fáil to clarify those points, now or after the debate. What exactly is it saying? Is it saying that if in next week’s budget A Vision for Change is not fully implemented and the funds put aside to do that, it will bring down the Government? Is it putting a timescale on that? Words are cheap, and we have seen services cut by Deputy Browne’s party, so I am looking for clarification on what exactly is being said.

On 28 April this year, a protest on mental health funding took place outside the Dáil which 500 people attended. It was a small number in comparison with the Darkness Into Light event, but we must remember that Darkness Into Light started with just 200 people seven years ago. What if the 500 who were outside the Dáil on 28 April became hundreds of thousands? What if the 120,000 who participated in Darkness Into Light this year were out on the streets criticising Government and the political establishment and demanding funding for mental health services? If the Minister of State thinks that could not happen, she is being complacent. We need real increases in mental health spending. We need to start with the reversal of all the cuts and the provision of the moneys that were promised over many years for A Vision for Change, and it needs to start in next week’s budget.

**Deputy Gino Kenny:** The crisis in the mental health system appears to be the perennial problem that simply will not go away. It appears to be the sick man of the health service that does not seem to get better. One of the best demonstrations I attended recently was the protest outside this building last spring. The protest, which was organised by the Union of Students in Ireland and Mental Health Reform, highlighted the detrimental cuts to the mental health service and what impact it was having on citizens. At the protests, I listened to a profound speech about a contributor’s own daily struggle with mental health and the problems of accessing mental health services when that person needed them most. At the same time, there were stories of hope and human spirit and of fighting against adversity in times of desperation.

Mental health difficulties affect more than half a million people in Ireland. Ireland has the highest suicide rate in Europe among teenage girls and the second highest rate among boys. When people do gain access to mental health services, the lack of funding for psychological and social therapies has led to an over-reliance on the use of medication. The use of medication and coercion in mental health should be minimised due to the potential adverse effects of excessive

use. Urgent situations that require a 24-7 urgent response require both a 24-7 community mental health team on call and access to an appropriate emergency department to ensure physical and mental care are assessed in a mental health emergency as they would be in any other health emergency.

A Vision for Change, Ireland's national mental health policy, was introduced in 2006 to detail the number of staff required to provide basic mental health services. When taking into account the increase in population, the required number of full-time posts to implement fully the A Vision for Change policy is now 12,240. However, staffing in mental health services has been cut by 10% during the years of austerity and as of April 2016, only 9,533 mental health whole-time equivalents were employed, which is a gap of 2,687 in the number of staff required. This means that for adult services, staff levels are barely over three quarters of what is recommended by the Department of Health but for children, the position is even worse with only half the staff numbers required in place. The Department of Health's own estimate of the cost of filling the staffing gap is €177 million per annum. Ireland only spends 5% of its health budget on mental health services and it would require more than €800 million to bridge that gap.

People Before Profit welcomes this motion tabled by Sinn Féin. I also welcome what has been a good debate. As a budget will be announced next week, now is the time to right the wrongs of historical underfunding of the mental health service and give citizens a chance to get well again. When carrying out research for this debate, I looked at a PDF copy of A Vision for Change and I wish to read out what I came across on the very first page, because they are the most profound words.

**An Leas-Cheann Comhairle:** As the Deputy would be depriving other colleagues in the House, I must ask him to conclude-----

**Deputy Gino Kenny:** It will take 20 seconds.

**An Leas-Cheann Comhairle:** -----unless someone is willing to share time with him.

**Deputy Gino Kenny:** It states:

The Greek name for a butterfly is *Psyche*, and the same word means the soul. There is no illustration of the immortality of the soul so striking and beautiful as the butterfly, bursting on brilliant wings from the tomb in which it has lain, after a dull, grovelling, caterpillar existence, to flutter in the blaze of day and feed on the most fragrant and delicate productions of the spring. *Psyche*, then, is the human soul, which is purified by sufferings and misfortunes and is thus prepared for the enjoyment of true and pure happiness.

**An Leas-Cheann Comhairle:** Deputy, you must conclude. You must respect the order of the House. I have been more than lenient.

**Deputy Gino Kenny:** Can I just finish? It literally is 20 seconds.

**An Leas-Cheann Comhairle:** You should have started that one minute earlier. There are other Deputies.

**Deputy Maureen O'Sullivan:** It is unethical and immoral that any budget dealing with mental health or with people with a disability should be cut. I believe those budgets should be sacrosanct and I hope the Minister of State will be able to achieve next week the avoidance of any diminution of that particular budget. Members know what to do, as A Vision for Change

tells them, but having a document and a strategy is one thing and implementing it and putting it into action is another. We have the crisis because the implementation has been so slow. The figure for 2013 when it comes to suicide is 10.6 per 100,000, 80% of whom are male and there are significant numbers every year. In addition, homelessness is on the increase and it is known that it is homeless people who are presenting generally with mental health issues. Consequently, it is vital for those working in services for those who are homeless, be it the voluntary housing associations or the local authority, to have the requisite training and skills. This means applied suicide information skills training, ASIST, and counselling skills, even basic counselling skills.

While the motion's proposals are commendable, we again are missing the vital element of prevention and education. In Ireland and in its health system, so much is reactive instead of being proactive and preventative. I think in particular of young people, children and teenagers, as very early on, their parents, teachers, youth leaders or sports managers will be able to identify those who are vulnerable or are troubled, those who are stressed or anxious with suicidal tendencies, as well as those who are dabbling in drugs and alcohol or with eating disorders. The problem lies with what happens when it is identified because all too often, there is no immediate access to a service. In the meantime, the delay leads to further emotional and psychological damage, not to mention economic damage, by the time the person in question may avail of a service. Members must examine what is working and what is making a difference. Many things do that and it is known that in the case of young people who are involved in arts, drama and sports, that all is effective in building self-esteem and resilience.

It is known that people will be anxious and will be stressed but the question is how to deal with it and there is a simple technique called mindfulness. It is not very expensive but is highly effective. Moreover, it is proving to be effective with young people, as well as those who are in recovery from addiction. I will mention in particular groups of foreign-national young people in the north inner city, who I know, and whose status is uncertain. They are dealing with the anxiety of not knowing whether they will be deported. Again, there is the issue concerning tablets and the idea of a pill for every ill from which we really must get away. While I commend the motion and all the amendments that are being tabled, I believe prevention is the factor we are not getting right.

**Deputy Mick Wallace:** This is a short time in which to cover such a large subject. In the past year, there has been a different level of awareness among Members of this Chamber than was the case previously. People are waking up to how there are some huge challenges in Ireland in the context of mental health. I was made deeply aware of this during the election campaign. Given that County Wexford has the highest suicide rate in the country, I assure Members that we have serious problems in the area. While I do not have time to go into much detail, we must do things differently for a start. It is not working, there is not a good mental health service for those who have concerns in County Wexford and this must change. The Health Service Executive, HSE, must take a much wider look at people's lives and histories. It must promote talking therapies ahead of medication and if medication is being provided, it should never be in isolation from regular talking therapies.

The austerity measures that were implemented in recent years have had a dramatic effect on people with mental health challenges and we are starting to understand there is a strong link between mental health issues and people's social conditions; they are not independent of each other. I am aware, from talking to many of those involved in this area in County Wexford, that it is necessary to make service users much more involved and they must be brought into the fold when decisions are being made about mental health services. This is not being done in my

locality in particular and counties Carlow and Kilkenny and south County Tipperary are definitely ahead of us in this regard. They have copped onto this and are involving service users, whereas this is not happening in County Wexford for some strange reason. People who have been brought through the system or who still are using it know what does and does not work better than anyone and it is a mistake to ignore their voices and not avail of their expertise and skills. Obviously, County Wexford needs 24-hour mental health services that integrate peer support workers but it will be necessary to create the care in the community services that were promised but not delivered, as they are completely absent at present.

**Deputy Catherine Connolly:** This is the third time we have debated mental health issues in this Dáil. I fully support the motion not necessarily because of its wording, but because it seeks to put pressure on the Government to do what it should do, which is review A Vision for Change.

A Vision for Change, as was pointed out, was introduced in 2006. It followed Planning for the Future in 1984, which was not acted on, and 22 years later A Vision for Change was introduced in 2006. Such was the concern of various bodies at the time that the Government rightly responded and built into that policy an implementation body to ensure that A Vision for Change was implemented. That implementation body sat between 2006 and 2009, and between 2009 and 2012. I will put the comments of that implementation body, and of the Mental Health Commission, in a nutshell. They have repeatedly pointed out that the implementation of A Vision for Change has been slow and inconsistent.

There is absolutely no need to reinvent the wheel. A Vision for Change, which extends to 282 pages, is a most comprehensive document. It sets out precisely what was and is still required. Indeed, among its many recommendations are six I will mention: psychological and social therapies; primary care and community mental health teams in modern buildings; adult education; mental health promotion programmes; adequate and affordable housing given the interconnection between housing and mental health; and formal recognition and support through practical means of the crucial role of family care and carers in the mental health service provision. It is all in the 282 pages.

The implementation body sat for two periods and pointed out that it was not being implemented. The Mental Health Commission also pointed out that it was not being implemented. A Vision for Change ran out in January 2016 and we are still waiting for the promised review. I repeat that there is no need to reinvent the wheel. There is a need to set up immediately an implementation body and there is an absolute urgency to bring the review before us so that we can see that this is implemented.

I come from a city which has just been awarded the European Capital of Culture for 2020. Is cathair dhátheangach í, ach ag an am céanna we have suicide patrols on our streets. That is the level this has reached. I need not preach to the Minister of State, Deputy McEntee, who is fully aware, but repeating anecdotes and talking about the difficulties on the ground lets the system off the hook. We want a new vision for change, we want it implemented and we need an implementation body.

**An Leas-Cheann Comhairle:** We now have the rural Independents who have eight minutes. I call Deputy Danny Healy-Rae.

**Deputy Danny Healy-Rae:** I thank the Sinn Féin Party for bringing forward this motion

and giving us an opportunity to raise this important matter.

I will start off by asking again that the HSE open Deer Lodge in St. Margaret's Road in Killarney, a purpose-built unit to cater for 40 patients. It cost millions of euro and has been lying there empty for over a year and a half. That is not acceptable. I raised it during the discussions on the programme for Government, I have raised it here at least twice and my brother, Deputy Michael Healy-Rae, has also raised this matter. It is not good enough that this wonderful facility is not operating. It wrongs the people of Kerry, and certainly the surrounding areas of Killarney, that this facility is not available to those who need it.

The HSE is proposing to close down Lantern Lodge in New Road in Killarney and to move those who attend there to Leawood House. Apparently, the facilities that the 18 or 19 patients who attend Lantern Lodge enjoy will not be available to them in Leawood House. I certainly will not accept that, and the people of Killarney and the surrounding area will not accept it.

Mental health issues and depression leading to suicide is a serious problem. People can be born with mental health problems and have depression all their lives and there are others whose depression is caused by pressure and stress. Starting off as children, they may experience stress at school and college, with examinations or whatever, or other family problems. It can be caused by a relationship break-up, the death of someone close to them, financial problems, loneliness and, indeed, rural isolation, which has happened in rural areas in Kerry on too many occasions.

People in very remote places have no recreational outlet. They do not meet anybody anymore. The creamery is gone, the post office is gone, and they cannot have a couple of drinks and drive home because of our stringent laws. I asked for a two-tier system where those in rural areas would be allowed get a permit through the Garda to drive on certain roads after having two or, maybe, two and a half pints. That was not entertained by the previous Government and I do not think this Government is interested in it either.

The Department of Health and the HSE need to up their game to recognise that some people need one-to-one care and assistance because we had a terrible situation again in recent times in Kerry and it is happening too often. Not enough funding is made available in the budget to deal with mental health issues. I am asking that more funding be given to it.

All of us know people who have problems, and maybe new problems, and if they are missing their social scene or not doing the things that they were always doing, we all should recognise it and try to talk to them. The duty of care is to mind our neighbours and we should all try to do better for them.

**An Leas-Cheann Comhairle:** I understand Deputy Danny Healy-Rae is sharing time with Deputy Michael Collins, who has three minutes.

**Deputy Michael Collins:** According to the Healthy Ireland Survey 2015, some 9% of the Irish population over the age of 15 has a probable mental health problem, PMHP, at any one time. This equates to approximately 325,000 people, based on Census 2011 population data.

Ireland also has very high rates of suicide. It has the fourth highest rate of suicide among young males and females aged 15-to-19 years across 31 European countries. Despite the high need for mental health supports, they continue to be severely under resourced. I am calling on the Government to protect and sustain existing funding and invest in the continued realisation

of A Vision for Change. The Government must fully realise its commitments to mental health, and adequately invest in mental health in order to improve the mental health outcomes of adults and children living in Ireland.

Ten years after the publication of A Vision for Change, mental health services are still not uniformly providing the basic model of care that includes 24-7 crisis intervention, home-based and assertive outreach treatment, with crisis houses, as the norm in all areas. I fully support this motion by Sinn Féin. I recognise that it needs to be implemented urgently.

In the absence of community-based supports, emergency departments, EDs, are often the only option for individuals in crisis, as by their nature crises often occur out of hours. In 2014, the number of people presenting to emergency departments throughout the country following self-harm was close to 10,000. If one is having a mental health crisis, then waiting in a busy ED is not the best place to be. Similarly, if one is waiting for physical care in an ED, waiting alongside people in acute mental distress can make a difficult situation even harder.

I propose that this motion should also include the need for supported living to be provided to those in need as a statutory requirement to allow them to continue on their journey of recovery. There are patients in the psychiatric hospitals who are taking up a bed and are not able to continue on their journey of recovery due to not having anywhere to live once they are discharged. If the HSE cannot provide these units itself, it needs to allocate funding for the services through private health care providers. There should also be a statutory right to advocacy, as recommended in A Vision for Change. It recommends that all users of the mental health services, whether in hospitals, day centres, training centres, clinics or elsewhere, should have the right to use the services of a mental health advocate. This right has yet to be realised.

Overall, what is needed is an increase in the mental health budget to improve the service. We allocate only approximately 6% of our health budget to mental health care services. We need to increase this allocation in line with international practice. In Great Britain and Canada the mental health budget is 12% of the overall health spend and in New Zealand it is 11%. We need to start treating mental health well-being as an equal of our physical health. Our mental health well-being needs to be looked after and protected in the same way as we look after and protect our physical health.

**Deputy Róisín Shortall:** I commend and fully support the Sinn Féin motion. There is no doubt there is a clear need to provide dedicated mental health teams on a 24-7 basis in all hospital areas. However, I wish to make one initial point. I am very conscious of the devastating trauma suicide causes for families who have been affected directly. My own certainly was, and I know many families of Members of this House have been directly affected by suicide. It is a devastating experience and we need a very significant response to that.

We also have to view mental health not solely in terms of the devastating impact of suicide but we need to ensure we do not lose sight of the fact that mental health issues manifest themselves in a variety of often interconnected forms. We must be in a position to respond to mental health issues wherever they arise. As such, we must strive for a mental health system in which crisis intervention is rarely the first service with which a person engages. Instead we must be proactive in our approach to mental health issues and design a service which works to address them at the earliest possible stage. To do this, we must move away from the overly medicalised approach to mental health care and ensure much greater access to counselling, cognitive behavioural therapy, CBT, and other therapies, rather than the reliance on medication which many

service users report exists at present.

We must also be cognisant of the fact that mental health issues often occur in conjunction with other health difficulties. A study by the UK Department of Health suggested that 75% of drug users and people who use drug services also have mental health difficulties, and the reverse applies as well. For that reason, I appeal to the Minister of State to bring an end to this situation where we are not able to cope with dual diagnosis. The way the HSE operates is that a patient is either part of the addiction services or part of the mental health services but the two are interconnected. We must stop that structural distinction between the two categories of patients. We must also ensure we do not have those barriers between the mental health services and primary care services because, in the main, primary care services should be delivered alongside mental health services. We should not lose sight either of the issue of infant mental health, which is gaining attention and which needs Government attention as soon as possible.

**Deputy Catherine Martin:** A Vision for Change was launched in 2006. That innovative document inspired hope and was a clear roadmap for a mental health service where our most vulnerable citizens would be placed at the heart of their personal journey to recovery. Ten years later the implementation of this excellent document has been appallingly slow. The tragic truth is our citizens with mental health difficulties have been let down. We need to revisit A Vision for Change and prioritise its full implementation to improve the mental health outcomes for adults and children in Ireland. Such work is vital and every resource should be made available to help those who are unwell or struggling with symptoms of mental ill health, but sometimes it seems the conversation is solely about our response to mental illness. It is time for this country to have a new conversation about sowing the seeds of mental wellness in our schools and communities.

While the Green Party welcomes this motion before the House, we propose an amendment which would merely add to the proposed motion to address formally prevention as well as cure. In our amendment we request the Government to initiate a process of engagement and collaboration with relevant experts on this island and liaise with similar experts abroad to examine current resilience programmes being offered in schools and all other relevant mental health initiatives on offer, to determine their effectiveness, and to design and implement evidence-based intervention programmes at primary and secondary schools that promote resilience and measure the effectiveness of same.

Our young people's sense of self-worth and self-belief are often so fragile that they shatter at the first crisis. Research from the world of psychology indicates that it is possible to teach children to be more resilient. Scientists have identified key traits or strengths that can be harnessed within children and cultivated within school communities that will help them thrive despite adversity and to achieve positive outcomes despite the obstacles they may face. We need to explore and engage with the experts from the world of positive psychology within Ireland and abroad in the knowledge that developing and implementing evidence-based intervention programmes, as outlined in our amendment, will be of critical benefit to our children. Similar initiatives are delivering superb results in countries like Australia, New Zealand, America and closer to home in the UK.

Although some Members have spoken of positive psychology and resilience, I would respectfully bring to Members' attention that the proposed amendment by the Green Party is the only proposed amendment to this motion that specifically addresses prevention as well as cure. Surely we should be willing to embrace formally, at the highest level, the evidence-based ap-

proach to mental wellness as well as to treat mental ill health.

Life is an imperfect journey. The reality is that challenges, setbacks and misfortunes are inevitable for everyone. I would ask the Members of this House who have spoken of the merits of this motion to take this opportunity to embrace the new politics we have all heard so much about since February and support the Green Party amendment, because alongside the full implementation of A Vision for Change we need a vision for sustaining mental wellness.

**Deputy Seamus Healy:** I welcome the opportunity to speak on this motion and to indicate my support for it. A Vision for Change, launched in 2006, was a template for a community-based, progressive and modern mental health care system. Today, ten years later, there is a crisis in our mental health services arising from, and compounded by, the failure to implement the policy set out in A Vision for Change.

The mental health services in my constituency of Tipperary are a case in point and highlight the malaise in the service currently, both locally and nationally. Despite the best efforts of staff, the service is dysfunctional. The Minister of State's predecessor, the former Labour Party Minister of State, Kathleen Lynch, closed the inpatient unit at South Tipperary General Hospital, St. Michael's unit, and transferred south Tipperary patients to Kilkenny and north Tipperary patients to Ennis. That was in 2012. She sold that closure on the basis of a promised *quid pro quo* that we would have a Rolls-Royce community-based service.

Three years later we have the worst of all worlds. We have no inpatient service, a issue to which I will return, and our community services are understaffed, under-resourced and underfunded. Our community-based teams, multidisciplinary teams supposedly, are struggling to provide a safe service. They are deficient in terms of staff numbers across all categories - nursing, medical and paramedical staff members. The promised provision of a crisis house has not materialised. The inpatient service has been transferred to Kilkenny for people from south Tipperary and to Ennis for people from north Tipperary. That means assessments of patients have to take place in a busy overcrowded accident and emergency department with no privacy or confidentiality. The unit in Kilkenny is overcrowded regularly, there is difficulty gaining admission, and if one gains admission, there is the practice of early discharge. The situation is completely unacceptable.

I call on the Minister of State to implement A Vision for Change immediately, including the 24/7 services, to recruit additional nursing, medical and paramedical staff for the multidisciplinary teams and to reopen St. Michael's unit in Tipperary. I acknowledge the work done by the various voluntary organisations in this area, the community consumer mental health panels, the C-Saw suicide awareness group and others, and thank them for it.

**An Leas-Cheann Comhairle:** Glaoim ar an Teachta Ó Caoláin. Deirtear liom go bhfuil sé ag roinnt a chuid ama leis an Teachta Tóibín. Tá cúig nóiméad acu.

**Deputy Caoimhghín Ó Caoláin:** Tógfaimid dhá nóiméad go leith an duine.

*6 o'clock*

A recent article published in *The Guardian* newspaper indicates how mental illness has soared among young women in England. Causes attributed to this rise include sexual violence, childhood trauma and pressures from social media. Society has changed drastically in the last number of years and the influence of social media on the lives of people is unprecedented. Due

to its relatively recent emergence, one cannot definitively say what long-term effects social media will have on young people in particular. It has been widely reported that cyberbullying and constant exposure to unattainable aspirations are having a huge impact on young women and girls and also on young men and boys. It is no wonder, therefore, that a number of studies have pointed to a link between social media and depression, a very worrying correlation and one that must be explored further. We know that other factors such as the growing pressure on our young people to excel academically, poverty and family circumstance are all attributed to the rise of mental illness amongst our young people. However, with the addition of social media use as a recognised trigger for mental health issues it is important that A Vision for Change is implemented in full and immediately. We must ensure there is support to deal with the startling increase in mental health illness amongst our young people. It is absolutely vital, given the information on the situation that applies on the neighbouring island, specifically England. We are no different here. I have raised the issue of cyberbullying and young people's difficulties here repeatedly over many years. Iarraim ar na Teachtaí Dála ar fad a gcuid tacaíochta a thabhairt don rún seo. Gabhaim buíochas leo uilig.

**Deputy Peadar Tóibín:** I know two brothers living in Meath with serious mental health issues. One brother suffers from significant suicidal ideation. They are living in their father's local authority house at the moment. Their father died recently. They had been caring for their father in recent years but were not registered in the house. There is a major problem with housing in Meath. As a result, the local authority wants them out of the house as soon as possible. This is tearing them apart and is heightening their mental health difficulties.

I know another man in County Meath called John. He drove down the main road between Navan and Kells four years ago at dusk and crashed into cattle that had broken out of a farmer's field. The farmer was not insured; John only had third party insurance. He was left paraplegic as a result of the accident. He is paralysed from the waist down. He has been studying for a diploma. He receives physiotherapy and hydrotherapy services on two other evenings. He gets home around 10 p.m. from his activities on those nights. As a result of cost changes to home help, he will now be refused services after 10 p.m. This 26 year old man is being told he has to go to bed at 9 p.m. every evening. His education, physiotherapy and independence have been destroyed with this effective curfew. As a result of this, there is a challenge to his mental health.

Last month, the HSE closed the 24-hour psychiatric unit in Navan. Two years ago Ardee and Navan had 55 beds between them but the new unit in Navan will see that figure reduced to 46 beds. Those beds are to serve a massively growing population of approximately 300,000 people. Community mental health teams were supposed to be boosted to backfill the loss of service but those personnel targets have not been met. Drogheda is not easily accessible by road or public transport for great swathes of County Meath. The common denominator in these three dire situations is a Government saying one thing with regard to mental health but failing to provide the key financial support to follow through.

**Deputy Maurice Quinlivan:** I welcome the opportunity to speak on this very important issue and welcome everybody in the Public Gallery. It is great to see so many people here for the debate, especially those who have stayed for the duration of it.

Research carried out by the National Suicide Research Foundation on the impact of the recession and austerity found that since 2007 self-harm and suicide rates have increased significantly. The research also found that where a person lives has an enormous impact on the rate of suicide with two of Ireland's largest cities recording extremely high rates of suicide.

My constituency of Limerick city recorded an average rate of suicide of 17 per 100,000 people over a 14-year period. The national average is 11.8 per 100,000 people. On the other hand, the rate of suicide is almost half the national average in affluent areas with an average rate of 6.7 per 100,000 people recorded for the Dublin region of Dún Laoghaire-Rathdown over the same period. Clearly, socioeconomic factors such as unemployment, poor housing, crime, social deprivation, disadvantage, a deep sense of disempowerment and lack of opportunity and life chances result in poor mental health outcomes. Efforts to deal with structural inequality are of the utmost importance if we are to address the issue of mental health. Let us not beat around the bush - poverty causes ill-health in its broadest sense. It goes without saying, and many Deputies have repeated this, that the Government should fully implement the policy outlined in A Vision for Change. It should be implemented straightaway. At the very least, I call on the Minister of State to ensure that voluntary organisations, which do not wait for Government intervention to get going and get the work done, such as Limerick Suicide Watch and Limerick Marine Search and Rescue, are properly resourced and funded by Government.

**Deputy Louise O'Reilly:** I welcome the families and advocacy groups in the Gallery this evening. I remind the Minister of State that those people are watching us to see if we are serious about the issue of mental health. They are marking our cards and rightly so. I do not know what we will get for effort but the outcomes so far are very poor. I acknowledge the launch of the national task force on youth mental health. The Minister of State is telling us that this will be a community-led task force to take action to improve the mental health and well-being of children and young people in Ireland. It has had its second meeting this week and is expected to continue for the next 12 months. One of the aims of the task force is "to design and provide leadership for changes that get communities working together at a local level and services working together at a national level to improve supports for young people so that every young person in Ireland is supported to build their own resilience and emotional wellbeing." Those are very fine words. When young people reach out, get talking or look for services, irrespective of the supports that communities may provide, the missing link of these services where the State should step in is problematic. They are very often sorely lacking. This is causing serious problems. We should be able to say that the changes that will be proposed by this task force will be implemented. We should be able to say that this task force will work in tandem with the services that the Health Service Executive is providing. The task force and the Minister of State have to bring pressure to bear in ensuring that HSE services are in place to supplement the supports the task force is designing.

Less than an hour ago, the Minister of State said she believes that 90% of mental health needs can be met, dealt with and treated successfully in primary care settings. In August 2016, I received a response to a parliamentary question from the HSE advising me there are no primary care psychology services for the under-18 population of my constituency, Dublin Fingal. It is scandalous and deeply worrying that in an area so populated and where there is massive growth, there are no psychology services available for those under 18. I do not have to convince the Minister of State of the need to resource primary care. She has convinced me that 90% of mental health needs can be successfully treated in a primary care setting. We do not have mental health services in a primary care setting. We have not implemented the recommendations of A Vision for Change. What we have instead is a system that is creaking and people who are crying out and desperate for help. I urge the Minister of State to implement those recommendations, not in a while but immediately.

**Acting Chairman (Deputy Declan Breathnach):** I call the Minister of State at the Depart-

ment of the Taoiseach, Deputy Regina Doherty, who is sharing time with the Minister of State at the Department of Health, Deputy Corcoran Kennedy, and Deputy Neville.

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** The tone of the Sinn Féin motion and the way in which the party has tried to direct this debate are regrettable. What we have been presented with is in stark contrast to the party's actions and activities with regard to the treatment, over many years, of those who have been victims of different activities. It should reflect on how it treats people before it starts pointing a finger as to how others do so.

We have had a cross-party mental health committee in both the Seanad and the Dáil for a long time because there is no one in these Chambers who is not committed to the improvement of mental health services offered to citizens. If we are to believe the statistic that 25% of the people will suffer with some form of mental health difficulty during their lifetime, then there is a possibility that 25% of Members will suffer with mental health difficulties.

Thousands of people in, for example, Dublin, Meath and Wexford have mental health difficulties. It is not something a political party can prove its bona fides on by wearing a badge in a particular month or by introducing motions. It is about the difficulties in our daily lives in our interactions with our families, friends, communities or children. It is how we live. We live helping people on a daily basis. Perhaps the Members opposite should be mindful of that and stop their stunts.

**Deputy Pat Buckley:** The Minister of State is an absolute disgrace.

**Deputy Regina Doherty:** The programme for Government, which the Members opposite clearly have not read, states this area is a major priority for this partnership Government. We are making progress. Since 2011, we have added €115 million extra to the mental health budget, which now totals €826 million in total.

**Deputy Louise O'Reilly:** That is not enough.

**Deputy Regina Doherty:** I would be the first to say it is not enough. However, we do not have the magic calculator that Sinn Féin obviously possesses. We have to work on the basis of what is in the public purse instead.

The Government is extremely conscious that this is a growing issue. Deputy Ó Caoláin touched on an apt point. Lifestyles and activities are changing not just for older people like me or my parents but also for our children, who have entirely different lifestyles to the one I had at their age. We need to recognise that in the services and the supports we give them. There is not one Member of this House who would form a Government - be it minority, majority or partnership - that would not be committed to providing mental health services. However, there should be no stunts or wearing a badge on a lapel. We live it, breathe it and walk it every day. Members should be more mindful of doing that.

**Deputy Peadar Tóibín:** The Minister of State should put her money where her mouth is.

**Deputy Tom Neville:** Before I speak, I am mindful of the sensitivities of visitors and Members who may have been directly affected by mental health issues. We must all be aware of that.

I welcome the establishment of the national task force on youth and mental health in researching how best to introduce and teach resilience and coping mechanisms in children and

young people to allow them to develop such mechanisms over their lifetimes.

Changes have taken place in the past decade. Following the introduction of A Vision for Change in 2006, I recall campaigning in several elections in which we spoke directly to people on the doorsteps about mental health and provided pamphlets. Ireland was a different place then and I would get funny looks from those who answered the door when I brought it up. People did not want to talk about it. I welcome that people today bring it out into the open and speak about it. I welcome also that Deputies speak about it because it is not so long ago in this House that they did not, and that was the bottom line.

The stigma needs to be combatted. I have always said this. We had a discussion on mental health at the Fine Gael think-in and we had some thought leaders speak to us. One thing I picked up from the latter is that stigma kills and that we need to combat it. That is a major issue.

I want to bring in some newer avenues to help with mental health, one of which would be through the creative arts and the artistic approach which are quite therapeutic and allow a person to go beyond himself or herself. I would also include the use of data analytics. I know some form of analytics have been put forward in recent years, particularly in the corporate world, to measure work stress, why people are missing work and to measure trauma within work. There is no reason that cannot be diversified to the health sector as well.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** On behalf of the Government, I thank all Members for their participation in this debate. I welcome the many constructive contributions which have been made on this topic. Mental health, just like physical health, is relevant to each and every person in our society. It is heartening to see that, regardless of party affiliation, the question of how to best support our citizens' mental health is at the forefront of all of our agendas. Importantly, this debate has facilitated a range of voices and opinions to be heard.

These debates are key to ensuring we move forward together, and will help us to collectively plan for the needs of our society in this area. In the past decade or so, we have witnessed a crucial shift in the landscape of our mental health services. We have moved from an institutional to a community-based model of care. We have opened up the dialogue on mental health, helping to remove the stigma once attached to it. We have developed a system which focuses not just on cure and treatment but on early detection and prevention. It is true we need to align our services. What is available in one county should be available in another.

I acknowledge the groundwork undertaken by my predecessors in the Department, especially the allocation of €115 million in additional funding in the Health Service Executive's national service plans from 2012 to 2016. Funding in 2016 will increase from the 2015 amount of €785 million to a projected budget of €826 million, an increase of €41 million or 5.2% which includes the €35 million ring-fenced for mental health. There has been more investment in mental health services in the past five years than in the previous ten. I accept, however, plenty more has to be done.

In line with what was set out in A Vision for Change, which continues to be implemented - although a review process is under way - mental health is increasingly being recognised as something that must be fostered in good times, as well as supported in times of distress. Biological, psychological and social factors are now seen as key elements which need to be approached in an integrated manner if we are to address mental health effectively. This person-

centred approach must remain at the core of our modern mental health services. Early intervention and education are essential if we are truly serious about this cultural shift.

As outlined in the programme for a partnership Government, there is a clear consensus that the education system at primary and secondary level in particular is the key to greater awareness, to cultural change, to prevention and to early intervention for the next generation. Measures such as the recently convened youth mental health task force show the Government is focused on improving our nation's mental health and not just in the immediate term. This Administration is investing in prevention that will bring in real and positive changes for the future. As already stated, it is evident this same passion for shaping the supporting structure of mental health services is shared by many in this room.

We will continue to progress the real changes needed in our mental health services in line with our programme for a partnership Government commitments. The Government is committed to the implementation of the national suicide reduction strategy, Connecting for Life, a national strategy for the whole-of-government and whole-of-society approach to work on together. This can be seen in the key co-operation across the Departments of Health, Children and Youth Affairs, Education and Skills, in the Pathfinder programme, as well as the key co-ordination of actions across HSE directorates. The Government will continue to develop all aspects of our mental health services, including infrastructure to benefit the physical environment for both users and staff. A key element is progressing the new 120-bed forensic mental health hospital at Portrane, County Dublin, to replace the Central Mental Hospital in Dundrum. I expect construction will start later this year, depending on overall resource availability, and to have the new forensic hospital operational in 2019. It is hoped in time to deliver new intensive care rehabilitation units in Portrane, Cork and Galway. We intend to increase the number of staff members available to people seeking treatment. Those students who are graduating are staying and we need to attract more home. It is about letting people know that it is okay to feel bad, that life is full of challenges that sometimes may be insurmountable but, most important, that it is okay to ask a loved one or mental health professional to help them in the same way as if they had a physical injury.

**Deputy Seán Crowe:** The most important message going out here tonight is that if people need help, it is there. Nobody should have to depend on luck for services but, unfortunately, in some cases, that is the situation. Location should not matter when it comes to the difference between care and no care but, unfortunately, that is the situation in parts of our country. Two weeks ago in my constituency, there were three suicides, one after the other. They involved three young people in one parish in my constituency. One can imagine the impact it had on that area. If there were three separate accidents on the road, what would happen? There would be discussion and extra services. I do not know about any extra services that have been put into my area following these tragedies. That is part of the difficulty.

One person from my constituency who is in the Public Gallery tonight was told by the HSE that there were no funds to run a crisis training course so she went out and got her own funding, venue and facilitators. She has now been told by the HSE that nobody is allowed to self fund to provide these services. Someone make sense of that. I can introduce the Minister of State to the person in question afterwards or write to her about the case. It does not make any sense.

I think we would all accept that this country has improved greatly over the past number of years and we have had a discussion here tonight regarding what needs to be done. I cannot understand it when people show their bravery, and it is bravery. In some cases, they go to the

accident and emergency department to look for services but the problem then is that the services are not there and are not suitable in many cases. We need properly trained staff. Am I on my own here tonight? It is incredible that there is no State-wide 24-7 crisis intervention service for people in emergency health care. That is the big question. This debate has been sad and disappointing and an awful element was introduced by the Minister of State, Deputy Regina Doherty. At the end of the day, we need to talk about how we are going to do things differently - that there is a greater awareness, that there will be more resources and that we will do things better. Surely if we can agree on that, regardless of motions or anything else, that will be a good step forward.

**Deputy Imelda Munster:** It is very frustrating that ten years after the publication of A Vision for Change, we are here tonight with a motion debating the fact that it has not been fully or even nearly fully implemented. This year, we ought to have seen the full implementation of that document. Instead, our mental health service provision is in crisis. Behind this policy lie real lives. Last year, we lost 451 loved ones through suicide, a number that could be higher. Our suicide rate among young people is among the highest in Europe. People are dying because they cannot get the services they need and because of the lack of implementation of A Vision for Change.

It is estimated that around 9% of Irish people over the age of 15 have a mental health problem and I am sure the Minister of State would agree that this represents a staggering number of people. Most of these people can recover if they get the correct treatment options and services but if they cannot get these options and services, it is fair to say the condition of many of them will deteriorate which, in turn, can lead to devastating consequences for their families.

The Government amendment states that it is committed to continuing to implement A Vision for Change and that it recognises the critical importance of prioritising mental health policy and services but we hear that over and over again. The Government says it is committed but we do not see it act on that commitment. The Minister of State has yet to give a date or timeframe for something that is so urgent and critical and that would prevent so much misery and heartbreak for families across this State. It is time for action. Fine Gael has been in government since 2011. It has talked about its commitment but it has not shown commitment and has not delivered. The Minister of State, Deputy Regina Doherty, went off track earlier. In response to her, so far, Fine Gael has refused to provide and fund these services. If the Government can afford pre-election tax cuts in promised budgets, it can afford to fund and provide these services. We are looking for action and delivery in respect of the Government's commitment.

**Deputy Mary Lou McDonald:** It falls to me to conclude the debate on our motion. I will do so by firstly thanking people for their contributions and acknowledging people who came along. I also want to make it plain that at no stage did I or any of my colleagues set a hostile tone nor would we. Why should we? This issue is far too important for all of us, not just as public representatives but as human beings, for that to be the case.

People have said a lot of things, 99% of which I heartily agree with. Yes, we need to look at the model of care, the social context and the issue of dual diagnosis. I know work is under way in the HSE in that regard. As I said at the beginning of the debate, I could have presented a motion the length of the Chamber with all of the things we need to do and I think all of us would have agreed broadly about the things we need to do but here is the problem with that. Ten years on, A Vision for Change has not been delivered. It would be unfair to lay this at the feet of the Minister of State. That is not the intention of this debate - far from it. However, there is a

political accountability aspect in the middle of all of this and we must accept that collectively.

I take a very straightforward view when faced with a massive social dilemma and tragedy. I ask myself what the better option is. Do we need a pat repetition of “we need the delivery of A Vision for Change” and a big long list even though we need this list or do we resolve to start at the start? This is what our motion is proposing this evening. It is not about inviting anybody to make a choice between prevention and cure. That would be an utterly facile thing to do but we are asking people to focus at the sharpest end of this problem. We are asking for us to start at the start - at those times when people in deep crisis are on the verge of life and death choices. In those moments, in the wee hours, at the weekend or late at night, there are no services. This is the rationale for the focus of the motion on 24-7 crisis intervention.

We do not suggest it is the beginning, middle and end of the picture. We know it is not. However, we argue, and there are people in the Gallery who would argue more articulately than I can and from very deep personal experience, that if we want to start somewhere, this is the place to start. For this reason, we are not in a position to support the Government amendment or the amendment from our colleagues in Fianna Fáil. It is our strong resolve that we do not need a generalised commitment to come from this debate. We all respect each other as human beings. We do not need that again. We need the concrete, cross-party commitment to 24-7 crisis treatment, an implementation plan and the delivery of the plan, as set out in our motion. I appeal to people, in the best of spirits, that we all agree on this point. Let us make it happen and then, my friends, the rest can surely follow.

Amendment put.

**Acting Chairman (Deputy Declan Breathnach):** In accordance with Standing Order 70(2), the division is postponed until the weekly divisions on this Thursday, 6 October 2016.

### **Health (Miscellaneous Provisions) Bill 2016: Second Stage (Resumed)**

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

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on Second Stage of the Health (Miscellaneous Provisions) Bill 2016. Part 2 of the Bill seeks to amend the Irish Medicines Board Act 1995 to allow for the payment of fees to members of the Health Products Regulatory Authority, formerly known as the Irish Medicines Board. I fundamentally agree with the principle of a person being paid a fee for work done and, as such, I agree with the amendment. There will be no additional cost to the Exchequer as a result of it.

Part 3 will amend the Nursing Homes Support Scheme Act 2009, which we all know as the fair deal scheme. Again, I agree with the change, which will exempt payments made under certain schemes from the calculation of assessment for the fair deal. I am particularly pleased that the Lourdes Hospital Redress Board and the Lourdes hospital payment scheme are to be included in the amendment. I agree that the key principle underlying the legislation in that a person must not be disadvantaged because he or she has accepted a payment under an *ex gratia* scheme which has been approved by the Government.

Like many other Members of the House, I have made a large number of representations about the fair deal scheme. In general, the scheme works very well and takes a lot of worry

away from families about how their loved ones are cared for in their later years. However, one issue that comes up time and again is the location of the nursing home in relation to where the family resides. For example, we could have a situation in which a family based in north county Louth, say in Carlingford, could have a family member cared for in a nursing home in Ardee. This is happening on a regular basis and is a source of ongoing worry and concern for families.

We need to address this situation in a more formal manner and perhaps to include it in legislation. We should consider introducing a system whereby those availing of the fair deal scheme are located in a nursing home not more than, for example, 10 km from the family home, once a suitable nursing home is available. This would alleviate the problem of families not being able to visit their loved ones in nursing homes on a more regular basis and this would benefit the person in care, who will have a better quality of life while in the nursing home.

Part 4 amends the Health (Pricing and Supply of Medical Goods) Act 2013. The amendment will ensure that over-the-counter products, which do not require a prescription, can continue to be available under the GMS and community drug schemes. This will ensure that over-the-counter products, including emergency contraception and nicotine replacement, continue to be reimbursed to medical card holders after May 2018. The amendment refers to the parallel importation of medical products from EU countries. I ask that the Minister also examine the effects of this change in light the UK's decision to leave the EU and whether it will impact on the legislation.

Part 5 seeks to amend certain sections of the Public Health (Standardised Packaging of Tobacco) Act 2015. The amendment will deal with the retail packaging of cigarettes, "roll your own" tobacco products and cigars. I spent a lot of time in the previous Dáil as a member of the health committee and discussed in detail the packaging of tobacco products. My personal view is that tobacco products have no place in society and every effort should be made to remove them. While this is not going to happen in the near future, I am happy that at least we are making moves to limit the sale of tobacco. I was brought up in an era when tobacco was seen as acceptable and advertising played a major role in that. Major sporting events were sponsored by tobacco companies and TV advertising glamorised smoking. Thankfully, this no longer happens and people are more aware of the dangers of tobacco and its effects on their long-term health.

In order to rid society of tobacco entirely, we must educate our young people. We must start this education process in primary school and continue it during secondary school. I spent a great deal of time researching this issue during my time on the health committee and have no doubt that we need to take a more proactive approach in our schools.

The amendment under discussion will tackle the problem of tobacco packaging and the influence that it has on the sale and promotion of tobacco once and for all. I welcome the Bill and look forward to its passage through the Houses.

**Deputy Fergus O'Dowd:** This important Bill makes significant amendments that afford the Minister additional ways of ensuring that no sum of money received by victims of medical misadventures in compensation as part of a new deal will be included in any assessment of means under the nursing homes support scheme. The scheme is expensive and has existed for a number of years and there are significant problems with it. For example, I receive complaints from people in nursing homes or their families to the effect that, although they agreed to an overall package before entering a home, many elements were not included. Clarity is needed as

regards what is being offered and paid in these deals. A person signs a list of items when entering a nursing home, but homes often ask for extra money subsequently, which can eat into the small resources still in the pensioner's hands after paying for the fair deal. This has a significant and adverse impact on many pensioners. Pressure is placed on them to pay for additional items that should have been included in the deal and of which they may never be able to avail. For example, someone who is bed-bound because he or she cannot move a leg or arm due to a medical condition might have to pay for entertainment and other activities that he or she cannot even attend or participate in.

As the Acting Chairman knows, a question about home help has arisen in our constituency. In many cases, the home help system in County Louth is not working efficiently or well. I am still receiving complaints from people who have applied for home help services or whose home help hours have been cut. What is the point in cutting people's home help hours when the alternative is a nursing home at a much higher cost to the State and a significant reduction in the benefit derived by being supported to live independently in one's own home as best one can regardless of one's medical condition? This is a concern and I am not satisfied that the system is working to everyone's benefit. For example, I fail to see the advantage in offering an elderly person half an hour per day of home care over a week, which is often the case. By the time the person who comes to the home can get anything done, it is already time to go. In such a situation, the advantage that someone's carer might otherwise have - going out, taking a break, doing a bit of shopping, getting a breath of fresh air or having a little bit of a social life - is not available. This must be addressed in respect of people with significant adverse medical conditions. The transparency of decision making in the HSE concerns me. I have tried to communicate with the HSE and get a better understanding of what is happening within it as regards home help, but I have failed.

The question of respite care also arises in our constituency. Some people can get respite care from the HSE in institutions, but a significant number in our constituency cannot get any. This is because no spaces are available. They have intellectual disabilities and the respite care previously afforded them by the St. John of God services in Drumcar is no longer sufficiently available. I am concerned about this. We have held a number of meetings about it, including with the Minister, but the situation remains unresolved. The key benefit of respite care is that it keeps people out of long-term care and gives families an opportunity to do things that they would not otherwise be able to do. When adults suffering mental disabilities have nowhere to go, it is unacceptable that the funding provided to the St. John of God services cannot be broken down to identify how much of it is for respite care. This is an emerging need across the country, with a large number of families encountering problems in getting respite care because the congregated settings principle has ended. While I welcome the fact that funding is now going towards resourcing adequate and proper homes for long-term patients in the community, people who need respite care are not being considered and nothing is being made available to them.

I welcome other aspects of the legislation, but I wish to make a point about cataract operations in County Louth. A constituent told me this week that the private waiting list is four weeks long. If he could come up with the money, which he cannot, then he could have his cataracts dealt with in four weeks. Instead, he must wait 18-24 months to attend the Mater hospital. This is unacceptable. If he availed of the facility to go north of the Border, his operation would be almost twice as expensive as it would be in the South and he would be expected to pay the difference. The State covers £1,184, which is the listed price for a cataract operation, and the price in the North is £2,198. The State is obliged to ensure that people get their operations

in time, but one must come up with the difference if one goes to the North or else suffer for a further 24 months.

Notwithstanding the Bill's good elements, problems continue to exist in our health service. The HSE needs to be made more accountable, particularly to Members of the Oireachtas, in how it operates. My colleague, Deputy Fitzpatrick, referred to being a member of the health committee. I am not a member, although I have tried to become one. Unfortunately, I was turned down. Obviously, I do not qualify with my interest in health. I would love to make the HSE accountable on a regional level to Members of the Oireachtas. When an Oireachtas Member was a member of a health board, one attended its meeting every month and could raise and get an answer and action on any acute care or community care issue affecting one's county. Now, we cannot meet the people in question. They hide behind e-mails. Notwithstanding that, the HSE has a good communicator in Mr. Dermot Monaghan, who is exceptionally capable and helpful. However, it is impossible at times to contact other people further down the line. I would like the HSE to be accountable to Members on a two or three-county basis. It keeps reorganising itself and I do not know what dance it is doing in what counties at present, but it is not accountable. People run and hide from us and the public suffers as a result. I would like to see more accountability to the Oireachtas, notwithstanding the efforts of the health committee. Deputies and Senators would meet the HSE executives from each group of counties - I believe our group used to comprise Louth, Meath, Cavan and Monaghan - on a quarterly basis. They would go through issues of concern for only those areas and I should make it very clear that it would not be about taking up issues outside the brief. They would have to give due notice of questions and copies of reports. That would make them much more accountable and much less likely to provide bad health care.

I am familiar with the case of a person who died a very tragic and appalling death while in care. The family feel the same. The inability of the HSE to provide an independent investigating team indicated the following problems. An investigation was established that did not include medical people so the family could not accept the result. A doctor who worked with the HSE met another specialist in a second investigation but the doctor resigned from the committee - I am told it was because of work pressures - and the investigation ceased. I am thankful that in the past two weeks an independent private company has begun to investigate this appalling death. I welcome the investigation, which will be professional, thorough, full and fair. Nevertheless, the HSE cannot and should not investigate itself and attempts for it to do so are wrong. The HSE needs a body separated from the executive in every respect, with a field of specialists available to investigate tragedies, health mismanagement and deaths that could bring serious concern to the public. The family I spoke of has been waiting four years for accountability in respect of the death of its relative. If such an separate and independent process could be put in place, such people would not have to wait that long. That process should be professional in doing its work. For families to get closure in the event of tragic deaths like this is very important for the people in question and the State. There should be independent analysis of what happened and how it can be prevented from happening again.

I welcome the changing of some previously prescription items to being available over the counter with a medical card. It is a very positive move that will alleviate medical problems for people who need creams or different products. Not every person with a medical card will need them but some will. If the product was not on the list in the past, they could not afford the medication. I welcome that change.

I am still amazed by the number of people who continue to smoke. Many of them are very

young. I might see them walking across the street and I would say “Hey guys, you know that in 20 or 30 years you will probably be in your graves”. That is what I say in my head and I do not actually say it do them. How can one miss all the health issues associated with smoking? Anything we can do to stamp out the evils of tobacco, with all the additional powers being vested in the Minister to make new and better regulations on tobacco packaging, should be welcomed.

I thank the Ceann Comhairle for the freedom to deal with a range of issues. I will deal another time with 900 complaints made to HIQA four years ago. I gave the information to the Garda and received a report on it recently. I probably do not have enough time to deal with it today. I welcome the Bill and the changes proposed. The Minister of State is listening and I hope the Department will hear what I say. We will raise these questions and issues again.

**Deputy James Lawless:** I welcome the Bill, which contains a number of miscellaneous provisions relating to the health area. I will comment on one or two of them but I will also suggest some areas not included in the Bill that require attention from the Department of Health in the very near future if not in this Bill.

We heard mention of an issue this morning on Leaders’ Questions when Deputy Harty, on behalf of the Independent Alliance, spoke about rural services provision. He was speaking about post offices but he is probably better known for talking about GP services. He mentioned the phrase “no doctor, no village”, which I have become familiar with in recent times. Although this may be associated with the western seaboard or quite rural areas, the issue is becoming apparent right around the country, with rural GP and health care services being eroded. The Department and the HSE have not been proactive in replacing these.

A particular issue arises when those who live in localities are very dependent on their community GPs. We heard, correctly, for many years about the need to move towards primary care as the first point of service provision so that as much as possible can be done at the first point of contact by bringing care into the community and the home in some cases. This is a very laudable and sensible approach. Unfortunately, however, it depends on individuals and, like many things, the practice of health is subject to market forces. It is of mixed nature as there is serious public intervention as well but we cannot control where individuals choose to practice. An issue arises when a GP provides a very valuable service to communities but decides not to continue servicing those communities because of economic reasons - it may be unviable - or, as in my own constituency of north Kildare, around Johnstown Bridge and its surroundings, a rural GP may retire. Retirement is a normal life event for everybody and a GP is absolutely entitled to do this but it can be very difficult to find a successor. There are 6,000 patients in the surgery in my area and they now have nowhere to attend. A locum is in place but it is restricted, down from 100 hours to 18 hours on an interim basis. This leaves a number of people in rural communities very exposed and it is a particular issue, as I have said, in Johnstown Bridge in north Kildare, although it is happening across the country. The more I investigate, the more I hear about it in other constituencies. It is an issue at national policy level that must be addressed. The HSE, the Department and, perhaps, the Minister must become more proactive in highlighting this. Forward planning plays a huge part in identifying where a GP is likely to be retiring and what steps can be taken to replace the GP in time.

As I have stated, it is a mixed market and there are elements of the general medical scheme and public patients attending practices along with private patients. The difficulty is one of economics as the public practice may not be enough on its own to sustain a GP practice, so a private element is needed. In Clare, Mayo and Kildare I have seen that the process of replac-

ing a GP takes so long that the practice dissipates to the four winds and there is nothing to take over once three, six or 12 months have elapsed. I understand that this was addressed in the programme for Government and it was certainly the subject of talks relating to the formation of the current Administration. I am not sure how far that got but it is something that needs to be highlighted on a national level. I hope we can see movement on it, perhaps not in this Bill, but at a future stage. There is a need to be cognisant of the gaps arising in rural communities, where GPs are retiring - a natural life event - but not being replaced, as well as the health economics around that.

Measures such as the rural practice allowance were traditionally associated with practices with a large rural catchment area and General Medical Services scheme. In some cases that measure has been taken away and I understand it was replaced in the programme for Government. Regulations were updated but in many cases pared back. The net effect is that many places no longer have community GPs. Where there was a GP and he or she retires, the process of replacing him or her is so cumbersome and elongated, there is nothing left to take over in some cases. People then go to towns and primary care centres where that is possible but many elderly people in particular do not have the option. From a policy perspective, forward planning would not be terribly difficult as this manifest itself again and again. I hope I will still be in this House in a few years but I hope I will not be talking about this and it will have been addressed in the meantime. Right now we can examine the ages of GPs in rural areas across the country and when they can be expected to retire.

*7 o'clock*

It seems that the process of recruitment and replacement only kicks in at that point. Surely it should be kicking in much earlier in order to enable forward planning. This is a serious issue in rural areas where people, particularly the elderly who cannot travel to other towns to avail of medical services, feel exposed and vulnerable. I ask the Minister to examine this issue. If provisions were included in this Bill, I would welcome them, especially around the rural practice allowance and other supports to maintain rural practices but perhaps that would be better done through another vehicle.

There are many provisions in this Bill related to pricing, how the system works and various pricing structures. Prescription charges are a cross to bear for many older people. While a €2.50 charge may seem like a small amount of money, it is a lot to some people, particularly pensioners who have very limited means and are living on a fixed income. Fianna Fáil believes that the prescription charge should be abolished entirely and I hope we will see some movement on that in next week's budget. There is nothing in this Bill that deals with the issue of prescription charges but I await next Tuesday's budget with great interest and expectation in that regard. Prescription charges are a burden on older people. I have spoken to many people at my clinics - as have many other Deputies no doubt - who have told me that they are afraid to fill their prescriptions because their income is so limited and they are afraid of what they might be left with at the end of the week. They are taking a chance and deciding to do without their medication because of the limited money in their pocket and the need to put bread on the table. The cumulative effect of this is that older people are exposed and more vulnerable. Fianna Fáil firmly believes that prescription charges should be abolished if at all possible. As I have said, I look forward to seeing if prescription charges are on the agenda next Tuesday.

The problem with rural GP practices must be addressed. I have seen in my own constituency and in many areas across the country that when rural GPs retire, they are not being

replaced quickly. The process of replacing them takes so long that the practice is dissipated. People are left exposed and vulnerable and find themselves having to travel to see a GP, while some are not able to travel at all. The entire recruitment process must be overhauled. Supports for rural surgeries and practices also need to be overhauled. The rural practice allowance and other measures must be re-examined. Again, I hope to see movement on the issue of prescription charges which are a burden on elderly people.

**Deputy Joan Collins:** The Health (Miscellaneous Provisions) Bill 2016 essentially tidies up a number of matters in four key areas. Part 2 of the Bill seeks to amend the Irish Medicines Board Act to give the Minister the power to pay a fee to all the board members of the Health Products Regulatory Authority. The Department of Health has indicated that this is proposed due to an inconsistency in legislation but will not cost the State anything. The authority itself will pay the fees which have been estimated to cost a total of €61,500 or €7,695 per board member. The members of the board do not have to accept this fee. Those board members who are already in receipt of a public sector salary will not be paid the fee. As a result, there will be no cost to the State from this provision. The provision mirrors those that apply in respect of other authorities, the members of which are paid for a certain amount of the work they do.

Part 3 of the Bill seeks to amend the Nursing Home Support Scheme Act of 2009. It appears that the provisions in this Part will allow certain payments from redress and similar schemes to be exempt from means testing for the fair deal nursing homes support scheme. I wish to raise an issue regarding the fair deal scheme, particularly for people with dementia. An enduring power of attorney is required, which is a long and costly process. Does this Bill provide that such legal costs, if incurred by any of those in redress and similar schemes, will be covered by the State? The Bill makes specific reference to several schemes for different groups of women who were treated brutally in our health services. One of the schemes referred to is the Lourdes Hospital redress scheme for former patients of Dr. Michael Neary at Our Lady of Lourdes Hospital in Drogheda, who number around 119 women. The Lourdes Hospital payment scheme is also included, which is a scheme for former patients of Dr. Neary who were excluded from the Lourdes Hospital Redress Scheme for reasons of age. The symphysiotomy payment scheme for women who underwent symphysiotomy in any hospital in this State between 1940 and 1990 is also included in this Part of the Bill. At the time that we debated that scheme in the House, we learned that approximately 400 women were affected although some of them have, tragically, passed on since then. The provisions in this Part also apply to those individuals who were disabled by thalidomide. I am not sure of the numbers involved but according to the Department of Health, the provisions will apply to approximately 520 people, mainly women, in total.

The explanatory memorandum to the Bill points out that the payments made under the various schemes acknowledge the hardship, pain and suffering which these individuals underwent. I will always remember the feeling of sadness and overwhelming shame at the way the State treated these people, particularly the women who underwent symphysiotomy and who had to campaign for so long for recognition of their situation. They underwent a brutal operation, involving the breaking of their pelvic bone, which was done without their permission. They were left in a dire situation, health wise, which was not recognised for many years. It badly affected the women and their families. Eventually the redress scheme was set up after much campaigning on the part of the women. I welcome the fact that their *ex gratia* payment will not be taken into consideration in the context of a means test for the fair deal nursing homes support scheme.

I have a question about one section of the explanatory memorandum which states that “the proposal will not give access to free nursing home care to the various groups, but it will merely

mean that the awards/payments they receive will be ignored for the purpose of assessment under the NHSS”. Do these women have to pay for nursing home care? I did not think that was the case but it seems, from the explanatory memorandum, that they do not have access to free nursing home care.

The Bill also deals with drug reimbursement and over-the-counter medicines. Part 4 of the Bill provides for the amendment of the Health (Pricing and Supply of Medical Goods) Act 2013. The relevant context for the proposed amendment is that at present, for certain eligible people, namely those with medical cards or long-term illness cards, the HSE covers the cost of their prescription medicines. The HSE maintains a reimbursement list, which is a list of products provided free of charge to eligible people. A pharmacist provides the medication and is later reimbursed by the HSE. The HSE does not cover the cost of non-prescription or over-the-counter drugs for the same people. The legislation provides that the drugs on the reimbursement list must be reviewed within three years. The amendments to the Bill would allow over-the-counter medicines to be put or kept on the reimbursement list if this is deemed to be in the interests of patient safety or public health.

A number of people have told me that they welcome the fact that certain over-the-counter medicines will be put on the medical card reimbursement list. However, I am surprised that more people have not cottoned on to the fact that the morning-after pill is to be put on the list. Women who have concerns about getting pregnant after having sex will be able to get the morning-after pill. It normally costs a woman approximately €20 to go in and buy it. Women can get it over the counter by using their medical cards. I am really concerned that they have to go to a doctor to get a prescription to actually get that over the counter. The Irish Pharmacy Union has said it is concerned about this. The earlier a woman has access to the morning-after pill, the fewer her health concerns. There are also concerns about discrimination against poorer women who have to go to a doctor to get a prescription before going to the pharmacist with a medical card to get the morning-after pill. According to the Irish Pharmacy Union, the emergency contraception pill is 95% effective if it is taken within 24 hours of having sex, 85% effective if it is taken within 24 to 48 hours of having sex and 58% effective if it is taken within 48 to 72 hours of having sex. It appears to me that the earlier a woman can access the emergency contraceptive pill, the better it is for her health. According to the briefing material we have received from the Library and Research Service, the Department has clarified:

This [the proposed amendment] does not mean that pharmacists can supply such products to medical card patients without a prescription. 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 am not sure by whom this “loss” would be incurred. It seems that the pharmacists would have no problem with such an arrangement. They would not mind having to hand the emergency contraceptive pill over to people who do not have a prescription. I think that should be taken on board. We should look at ways of ensuring women do not have to go to their GPs to get prescriptions when they need the emergency contraceptive pill. As I have said, the current provisions in this regard are discriminatory because they made it more difficult for poorer women to access this form of contraception as quickly as possible.

Part 5 of this Bill seeks to amend various sections of the Public Health (Standardised Packaging of Tobacco) Act 2015. As I understand it, the purpose of the 2015 Act was to control the design and appearance of tobacco products and packaging and to contribute to improving

public health by reducing the appeal of tobacco products to consumers. It was intended that this legislation would increase the effectiveness of health warnings on the packaging of tobacco products and reduce the ability of the packaging of such products to mislead consumers about the harmful effects of smoking. I take the point made by Deputy Lawless about seeing younger people smoking as they walk across the street. It must be remembered that it is very difficult to give up this serious addiction. It is said that in some cases, giving up tobacco is more difficult than trying to give up heroin and other hugely addictive drugs that people can get hooked on. Some people seem to think addicts can just stop, but that is not the case. I tried to stop smoking on eight occasions because I knew it did terrible harm to my body from a health point of view. It always proved difficult and I ended up going on and off the cigarettes again and again. I am vaping at the moment. I think the Government should be careful not to make it more difficult for people to access vaping products because they have played a role in my campaign to stop smoking and move onto alternatives with the intention of moving off them over a period of time.

We know that smoking is very dangerous. It causes huge health problems, including chronic illnesses and diseases, over a person's lifetime. It is good that plain packaging has been introduced because it is less attractive. The legislation before the House today provides for various ways of changing packaging to ensure no particular brand is mentioned on it and to make it as unpleasant as possible. As I have said previously, people who are addicted to cigarettes and tobacco tend to buy nice fancy containers to put their cigarettes into. They choose designs with their friends. I have seen them in the shops around Moore Street. People prefer to put their cigarettes into these containers, which have lovely designs, pictures, photographs and all types of things on them, rather than leaving them in boxes that look brutal. They will continue on in that way.

I would like to see more evidence of the actual impact that plain packaging is having on smoking levels. I know that when plain packaging was introduced in Australia, a cigarette company took a court case on the basis that its profits were being affected. This should be a big concern that sends an alarm to people in this country and elsewhere in Europe, especially in the context of the TTIP and CETA trade agreements, which could allow tobacco companies to challenge in secret courts public sector wage increases or anything else that they consider might have an impact on their profits. I do not think it is really known out in the ether of general society that these trade agreements, unlike normal trade agreements, contain such provisions. Philip Morris has brought Australia and another country - I cannot remember which - to court and that process is continuing. Any measure that can assist people who are trying to give up cigarettes would be good. It looks like a very plain type of packaging will be provided for. It will include the word "cigarette", small calibration marks, some text indicating the contact details of the manufacturer and a statement of what is contained in a packet of cigarettes. They will be very plain and therefore will not attract more people. As I have said, those who smoke do not carry these packets around with them. They get a nice little box to put their cigarettes into. They choose something they can carry in their bags and put on the table in front of them when they smoking in a pub or hotel on a night out.

As I have said, it does not appear that the various areas covered by this Bill will lead to increased costs or have an effect on the State's coffers. All of them seem to be self-funding. Obviously, the manufacturing companies will have to dip into their pockets to meet the plain packaging rules. It does not seem that the changes in prescription costs will have an impact on the State's coffers. Many of these provisions are welcome. In general, I support them. I ask

the Minister to answer the questions I asked about legal costs that may be incurred when the power of attorney process is invoked and whether nursing home help care is being paid for. I will leave it at that.

**Deputy Mick Wallace:** I would like to look at a couple of sections of the Bill. Section 8 refers to payments made under schemes for individuals disabled following the thalidomide tragedy that took place in the 1960s. The Health Products Regulatory Authority has a role in this context. Thalidomide was marketed as a sleeping pill and morning sickness cure in the late 1950s and early 1960s. It led to the deaths of tens of thousands of babies who were born with malformed limbs worldwide. Only 50% of affected babies survived. This horrible outcome led to an overhaul of the regulation of medication in the west and the aggressive marketing of the pharmaceutical industry was reined in. That was the plan, anyway. Three major steps were taken. First, new drug development was rewarded with product rather than process patents. In other words, the idea was to ensure that the regulators could target the company responsible for making a given drug and hold it responsible if anything went wrong. Second, new drugs were made available on a prescription-only basis. The system had pluses but, as we know now, it created different problems and it has been a licence to print money for some. Third, proof was required that new drugs worked through controlled trials before they could be marketed.

This all sounds like a good idea but issues have been identified by a very knowledgeable individual called Dr. David Healy, who was born in Raheny in Dublin. He is currently professor of psychiatry at Bangor University in the United Kingdom. He is a psychiatrist, a psychopharmacologist - it is difficult to say that word - and a scientist. In any event, he is, by all accounts, a brilliant individual. Dr. Healy has documented in detail how the aims of these innovations have been circumvented by people in the pharmaceutical industry to advance their aims. His comments are worth putting on the record: "... increasing numbers of pregnant women who religiously steer clear of alcohol, tobacco, soft cheeses, or anything that might harm their unborn child, but who are nonetheless being urged by their doctors to take drugs like the antidepressants – now the most commonly prescribed drugs in pregnancy – even as the evidence accumulates that these drugs cause birth defects, double the rate of miscarriages, and cause mental handicap in children born to mothers who have been taking them”.

The efforts to protect ourselves from a recurrence of the thalidomide disaster have been a disaster. Product patents give an incentive to pharmaceutical companies to produce drugs that are so valuable to them and their survival that the incentives to breach regulations and hide any safety data that might be inconvenient for the companies are extraordinary. Entire trials are hidden. Almost all trials are ghost-written to ensure the data looks right. No one, not even the US Food and Drug Administration, has access to the data.

Prescription-only status has made doctors the conduit for prescription drugs. Company marketing can concentrate on these few consumers and understand them better than they understand themselves. Doctors claim to be shielded from company marketing by guidelines and evidence-based medicine, seemingly unaware that pharmaceutical companies are now the most enthusiastic advocates of guidelines and evidence-based medicine.

Clinical trials were introduced as the eye of the needle through which the financial camel that is the pharmaceutical industry would have to squeeze if it wanted to get drugs on the market and make money. These trials would establish whether drugs worked and would lead to a clear recognition of their hazards. Despite this, we have been led badly astray. The most extraordinary example of how badly is the fact that the one drug that has been through a controlled trial

before it was marketed and which had been shown to be safe and effective was thalidomide. This is the system on which we now depend to avoid future drug disasters. Once trials were put in place, industry took over the running of them. More than 90% of all clinical trials are now run by private companies. They organise ethical approval through other private companies and outsource the trials to parts of the world where oversight is at a minimum. The results, sometimes stemming from patients who do not exist, are fed back to the parent companies. They are coded in a manner that often causes problems to vanish. These trials and the results that suit company marketing agendas are then written up by ghost-writers and published in leading medical journals, even though the editors know what is happening and that they are putting lives at risk by publishing these articles. If something goes wrong with a drug, the industry claims that no one can link the drug to the problem unless a clinical trial has shown there is a statistically significant link. Everyone buys this such that even when serious problems arise with a drug, clear up when the drug is stopped and reappear if the drug is reintroduced, industry players can deny a link and can expect regulators and academics to line up behind them.

The function of Part 3 is to allow for expense fees to be paid to the board members of the Health Products Regulatory Authority because of an expansion in the functions of the organisation. There is “an onerous responsibility and significant time commitment placed on the members of the Authority”. It sounds as if they may be overworked and understaffed - I do not know. The HPRA does valuable work but there is a limit to what the authority can do, as Dr. Healy has shown. There is an element of corporate capture in the regulation and approval of pharmaceutical products. Has the HPRA conducted independent trials into the eight most widely prescribed selective serotonin re-uptake inhibitors used to treat depression in Ireland or is the authority box-ticking the results of trials carried out by the private sector, the manufacturers or companies with business ties to the manufacturers? I am raising this because of growing concern around the links between antidepressants in the form of SSRIs and self-harm, depression, violence and suicide.

The former assistant state pathologist, Dr. Declan Gilson, and Dr. David Healy raised these issues with the former Minister of State with responsibility for mental health issues, Kathleen Lynch. Dr. Gilson argued that in his 30 years of experience carrying out post-mortems he had seen too many suicides after people had been taking SSRIs and called for a national survey of suicides to see how many people had begun taking SSRIs shortly before taking their lives. The former Minister for State commended Dr. Gilson for speaking out about the connection between SSRIs and suicide and stated, “When someone of this stature speaks out, we have to take notice”. She continued:

“GPs have found themselves in a position where there is nothing else to do but prescribe pills. There needs to be alternatives for people. It can’t just be medication, and we need a system where people are reviewed on a continuous basis.”

This was a very good statement on the part of the then Minister of State. I agree that there needs to be more contact and monitoring of a patient’s progress, especially when on these medications, but GPs and the drugs themselves have to be monitored as well. What if a GP is over-prescribing? Does the GP have the skills to help people come off the drugs? Does the GP give the proper warnings, furnished to her by the HPRA, to the people to whom she has prescribed the drugs? Do the doctors respond properly to complaints about the drugs and unexpected side-effects or do they continue with the prescription? Do GPs refer these complaints to the HPRA? Does the HPRA add these side-effects to the information leaflet it provides to GPs and other professionals? Does the HPRA review the efficacy of these drugs in light of these complaints?

Part 4 allows for certain over-the-counter medicines to be made available free of charge for medical card holders, for example, the morning-after pill. While this is a welcome measure and should make this treatment more accessible financially, there is an issue with the fact that in order to obtain the morning-after pill on a medical card, it will now be necessary for the patient to get a prescription. In 2011, the Irish Medicines Board approved the morning-after pill as an over-the-counter medicine in response to growing demand. The earlier this pill is taken, the more effective it is. Given the time-sensitive nature of taking this medication, reintroducing a delay for those with medical cards is completely unfair.

Ireland takes a medieval stance on women's reproductive rights. There is already a two-tier system in place. There are those who can afford to travel abroad for abortions and those who cannot. Introducing an extra barrier in obtaining emergency contraception is simply another way in which the State can interfere with the reproductive rights of women. Requiring people to go to their general practitioner to obtain a prescription for products that usually do not require prescriptions seems like a waste of time and resources. Will the State have to foot the bill for these additional GP consultations? Will GPs be required to spend their time in consultations for products that are already available over the counter? Considering the recent findings of the National Association of General Practitioners that the average waiting time for a GP appointment is 34 hours it would be counterintuitive to add unnecessary consultations into the mix. If there is a need to safeguard against people taking advantage of the new system, for example, by stocking up, the responsibility for assessing whether someone needs the morning after pill should remain with the pharmacist.

I have concerns in respect of Part 5 of the Bill that the looming provisional application of the Comprehensive Economic and Trade Agreement, CETA, between Europe and Canada and the impact it will have on this kind of legislation is being ignored. The investor-state dispute settlement, ISDS, mechanism that is built into CETA will shortly give corporations with bases in Canada the legal right to punish Ireland for this Bill which is designed to protect the wellbeing of Irish people. I and others have raised this issue numerous times, never to have it adequately addressed. There does not seem to be a very serious appetite in this institution for dealing with the Transatlantic Trade and Investment Partnership, TTIP, or CETA, which is very worrying. There are very serious concerns for the Irish people that are not being addressed and it would be a terrible shame if we did not address them properly and inform people about what is really involved because there is a serious lack of information around it, a lot of secrecy and there is a certain element of education to be engaged in on the part of the State. It is only fair that people should know what is going on, what is involved, what it means and what it will result in because the implications are enormous.

At the start of July, Deputy Pringle asked the Minister for Jobs, Enterprise and Innovation 11 very specific questions about the ISDS mechanism that is contained in CETA. The Minister grouped the questions and made no reference to ISDS in her answer. Instead, she simply copied and pasted the official advertisement for CETA. That is not very good. Investor-state dispute settlements, dispute resolution mechanisms, the investor court system, regulatory cooperation and the text of the trade deals make clear that these elements of CETA and TTIP create a situation where corporations get privileged advance warning of upcoming legislation that will affect their profits so that they can start changing and influencing legislation before it is voted on. Failing that, if existing or newly implemented legislation impacts profits, real or potential, they can sue national governments for loss of profit. Most worrying is that CETA is about to become provisionally applied after a European Council vote on 18 October, which under the Treaty on

the Functioning of the European Union means that it will come into full force and even if subsequently our national Parliament, the European Parliament or the Council of Ministers vote against it, it will remain in place for three years.

The decision to let European parliaments vote on the trade deal is meaningless if the Council of Ministers gives it a qualified majority vote. This point was raised by Deputy Maureen O'Sullivan with the Taoiseach and by me with the Minister for Jobs, Enterprise and Innovation on the last day of the Dáil term before the summer recess. In both cases the point was not addressed or appreciated but was glossed over with talk about TTIP and quotes from flawed research about projected future growth in gross domestic product, GDP, even though the questions were about CETA. The Government has repeatedly refused to engage with the real dangers of these trade agreements. It completely ignores them to the extent that it is almost certain that the Taoiseach will vote to apply CETA provisionally come 16 October.

In 2010, in just one of the thousands of ISDS cases that corporations have taken against states attempting to regulate in the public interest, Philip Morris, the tobacco company, sued Uruguay over its plain packaging laws for tobacco. The case went on for years but eventually collapsed on a technicality to do with the subsidiary Philip Morris used to bring the case. Philip Morris, Imperial Tobacco and Japan Tobacco Limited all sent letters to the Irish Government threatening to challenge legally the plain packaging legislation we introduced in 2015.

There is also opposition to the legislation put forward here today on the basis of infringements of property rights and free trade. The Taoiseach will go to Brussels in two weeks effectively to hand over to the tobacco giants the right to sue us successfully in respect of these objections. In essence, the Government is proposing legislation and the leader of that Government is acting against the spirit of the legislation. Most people who understand how the system works would be of the view that the influence and power of big business has probably never been greater in the history of the planet. The potential for states to hold it to account is diminishing because its influence is so great. The Nice and Lisbon treaties played a part in that. For example, a bypass is being built at New Ross in County Wexford. We are not allowed to borrow money at 1% which the Government could do because according to EU rules it would go on our books and break our 3% rule and we would be in different trouble. We have to go to a public private partnership, PPP, where at a minimum the money is costing in the region of 15%. We are paying 15 times more for the money to build the bypass at New Ross than we should be paying. That is only one example. We are building schools under PPPs. The money is costing 15 times more than it should. Where is the rationale behind that? How can the Commission say that it is legislating in the best interests of the people of Europe if it is driving the states and governments of Europe into the hands of the private sector to be used and abused because that sector has a licence to make crazy money off the European states because of the rules and regulations it has introduced. On our own little patch in Ireland if the full light of day ever shines on the workings of the National Asset Management Agency, NAMA, it will show how we do business and it is rotten to the core.

**Deputy Michael Harty:** Sections 6 to 8 of this Bill refer to the payments made to women who suffered unnecessary symphysiotomies, those who received payments through the Our Lady of Lourdes Hospital redress scheme and those who suffered as a result of Thalidomide. Another group of people who are unfairly assessed in respect of the nursing home support scheme, the fair deal scheme, is farmers. If they need to go into nursing home care the farm is taken into account in an assessment of their income and assets. Normally, 80% of a person's income is taken into account and the person's home. For farmers, however, the entire farm is

taken into account in the assessment of assets. It is viewed as money in the bank. A farm might be worth €500,000 or €600,000. Its income generating capacity could be €20,000 or €25,000, but the full value of the farm is taken into account in assessing their assets. In that regard, farmers are often liable for the entire cost of their nursing home care. That is unfair. I will be seeking, certainly in this budget if it is possible, to have the value of a farm assessed not at 100% of its value but perhaps at 10% of its value. That would still involve a farmer's offspring making a contribution towards his or her nursing care but would not cripple the farm.

Also, if a farm is transferred to a relative five years or more at the time of a patient requiring to go into a nursing home, there is no liability on the land. However, if the parent goes into a nursing home within five years of transferring the property to a son, daughter, preferred nephew or whoever it might be, the entire asset value of the farm is taken into account. The Minister might consider reducing that five year rule to a three year rule.

There is a difficulty with regard to drugs and appliances. The morning after pill was referred to earlier. However, there are other drugs which should be available on the General Medical Services, GMS, scheme but which are not. One is a drug called Macushield. It is prescribed by ophthalmologists for the treatment of macular retinal degeneration, which is a life-threatening eye condition. It is a vitamin preparation which has been removed from the GMS reimbursement scheme. It costs about €30, yet it is being prescribed to GMS patients who have to fund the full cost of that. It was refundable through the hardship scheme, but it has been removed from the list of drugs that are refunded through that scheme. It is a drug the Minister of State might consider adding to the list of reimbursable drugs.

The morning after pill is available across the counter to anybody. Unfortunately, if someone wishes to get it through the GMS scheme they have to submit a GMS prescription. It is open to the patient to buy the drug in an emergency, and the morning after pill requirement is for emergencies. It is available, but it is not free unless one has a GMS prescription.

In terms of the morning after pill provision, there is an added benefit in someone going to see their general practitioner. They may need counselling on the use of the morning after pill. They may need to be on the contraceptive pill, which would mean they would not have to take the morning after pill. There is an opportunity to counsel people if they attend their GP, which is a positive aspect.

With regard to drugs and appliances, there are many dressings which are required for the treatment of people with leg ulcers or bed sores or people who are incontinent. Many of those dressings are not available through the GMS. They were available through the hardship scheme but that has also been discontinued. It is necessary now for those patients to see a consultant to approve the requirement for those dressings, and we all know how long it can take to see a consultant to get a letter stating one should be getting the dressings, which previously were available to one prior to their removal from the scheme. That is a huge problem for public health nurses who visit these patients but who do not have the dressings or the appliances to treat them properly. The Minister of State might consider that question also.

On the packaging of cigarettes, anything that can be done to diminish the consumption of cigarettes is welcome. If changing the packaging will make a difference, which is questionable, it should be introduced. However, what is more important is the prevention of smoking. As the Minister with responsibility for health promotion, she will understand that education is far more important than drug packaging. Getting children in primary and secondary school to

consider the health, social and cost aspects of smoking is far more important and will have a lifelong effect on them. Getting that message to children in primary and secondary education is very important. Also, if children hear about the bad aspects of cigarettes, they apply pressure on their parents to give them up. That, too, is an important intervention in regard to smoking.

Deputy James Lawless referred earlier to medical manpower and the No Doctor No Village campaign, of which I was a part. As the Minister may have heard this week, there are huge problems in terms of medical manpower, not only in hospitals but particularly in general practitioner services. Thirty-three per cent of GPs are over the age of 55 and 20% are over the age of 60; I qualify on both counts. There is a manpower crisis coming down the line because young GPs are not coming in to general practice. The contract is so unpalatable they will not take it up. A new contract with GPs must be negotiated urgently and put in place, which hopefully would redress the emigration of young GPs or the failure of young GPs to take up GMS contracts.

Our campaign, No Doctor No Village, is attempting to highlight that issue. Witnesses who come before the Committee on the Future of Healthcare outline how chronic multi-morbidity care in the community is the only way forward for our health service. If elderly people and those with chronic multiple illnesses end up in hospital unnecessarily, which is an extremely expensive way to care for people, our health service cannot sustain that cost. We need to keep people at home. We need to have chronic disease management in primary care and in general practice, but to do that we need to double the number of GPs. We have approximately 2,400 GPs. If free care is to be given to the entire population, and if there is a transfer of care from secondary to primary care, we will need twice that number of GPs. The likelihood is that in the next ten years we will lose one third of GPs. I do not know how that will be squared, but we need a huge investment in GP manpower. We need a new contract, and we need to attract back the many graduates who have emigrated.

**Deputy Danny Healy-Rae:** The assessment of farmers' land for the fair deal scheme is very unfair. I am not sure whether the stock on the land would be valued as well and thrown into the mix. This issue is creating stress and concern for the son or whoever is taking charge of the farm in that they might be landed with this unreasonable cost. It is unfair. It is their asset for generating income. In many cases it has been handed down from father to son going back years. If this rule is applied, some young farmers will not be able to continue to farm or make ends meet.

I was made aware of a problem facing a publican who lived in the pub. His wife needed to go into a nursing home but they encountered the same problem. The same problem is being faced by publicans and small shopkeepers who live over their shops or in the premises from which they operate their business. That is not fair. We need to address this problem for people applying for the fair deal scheme as soon as possible because it is very serious and is causing great concern to many people.

I do not believe the plain packaging of cigarettes will be of any benefit or use because as all Members are aware, cigarettes are an addiction. It does not make any difference whether it is in a mug or a box, people will get a cigarette when they really need it. The shape or colour of that box will not prevent them from buying it.

However, I believe the battle is being lost. There is a lovely congregation of youngsters in the Gallery who should hear this point. It appears to me that more youngsters than ever

are smoking. I can understand that in the case of people gone by or who now are moving on in years, there were no Government warnings or health warnings when they started smoking. However, I am very disappointed the youngsters do not appear to be heeding the health warnings at present. I am worried because as all Members are aware, they have caused many people to depart this life long before they should have. The issue must be addressed with some other type of campaign because sadly, the youngsters do not appear to be heeding the health warnings they have been getting.

I must raise a few important matters in respect of health. Health is wealth and it is not good enough that in a hospital like Cork University Hospital, people must wait for four weeks for surgery to get a triple or quadruple bypass after having a heart attack. The reason is no beds were available for the patient's recovery after the surgery and that is not good enough. Can the Minister of State imagine the distress one man's family endured for almost four weeks while waiting for a badly-needed operation? This cannot be allowed to continue. I am familiar with another case in which another person is waiting in a primary care centre at present to get a bed and to be operated upon. The reason the operation is delayed is because no bed is available for the patient after the operation. This is not good enough. Many people approach me in my clinics or contact me on the telephone in respect of cataract operations, which are at a standstill in County Kerry. It is sad to think of a man I met a couple of weeks ago who only has 20% vision left in his second eye but who has been told he must wait for another two years. That man is almost stone blind and is afraid to go out. He lives in a town but cannot go down the street. He is a prisoner, marooned inside his house. That is not good enough and I ask the Minister of State to relay the message that this must be dealt with and treated as being extremely urgent. As for orthodontic treatment, youngsters in County Kerry are told they must wait for three or four years. This is not good enough because their gums then will become too strong, the treatment will not be as effective and they probably will have lost teeth by the time they are treated. Such matters must be a priority in the budget. I do not know whether it is a matter of money or whatever but it must be seen to and dealt with and I ask the Government to do just that. On home help, I was told that County Kerry was to receive €900,000 for home help out of the funding of €40 million the Minister made available to improve health services nationwide. This week, however, an 89 year old woman born in 1927 had two hours of home help per week cut to one hour, which I cannot understand.

The sad part is I can see no accountability. If a question is asked at the regional health forum in the county buildings in Cork, one is told they will write to the Minister or Department of Health. In the Dáil, the answer invariably is the Minister will contact the Health Service Executive. That is not good enough and this system must be changed in order that someone is accountable to someone else. Members are accountable to the people who elect us; they will not elect us unless we do what they ask of us. In the same way, those who are responsible for delivering the health service should be accountable to the Minister, the Government or the elected representatives because I cannot see them doing what the people want or what is needed and urgent matters are being held up. People are being held up because they only have a medical card. Can the Minister of State imagine telling an 83 year old man he must wait for a year and a half or for two years before having a hip operation? That man stays awake every night until he is worn out. He does not fall asleep until some time around 6 a.m. or 7 a.m. and he hears the clock striking every hour throughout the night. It is wrong to leave elderly people to suffer in pain after what they have given to the country over the years. It is no way to treat elderly people and the same is true of knee operations. Such people are obliged to wait too long and are enduring too much pain. I reiterate to the Minister of State that the HSE must be made

more accountable to the Department, the Minister and the elected representatives.

**Deputy Martin Kenny:** First, I am delighted to have the opportunity to speak on the Health (Miscellaneous Provisions) Bill. I welcome this Bill and its various provisions, which I believe are for the common good, especially those designed to combat tobacco smoking. I believe a progressive Legislature sometimes should be ahead of public opinion in enacting progressive measures that modify behaviour, eventually change attitudes resulting in the common good for all. I believe changing attitudes towards tobacco smoking will be effected by plain packaging. For far too long, this poisonous carcinogenic drug has been socially acceptable as part of everyday life in such a way as to have become normal. The scenario in which children in their buggies were being pushed into shops in which displays of advertising for this killer substance were the norm thankfully now is in the past and this is the time to adopt the same treatment for the packaging. Over a single year, between 5,000 and 6,000 people die in this State from smoking related diseases. Nicotine addiction should be treated with the seriousness it merits. It is fatal and still is too socially acceptable. From when children are very young, they should be learning that smoking is no rite of passage into adulthood but instead that to fall into nicotine addiction is a terrible thing to happen to anyone. There is not a single good feature of nicotine addiction, despite the brainwashing in which the tobacco companies engage. It is dangerous, often fatal, dirty and expensive and any talk of stress relief or enjoyment simply is pure rubbish, as is the case with any addictive substance. I also am glad the provisions in this Bill are bringing closer the day when smoking tobacco becomes socially unacceptable and are bringing us to a smoke-free Ireland as soon as possible.

Another issue I wish to mention is the exclusion of the *ex gratia* payments to the victims of symphysiotomy and other such payments from the means testing of fair deal payments, which also is welcome. These people, along with those who have been otherwise mistreated by agents of the State, should not then be penalised by other State bodies for having received deserved compensation for their suffering. We also should be moving toward a scenario, as was mentioned earlier, in which the family farm is equally discounted. There are all sorts of incentives for farmers to sign over their farm to the next generation but there are many reasons some elderly farmers do not wish to do so. Sometimes, other issues such as dementia or whatever else, may be present. When such people are in need of nursing home care and wish to avail of the fair deal scheme, they find their entire holding is taken into account in the calculation of the means payment. There is a case for only the dwelling being accounted, as would be the case for a non-farmer. The portion which is taken by the State for the care of the elderly relative can seriously diminish the value on the family farm's earnings and thus affect its viability. In most parts of the country and in the west in particular, family farm income is low at present.

*8 o'clock*

In County Leitrim, it is below €11,000 per annum for every farmer. It is a serious situation that the family farm would be taken into account. I hope this is something that can be rectified soon.

While the Bill in many ways is as much about keeping people well as about health care, the serious issue that needs to be dealt with is investment in the entire health service. A big part of that, as was mentioned by others, is investment in services, such as home help for the elderly, more nurses and more beds in hospitals, home care packages and community services. Mental health services, in particular, have been greatly disadvantaged over the years and need greater investment.

I welcome the Bill and all the provisions in it and I hope the other issues which have been mentioned by many Deputies here will be taken seriously and dealt with.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I thank the Deputies for all their contributions to the Second Stage debate on the Health (Miscellaneous Provisions) Bill.

The provisions in the Bill will allay the fears of recipients of *ex gratia* awards which have been approved by Government and which place them over the threshold for supports under the nursing homes support scheme. It would be most unfair if individuals who have endured more than enough pain and suffering were to be disadvantaged in their financial assessment for support under the nursing home support scheme as result of receiving an award from a Government-approved scheme. The usual financial assessment criteria will apply. This is a question that some Deputies raised. I hope this decision will give some peace of mind to the individuals concerned and their families.

There was also a question about enduring power of attorney. This is not covered by this legislation or the scheme specifically.

While not directly relevant to the Bill, issues were raised in the debate about the fair deal scheme, in particular as it applies to farmers. A programme for a partnership Government has committed to reviewing fair deal to remove any discrimination against small business and family farms. Any significant changes to the scheme deemed necessary will require legislation and will be addressed at the end of the review implementation process.

The Minister, Deputy Harris, and the Minister of State, Deputy McEntee, have met the Irish Farmers Association, IFA, and invited it to present its submission at the next meeting of the working group that was established to progress recommendations from the report of the review of the nursing home support scheme. The next meeting of the group is this month. Many Deputies will welcome that news.

Deputies also referred to the provision of home care services. These are critical to supporting older people to stay in their homes and communities. We can agree all on that because we want them to maintain their independence for as long as possible. I assure the House that the Government is committed to improving the resourcing of home care services as a priority in the period ahead. This year, €373 million is available to home supports, of which €338 million is available for home help and home care packages. This includes the addition of €40 million provided in June to address the increased demand for services. This year the HSE will provide 10.57 million home help hours and 15,800 home care packages.

The Minister of State, Deputy McEntee, is also considering how the service can be optimally structured to meet the needs of clients in as consistent and transparent a way as possible within the resources available at any given time. In this context the Health Research Board has been asked to carry out an evidence review to examine the regulation and funding of home care services in comparable jurisdictions. This should be completed by the end of the year and will inform future decisions about the structure and governance of home care services.

As Minister of State with responsibility for health promotion, I am particularly interested in the provisions of the Bill which seek to amend the Public Health (Standardised Packaging of Tobacco) Act 2015. Evidence indicates that tobacco packaging is a critical form of promotion. This is more relevant in Ireland where we have comprehensive advertising and marketing

restrictions. We know that branding works, especially on children. If the tobacco sector did not get our children addicted, its industry would disappear within a generation. Given that 78% of smokers in a survey stated that they started smoking when they were under the age of 18, it is clear that our children are targeted to replace those customers who die or quit. It is critical, therefore, to reduce the appeal of tobacco products to consumers and increase the impact of health warnings. Standardised packaging of tobacco achieves this, as one of the measures and recommendations in our policy document, Tobacco Free Ireland. The policy includes education, media campaigns, pricing etc. In fact, in 2010, 12% of those aged ten to 17 years smoked, whereas 8% did in 2014, which I think the House will agree is a significant reduction. We have the potential to see quite soon a generation who will never smoke.

In relation to the Transatlantic Trade and Investment Partnership, TTIP, agreement, which may not be concluded for some time yet, the Department of Health has indicated that the agreement should not undermine existing public health measures. We will work to ensure any agreement will not prevent or deter Ireland from introducing new public health measures, for example, measures aimed at reducing tobacco or alcohol consumption. I thank the Deputies for their support for this public health measure. The amendments set out in the Bill will enable Ireland to proceed with the introduction of standardised packaging of tobacco products.

The provision in the Bill to amend the Health (Pricing and Supply of Medical Goods) Act 2013 is also intended to benefit the health of the population. It provides that, when considered appropriate in the interests of patient safety or public health, over-the-counter medicines can continue to be reimbursed on the medical card scheme and on the other community drug schemes after May 2018. This means that products such as nicotine replacement products and emergency contraception can continue to be provided under the medical card scheme. Currently, medical card patients can access emergency hormonal contraception by obtaining a prescription from a GP. If they must access this medication directly from a pharmacist, they would be required to pay for it. It is noted that there is an inequality of access to emergency hormonal contraception for women on the General Medical Service, GMS, scheme compared with private patients, and officials in the Department are examining this matter in detail.

If a pharmacist is not satisfied that the supply of the medicine or service to the patient is clinically appropriate or if the pharmacist is unable to supply a medicine such as emergency hormonal contraception to a patient on the grounds of conscientious objection, the pharmacist must take reasonable action to refer the patient to another health care professional, service or organisation who can provide those medicines and services in order that the patient's care is not jeopardised. This is provided for under the statutory Code of Conduct for Pharmacists and all pharmacists must subscribe to this code.

On the reimbursement for products, the HSE has statutory responsibility for decisions on pricing of and reimbursement for medicine under the community drugs scheme, including the medical card schemes. Prior to deciding whether to reimburse for a medicine, the HSE considers a range of statutory criteria, including clinical need, cost-effectiveness and the resources available.

The proposed amendment to the Irish Medicines Board Act will allow the payment of fees to members of the Health Products Regulatory Authority. This is in line with the practice of other similar boards, where fees are paid to members of the board to continue to attract individuals of the highest calibre and expertise to apply for board membership. There will be no additional cost to the Exchequer as the authority is mainly self-financing, and any fees paid will

be strictly in accordance with Department of Public Expenditure and Reform guidelines, which include the principle of one person, one salary for those who are already in receipt of a salary from the public service.

I thank Deputies for contributing to the Second Stage debate. I look forward to further constructive examination of the Bill on Committee Stage. It has been a thought-provoking and considered debate from all the Deputies who contributed. I commend the Bill to the House.

Question put and agreed to.

### **Health (Miscellaneous Provisions) Bill 2016: Referral to Select Committee**

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):**  
I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

### **Criminal Law (Sexual Offences) Bill 2015 [Seanad]: Second Stage**

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

I know that many Deputies on all sides of this House have been following this Bill since its publication in September of last year and are anxious to see it progress, so it is good that the Bill is before the House today. I have also been determined to see this Bill progressed and I am determined to see it enacted.

Everything I have seen, experienced and encountered in my career to date convinces me that this Bill is essential. As a former social worker, an advocate and campaigner for the rights of women and as a former Minister for Children and Youth Affairs, I am certain this Bill is urgent, necessary and contains the right laws for these times, laws that will protect victims of the most vicious and depraved crimes. Last week’s Central Statistics Office, CSO, crime figures show that sexual offences are up 13% on the same period last year. We cannot tolerate such crimes and I am determined to meet this challenge head on.

This is comprehensive and wide-ranging sexual offences legislation, probably the most comprehensive to be introduced in almost a decade. Earlier this week, I spoke at a seminar by the Children’s Rights Alliance on the theme of advancing children’s rights through this Bill. The support and welcome for this Bill was clear to everyone. It owes much to the contribution of many people and organisations across civil society. I would like to put on the record my appreciation to all of those who made representations or submissions to myself, to my Department or to the Oireachtas committee.

Those contributions are reflected in the provisions of the Bill, and further amendments will be brought forward on Committee Stage, which will reflect some of the other submissions we have got in more recent times. The Bill includes strengthening our existing laws to combat

child pornography, new measures to combat the sexual grooming of children, the updating of our laws in relation to incest and indecent exposure as well as the amendments to the Criminal Evidence Act 1992 which focus on the victims of sexual offences. Other measures to protect victims of sexual offences include the introduction of harassment orders prohibiting convicted offenders from contact with their victim.

The Bill also makes provision for the repeal and replacement of section 5 of the Criminal Law (Sexual Offences) Act 1993 in regard to the protection of “mentally impaired persons”. The 1993 provision adopted an overly paternalistic attitude and status based approach to the protection persons with mental disabilities. The provision in this Bill adopts a very different approach and looks to the capacity of the person to consent. It does not presume that the existence of a disability implies a lack of capacity to consent.

Finally, the Bill criminalises the purchase of sexual services. I am convinced that these provisions are necessary to tackle the exploitation associated with prostitution.

As well as implementing the recommendations of a number of Oireachtas committees, the Bill brings Irish law into line with our international obligations. Provisions approved originally for inclusion, such as provisions to amend and update the Sex Offenders Act 2001, are absent from the Bill but I assure Deputies they have not been discarded. Legal issues arose during the drafting of the Bill and there was a need to update the provisions to reflect operational advancements, and that is the primary cause for this absence. However, most of these matters are now resolved and those provisions are to be brought forward as separate legislation amending the Sex Offenders Act 2001.

Turning to the Bill, given its wide-ranging nature, I do not propose to outline every aspect in detail but I would draw the attention of the House to the main proposals contained in it. In my view the provisions contained in Part 2, which address the sexual exploitation of children, are among the most important criminal law provisions being brought forward. We must take every step to combat those who engage in the sexual exploitation of children or in those activities which support and promote the sexual exploitation of children.

While we already have significant legislation in place to target those who prey on children, the provisions under Part 2 are a further step. Contained in this Part are measures which strengthen existing law in the area of child pornography as well as new offences targeting child sexual grooming which focus on those who use modern technologies to engage with children with the purpose ultimately of sexually exploiting those children.

I would like, at this stage, to acknowledge that matters addressed in Part 2 of this Bill were also the subject of a Private Members’ Bill brought forward by the Minister of State, Deputy Corcoran Kennedy, in this House. That Bill and the provisions before the House today have the shared goal of removing any gap in the law which can be exploited by those who would prey on children for the purpose of sexually exploiting or corrupting a child.

Turning to Part 2, section 3 contains an offence of obtaining or providing a child for the purpose of sexual exploitation. This offence builds on the existing offence of sexual exploitation under the Child Trafficking and Pornography Act 1998. In terms of paying a child or another person for the purpose of sexually exploiting a child, the provision is clear that such would include “any other form of remuneration or consideration” - so not just monetary remuneration. For example, the giving of a computer game or such to a child could fall under the provisions

of this section. The section also criminalises offering a child or obtaining a child without reference to monetary or other forms of remuneration.

In order to target, at the earliest possible point, any intention to exploit a child, it is important that the law sets out in detail those initial acts or steps that we know a predator might take or could take to gain access to a child. What constitutes sexual exploitation is defined in section 2 and includes engaging a child in prostitution or child pornography, the commission of a sexual offence against the child or causing another person to commit such an offence. In line with the offence of sexual exploitation under the 1998 Act, and the requirements of an EU directive on combating the sexual abuse and sexual exploitation of children, the offences targeting these pre-emptive steps to the exploitation of children apply to children up to the age of 18 years.

Section 4 closes a possible gap in existing law in relation to the sexual assault of children. Under the law as it stands, a child under the age of 15 years cannot consent to an act which would amount to sexual assault. While the intimate touching of a child would amount to sexual assault, this section clarifies that a person who invites a child to touch them or another person is committing an offence. The penalty of up to 14 years is the same as for sexual assault.

Sections 5, 6, 7 and 8, on which I will go into some detail, provide for offences connected with the sexual grooming of children. Sections 5 and 6 provide for offences relating to sexual activity in the presence of a child or causing a child to watch sexual activity. Familiarising children with such activity or material can take place during the early stages of the predatory process leading to more serious forms of child sexual exploitation.

Section 7 contains an offence which targets the point at which initial contact has been made with a child by a person intent on the sexual exploitation of that child. The offence arises where the person then meets with the child or makes arrangements to meet with the child. Again, this targets activity prior to actual exploitation of a child but we know that this is the process that predators will engage in.

Section 8 contains two new offences addressing the use of modern communication technologies in the grooming and exploitation of children. Modern communication technologies and social media generally are incredibly useful tools for everyone, as we know. However, children and young people in particular are and can be vulnerable to unwanted and seemingly innocuous contact by those who may prey on them. The offence under this section is an acknowledgement of that risk. It criminalises the initial stages of grooming where communication via, for instance, the Internet is the first step in facilitating the sexual exploitation of children. Section 8 offers further protection to children from unwanted advances by including an offence of sending sexually explicit material to a child by mobile or Internet communication. The seriousness of these offences is reflected in the penalties which may be imposed of between ten and 14 years.

Sections 9 to 14 amend the Child Trafficking and Pornography Act 1998. As a violation of every aspect of a child's wellbeing and their rights, little compares with the manufacture, organisation, publication and dissemination of child pornography. While there are already significant offences under Irish law relating to child abuse material or child pornography as defined under the 1998 Act, we must remain open to examining and considering all possible steps which can be taken to strengthen those provisions. The Bill will introduce a number of new offences which will see recruiting or causing a child to participate in a pornographic performance becoming a specific offence. Child pornography is increasingly a technology-enabled crime and we must identify and combat new means of disseminating this form of child abuse material. To

that end, the Criminal Law (Sexual Offences) Bill will introduce a specific offence of attending a pornographic performance involving a child. Very importantly, attendance is defined in the Bill as including viewing a live feed by means of information and communication technology.

I would also like to draw attention to the provisions in sections 16 and 17 which provide for offences of a sexual act with a child below the age of 15 and 17, respectively. These offences replace the existing defilement offences under the Criminal Law (Sexual Offences) Act 2006. There are two notable amendments to the existing offences. First, there is a change to the defence of mistake as to age. Under the 2006 Act, an accused could rely on a defence of honest belief as to the age of the complainant. This is a subjective test requiring the accused to prove that he or she honestly believed that the other party had not reached the specified age. Under this Bill, the defence will be one of reasonable mistake as to the age of the complainant. This is an objective test under which the court shall consider whether, in the circumstances of the case, a reasonable person would have concluded that the child had attained the required age.

The second issue I would like to highlight is the recognition in the Bill of under age, consensual, peer relationships through the introduction of a proximity of age defence. Under this provision, a person charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years can rely on a defence where the act is consensual, non-exploitative and the age difference is no more than two years. All of the provisions in Part 2 have been carefully developed. A lot of time and attention has been given to the detailed work in this Bill and I thank my officials and everyone else who has been involved. My officials have taken a huge amount of time to work very carefully on the Bill which will give the most extensive and fullest protection possible to children.

Part 3 contains the offence which will replace section 5 of the Criminal Law (Sexual Offences) Act 1993 that I mentioned earlier. Under that section it is an offence to engage in an act consisting of sexual intercourse or buggery with “a person incapable of living an independent life or of guarding against serious exploitation” regardless of whether the person consents. The offence facilitates prosecution in that there is no need to prove lack of consent. However, it does not make allowance for the fact that a person who may need assistance on a day-to-day basis may nonetheless be capable of giving consent to a sexual act and, in this respect, it fails to respect the autonomy of individuals based solely on their status rather than capacity. The new offence under section 21 moves away from the status-based approach of the 1993 Act. To identify those who require protection, a functional test as to the capacity of a person with a mental or intellectual disability or a mental illness has been adopted. Under the provision, an offence will arise where someone engages in a sexual act with a person they know lacks the capacity to consent to the sexual act by reasons of a mental or intellectual disability or mental health illness. This provision seeks to attain the necessary balance and to ensure that appropriate protection is available to those who need it while respecting full participation in society of persons with disabilities.

Part 4 deals with the criminalisation of the purchase of sexual services. Members are aware that this is a matter which has already been the subject of considerable debate both inside and outside these Houses and beyond the State. The two offences contained in the Bill - the first, a general offence of paying to engage in sexual activity with a prostitute, and the second, and more serious offence, of paying to engage in sexual activity with a trafficked person - are the result of considerable and extensive public consultation by my Department and by the Joint Committee on Justice, Defence and Equality which made similar proposals in 2013. In making that recommendation, the justice committee heard presentations from 26 organisations and

individuals and received more than 800 written submissions. In deciding to put forward these provisions, I assure the members of the House that I have considered all sides of the debate. I have spoken, as have my officials, with representatives of both sides of the debate. I have considered the experience of states that have introduced similar measures and those that have addressed prostitution in a different way.

Let me be clear as to what these provisions will do. It will be an offence for a person to pay, offer or promise to pay a person for the purpose of engaging in sexual activity with a prostitute. The person providing the sexual service, the prostitute, will not be subject to an offence. The purpose of introducing these provisions is primarily to target the trafficking and sexual exploitation of persons through prostitution. In 2014, the European Parliament adopted a resolution which states that “demand reduction should form part of an integrated strategy against trafficking in the Member States”. The Council of Europe has also studied this and has recognised the effectiveness of the criminalisation of the purchase of sexual services in the fight against human trafficking. However, even to leave aside this unquestionable objective, there is undoubtedly evidence of wider exploitation of persons involved in prostitution outside of those trafficked, such as those coerced or otherwise forced through circumstances to engage in the activity. The most direct way of combatting this form of exploitation is to send the message to those who pay for these services and who ignore the exploitation of the women and men involved that their behaviour is unacceptable and contributes to the exploitation of other people. It has been argued that women and men can freely and voluntarily provide these services without experiencing the exploitation widely and normally associated with prostitution. I have listened to all sides of the debate and I am convinced that to target the exploitation associated with prostitution requires targeting those who demand those services.

Part 5 modernises and restates the law on incest. It corrects a gender anomaly with regard to the penalties for an offence of incest by a male and incest by a female. Under this Part, both offences will be subject to penalties of up to life imprisonment.

Part 6 provides for a number of amendments to the Criminal Evidence Act 1992 designed to support and protect victims of sexual offences during the criminal trial process. Measures to further protect child victims of sexual offences from any additional trauma during the giving of evidence include giving evidence from behind a screen. Giving evidence and the whole trial process can be very traumatic for victims of sexual offences. It is traumatic for any victim but obviously very particularly for victims of sexual offences and we want to try to protect those victims as far as possible.

A provision is also included to prevent a person accused of a sexual offence from personally cross-examining a person under the age of 14 years of age unless the interests of justice require such cross-examination. A court may also direct that an accused may not personally cross-examine a child between the ages of 14 and 18 years. Safeguards to protect the rights of the accused to a fair trial are included such as directing the jury that no inferences may be drawn from the fact that an accused has been prevented from conducting such a cross-examination. Following calls during the earlier debates on the Bill, I am looking at extending some of these provisions to adult victims and appropriate amendments will be brought forward.

Section 38 provides for the disclosure of third party records in certain trials. The appropriateness of the disclosure of such records will be the subject of a pre-trial hearing and any disclosure will, while respecting the rights of an accused to a fair trial, take account of the right of a victim of a sexual offence to privacy. Only records, or parts thereof, necessary for the ac-

cused to defend the charges against him or her should be disclosed. Again, during the debates in the Seanad, there were calls for amendments to this section which are also being examined.

Part 7 amends existing jurisdiction legislation to ensure the provisions which allow the prosecution of offences committed outside the State by citizens of the State or by persons ordinarily resident in the State will be extended to a number of the offences introduced under Parts 2 and 3.

I draw attention to two provisions in Part 8. Section 44 contains an offence of exposure and offensive conduct of a sexual nature. The existing offence of public indecency has been struck down by the courts on the grounds of vagueness. The new offences contained in section 44 clarify the acts and activities which give rise to an offence. Section 45 introduces harassment orders whereby a court can impose an order prohibiting a convicted sex offender from contacting or approaching his victim for a specified period. The order can be imposed at the time of sentence or at any time prior to the offender's release. The order may be imposed where the court is satisfied the offender has behaved in such a way as to give rise to a well-founded fear that the victim may be subject to harassment or unwanted contact by the offender such as would give rise to fear, distress or alarm or amount to intimidation.

The House will agree the Bill's provisions are a significant step forward in targeting those who would abuse children as well as offering some further protections to victims of sexual offences. I look forward to hearing and discussing all these issues with Members. I thank the Members, many of whom have contributed to the Bill's content, be it through a Private Members' Bill, work on the Committee on Justice, Defence and Equality or through representations and submissions. This Bill is also a reflection of advances in technology, research, experience and debate. Regardless of the focus of the debate, either inside this House or outside it, we should not forget the Bill's primary purpose. It is built on the guiding principle of putting victims at the heart of the criminal justice system. We will shortly be introducing victims legislation, following on from the EU victims directive. It will mark a sea change in how the criminal justice system and the whole of society treats victims.

The Criminal Law (Sexual Offences) Bill will substantially strengthen our law to target those who target our most vulnerable, namely, our children. It will also send a message to all victims of sexual offences. In many instances before, their pain and suffering was kept hidden. It is only in recent times that we have been able to acknowledge openly the experience of so many who suffered so much, so often in silence. This Bill sends the message to all victims of sexual offences that we recognise the unimaginable harm and trauma inflicted upon them and that we support them. It will ensure the criminal justice system will offer more support to victims of these offences in the future.

**Deputy Jim O'Callaghan:** I wish to share my time with Deputies Fiona O'Loughlin and Mary Butler.

**Acting Chairman (Deputy John Lahart):** Is that agreed? Agreed.

**Deputy Jim O'Callaghan:** I welcome the reintroduction of this important legislation. It was sought and encouraged by many groups and people with direct knowledge of the circumstances surrounding sexual offences. I note with particular interest that the Tánaiste and Minister for Justice and Equality referred to her own experience as a social worker and a former campaigner for women's rights when she said from that capacity she believes it is necessary. It

is important we listen to people at the front line of interacting, defending and protecting those individuals subjected to sexual abuse. The categories of people who are subjected to sexual abuse are, to a large extent, children and women. This needs to be recognised in the legislation. Fianna Fáil will be supporting this Bill. However, we may table some amendments on Committee Stage which we believe may strengthen the Bill.

The character of sexual offences has changed in recent times, primarily because of two developments, one new and the other which has been around for generations, namely, technology and migration. The Internet is a great service which provides people with access to knowledge around the world. However, the Internet can also be subjected to legitimate and serious criticism. Its biggest failure is that it has promoted and increased sexual abuse of children. The engine which drives the Internet when it comes to the sexual abuse of children is not sharing knowledge but money and making profit. The Internet provides a forum for criminals who are prepared to abuse children to generate profits.

We have always known that there are depraved people in the world who are prepared to seek to abuse children. One of the downsides of the Internet is that it provides access and opportunity to those individuals to engage in such abuse. There should be no doubt that witnessing or watching child pornography on the Internet is abuse of those children subjected to such sexual abuse. The Internet affords that opportunity to depraved people to engage in that.

People who access child pornography are criminalised. I welcome that this Bill goes further and introduces specific offences in respect of modern technology. In particular, section 8 criminalises the use of information and communications technology to facilitate sexual exploitation of a child, section 11 criminalises the organisation of child prostitution or the production of child pornography, section 12 covers the production and distribution of child pornography, section 13 concerns the participation of a child in pornographic performance, and section 14 relates to the possession of child pornography. Section 13, which criminalises an adult for allowing or getting a child to participate in a pornographic performance, provides for a maximum penalty of ten years' imprisonment, which I believe is too lenient.

The second reason sexual offences have changed in recent years is because of migration. For centuries, we have seen mass migration of people from different parts of the world to other parts. That which has taken place in recent years from Africa and Asia into Europe will go down as one of the great migrations of history. Unfortunately, that migration has also provided opportunities to criminals who wish to abuse women for the purpose of selling them for sexual services. Many vulnerable, young migrant women are arriving in Ireland and Europe. They find themselves in a hopeless economic situation. They are destitute and extremely vulnerable to criminals who sense that vulnerability and who manipulate it for their own financial advantage. Those migrant women are, to a large extent, those who are forced into prostitution.

I have met representatives of organisations in favour of the legalisation of prostitution and who are opposed to the criminalisation of men who buy sexual services from women. They argue from a libertarian point of view that they should be permitted to sell their bodies to men in an ordinary commercial sense. I disagree with their analysis. The women who make that argument, whom I have met for the purposes of this Bill, come from a small minority of the women involved in prostitution. They are not women who are forced into it because of economic circumstances. The majority of women involved in prostitution in this country come from migrant backgrounds, are vulnerable and do not want to be involved in prostitution. They are being abused by criminals for the purpose of getting money. Those women would be considerably

better off if they were protected from the scourge of prostitution by the criminalisation of men who purchase that sex act. Perhaps the most controversial aspect of the legislation is the fact that it will now criminalise the purchase of sex. I think that will protect individuals. Looking at the activity that has been criminalised to date, I also think it is unfair that the prostitute is criminalised. Given where the power lies in that relationship between a prostitute and purchaser, it is clear that the power lies with the latter. The balance of power lies with the person who is purchasing sex and, for that reason, it is only right that the purchaser of sex should be criminalised.

We also need to recognise that we live in a society that places huge emphasis and pressures on young people and sexualises young people at a very young age. Again, the reason young people are being sexualised is because of commercialism, commercialisation and the desire by certain individuals to make money. I do not think we should allow a message to go out to our young people, particularly young men, that it is acceptable for them to purchase another person for sexual purposes in the same way they can go out and purchase a drink, dinner or some new product. It is especially bad for young men to grow up in an environment where they believe it is perfectly acceptable to purchase women for their own sexual gratification. Young men need to be brought up with a view of women that highlights the respect they should have for women. They do not need to be brought up with a view of women that places them as sexual objects. I believe that by permitting young men to purchase sex, we are allowing the presentation of women as sexual objects to continue.

I am not naive. I know that prostitution is the oldest profession in the world. Everyone in this House knows that prostitution will continue after this legislation is passed. That is not a reason not to enact this legislation. It will send out a message that we are prepared to protect very vulnerable women who, because of economic circumstances, are driven into selling their bodies.

Another part of the legislation that I support is Part 3. Section 20 repeals the current blanket ban created by section 5 of the Criminal Law (Sexual Offences) Act 1993, which prevents a person having a sexual relationship with a person who has a mental health difficulty or an intellectual disability simply because they have a disability. Instead, section 20 recognises the differences in ability that exist among people with intellectual disabilities. It creates a category of protected person, which is defined as someone who lacks capacity to consent because a mental or intellectual disability or a mental illness makes them incapable of understanding the nature of the sexual act, of evaluating relevant information to make a decision about taking part in sexual activity or of communicating his or her consent by speech, sign language or otherwise. This part is important because we must recognise that people with intellectual disabilities have a sexuality and their sexuality needs to be recognised. It cannot simply be regarded under our legal system as being redundant.

As I said at the outset, I welcome this legislation. Fianna Fáil will support it. We may table amendments when it comes to Committee Stage.

**Deputy Fiona O'Loughlin:** My esteemed colleague has outlined very clearly and concisely the position of our party but I certainly welcome the opportunity to speak on this Bill which I know reflects years of research and investigation. It is great to see the 2012 recommendations of the justice committee being progressed at this point and I commend the Tánaiste and Minister for Justice and Equality on her work and that of the Department in respect of this issue.

It is a very welcoming strengthening of the law in a number of areas. My party particularly

welcomes the new protections for children. However, it is possible that the measures in the Bill do not go far enough and we will call on the Minister to address a number of concerns that have been expressed by groups working with women and children. Some of those include issues around stalking and victim shaming.

I have spoken to and liaised with a number of interested groups about this Bill since my election and I appreciate fully the research that has been carried out in mostly unpleasant, difficult and emotive surroundings. During the summer recess, I had the opportunity to go and see a piece of theatre in the Riverbank Arts Centre in Newbridge called “The Game”. This was more than theatre. It was social commentary on sexual favours and selling sex. It was devised by women who are current and former sex workers. The work, which lasted 60 minutes, was shocking and harrowing and gave the perspective of six different women on their experiences in this world. As men went in, five men were asked to be volunteers and had to respond or react to different situations. I could see how difficult it was for these people. When we went into the theatre, we were handed a piece of paper and told that we could leave at any time if it became too difficult to watch. Many walked out because they found it too difficult to watch. After the 60 minutes, we had the privilege of walking away and we knew and could reflect on the fact that we had that privilege. So many of the women who have been caught up in this trap could never walk away from it. It is hugely important that the House does good service to these women and their children during this Bill.

I am especially pleased to note that this Bill aims to decriminalise fully the most vulnerable in the sex trade, and I welcome that the Tánaiste has been open to discussions around removing the offence of loitering for the purposes of prostitution as it may compromise the strong victim-centred tone of the legislation as a whole. I understand that targeting demand will have the required impact. The legislation will certainly help to end prostitution and sex trafficking in Ireland by criminalising the purchase of sex and decriminalising the sale of sex. Following on from a point made by Deputy O’Callaghan, 89% of those in prostitution want to exit so only 11% feel they are giving a service and are happy to continue doing that.

The legislation will impose stronger penalties on the perpetrators of rape and sexual abuse. We must point out that 63% of those in prostitution have experienced rape. Along with my colleague, I am glad that the Bill also recognises the special situation of particularly vulnerable people, namely, people with a mental or intellectual disability or a mental illness.

I was given this extract by the Immigrant Council of Ireland, which together with Ruhama, has done incredible work in this area. It is of particular note because it is devastating to think of women who have fled very difficult situations in their own countries and who think they are coming to a safe country. They arrive at the airport and their passports might be taken from them. They are brought into a situation where they are in a house in an estate or an urban apartment in one of our towns or city centres. They find themselves in awful situations - what is really sexual slavery - where they are kept by men who are making huge money and brought from town to town. It is incumbent on the public to keep a watchful eye and to report anything they may see as suspicious. In the past two weeks, somebody contacted me about having witnessed a particular situation in my town, Newbridge. It is happening in every area and town.

The Immigrant Council of Ireland gave me an extract which gives the perspectives of a mother and a daughter in this situation. The mother, a survivor of prostitution, said:

In six years I had three separate rapes and a gang rape. In six years I don’t know another

profession that would tolerate that level of violence. At the end of it, at the end of the year, do we calculate, add up the rapes? This law is about the vast majority. This law is about the protection of human dignity and freedom. It is about a set of values. It's about ending the violence.

Her daughter said:

My mum got trapped in prostitution for over six years. She only ever left my side to go to the street. I knew my mum was hurting. I could see it in her eyes and I could feel it in my stomach. All I ever wanted to do was keep her beside me. My mum was lucky enough to get out of prostitution as many do not survive it. I do understand my mother's reasons as to why she stood on that street. But I do not, nor will I ever, understand the reasons of the men that bought her. I couldn't stop those men from buying her. But I can now, and so can you. This is why the sexual offences Bill has to be enacted now.

The Special Rapporteur on Child Protection, Dr. Geoffrey Shannon, has stated how it is crucial that the law be passed urgently because, even in its current state without amendments, it will do much to support and advance children's rights. It addresses the role that technology plays in our lives with provisions relating to online child grooming. It strengthens laws around child pornography and child prostitution. The importance of targeting demand must be highlighted.

There is no doubt that this victim-centred approach and the confidentiality of counselling records are very important. The legislation will help protect our most vulnerable children and adults from sexual exploitation and will tackle child sexual exploitation by strengthening the laws combatting child pornography and online grooming. Again, I welcome the opportunity to speak on this very important Bill. I look forward to the continued work that will happen on Committee Stage and the opportunity to support my colleague, Deputy Jim O'Callaghan, on the amendments we will propose.

**Deputy Mary Butler:** As both my colleagues said, Fianna Fáil will support the Bill, which is a welcome strengthening of the law in a number of areas. I especially welcome the new protections for children. The Bill gives effect to recommendations made by two Oireachtas committees, the Oireachtas Joint Committee on Child Protection and the Oireachtas Joint Committee on the Constitutional Amendment on Children. It also implements the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the optional protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Irish Society for the Prevention of Cruelty to Children also welcomed the Bill, which aims to implement wide-ranging reform in the area of sexual offences and offer greater protection to children from sexual exploitation.

In today's world, access to the Internet and pornography is all too easy. Very few children or teenagers have no access to a laptop, iPad or tablet. Grooming of children in chat rooms online is all too easy. Children are too vulnerable and are easy targets. However, the ISPCC expressed concern about the apparent omission of risk assessment guidelines and the provision of post-release supervision of sexual offenders. This is one of the key components to ensure children are better protected from offenders who seek to prey on them. As the ISPCC said, we need to ensure the legislation is robust and ensures improved conviction rates and appropriate risk-assessment mechanisms, enhanced post-release monitoring and supervision of sexual offenders, and that sentencing reflects the depravity of the crime committed.

Last year, Fianna Fáil met with Mary Flaherty of CARI, the leading voluntary organisation with a proven track record in providing child centred specialised therapy and support to children, families and groups affected by child sexual abuse. She, too, had issues to raise on the disclosure of therapy notes of children who have experienced child sexual abuse, while she welcomed the move towards establishing a clear statutory framework for the duty of disclosure in criminal cases. She made the point that:

For therapy to be effective and child-centred, a private space is required for a child to explore sensitive issues without fear of the information being used for any other purpose. If confidentiality cannot be assured, the core undertaking of therapy is undermined at a very fundamental level. The disclosure of such records can also lead to further psychological distress and potential re-traumatisation for the child, particularly as the person who has sexually abused them can have access to their sensitive, most private information.

She went on to say:

Furthermore, the request for therapy records can put children and their parents in an invidious position should therapy records be requested for criminal trial. They are often informed that in the event of consent not being provided for the release of therapy records, the trial will most likely not proceed, due to the lack of disclosure. This often leads to a situation whereby “consent” is provided for fear of this repercussion. The matter, therefore, has public health and societal implications as it has been argued that the effect of disclosure of such records is a powerful disincentive to report sexual offences and to seek therapy and, as such, this prejudices the public interest.

I welcome that the Bill prohibits the cross-examination of a person under 18 years by the accused person in a criminal trial. However, many feel that this exclusion should be extended to all victims of sexual crime, as it is in England and Wales. One in Four, a charity which provides support and resources for people who have experienced sexual abuse and violence asserts:

It is horrifying to think that a victim of sexual violence should be subjected to a verbal assault in court by the person who violated them in the first place. This must be changed.

The Dublin Rape Crisis Centre has also been in contact with us about this and it would welcome the inclusion of the necessity for an accused person to have legal representation for the purposes of cross-examining a vulnerable witness in cases of sexual offences and domestic violence cases. When a victim realises an accused person can cross-examine him or her in person, if they do not want to have legal representation, it is one of the reasons for the high attrition rates in sexual violence crimes, and a very understandable one. The issue is addressed in the EU directive on victims’ rights and, in this Bill, for children under 18. The Dublin Rape Crisis Centre would like to see it extended to include all vulnerable witnesses and Fianna Fáil agrees.

A final issue Fianna Fáil would like to raise is not covered in the legislation but is connected to the issue, namely, the need to commission another report on sexual abuse and violence in Ireland, SAVI. The original SAVI report was published in 2002 and was the foundation on which the Ferns, Ryan, Murphy and Cloyne reports were delivered. The Dublin Rape Crisis Centre and others are keen to have a second SAVI research report conducted. The Oireachtas Joint Committee on Justice, Defence and Equality also strongly recommends that a second SAVI report be commissioned. The last report was commissioned in 2002 by the Department of Health and Children, and the then Department of Justice, Equality and Law Reform was also involved.

5 October 2016

Although the Rape Crisis Centre has lobbied the Minister for Health, the Minister for Children and Youth Affairs and the Minister for Education and Skills regarding the need for a new report, none of them sees it as their responsibility. The 2002 SAVI report told us that over the lifetime of Irish women and men, 200,000 women and 60,000 men are victims of rape.

*9 o'clock*

Surely these figures are alarming and would indicate that it is a national crisis.

In the 13 years since the SAVI report was published, national policy has been informed by the results and a number of SAVI's recommendations have been implemented. For example, there are now six sexual assault treatment units in the country, two more than pre-SAVI. There has also been a significant increase in the number of victims availing of the rape crisis centres around the country, which are underfunded, something else of which we should be conscious. The Dublin Rape Crisis Centre, DRCC, manages a 24-hour national helpline and in 2014 it dealt with 12,000 calls. In the weeks after the launch of various high-profile reports, such as Ferns, Cloyne, and Murphy, the number of calls to rape crisis centres increased significantly. This is an important issue. Until the detailed research for a second SAVI is done, we will not know if these increases are due to a rise in the prevalence of the crime or to the victims coming forward feeling that their concerns will be listened to and their stories taken into account and acted upon. Until we have that detailed research, we are in the dark concerning what is happening in broader Irish society. It is an alarming statistic that, during their lifetimes, 200,000 women and 60,000 men are raped. Behind these statistics are harrowing stories. We have all heard them.

We need a second SAVI report that can properly inform policy development. As the Oireachtas Joint Committee on Justice, Defence and Equality pointed out, a new SAVI research report could review the implementation of the recommendations contained in the original report because, while some have been acted on, many may not have been. We are discussing a cost of approximately €1 million. With the prevalence of violence against women and men in the form of rape, domestic violence and sexual abuse, we cannot pretend that it is not an issue. Having a report commissioned and published would at least put us on a platform towards further policy development and implementing the recommendations of a new report.

I welcome the Bill and the protections that it will bring, in particular for children and women, and Fianna Fáil supports the proposed criminalisation of the purchase of sexual services.

**Deputy Jonathan O'Brien:** I welcome the opportunity to contribute on this Bill. As other Deputies have stated, it is long-awaited legislation and has spent many months or years in committee. I commend the Minister of State, Deputy Stanton, who is beside the Tánaiste, on the great deal of work that he did on this legislation as the former Chairman of the justice committee.

Our party will support the Bill. We are on record as supporting the criminalisation of the purchase and purchaser of sex and lending our support to the Turn Off the Red Light campaign. In particular, I note the work of the former Sinn Féin justice spokesperson, Senator Mac Lochlainn, on this issue. He was instrumental in ensuring that the party took this position, which was debated in the party. Not all people were of this view, but the party has come to the decision that we support the Turn Off the Red Light campaign and, as a result, we will support the legislation.

It is good to see that the Government has taken the initiative in this Bill to remove sex workers from being criminalised under the Criminal Law (Sexual Offences) Act for offences such as loitering and solicitation. That said, it is clear from the Bill that the Government has failed to address sufficiently the need not to criminalise sex workers who work outdoors, given its inclusion in the Criminal Justice (Public Order) Act 1994 of the offence of loitering for the purpose of selling sexual services. That offence includes a penalty of a fine and-or six months for failing to leave an area. It is unacceptable that vulnerable women working outdoors should be criminalised in this manner. Even the original offence contained in the 1993 Act was not as heavy, with a penalty of a fine on the first offence and a prison term on the third offence.

The Tánaiste has stated numerous times that the goal of the Bill is to end prostitution. However, one of the main barriers to people exiting sex work is a criminal conviction. The changes proposed in the Bill must be accompanied by a holistic and comprehensive support and awareness strategy, a view supported by the Irish Human Rights and Equality Commission, IHREC. Clearly, there must be a well-resourced exit plan for those whom the Tánaiste is going to force out of the sex industry. In the North, Departments were required to develop such a strategy within ten months of the legislation there coming into operation that would introduce a programme of assistance and support for those seeking to leave sex work in recognition of the barriers faced by people who wanted to exit prostitution. The same should apply in this jurisdiction.

Under section 24(b), a person found guilty of paying for sexual services may face a fine whereas a sex worker who works indoors with another or who returns to a public place may face a fine and a prison sentence. This is unacceptable and should be amended on later Stages.

Concerns have been raised to the effect that increasing the penalty for the existing offence of brothel keeping could place persons engaged in prostitution who are working together for the sole purpose of safety in greater danger, as they may opt to work alone despite the risks involved. Deputy O'Loughlin referred to a woman who had been raped, abused and assaulted. Therefore, it would be unacceptable that, by enacting this legislation, we could create the unforeseen or unintended consequence of forcing sex workers to place themselves in the vulnerable position of working alone. We need to be aware that, in some situations, women will work together indoors for the sole purpose of safety.

Further to this, I call on the Tánaiste and the Garda as a matter of urgency following this legislation's enactment to commit to ensuring the safety and well being of sex workers by introducing regular and robust monitoring and evaluation of the legislation once the provisions concerning sex work are enacted. There are genuine fears among many sex workers that this legislation will result in them being further endangered and criminalised. It is unreasonable to allow for the Bill to be introduced without some scheme to monitor its outcome. We will table a number of amendments to try to address these concerns.

I spoke to a sex worker recently. She pointed out what she believed was a contradiction in the Bill when other legislation on the Statute Book was taken into account. For instance, it will be illegal to buy sex, but it will not be illegal to sell sex. She posed me a question that I will now, on her behalf, pose to the Tánaiste. Is it true to say that, as a sex worker who will receive money from an individual buying sex, which will be illegal, she can be charged under the Proceeds of Crime Act, given the new legislation that we have introduced and the decreased limits in respect of money on one's person that, being found to be the result of the proceeds of crime, can be confiscated? If a sex worker could be liable to prosecution under that Act, we should

examine this contradiction. Perhaps we might debate this matter further on Committee Stage.

There is a wide range of other provisions in the legislation that we welcome. The 1993 Act has long been recognised as inadequate when dealing with persons with disabilities. We particularly note the broad welcome of the repeal of section 5 and part of section 6 of the 1993 Act by organisations who work with people with disabilities. Their view has always been that the legislation needed to be changed, as it was inadequate from a protective perspective. The broad and vague nature of the 1993 Act has led to people with intellectual disabilities having their rights restricted as adults, as they were unable to have intimate relationships. Supporters and advocates felt the effects of this too, often feeling compelled to prevent relationships developing between persons with intellectual disabilities. Clearly, the State must have a more modern and rights affirming approach to individuals' capacity to consent and a recognition that an intellectual disability in itself does not mean that an individual cannot participate in an adult relationship.

We have in the past pointed to the UN Convention on the Rights of Persons with Disabilities and the need to eliminate discrimination when it comes to relationships, marriage, parenthood and so on. The 1993 Act was deficient in this regard of adhering to the UN Convention on the Rights of Persons with Disabilities requirements. Although there must always be protection for vulnerable persons against exploitation - that goes without saying - there must not be undue influence on the right to have a relationship. Unfortunately, the proposed Bill still presents people with disabilities with a questionable capacity to consent, unlike the general presumption of capacity afforded to those without intellectual disabilities. In order for there to be no discrimination, we must have a rebuttal presumption of capacity to consent for all persons; otherwise the new law will continue to discriminate. It may be appropriate to insert a new section 21A that presumes consent.

I further object to the use of some terminology in the Bill. One piece of terminology refers to the "protected person" and I urge the Minister to refer to the recommendations made by the Law Reform Commission in its report on sexual offences and capacity to consent. It argues that the term "relevant person" should be used rather than "protected person". In the assisted decision-making Act, "relevant" person is used. I am hopeful the Minister would agree on the merit of being consistent in the approach taken across all legislation. There are further points to be made on the functional approach to decision-making in the assisted decision-making Act that I do not have time to discuss today but I will raise them on Committee Stage.

Aside from this, it is noteworthy that the Law Reform Commission made recommendations in the aforementioned report that changes must be made with respect to the Criminal Evidence Act 1992 and the 1993 Act that would allow for persons aside from the accused during a trial to give evidence with the support of an intermediary and allow for the legal use of non-verbal communications where necessary. This is of utmost importance if we are to have a non-discriminatory approach to persons with disabilities. It may be that an amendment needs to be proposed on Committee Stage in this regard. I understand if the Opposition proposes an amendment, it may be very difficult to accept it because of legal ramifications arising from wording. We do not have access to the Attorney General like the Government. I will raise the matter in more detail with the Minister on Committee Stage and I hope that on Report Stage, she may be able to bring forward an amendment, having consulted with the Attorney General, to protect people with disabilities and give effect to what I am referencing.

We welcome the provisions in Part 2 of the Bill dealing primarily with the sexual exploita-

tion of children, including offences to protect children against grooming from online predators and strengthening offences relating to child abuse images. With respect to the use of “child abuse images”, we support calls from the Irish Society for the Prevention of Cruelty to Children to use that term instead of the current term of “child pornography”, as the former is used in international law for each image or video made or disseminated depicting incidents of abuse.

The Bill also addresses consensual peer relationships through the introduction of a proximity of age defence, whereby a person charged with an offence of engaging in a sexual act with a person between the age of 15 and 17 can put forward a defence of consensual non-exploitative activity, provided the parties are no more than two years apart. This legal provision has been long overdue and it was a matter discussed at length by the previous Oireachtas committee, chaired by Deputy Stanton, on the constitutional amendment relating to children. This two-year age gap defence was exactly what we proposed during those committee deliberations. We understand that whereas age of consent offences and sexual assault, rape and other child abuse are sometimes connected, it is not always the case. That is why these crimes are distinct.

Clearly, sexual assault is a very serious crime that should carry one of the highest penalties. It should always be investigated, charged, prosecuted and penalised as such. However, there is no merit to criminalising or applying criminal sanction against young people of similar age who engage in what would otherwise be consensual sexual activity if it occurred between two adults. This presumes the activity is non-abusive and non-exploitative. That said, there is scope for further overhaul of our sexual offences legislation beyond the scope provided in this Bill. There is a glaring omission in that no attempt has been made to define what constitutes consent. It would perhaps be useful for the Oireachtas committee to consider that in due course.

I welcome the Bill and Sinn Féin will support it. We will address the various reservations I outlined during the course of my contribution and I look forward to working with the Minister to resolve these on Committee Stage.

**Deputy Jan O’Sullivan:** I will not use the entire 30-minute slot. I welcome the Bill and the Labour Party will support it, as we did in the Seanad. I know the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, has just gone but I commend her because there has been a great deal of work done and commitment shown in this very detailed legislation, which addresses a number of areas around criminal law and sexual offences. I commend many of the organisations, some of which have been mentioned here, that have contributed to and helped to shape the Bill. The Turn Off the Red Light campaign was particularly strong, vocal and effective. Other groups involved include the Immigrant Council of Ireland, Ruhama, the Irish Society for the Prevention of Cruelty to Children, the Irish Congress of Trade Unions, the Irish Nurses and Midwives Organisation, the Rape Crisis Network, Dublin Rape Crisis Centre and others I could name. There has been a great deal of interest in the importance of having this comprehensive legislation put on the Statute Book. It is welcome that we are having the opportunity to debate it in the Dáil, having seen it go through the Seanad.

It is a genuinely reforming Bill that makes substantive and significant changes to the law on sexual offences. The Minister, in presenting the Bill, spoke about how other sides were put on some of these issues, particularly with regard to sex workers and an emphasis on the purchaser of sex rather than the sex worker. We have all heard the other side of the argument but it is interesting to note that the Deputies from all political parties who have spoken so far are in favour of the approach taken in the Bill. I agree with that and believe it is a really effective way of protecting vulnerable women and ensuring that the focus is put on the crime of purchasing sex

rather than on the often exploited sex worker. That is a very important part of this legislation. It is also probably the part that has received the most attention but, having said that, there are many other elements of the Bill that are also very important, to which I now wish to turn.

I am particularly happy with the provisions in Part 2 of the Bill which deal with the sexual exploitation of children. There is a series of measures here relating to obtaining or providing a child for the purposes of sexual exploitation, grooming, sexual activity in the presence of a child, causing a child to watch sexual activity and meeting a child for the purpose of sexual exploitation. On the last point, we are all aware of grooming online and the Bill also refers to the use of information and communications technology to facilitate the sexual exploitation of children. This is an area that will require constant monitoring to find effective ways of policing online grooming and exploitation. As we know, this is an area that is moving so quickly. Whenever we close off some avenue or loophole, another one is opened up. There is an enormous amount of online exploitation now that is very difficult to control. I was discussing a case today and while I am not going to go into the specifics here, it was clear to me that even if one tries to close down information that is on Facebook or elsewhere or to prevent people from uploading pornography, people seem to be able to find ways around it. Actually closing down or getting rid of that information seems to be virtually impossible. This is an area which we must monitor all the time. That said, at least the measures in the Bill address these activities but they are difficult to actually stop.

The Bill also deals with the production of child pornography and the participation of a child in pornographic performance. Again, this is something that is really worrying and quite widespread. It is important that these are made offences, along with the possession of child pornography. The Bill also deals with sexual acts with a child under the age of 15. All of these measures are particularly important in relation to children because of their extraordinary vulnerability and I welcome them very much.

The Minister and Deputy Jonathan O'Brien both mentioned some of the sensible changes that are proposed in the Bill, particularly concerning the defence of an honest mistake as to the age of a child and in respect of consensual, under age peer relationships. Again, these have been areas of contention in the past but the measures in this Bill are sensible and are to be welcomed.

The Bill also proposes changes to the law on criminal evidence dealing with the disclosure of third-party records, including counselling records, which have been carefully drafted following input from many concerned bodies and individuals. There are new provisions to grant protection against personal cross-examination by the accused in sex offence trials where a witness is under age. I will deal with that in more detail later.

I also welcome Part 3 of the Bill, which amends the 1993 Act in relation to a person who lacks capacity to consent, described as a protected person. I noted Deputy Jonathan O'Brien's point that the language used is not really in line with other descriptions. Perhaps that issue can be debated further on Committee Stage. That said, it is really important to protect people with an intellectual disability and I welcome this measure.

Part 4 deals with the purchase of sexual services and I support the provisions therein. This is one of the areas in which there has been a huge amount of interest. The Turn Off the Red Light campaign, in particular, highlighted this issue. I remember attending various briefings by that campaign at the earlier stages of the consideration of this legislation. I want to quote from one of the many e-mails I have received on this matter:

Prostitution is a violent, vicious, exploitative, criminal enterprise which has to be disrupted at the point of sale. Ireland now has a chance to join the growing list of countries putting the organised crime behind this exploitation out of business.

That really is the purpose of the measures in this part of the Bill. I know that there was considerable discussion on this at earlier stages in committee hearings and so on, where a variety of organisations spoke on the issue. The Labour Party welcomes the measures contained in the Bill in this regard. That said, I want to signal one concern about an aspect of the Bill on which we will table an amendment on Committee Stage and to which the Minister alluded earlier.

Our concern relates to the fact that although these new provisions are generally welcome, making it an offence to pay for sex and favouring instead vulnerable female sex workers, the Bill not only preserves intact the current law prohibiting soliciting and importuning it, but by creating the new offence of paying a prostitute for sex, it makes the payment the proceeds of crime. While we absolutely support the idea that traffickers, controllers and pimps should be subject to the Criminal Assets Bureau, CAB, we do not believe that the vulnerable sex worker should be so subject. The law at present does not criminalise either the purchase or the sale of sex, although it prohibits soliciting and importuning in a public place by either party. However, by prohibiting the purchase of sex, even though its sale is not banned, the purchase money will become the proceeds of crime in the hands or the bank account of the sex worker. Even though the sex worker will herself have committed no offence, these new provisions, if left unchanged, far from improving her situation have the potential to make a vulnerable and possibly exploited sex worker even more exposed to both the processes of law and to improper threats and menaces.

Under these new provisions, it will be possible, without criminal prosecutions or convictions, for CAB to proceed against reputed sex workers. CAB will be authorised to move in court to have their money and property assets confiscated on the basis of the civil burden of proof. We will be proposing one amendment to this Bill to prevent this situation from occurring. We will be proposing that money or any other form of remuneration or consideration that is paid or given to a sex worker in return for sexual services shall not, by reason only of the creation of this new offence, be deemed to be the proceeds of crime for the purposes of the Proceeds of Crime Acts 1996 to 2016. We believe that an amendment along these lines is necessary to protect sex workers from what would otherwise be an impossible situation. Otherwise, this Bill which has been signalled as improving their situation could, if the amendment is not accepted, plunge them into far greater insecurity, where they are hounded for everything they own beyond €5,000. I do not think any of us wants to see that happening. I understand that the Minister recognises that this is an issue but she does not necessarily see our proposal as the solution. She may well come up with a solution of her own and, if so, we will be happy to accept it. This issue must be examined and one way or another, we must find a solution. We cannot accept a law reform measure which instead of improving the lot of a vulnerable and exploited group, as we all intend, has the potential to make their lot a great deal worse. That is just one area in the section about which we are concerned. As I said, we will be supporting the Bill but will be proposing that particular amendment.

I wish to touch on some of the other sections of the Bill now, particularly that section dealing with the protection of victims of sexual offences during the criminal trial process, which I welcome. I particularly welcome the protection of child victims of sexual offences from any additional trauma. For example, it will be possible for a child victim to give evidence from behind a screen and for a person accused of a sexual offence to be prevented from personally

cross-examining a person under the age of 18. That is important. I can imagine that it would be extremely difficult for a person under the age of 14 to be cross-examined directly by a person who is accused of committing a sexual offence against him or her. I welcome the provision in the Bill that a court may direct that an accused person may not personally cross-examine a child between the ages of 14 and 18. It is obvious that there has to be a fair trial, but there are issues of protection here as well. A Deputy asked about the provision of protection for adult victims. The Minister has indicated she might be able to address that issue as well.

The further measures in relation to exposure are also welcome. Under section 45 of the Bill, which relates to harassment, a court can impose an order prohibiting a convicted sex offender from contacting or approaching his victim for a specified period of time. People often feel very threatened by somebody who has been convicted of such an offence and it is important that they are protected. I recently had a discussion about somebody who felt very fearful in a post-trial situation. Those measures are important as well.

We very much welcome this Bill, which has been in gestation for quite some time. Many people have made contributions to it. There have been discussions with non-governmental organisations and other bodies and with experts like Dr. Geoffrey Shannon. I would also like to mention the contribution of the committee, of which I was not a member. I know the committee has done excellent work as well. I am happy to say that the Labour Party will be supporting the Bill.

**Deputy Mick Wallace:** I will be opposing this Bill. I disagree very strongly with criminalising the purchase of consensual sex. If this Bill is successful, I believe it will signify the reinvolvement of the State in the private sexual lives of adult citizens for the first time since homosexuality was decriminalised over 20 years ago. It seems that the Turn Off the Red Light campaign has turned many heads. Many people seem to be impressed with it, but I am certainly not. Its logic is being applied at the expense of the testimony and first-hand experience of individual sex workers and international experience. I find it incredible that the voices of sex workers are not being listened to. I have listened to a number of women from Sex Workers Alliance Ireland on a number of occasions. I find their arguments impressive, articulate and rational. I wish everybody would listen to them for a while before they make up their minds. The logic of the Turn Off the Red Light campaign has been questioned and criticised by a large number of organisations, many of which recommend the decriminalisation model, including Human Rights Watch, UN Women, UNAIDS, the World Health Organization, the Global Commission on HIV and the Law, Amnesty and the International Labour Organization. When I attended a round-table discussion organised by Sex Workers Alliance Ireland a couple of days ago, it was pointed out that the Migrant Rights Centre of Ireland, Pavee Point, the Union of Students in Ireland and some trade unions are against the criminalisation of the purchase of sex. In contrast to the rescue ethos of many religious-funded organisations, including Turn Off the Red Light, the migrant rights centre is organised along community development principles and has a strong track record on all forms of trafficking and exploitation of migrants.

According to a report published in 2010 by the former UN special rapporteur on the right to health, Anand Grover:

The trafficking and enforced sexual slavery of any person is abhorrent, and undoubtedly merits criminal prohibition. However, the conflation of consensual sex work and sex trafficking in such legislation leads to, at best, the implementation of inappropriate responses that fail to assist either of these groups in realizing their rights, and, at worst, to violence

and oppression.

This confusion between prostitution and sex trafficking is a difficult starting point from which to develop a coherent policy framework or to draft responsible legislation. The logic of the Turn Off the Red Light campaign applies an economic supply-demand theory, which is used for price determination, to the elimination of prostitution and to the purchase of consensual adult sex, which the campaign openly aims to eradicate on unspecified grounds which appear to relate to sexual morality. The campaign is based on an assumption that criminalising the purchase of sex will result in a reduction in demand and thereby lessen the incidence of prostitution, taking it as a given that this is a legitimate policy objective. This shaky demand argument relating to prostitution is then stretched to apply to sex trafficking. Thankfully, this abhorrent crime is already illegal under the Criminal Law (Human Trafficking) Act 2008. The purchase of sex from a person who has been trafficked is also illegal under section 5 of that Act. I ask those who are making the case for this legislation to stop using these excuses.

Last year's use of emotive images of children by the Turn Off the Red Light campaign was particularly misleading, given that the proposed change will not make sex with a child any more illegal than it already is. A child does not have the mental capacity to consent to sex. Any adult who has sex with a child after this Bill is passed will be charged with statutory rape and not with the purchase of consensual sex from a prostitute. The law that this campaign proposes would have no effect on the fictional child characters used by Turn Off the Red Light as part of its promotional campaign. The supporters of this campaign appear to consider women in the same category as children in terms of their mental capacity to consent. They dismiss the insistence of some sex workers that they freely enter these arrangements with the sweeping generalisation that no woman would ever choose to engage in sex work. That is not a fair argument. The apparent success of the Swedish model, which is often trotted out as justification for the demand hypothesis, has long since been diminished and more recently has been disproved by various studies. The 2011 report of the UN AIDS advisory group strongly criticises the Swedish demand model as "ignoring the voices of sex workers". The rejection of the laws advocated by the Turn Off the Red Light campaign by Scotland, Denmark, Finland and the French Senate seems to have gone unnoticed.

Last year, the Northern Ireland Minister for Justice commissioned independent research from Queen's University, which dismissed the Swedish model and found agreement among sex workers and the PSNI that criminalising the purchase of sex would drive prostitution underground, endanger the lives and health of sex workers, including a significant male transgender minority, increase the involvement of organised crime, increase the social stigma of sex workers and divert police resources away from sex-trafficking investigations.

Only 7% of clients said they would be permanently deterred by the proposed criminalisation. Unfortunately, neither the justice committee nor the Minister see fit to follow this approach based on evidence-led policy development and no similar research has been commissioned in Ireland. Why not commission such research? Would it not be interesting to see what we might learn? The PSNI expressed serious concerns about the operation and enforcement of that legislation. The same concerns are also relevant here, since the covert surveillance methods used by Swedish police are unlikely to be available to An Garda Síochána. This leaves gardaí with the prospect of hiding in the bushes and wardrobes, as they did when tasked with the enforcement of the criminal offence of homosexuality.

The Turn Off the Red Light campaign reduces complex issues to a single soundbite solution

which, we are told, will end trafficking. A more considered approach might include tackling the wider structural inequalities in society and providing a real alternative to those seeking to leave prostitution. Many want to leave. It would suit the State better if we made it possible for them to leave the industry. We create so many problems for marginalised people in society and we do little to address these problems in many cases. We could do far more for people who may be caught in prostitution and who wish to get out if we took a more holistic view and started looking at where the problems are for these people. The right to work could be provided to asylum seekers, given that migrant women are identified as vulnerable. It is crucial that the validity of the voices of the many sex workers who insist they have freely chosen sex work be recognised. It would also be positive if consideration was given to the New Zealand model of decriminalisation. Whether the subject is abortion or prostitution, symbolic legislation on grounds of either religious or sexual morality amounts to a folly and the State should not indulge in it, especially when the cost is the safety and health of the women involved. Any proposed legislation must respect a woman's rights to bodily integrity and autonomy.

A citizen's right to a private life, including a private sexual life, must also be protected, as recognised by Article 8 of the European Convention on Human Rights. A challenge initiated by Senator David Norris in 1988 succeeded on Article 8 grounds when the European Court of Human Rights held that the mere existence of legislation criminalising homosexuality amounted to an unacceptable interference by the State into his private life. The current proposals to criminalise the purchase of consensual adult sex would appear to be vulnerable on similar grounds.

I went to a round-table discussion recently and noted some points made by some of the people from the Sex Workers Alliance Ireland. These simple points were made in the course of trying to make an argument and have their voices heard. These women are flabbergasted that they are not being given a voice. I will set out some of the points they made. I have numerous points and I have marked off and picked out some of them. Sex workers are seriously at risk of human rights abuses. They are at risk of rape and violence as well as bribery at the hands of police. The start and end point is that the human rights of sex workers must be respected. The State has a role to ensure those who do not want to enter sex work should be protected from same. That should be the primary role of the State in this regard.

Education and employment opportunities should be considered. The State is obliged to provide a safety net in order that those who do not want to be engaged in prostitution do not have to be. Criminalisation of the purchase of sex will compromise sex workers with police. Human rights abuses are compounded by the legislative framework. Criminalising the purchase of sex is more focused on the nuisance element rather than the rights of the individual. There is no distinction between those doing the exploiting and the sex worker. One thing is for sure, if this law comes in, it is going to make life far tougher for the sex worker than the exploiter.

Norway brought in legislation in this area and research has been undertaken into how it is working out. There has been some comment on the research. Evicting sex workers from premises makes them homeless. Landlords who knowingly rent apartments to sex workers are accused of being promoters. The legislation in question has led to increased enforcement against all aspects of sex work. No other group in society is subject to the same level of scrutiny and high-level surveillance as sex workers.

How do the police find buyers of sex? They monitor the sex workers, further infringing the rights and liberties of the sex worker. Sex workers only go to the police as a last resort, making it almost impossible to report violence. A sex worker can lose her home if she goes to the po-

lice. She can be deported. She can be targeted, discriminated against or abused. Sex workers are forced to go to the homes of buyers as police monitor the workers to find the buyers. There is a greater likelihood of violence as a result. If the sex worker has to go to the home of the buyer, she is more likely to be at risk of violence. Police are using immigration laws against sex workers. Prosecutions against traffickers have not increased in Norway through the process. The impact on sex workers is not taken into consideration. The impact on sex workers is seen as collateral damage, a little like the 2 million people killed by the US bombing in Iraq and Afghanistan from 2001 to the present day. Those 2 million people were not carrying guns. They were deemed to be collateral damage.

The sex workers say it is a choice for many. They say they are not helped by criminalisation. A realisation of their rights is what will help them. They know their own minds. For politicians to suggest to them because of the career they might have chosen that they do not know their own minds is insulting, dishonest and irrational. If all sex work involves rape and violence, why is there only a monetary fine to penalise it? A person can be thrown in jail for stealing a pair of shoes but is fined for purchasing the services of a sex worker. It is impossible for sex workers to retain a home when landlords are obliged to evict them. When sex work is criminalised, the marginalised suffer most. People who are more affluent can navigate the laws much better. If a sex worker goes into a hotel to meet a client and she is dressed to the nines and is white, she will probably get past the reception desk. If she is Nigerian and black, however, she might not find that quite so easy. That is the truth. How do the people in the hotel determine whether someone is or is not a sex worker? They profile; that is human nature.

In Norway today, sex workers carry fewer condoms as police use the presence of condoms to build a case against a sex worker. Is that not mad? In Ireland, the presence of condoms is being, and has been, used to build a case and women are starting to hide condoms in their bras where they are likely to get sweaty and less effective. The United Nations, UN, has slammed Ireland for lack of sex education in schools - I think that was last January. In introducing legislation to ban the purchase of sex, the Government seems to think that its primary aim is to vindicate the human rights of trafficked persons for the purpose of sexual exploitation. According to Amnesty International, decriminalisation, not criminalisation, would help reduce trafficking as it would allow sex workers to work together and demand their rights, leading to better working conditions and greater oversight of commercial sex and the potential trafficking within it.

The Nordic model, which this Government is wholeheartedly embracing, aims to stop prostitution by reducing demand through the criminalisation of the purchase of sex. However, research carried out by the New York Urban Justice Centre working group on sex work and human rights finds it is not the number of customers but economic trends and social conditions, such as unemployment and a shortage of living wage opportunities, that determine the number of sex workers at any given time. Research carried out by the Northern Ireland Department of Justice, which I touched on earlier, into prostitution in Northern Ireland in 2014 found that only 7% of clients said they would stop paying for sex if it was criminalised. A total of 36% of clients surveyed thought the purchase of sex was already illegal. Although the Nordic model is often trotted out as an example of best practice, the reality for sex workers is that it led to an increase in street work, left many sex workers under greater threat of eviction as their landlords can be prosecuted if they collect money earned from the sale of sex and the stigma created by this new law has even been used to strip sex workers of parental rights. One sex worker told Amnesty International that if a customer is bad, she needs to manage it herself to the end. A sex worker only calls the police if she thinks she is going to die. If she calls the police, she loses

everything.

Data published by EUROSTAT found that, between 2010 and 2012, the German *per capita* rate of trafficking was lower than that of Sweden and prostitution is legal in Germany. The Northern Ireland study found that members of the Police Service of Northern Ireland, PSNI, admitted that a sex purchase ban would be difficult to enforce and largely ineffective in reducing levels of trafficking in sexual exploitation. I would have thought that the Department of Justice and Equality might think that our gardaí have enough work to do. They are probably under-resourced and do not have enough numbers and could do without this extra work.

This Bill is being introduced without taking into account what sex workers or their representative organisations say. The 2014 study of prostitution in Northern Ireland found that 98% of the 171 sex workers surveyed did not support the criminalisation of the purchase of sex. When the Egyptians rigged the election in their military takeover in 2013, when they threw out the Muslim Brotherhood guy, they did not even rig it for 98%; they had 96%. The fact that the sex workers were ignored by the Northern Ireland Assembly and that groups such as Sex Workers Alliance Ireland, are being ignored in this legislation shows that the moralistic patronising attitude which has shaped much of Ireland's response to so-called moral issues is alive and well. Instead of moral judgment, we should be taking the most effective harm-reduction approach. Criminalisation will only exacerbate any possible problems. Sex worker organisations around the globe are calling for a decriminalisation model along the lines of the one introduced in New Zealand in 2003. Sex Workers Alliance Ireland and the Global Alliance against Trafficking in Women recognise decriminalisation as being more in the interests of sex workers than the legislation model adopted in Germany and the Netherlands.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 12 noon on Thursday, 6 October 2016.