



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 17 Samhain 2016*

*Thursday, 17 November 2016*

Chuaigh an Ceann Comhairle i gceannas ar 12 p.m.

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Billy Kelleher:** This morning on “Morning Ireland” emergency medicine consultant, Dr. Fergal Hickey, said, “people are going to die as a result”. He went on to say, “that is not scaremongering, it is a prediction of what is going to happen”. Only six weeks ago, a €40 million winter initiative was announced and it was targeted to ensure there would not be overcrowding in our emergency departments throughout the winter months. However, as we face into the winter, which is only starting, we find this initiative is already failing, given there were 528 people on trolleys in emergency departments across the country yesterday.

In the past number of years, there have been consistent winter initiatives and each and every one of them has failed to make a meaningful impact on the number of people who are lying on trolleys in emergency departments. The HSE is at present involved in a bed capacity review. I would like the Minister to consider the idea that this would be independently assessed due to the fact the HSE is carrying it out for its own purposes. Will the Minister consider the independence of that review being verified given there may be ulterior motives due to the HSE addressing it itself?

Does the Minister agree that, over the coming weeks, further initiatives have to be put forward to ensure bed capacity is enhanced and there is a reduction in overcrowding in our emergency departments? It is a fact there is very low morale across the whole of the health service, particularly in emergency departments. There were 45 people on trolleys yesterday in Letterkenny and 45 in Cork, and the emergency department in Galway is consistently overcrowded and chaotic. Overall, in the past number of years, there has been a consistent downgrading of the ability and capacity of our emergency departments to function. Dr. Fergal Hickey outlined this quite clearly when saying that people will die. This is nothing new. I urge that we do not have a third disappointing Minister for Health in a row and that something serious and tangible is brought forward on this issue.

To turn to the broader issue of the funding of the health service, while there has been a substantial increase, there are difficulties in the context of management bringing forward plans that

can be implemented and have a meaningful impact. Will the Minister insist that the bed capacity review is independently verified and assessed? More importantly, in the short and medium term, I ask that there is a revisiting of the winter initiative, which has already failed, given it is November and the burden months will be January, February, March and April. If it does not work in November, it will certainly fail in those four months.

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** I thank the Deputy for raising an issue that I know is of great concern to all Members of the House. This is precisely the reason that, in budget 2017, as the Deputy acknowledged, the Government put in place a substantial increase in the amount of funding going into our health service. As he will be aware, it now stands at €14.6 billion. It is the highest level of funding that has been made available to the Department of Health and the HSE in our history. It is a €900 million increase compared with where the Department and the HSE stood a year ago. All of that has been done precisely because this Government recognises the need for investment in our health service to ensure that a stable economy is capable of delivering benefits to those who need them the most, patients and those who need to avail of the emergency departments. It recognises too the huge work of the 100,000 front-line staff working for the HSE.

In respect of the particular issues the Deputy raises, we should consider what that investment is capable of delivering from a bed capacity point of view. The Deputy referred to the investment in University Hospital Galway. That is facilitating the building of a 75 bed ward. In Kilkenny and Limerick, the investment is facilitating the construction and opening of new emergency departments. In Our Lady of Lourdes Hospital in Drogheda, the same level of investment is facilitating the opening of a new extension to deliver the kind of investment and support the Deputy refers to. This is on top of the investment in Wexford General Hospital and the opening of a new accident and emergency ward in the Mater hospital which has had to deal with so much difficulty in recent years regarding the numbers presenting at the hospital particularly at busy times. The level of investment by this and the previous Government facilitates the kind of improvements I have referred to.

The Deputy referred to a bed capacity review which is taking place in the context of that improvement. Whether it should be independent is a matter for the Minister for Health but I will relay this to him. He will be aware of the Deputy's views. I have confidence in the ability of the HSE to do that work well. In addition, the Government has put in place a fund of €40 million to respond to the kind of pressure the Deputy refers to, which peaks in winter.

We can put this investment in, but in return what we need most is that all those working in the health service, from general practitioners to nurses and those involved in running hospitals, work in an integrated way that will ensure this investment delivers the benefits the Deputy is calling for.

**Deputy Billy Kelleher:** There is a certain amount of live horse and eat grass in the Minister's response. This investment in the future is not addressing the immediate problems of patients waiting on trolleys in our emergency departments. The winter initiative was to address the problems of overcrowding in emergency departments through the winter months. In November, there are 528 people on trolleys. There will be huge difficulties in January, February and March of next year. The winter initiative has already failed to address those key difficulties in our emergency departments. I am not making this up. These are the figures and statistics, backed up by senior clinicians across the country who are saying people will die if there is consistent overcrowding in the emergency departments. Between now and January, will the Min-

ister ask the Minister for Health to revisit the winter initiative and to address the delayed discharges in our hospitals? Over 600 people are still in delayed discharges from acute hospitals across the country. That may assist in addressing the problems in the emergency departments.

**Deputy Paschal Donohoe:** A single person on a trolley is one too many. I had to refer to the improvements and investment under way that aim to address these matters over the medium term and into the long run. The Minister for Health will continually review the winter initiative with the HSE. There is a Cabinet sub-committee on health that will review the status of that plan regularly. That is the plan that has delivered an additional 950 home care packages, an additional 58 transitional care beds and is expanding community intervention teams that are at the heart of making sure the pressure the Deputy refers to does not reach an even more acute level in the early part of next year. I have acknowledged that the bed capacity the Deputy referred to needs to be improved and I have pointed to the improvements that we are making. That winter initiative is going to put in place an additional 55 acute beds and 18 step-down beds to deal with the matter the Deputy is referring to. Of course, this is something that will always be reviewed by Government because we want to ensure that the investment under our plans is in place and delivers the improvements that people need. Whatever progress is being made, and progress is being made, we want to get to a situation in which fewer and fewer people are experiencing the kind of pressure that we acknowledge they are experiencing.

**Deputy Martin Kenny:** The Comprehensive Economic and Trade Agreement, CETA, was signed by the EU and Canada on 30 October. CETA will be referred to national parliaments and the European Parliament for ratification. This week, the European Commission has published its report on the cumulative effects of trade agreements. The fact is that these agreements are not good for agriculture across Europe or for agriculture in Ireland. CETA is part of a new generation of free trade agreements, along with TTIP and others, which move far beyond the lowering of tariffs and the free movement of goods. In fact, they look to attack the sovereignty of national parliaments by interfering in national regulations of trade. CETA was negotiated entirely in secret. The proposed text was not made public until the draft had been finalised in September 2014.

Many non-governmental organisations, civil society and consumer groups have expressed grave concerns about the very weak protections in CETA for the environment, workers' rights, public health, food safety, public procurement and the impact of the investment court system litigation on these very standards and on the democratic process. The Irish beef farming sector is particularly vulnerable to the effects of CETA, which will include the influx of 50,000 tonnes of cheap Canadian beef and 75,000 tonnes of pork entering the EU market. The impact of this influx on Irish beef producers will be exacerbated as a result of the Brexit vote, due to the fact that Britain has been the largest importer of Canadian agri-produce into the EU. There has been no revision of the quotas in response to the Brexit vote.

The inclusion of the investor-state dispute settlement mechanism in these agreements, whereby foreign corporations will be able to sue national governments for compensation for loss of expected future profits in response to governments' actions for the common good, has provoked widespread public opposition to the ratification of these agreements on both sides of the Atlantic. In the Seanad recently, there was a motion on CETA and it was roundly rejected. Sinn Féin has a motion on CETA on today's Order Paper. In these circumstances, how can the Minister justify his Government's continued support for CETA and will he instruct his people in the European Parliament to reject this agreement? When this agreement comes before this Dáil, will the Government reject it?

**Deputy Paschal Donohoe:** The Deputy used the phrase that such agreements “look to attack the sovereignty of national parliaments”, but of course it has to be voted on by this Parliament.

**Deputy Seán Crowe:** Are we going to get the opportunity to discuss it?

**Deputy Paschal Donohoe:** The procedure that is in place for the ratification of this agreement will be voted on in-----

**Deputy Seán Crowe:** When are we going to get the opportunity to discuss it?

**Deputy Paschal Donohoe:** -----this Dáil. Far from this being an attack on the role of sovereign parliaments, there is a process in place that recognises the ability of Dáil Éireann to cast a vote on that agreement. It is at that point that Deputy Martin Kenny and Sinn Féin will be able to articulate their views and concerns on CETA.

I take a very different view from that outlined by Deputy Martin Kenny. I believe that all parts of the Irish economy, whether it is the agricultural sector the Deputy referred to, financial services or aviation, have shown their ability to grow, create employment, be prosperous and deliver benefits for our country in a world of greater trade and in a world in which the Single Market has been a hugely important market into which Ireland has exported services and goods. I believe an environment in which the Single Market is maintained and arrangements and agreements such as CETA are put in place offers opportunities for Irish companies to create jobs. Companies that are located here will have the ability to sell more and thereby to create more jobs in Ireland.

The process for ratification in the European Parliament, and ratification in national parliaments all over the European Union, is precisely put in place to allow the kind of issues that Deputy Martin Kenny is entitled to raise on behalf of those he represents to be aired and to allow national parliaments to make their views known. However, I wish to conclude by arguing that over the recent arc of Irish economic history we have seen that Irish farmers and companies, big and small, have shown their ability to create more jobs and sell more goods in an environment in which trade has been liberalised. This agreement is also putting in place the right protections in respect of the environment, workers rights and issues that matter. That is also the case with the Single Market. How is it consistent for Deputy Martin Kenny to say that farmers and companies in the North should not have the ability to trade under a structured agreement such as CETA when his party is campaigning in respect of the need for those companies and farmers to retain access to the Single Market of the European Union?

**Deputy Martin Kenny:** On the issue of whether the Parliament has the final say, the reason it is an attack on democracy and the Parliament is because if the agreement goes through, it will mean that multinational corporations will be able to sue national governments that put in place something to protect their environmental or business interests. For example, a company called Vattenfall is currently suing the German Government because it decided to change its policy on nuclear power. If we take a similar position in this Parliament, we could be sued. These agreements are designed to allow big corporations to make massive profits and to squeeze out small producers and providers of services. They are not designed for economies such as Ireland's or for Irish farmers. The Minister referred to Irish farmers and farmers in the North. They will not gain from CETA, it is the big corporations that will gain. Agreements of this nature are in place as a result of huge corporations making massive profits. The onus is on the Irish representatives

at EU level to heed the severe warnings relating to CETA and other deals and to ensure that such agreements are put to bed. Will common sense prevail and will the Government lobby for the rejection of CETA in the European Parliament and will it ensure that the deal is rejected in this Parliament? The Minister has a choice. Will he support Irish farmers and small industry or this type of agreement?

**Deputy Paschal Donohoe:** What the Deputy said reminds me of what Sinn Féin used to say about the European Union, namely, that it was designed only for big companies and corporations and was not for the benefit of countries such as ours. When they saw the risk posed by Brexit to Irish interests on all parts of the island, Sinn Féin members changed their minds and their tune completely.

**Deputy Martin Kenny:** That is a simplistic argument.

**Deputy Paschal Donohoe:** Deputy Martin Kenny asserted that this is an attack on democracy. How can he make that claim when this is the very Chamber that will be able to cast a vote on the issue?

**Deputy Martin Kenny:** Will the Minister answer the question?

**Deputy Paschal Donohoe:** Deputy Martin Kenny said this is an environment which is designed to allow only big corporations to prosper. Is that how little confidence he has in the ability of Irish companies, big and small, to be able to trade-----

**Deputy Martin Kenny:** Does the Minister support CETA or not?

**An Ceann Comhairle:** The Minister should be allowed to speak without interruption.

**Deputy Paschal Donohoe:** -----and create employment in that environment just as they have been able to do in the Single Market and the European Union? As Deputy Martin Kenny is aware, because he is very knowledgeable on these matters, 90% of all the food, dairy and agricultural produce of this country is exported.

**Deputy Martin Kenny:** Will the Minister support Irish business and farmers?

**Deputy Paschal Donohoe:** The agreements offer the opportunity for more of that to be done and it is precisely because I support Irish farmers, workers and companies of all sizes-----

**Deputy Martin Kenny:** Up to 50,000 kg of Canadian beef will be imported into the EU.

**Deputy Paschal Donohoe:** -----that I am confident CETA will offer opportunities to them. Far from this being an attack on democracy, this Dáil will have a vote on the matter.

**Deputy Mick Wallace:** It has been eight weeks since the Taoiseach agreed with other party leaders to initiate a commission of investigation into the sale of the Northern Ireland loan portfolio, Project Eagle. At the time, the view was that the investigation would not have to wait for the PAC investigation to conclude. Last week I submitted a letter to NAMA's chairman, Frank Daly. I named 20 individuals who work for NAMA who may have engaged in serious malpractice and I asked how many have been reported to An Garda Síochána under section 19 of the Criminal Justice Act. I am still waiting for a reply. The Committee of Public Accounts has been examining the Comptroller and Auditor General's report for the past two months. The way in which NAMA and the Department of Finance treated the Comptroller and Auditor General has

been shocking. NAMA and the Department of Finance have contradicted each other. They have been twisting and turning, ducking and diving in their efforts to undermine the Comptroller and Auditor General and his excellent report.

Cerberus representatives will come before the Committee of Public Accounts this afternoon. I am sure they will do fine, but does the Minister not believe it would be more fitting if they were going to the Garda bureau of fraud investigation in Harcourt Street to be questioned?

PIMCO pulled out of Project Eagle on 13 March 2014. Cerberus, Brown Rudnick and Tughans, which had worked for PIMCO on 24 March, lodged their bid on 1 April, six working days later, and crossed the line two days later on 3 April. It was £15 million for Brown Rudnick, Tughans and God knows who else - nice money, thanks very much. What was it for? Inside information from the cabal of Cushnahan, Watters and Hanna? The only other bidder, Fortress, was not even allowed to hire local real estate valuers. It was not a competitive process; it was a scam.

NAMA has undersold a massive slice of this country to US vulture funds for a fraction of its value. It is contributing in a serious way to our housing crisis. It is not part of the solution to the housing crisis; it is part of the problem. Will this Government suspend the NAMA board and the executive pending a thorough commission of investigation into all of its workings? This issue will in time prove to be the biggest financial scandal in the history of the State.

Last weekend, I travelled to Asia to meet a businessman who contacted me through NAMA leaks. I went to collect documents and e-mails. Within a short time of Frank Cushnahan being appointed to NAMA, he was peddling assets belonging to NAMA to foreign parts. Tughans was involved. The Japanese bank, NOMURA, was involved, which was later the main financier for Cerberus's purchase of Project Eagle. NAMA, from start to finish, stinks to high heaven. Will the Minister indicate when we will have a commission of investigation, and will the Government suspend the NAMA board and executive until we get that investigation?

**Deputy Paschal Donohoe:** No, the Government will not be suspending the board of NAMA or any of its officers with regard to this issue. It is, as is the case with any other body, entitled to see a process in which it is participating completed. The Deputy has on a number of occasions called for investigation and interrogation to be carried out regarding the circumstances of Project Eagle. That is what is happening at the moment. That is the work the Committee of Public Accounts is doing. It makes a pleasant change to hear the Deputy vouch confidence in an institution of State such as the Comptroller and Auditor General and his report on that matter. That report is providing the bedrock in terms of the inquiry taking place with regard to Project Eagle. I understand a hearing on that took place this week under the chairmanship of Deputy Fleming at which we have seen the Deputy First Minister, Martin McGuinness, appear. The Minister for Finance, Deputy Michael Noonan, in recognition of the allegations that have been made about this issue, appeared before the Committee of Public Accounts to respond to potential issues of public concern. Clearly, Deputy Wallace feels strongly about this matter. If he has evidence he wants to raise on it, as he has done this morning, I ask him to go before the Committee of Public Accounts and provide it in a fuller way with the claims and evidence he is raising in the House today.

**Deputy Mick Wallace:** I often go the Committee of Public Accounts. I have been to the gardaí several times and the National Crime Agency. Unlike the NAMA officials, the Comptroller and Auditor General is excellent.

I want to give the Minister a taste of some of the e-mails. The first is dated December 2010 and is from Frank Cushnahan to the businessman. He starts by apologising for the delay in completing the document and explains that he has been heavily engaged by NAMA. He states that there are very substantial opportunities for major returns to be made for anyone who can access international and institutional funds to acquire blocks of development assets from either development or the agency itself. He states that he will initiate any necessary documentation to secure the best interest of all.

The reply starts with the businessman thanking Mr. Cushnahan. He states that he completely understands the demands made on Mr. Cushnahan by NAMA and the work that it entails, and states that he explained this to both individuals. He states that both now also understand the situation, especially as the plight of Ireland has been internationally reported. He states that if anything, it has reinforced their opinions of Mr. Cushnahan's abilities. He thanks him also for giving them the information on acquisition success fees.

**An Ceann Comhairle:** The Deputy is out of time.

**Deputy Mick Wallace:** I will just finish with this one. Beginning, "Hi", it states that the businessman had a very good meeting with Frank yesterday, and on the NAMA bank debt issue, he has a draft of the agreement they all should sign, along with Frank, to ensure that they not only get a percentage of the money being invested but also a percentage of the special purpose vehicle and the profits to be made when the asset is sold, and that Frank will ensure that only people with the highest integrity at Government level would be involved and the returns look very, very good.

**An Ceann Comhairle:** I thank Deputy Wallace.

**Deputy Mick Wallace:** For the information of the Minister, I have a lot of them.

**Deputy Paschal Donohoe:** Can I just confirm my understanding? Has Deputy Wallace agreed to appear in front of the Committee of Public Accounts about this issue?

**Deputy Mick Wallace:** I did, yes.

**Deputy Paschal Donohoe:** Will the Deputy?

**Deputy Mick Wallace:** The Minister's party objected to me.

**Deputy Paschal Donohoe:** And when will the Deputy do it?

**Deputy Mick Wallace:** The Minister's party objected to it.

**Deputy Paschal Donohoe:** We must have process in relation to all of this. Deputy Wallace has called for, and the Government responded-----

**Deputy Mick Wallace:** When are we getting the investigation?

**Deputy Paschal Donohoe:** -----through seeing the Comptroller and Auditor General do its work. The report was made public, as of course it should be. On the back of that then, the Committee of Public Accounts is doing the work. Government has already made clear that in the aftermath of that happening, because we have confidence in the ability of Members of the Oireachtas, both Government or non-Government-----

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**Deputy Mick Wallace:** They are not investigators.

**Deputy Paschal Donohoe:** -----to provide a valuable service in understanding and interrogating an issue that we understand to be of public concern-----

**Deputy Mick Wallace:** They do not have the power to investigate anybody.

**Deputy Paschal Donohoe:** I ask that Deputy Wallace do the same, and with the alleged evidence that he has-----

**Deputy Mick Wallace:** It is unbelievable what is going on.

**An Ceann Comhairle:** Please.

**Deputy Paschal Donohoe:** -----and with the claims that he has-----

**Deputy Mick Wallace:** Why does the Government not care about the fact that NAMA is rotten?

**An Ceann Comhairle:** Please.

**Deputy Paschal Donohoe:** -----that the Deputy makes that available to the Committee of Public Accounts, Deputy Wallace himself go in and give testimony on the points that he has raised.

**Deputy Mick Wallace:** The Government does not want to know the truth.

**Deputy Paschal Donohoe:** Of course, all of the claims that Deputy Wallace has concluded with there are precisely because we recognise here that there are issues that merited further understanding on behalf of the Government, the Oireachtas and the public and the Committee of Public Accounts went ahead and did its work as a body of the Oireachtas which it should. The Government has already made clear that if further steps are needed beyond that, of course, it will make sure they happen.

**An Ceann Comhairle:** I call Deputy Michael Harty, on behalf of the Rural Independent Group.

**Deputy Michael Harty:** I will address the issue of balanced regional development as it was outlined in the programme for Government. Balanced regional development requires an active development of regions outside the greater Dublin area, and I stress “active development”. It needs to provide opportunities to live and work and sustain a family in towns and villages which are outside the major urban areas. It needs to maintain a viable and progressive agricultural sector and it needs to retain the fabric and unique culture of our rural towns and villages, which really are our inheritance.

During the programme for Government negotiations, a lot of time was spent in discussing balanced regional development. It was one of the core issues identified by the rural TDs who engaged in the negotiations. We were promised a new Ministry for regional development and rural affairs. Unfortunately, we did not get a new Ministry. Rural affairs and regional development was added to the Department of Arts, Heritage and the Gaeltacht and we did not get a stand-alone Ministry. We do not know how the amalgamated Ministry is functioning. We do not know what its staffing levels are. We do not know what its goals or responsibilities are or what it has achieved to date. Also in the programme for Government, we were promised that

there would be rural-proofing of all Government policy decisions, and we see very little evidence of that.

What is happening in Ireland today is we are developing a group of city states. We are developing urban areas - the greater Dublin area, Cork, Galway, Limerick - but there are considerable areas of the country which are not benefitting from the economic upturn and economic development. We are developing into a nation of city states.

In the programme for Government, it was identified that there would be county-specific targets for jobs which would come in at 1% of the national average for unemployment, and we do not see evidence of those figures coming out. There was a commitment to develop the report of the Commission for the Economic Development of Rural Areas, CEDRA. We do not see any active evidence of that being done. There was a commitment to develop our national assets, to develop an Atlantic economic corridor and to a balanced regional development. For instance, our airports are not balanced in relation to development. Dublin Airport is getting a second runway. That will bring a disproportionate level of economic development to the greater Dublin area, to the detriment of other areas. We also have an infrastructure deficit in broadband, mobile telephone coverage and the road network. The fabric of rural society is disintegrating with the loss of post offices and medical and pharmacy services. The economic viability of small towns and villages is being undermined, as is our agriculture. Will the Minister identify the functions of this new Department? What are its staffing levels and its responsibilities, goals, targets and achievements?

**Deputy Paschal Donohoe:** I am not in a position to provide the staffing levels relating to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs this morning, but I will obtain that information and forward it to the Deputy. On his broader point regarding the need for balanced regional economic development, this was acknowledged very strongly by myself and the Government on budget day. For example, we have always made it clear that the response to Brexit cannot be a Dublin response. It must be a national response in order to allow all parts of the country to avail of the opportunities that exist and to deal with risks such as those posed by Brexit.

Regarding how we are seeking to make progress on this agenda, I point to the rural development plan. Much of it was overseen and will be implemented by the Minister for Agriculture, Food and the Marine, Deputy Creed, and his Department. The rural development plan has received an increase in funding from €494 million to €601 million. The reason that this fund has been increased is to respond to the agenda to which the Deputy refers. In budget 2017, funding was also put in place for the sheep welfare scheme. This issue was raised by Deputies in the Rural Independent Alliance during negotiations on the formation of the Government.

Deputy Harty referred to regional and State airports. He is correct that plans are in place for Dublin Airport to get a new runway. That will be subject to a new oversight process. Along with that, however, consider the recent performance of Knock airport, where passenger numbers increased by 10%. Shannon Airport has become an independent State airport and this gives it the autonomy to respond to the needs the Deputy outlined. In addition, Cork Airport is doing tremendous work in adding new routes and new capacity.

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs has received additional funding to implement the action plan on rural development and for the Leader programme and Údarás na Gaeltachta, an issue the Minister of State, Deputy Kyne, has been pursuing and

which he raised with me on a number of occasions during the Estimates process in the run up to the budget. We are also at an advanced stage with the new national broadband plan to respond to the digital and connectivity issues the Deputy raised. Deputy Harty also raised the jobs plan. The jobs plan now has a regional dimension, which it had been lacking up to this point, with clear targets set by region. The objective is to deliver jobs growth throughout the country.

**Deputy Michael Harty:** I thank the Minister. People in rural Ireland and in the regions feel disenfranchised. There were lessons from the general election which the Government should have learned. People felt they had been cut off from the economic development of the country and that they were not benefitting from the economic recovery. We have many national organisations such as the Gaelic Athletic Association, GAA, Irish Farmers Association, IFA, Irish Creamery Milk Suppliers Association, ICMSA, and Comhaltas Ceoltóirí Eireann. How did the National Ploughing Championships develop? They originated in rural Ireland and they are a showcase for what is happening there. There must be sustainability in rural Ireland. I accept the matters that the Minister outlined but there must be clear implementation and a clear pathway whereby people can see the economic development and can see that the regions and urban areas are catered for equally.

**Deputy Paschal Donohoe:** I agree with much of what the Deputy said. Of course, there were clear lessons in the message people sent to the previous Government in the recent general election. The reason an action plan will be published later this year by the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Humphreys, and the Ministers of State, Deputy Ring and Deputy Kyne, is to respond to the agenda to which Deputy Harty refers. Such an approach has worked well with the Action Plan for Jobs in delivering national economic growth. The Deputy is correct that this must be felt across all parts of the country and we need to ensure such jobs growth does not benefit only Dublin or our larger cities. If we want to have sustainable economic development and growth, it must take place outside our large cities. This is why an action plan will be published later this year to put in place the milestones and deliver and make further progress against the agenda which the Deputy articulated.

### Questions on Promised Legislation

**Deputy Billy Kelleher:** Section 12 of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 provides for the transfer to the Policing Authority of the appointment of persons to the ranks of assistant Garda commissioner, chief superintendent and superintendent. The section has not commenced. When is that likely to happen? If it happens, will the members of the Garda Síochána who have been identified for promotion be obliged to reapply to the Policing Authority for promotion?

May I ask about the criminal justice (victims of crime) Bill?

**An Ceann Comhairle:** No, the Deputy may only ask about one item of legislation.

**Deputy Billy Kelleher:** Could I not just squeeze in a second one?

**An Ceann Comhairle:** No.

**Deputy Patrick O'Donovan:** It is new politics. Take it up with the Business Committee.

**Deputy Niall Collins:** On a related matter.

**Deputy Billy Kelleher:** It is related. It is another crime Bill. The heads of the Bill were published in 2005. When will it be published?

**Minister for Public Expenditure and Reform (Deputy Paschal Donohoe):** Given that the Deputy managed to get two questions in, I will do my best to answer both.

**Deputy Billy Kelleher:** I am giving the Minister a chance to audition for the leadership.

**Deputy Patrick O'Donovan:** That makes two of you.

**Deputy Paschal Donohoe:** The Minister for Social Protection, Deputy Varadkar, is here to offer me moral support and guidance on how I do this morning.

**Deputy Patrick O'Donovan:** He is coaching the Minister.

**Deputy Paschal Donohoe:** The drafting of the Bill is at an advanced stage and it is due to be published this session. Section 12 of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 will be enacted by the end of December and those members of the Garda Síochána who applied for the vacancies to which the Deputy referred were told when they applied that the Policing Authority would have responsibility for filling vacancies. The agenda has support from all sides the House.

**Deputy Martin Kenny:** I have raised the issue of speech therapists and occupational therapists previously and the programme for Government contains a very ambitious agenda in the context of increasing numbers in this regard. In my constituency and in many places throughout the country, there is a serious crisis. Families and children - particularly children on the autism spectrum - cannot access adequate speech or occupational therapy services. When will the Government seek to get to the place it intends to reach? The last time I raised the matter in the House with the Tánaiste, Deputy Fitzgerald, she said the problem was that there were not enough people to fill the posts. When I checked with the HSE, I discovered that there are hundreds of occupational therapists and speech therapists on panels. What is missing is approval from the Department to hire those people.

**Deputy Paschal Donohoe:** This is the reason we have put in place the higher levels of investment in the health service, the €14.6 billion to which I referred earlier in reply to a question from Deputy Kelleher. I agree with Deputy Martin Kenny regarding the hiring of front-line speech and language therapists and I want further progress to be made on the matter. The HSE is carrying out a review of how it hires people in the sector. In recent months, the number of people providing the service has increased.

**Deputy Martin Kenny:** There are 400 people on the panels.

**Deputy Paschal Donohoe:** I want the service to be expanded and improved across the country next year.

**Deputy Mattie McGrath:** Today marks World Prematurity Day. Every year, more than 4,000 babies are born pre-term in Ireland. After much negotiation, the Government included a commitment in the programme for Government in respect of early intervention and prevention services for children. In the programme, the Government also promises to commence an in-depth review of the variation in waiting lists across the country. The programme for Government contains a further promise to introduce a new in-school speech and language service, creating stronger links between parents, teachers and speech and language therapists. In

Tipperary, many children have to wait up to 18 months for an assessment of needs before they get any treatment. This is not the fault of the wonderful early intervention teams but is down to the lack of resources. Where are we in terms of the fulfilment of this commitment in the programme for Government to ensure that all pre-term babies and children with special needs receive the support they require to meet their full potential?

**Deputy Paschal Donohoe:** Deputy Mattie McGrath and Deputy Martin Kenny made reference to therapists and the need for support. This year alone, an additional 83 posts for speech and language therapists have been sanctioned. That is a 10% increase on last year. On the broader matters raised by Deputy McGrath, they will be considered by the HSE in the context of its service plan for 2017. Deputy McGrath is right to say that this is dealt with in the programme for Government. We want to examine carefully the variations throughout the country to which he has referred. I will refer the matter onto the Minister for Health, Deputy Simon Harris, and ask that it be considered.

**Deputy Willie O’Dea:** The crisis in defined benefit pension schemes has been highlighted in a number of media outlets this morning. The Minister will be aware that 600,000 people are affected by the situation. If nothing changes and things continue as they are, many of them will get nothing, despite having paid into pension schemes all their lives, and many will get much less than they had anticipated and had been led to expect. What are the Government’s plans or proposals to deal with the issue? It used to be the looming pension crisis; it is now the present pension crisis.

**Deputy Paschal Donohoe:** I thank Deputy O’Dea for raising this matter. This is an exceptionally serious matter to which there is no one overall solution. It is driven by the fact that people are living longer as well as the change in the investment environment that we are seeing and which is affecting bond yields. The response will vary by pension fund. There is clearly a need for heightened engagement between employers, employees and those benefitting from pension funds in respect of the level of contribution they may receive in the future. This week, the Minister for Social Protection, Deputy Leo Varadkar, met the chairman of the Pensions Authority, Mr. David Begg, to get a broader view of all of the issues faced by pension funds at the moment. This will allow Government to better and further understand the issue and the options that may be available to those pension holders.

**Deputy Marc MacSharry:** Page 54 of the programme for Government refers to a decisive shift in health services to primary care in the community. The issue was raised during Leaders’ Questions this morning in terms of the need for more acute beds throughout the country. Some 1,600 in total are required, with 28 of those in Sligo University Hospital alone. The Social Welfare Bill provides an opportunity for Government to switch the responsibility for the carer’s allowance to the Department of Health. Together with the relaxation of the means test, this may give more people the opportunity, with other supports such as medical cards, adaptation grants and so on, to have the dignity of being cared for in their own homes. It would also free up many of the acute beds throughout the country and would allow those with delayed discharges to move on. The answers during Leaders’ Questions were high on rhetoric, as they always are, but light on tangibles. I would be grateful if the Government would consider my suggestion and relax the means test for the carer’s allowance and transfer responsibility for it to the Department of Health. We could thereby afford people the opportunity and the dignity of being cared for in their own homes. It would also free up some of the pressures on the acute system.

**Deputy Paschal Donohoe:** From an expertise and functions point of view, the Department

of Social Protection is best placed to process a payment that is made weekly and on which a large number of people depend. On primary care, as we speak, 92 primary care centres are now in operation throughout the State. A further 15 locations are under construction and a further 30 primary care centres are at an advanced stage.

**Deputy Bernard J. Durkan:** The Industrial Development (Amendment) Bill makes proposals in respect of the powers of IDA Ireland to acquire property in the public interest. When will it come before the House?

**Deputy Paschal Donohoe:** The heads of the Bill were approved by the Government in July. We expect it to come before the House in the next session.

**Deputy Eugene Murphy:** Last Tuesday night's "Prime Time" programme clearly showed the amount of devastation and disruption caused to people along the Shannon-----

**An Ceann Comhairle:** Is the Deputy's question on promised legislation?

**Deputy Eugene Murphy:** Yes. The devastation and disruption to which I refer are at an unacceptable level. I acknowledge that, under the programme for Government, €430 million has been committed to a five-year programme to improve the situation that has arisen as a result of flooding. There is a massive problem with the agencies in the region. When will the Government acknowledge that the interference of agencies with local authorities and others by not allowing drainage works to be carried out is causing clear disruption to families, communities and businesses? Can we get commitment on that from the Minister?

**Deputy Paschal Donohoe:** This is an issue on which the Minister of State, Deputy Canney, is doing an enormous amount. I will ensure that he corresponds with the Deputy on the matter. My understanding is that a non-statutory Shannon co-ordination body, the job of which is to bring together all the agencies to deal with the issues of non-co-ordination to which Deputy Eugene Murphy referred, is now in place. We need a more integrated response to ensure that the more than €400 million allocated - which the Deputy has acknowledged - is spent in a way that benefits people and minimises the risk of flooding.

**Deputy Fiona O'Loughlin:** My question relates to page 70 of the programme for Government and impending legislation. It is on the UN Convention on the Rights of Persons with Disabilities. Despite the then Government signing the convention in 2007, Ireland is the only EU country that has not ratified it. This is an incredibly important human rights treaty. It is an absolute affront to people with disabilities in this country that it has not been signed. I include in this regard those with physical, mental, intellectual or sensory disabilities. I appreciate that the legislation is at the pre-legislative stage. It behoves us, as an inclusive society, to ratify the convention as soon as possible. Any progress on this would be very welcome by people with disabilities, their families and those who support them.

**Deputy Paschal Donohoe:** I thank the Deputy for raising this matter. It is an issue that the Minister of State, Deputy Finian McGrath, has outlined as a very important priority for him and the Government. It is listed for this session and there is an enormous amount of engagement now taking place between the Attorney General, the Department of Justice and Equality and the Department of Health on it. Alongside progressing the Bill and its signing - a matter to which I have referred - the Government is also looking to make progress in dealing with the practical and funding issues that people and families face when dealing with the issue of disability. That is why we have increased allowances that are important for that sector for the first time since

2009, recognising the challenges those with disabilities and their families face. That is why additional funding for that sector has been put in place for the first time in a number of years.

**Deputy Aindrias Moynihan:** On page 55 of the programme for Government, the Government commits to improving GP access and supporting rural practices. We know of well-publicised situations where in rural areas, a GP drops out and it is very difficult to get anybody to replace them. It is also hitting larger practices serving the surrounding rural areas, as is the case in Macroom where I live. They are unable to attract new GPs and that creates an increase in their workload, which, in turn, makes it more difficult to recruit people. That means it is more difficult for the patients on the ground in areas such as Macroom to get access-----

**An Ceann Comhairle:** To which legislation is the Deputy referring?

**Deputy Aindrias Moynihan:** -----to GPs and they have to travel further and further. What is the situation? How soon will the Government implement those improvements and commitments? Will it include distance codes to create wider access to the rural practice allowance? When will it happen?

**Deputy Paschal Donohoe:** It is my understanding that in May 2016 there was an increase to the rural practice allowance to try to deal with the issues to which the Deputy refers. I also understand that there was a change in the eligibility criteria for the scheme to try to ensure that more GPs participate in it to ensure rural communities have access to the primary facilities and care they deserve.

**An Ceann Comhairle:** There are six more Deputies offering. I will take them if they are very brief. If they are not, I will move on.

**Deputy James Lawless:** The programme for Government references labour activation schemes and back-to-work schemes, both of which are badly needed. I wish to raise an issue relating to community employment placements. Traditionally, employees would have gone onto a Tús scheme. From there they would have gone on to work with a local organisation, often a community or charitable organisation, and then they would have moved onto a community employment, CE, scheme at the same location. This worked well for the individual and the organisations. It appears that since the advent of JobPath, operated by Turas Nua and Seetec, this path is blocked and individuals coming off the Tús scheme are placed in limbo for 12 months and are unable to return to a CE scheme.

**An Ceann Comhairle:** We cannot get into the detail of something of this nature, Deputy.

**Deputy James Lawless:** Will the Minister review the operation of this scheme? It is not working. This is the position throughout the country. Individuals and organisations are losing out. Will the Minister review the operation of the scheme? It is in the programme for Government. Will the Minister clarify the situation?

**An Ceann Comhairle:** Will you review the operation of the scheme, Minister?

**Deputy Paschal Donohoe:** I call on the Minister for Social Protection to respond.

**Minister for Social Protection (Deputy Leo Varadkar):** We have carried out a review of the community employment, Gateway and Tús programmes. I should be in a position to publish it in the coming weeks.

I wish to point out two things. People spend a year on Tús. It is important that they do not spend too long on Tús, because people on Tús are supposed to move on to employment. We do not want people to spend their lives on schemes. We want them in employment. That is why it is limited to one year.

Second, it is important not to confuse JobPath with an employment scheme like CE, Tús or Gateway. JobPath operates by finding people jobs. The programme operators spend a year working with people and finding them employment. If they cannot find employment by that point, they can go back to Tús or CE. No one operating a Tús or CE scheme should ever see themselves as being in competition with real gainful employment or with a proper employer.

**Deputy Louise O'Reilly:** I want ask the Minister about the health (amendment) (no. 2) Bill. The Minister for Health wrote to me and stated that he would be bringing forward that legislation. Is the intention to bring it directly to the floor of the House or will it undergo pre-legislative scrutiny? I wish to remind the House that this legislation will give effect to a commitment given by the Government and to a Sinn Féin motion to extend the medical card scheme to children in receipt of the domiciliary care allowance.

**Deputy Paschal Donohoe:** I understand the heads of the Bill will come to Cabinet soon. This will fulfil the budget announcement we made. The question of whether it needs preliminary legislative scrutiny, as adverted to by Deputy O'Reilly, is a matter for the Oireachtas and the Minister for Health to decide.

**Deputy Louise O'Reilly:** Will the Minister define "soon"?

**Deputy Paschal Donohoe:** I believe it will be arriving in the next few weeks or in the next few months.

**Deputy Louise O'Reilly:** They will be waiting another year. Is that it?

**Deputy Paschal Donohoe:** Of course, this is the type of service improvement that has been facilitated by the economic changes that Sinn Féin said would never happen.

**Deputy Louise O'Reilly:** They will be waiting another year.

**Deputy Dessie Ellis:** The Minister for Justice and Equality has indicated that legislation is required to enhance the powers of seizure of the proceeds of crime and that it is necessary in the fight against crime, in particular, in the fight against the cartels that exist in this country. Earlier, the Minister indicated that the criminal justice Bill is at an advanced stage. Will the Minister indicate whether these measures will be part of that Bill? Has it been discussed in detail?

**Deputy Paschal Donohoe:** We will have to come back to Deputy Ellis on that, but we have already enacted the Proceeds of Crime (Amendment) Bill. That may have dealt with some of the matters to which Deputy Ellis is referring.

**Deputy Declan Breathnach:** Since I was elected to the House, and long beforehand, we have been debating the issues of homelessness, lack of housing and fast-tracking housing. When will the housing (miscellaneous provisions) Bill be debated by the House?

**Deputy Paschal Donohoe:** It is completing Second Stage in the Seanad. I call on the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, to respond to Deputy Breathnach directly.

**Deputy Billy Kelleher:** He is another leader-in-waiting.

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** Maybe Deputy Kelleher is auditioning himself. We introduced that Bill in the Seanad yesterday and we finished Second Stage yesterday. I hope Committee and Report Stages will be finished in the Seanad next week and that, therefore, we will be in a position to bring it into the Dáil in the first week in December.

**Deputy Tony McLoughlin:** Will the Minister provide the Dáil with an update on the progress of the eagerly awaited bail Bill, please? As the Minister is aware, this legislation is needed urgently.

**Deputy Paschal Donohoe:** That is a priority for this session and it is listed for this session.

**Deputy John Brassil:** There is a glaring anomaly in the legislation that covers the primary response agencies in Ireland. There are four primary response agencies: fire services, ambulance services, the Garda and the Irish Coast Guard. The Irish Coast Guard is the only primary response agency that is not legislated for in this State. When does the Minister propose to correct this anomaly?

**Deputy Paschal Donohoe:** It is not proposed to provide further legislation for the Coast Guard. As the Deputy will know better than I will, given the enormously important role the Coast Guard fulfils in his county and constituency, the organisation has a very strong voluntary basis and ethos. We would have to take great care in legislating in the future for the organisation for fear of undermining that approach.

**Deputy Ruth Coppinger:** The programme for Government refers to a balanced migration policy and the possible introduction of a residency reform Bill. We are taking hardly any refugees as it stands. In the case of those we have taken, the Minister's Government maintains the scandal of 4,300 people, of whom 1,600 are children, in 34 centres, living in what can only be described as hell. The last Government promised reform in this regard. When will we end the horror of direct provision and realise that in future this State will have to answer to people in the same way it has to answer to those who were in mother and baby homes in the past? When will we end the scandal of people living on €19 per week, not being allowed to cook their own food and not being allowed to work or progress to third level education, which is a slap in the face for young people in particular?

**Deputy Paschal Donohoe:** This matter and policy area is being led by the Minister of State, Deputy Stanton, and I will ask him to refer back to the Deputy. However, I would have hoped that in her question to me she might have acknowledged the fact that this country has resettled 500 refugees under the Irish refugee programme. This is also the same country and Government that since 2012 has invested more than €60 million in trying to respond to the humanitarian crisis in Syria.

**Deputy Robert Troy:** Over the past 24 months, the people of Ireland have been absolutely fleeced with the cost of insurance: car insurance, house insurance and public liability insurance. Belatedly, in the past number of months, the Government seems to have been promising to take action on this. When can hard-pressed families who have witnessed increases in excess of 100% and even 200% in the cost of their insurance expect relief? When will the committee publish the report? More importantly, when will action be taken?

**Deputy Ruth Coppinger:** Why is Fianna Fáil voting to increase health insurance then?

**Deputy Paschal Donohoe:** That report will be published early in the new year. This is a project in a very important area that is being led by the Minister of State, Deputy Murphy. He will publish the report then. It will be available to the entire House, and any action Government can take arising from the report which we are confident will make a difference to the rise in premia, to which the Deputy has referred, I am sure will be taken.

### **European Defence Agency: Motion (Resumed)**

The following motion was moved by the Minister of State at the Department of Health, Deputy Helen McEntee, on Tuesday, 15 November 2016:

“That Dáil Éireann approves Ireland’s participation in two European Defence Agency Projects - (1) MARSUR Networking - Adaptive Phase (MARSUR II) and (2) Cooperation on Cyber Ranges in the European Union pursuant to section 2 of the Defence (Miscellaneous Provisions) Act 2009.”

**An Ceann Comhairle:** I must now deal with a postponed division relating to the motion regarding the proposed approval by Dáil Éireann of Ireland’s participation in two European Defence Agency projects. On Tuesday, 15 November, on the question that the motion be agreed to, a division was claimed and, in accordance with Standing Order 70(2), that division must be taken now.

1 o’clock

Question put:

The Dáil divided: Tá, 96; Staon, 0; Níl, 37.		
Tá	Staon	Níl
Aylward, Bobby.		Adams, Gerry.
Bailey, Maria.		Barry, Mick.
Barrett, Seán.		Boyd Barrett, Richard.
Brassil, John.		Brady, John.
Breathnach, Declan.		Broughan, Thomas P.
Brophy, Colm.		Buckley, Pat.
Browne, James.		Collins, Joan.
Bruton, Richard.		Connolly, Catherine.
Burke, Peter.		Coppinger, Ruth.
Burton, Joan.		Crowe, Seán.
Butler, Mary.		Cullinane, David.
Byrne, Catherine.		Daly, Clare.
Byrne, Thomas.		Doherty, Pearse.
Cahill, Jackie.		Ellis, Dessie.
Calleary, Dara.		Ferris, Martin.
Canney, Seán.		Fitzmaurice, Michael.

17 November 2016

The Dáil divided: Tá, 96; Staon, 0; Níl, 37.		
Tá	Staon	Níl
Cannon, Ciarán.		Funchion, Kathleen.
Carey, Joe.		Healy, Seamus.
Casey, Pat.		Kenny, Gino.
Cassells, Shane.		Kenny, Martin.
Chambers, Jack.		McDonald, Mary Lou.
Chambers, Lisa.		Martin, Catherine.
Collins, Michael.		Mitchell, Denise.
Collins, Niall.		Munster, Imelda.
Corcoran Kennedy, Marcella.		Nolan, Carol.
Coveney, Simon.		Ó Broin, Eoin.
Creed, Michael.		Ó Caoláin, Caoimhghín.
Curran, John.		Ó Laoghaire, Donnchadh.
D'Arcy, Michael.		Ó Snodaigh, Aengus.
Daly, Jim.		O'Brien, Jonathan.
Deasy, John.		O'Reilly, Louise.
Deering, Pat.		O'Sullivan, Maureen.
Doherty, Regina.		Quinlivan, Maurice.
Dooley, Timmy.		Ryan, Eamon.
Doyle, Andrew.		Smith, Bríd.
Durkan, Bernard J.		Stanley, Brian.
Farrell, Alan.		Wallace, Mick.
Fitzpatrick, Peter.		
Flanagan, Charles.		
Fleming, Sean.		
Gallagher, Pat The Cope.		
Griffin, Brendan.		
Harris, Simon.		
Harty, Michael.		
Haughey, Seán.		
Heydon, Martin.		
Howlin, Brendan.		
Humphreys, Heather.		
Kehoe, Paul.		
Kelleher, Billy.		
Kelly, Alan.		
Kenny, Enda.		
Kyne, Seán.		
Lahart, John.		
Lawless, James.		

*Dáil Éireann*

The Dáil divided: Tá, 96; Staon, 0; Níl, 37.		
Tá	Staon	Níl
MacSharry, Marc.		
McConalogue, Charlie.		
McEntee, Helen.		
McGrath, Finian.		
McGrath, Mattie.		
McGrath, Michael.		
McGuinness, John.		
McLoughlin, Tony.		
Madigan, Josepha.		
Martin, Micheál.		
Moran, Kevin Boxer.		
Moynihan, Aindrias.		
Murphy O'Mahony, Margaret.		
Murphy, Catherine.		
Murphy, Dara.		
Murphy, Eoghan.		
Murphy, Eugene.		
Naughton, Hildegarde.		
Neville, Tom.		
Ó Cuív, Éamon.		
O'Callaghan, Jim.		
O'Connell, Kate.		
O'Dea, Willie.		
O'Donovan, Patrick.		
O'Dowd, Fergus.		
O'Keefe, Kevin.		
O'Loughlin, Fiona.		
O'Rourke, Frank.		
O'Sullivan, Jan.		
Penrose, Willie.		
Phelan, John Paul.		
Rabbitte, Anne.		
Ring, Michael.		
Rock, Noel.		
Ross, Shane.		
Scanlon, Eamon.		
Sherlock, Sean.		
Shortall, Róisín.		
Smith, Brendan.		

17 November 2016

The Dáil divided: Tá, 96; Staon, 0; Níl, 37.		
Tá	Staon	Níl
Troy, Robert.		
Varadkar, Leo.		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Seán Crowe and Aengus Ó Snodaigh.

Question declared carried.

### Courts Bill 2016: Second Stage (Resumed)

**An Ceann Comhairle:** I must now deal with a postponed division relating to the Courts Bill 2016 taken on Tuesday, 15 November 2016. On the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question put:

The Dáil divided: Tá, 92; Staon, 0; Níl, 42.		
Tá	Staon	Níl
Aylward, Bobby.		Adams, Gerry.
Bailey, Maria.		Barry, Mick.
Barrett, Seán.		Boyd Barrett, Richard.
Brassil, John.		Brady, John.
Breathnach, Declan.		Broughan, Thomas P.
Brophy, Colm.		Buckley, Pat.
Browne, James.		Collins, Joan.
Bruton, Richard.		Collins, Michael.
Burke, Peter.		Connolly, Catherine.
Burton, Joan.		Coppinger, Ruth.
Butler, Mary.		Crowe, Seán.
Byrne, Catherine.		Cullinane, David.
Byrne, Thomas.		Daly, Clare.
Cahill, Jackie.		Doherty, Pearse.
Calleary, Dara.		Ellis, Dessie.
Canney, Seán.		Ferris, Martin.
Cannon, Ciarán.		Fitzmaurice, Michael.
Carey, Joe.		Funchion, Kathleen.
Casey, Pat.		Healy, Seamus.
Cassells, Shane.		Kenny, Gino.
Chambers, Jack.		Kenny, Martin.
Chambers, Lisa.		McDonald, Mary Lou.
Collins, Niall.		McGrath, Mattie.

*Dáil Éireann*

The Dáil divided: Tá, 92; Staon, 0; Níl, 42.		
Tá	Staon	Níl
Corcoran Kennedy, Marcella.		Martin, Catherine.
Coveney, Simon.		Mitchell, Denise.
Creed, Michael.		Munster, Imelda.
Curran, John.		Murphy, Catherine.
D'Arcy, Michael.		Murphy, Paul.
Daly, Jim.		Nolan, Carol.
Deasy, John.		Ó Caoláin, Caoimhghín.
Deering, Pat.		Ó Laoghaire, Donnchadh.
Doherty, Regina.		Ó Snodaigh, Aengus.
Dooley, Timmy.		O'Brien, Jonathan.
Doyle, Andrew.		O'Reilly, Louise.
Durkan, Bernard J.		O'Sullivan, Maureen.
Farrell, Alan.		Ó Broin, Eoin.
Fitzpatrick, Peter.		Quinlivan, Maurice.
Flanagan, Charles.		Ryan, Eamon.
Fleming, Sean.		Shortall, Róisín.
Gallagher, Pat The Cope.		Smith, Bríd.
Griffin, Brendan.		Stanley, Brian.
Harris, Simon.		Wallace, Mick.
Harty, Michael.		
Haughey, Seán.		
Heydon, Martin.		
Howlin, Brendan.		
Humphreys, Heather.		
Kehoe, Paul.		
Kelleher, Billy.		
Kelly, Alan.		
Kenny, Enda.		
Kyne, Seán.		
Lahart, John.		
Lawless, James.		
MacSharry, Marc.		
McConalogue, Charlie.		
McEntee, Helen.		
McGrath, Finian.		
McGrath, Michael.		
McGuinness, John.		
McLoughlin, Tony.		
Madigan, Josepha.		

17 November 2016

The Dáil divided: Tá, 92; Staon, 0; Níl, 42.		
Tá	Staon	Níl
Martin, Micheál.		
Moran, Kevin Boxer.		
Moynihan, Aindrias.		
Murphy O'Mahony, Margaret.		
Murphy, Dara.		
Murphy, Eoghan.		
Murphy, Eugene.		
Naughton, Hildegarde.		
Neville, Tom.		
Ó Cuív, Éamon.		
O'Callaghan, Jim.		
O'Connell, Kate.		
O'Dea, Willie.		
O'Donovan, Patrick.		
O'Dowd, Fergus.		
O'Keeffe, Kevin.		
O'Loughlin, Fiona.		
O'Rourke, Frank.		
O'Sullivan, Jan.		
Penrose, Willie.		
Phelan, John Paul.		
Rabbitte, Anne.		
Ring, Michael.		
Rock, Noel.		
Ross, Shane.		
Scanlon, Eamon.		
Sherlock, Sean.		
Smith, Brendan.		
Troy, Robert.		
Varadkar, Leo.		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

Question declared carried.

### **Courts Bill 2016: Referral to Select Committee**

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

That the Bill be referred to the Select Committee on Justice and Equality pursuant to

Standing Orders 84A(3)(a) and 149(1) of the Standing Orders relative to Public Business.

Question put and agreed to.

**Mental Health Services Funding: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy James Browne on Tuesday, 15 November 2016:

That Dáil Éireann:

notes:

- the commitment in Appendix 1 of the Confidence and Supply Arrangement for a Fine Gael-led Government to fully implement A Vision for Change in the area of mental health; and

- that the Confidence and Supply Arrangement votes are dependent on the full implementation of the policy principles attached to this document;

further notes that:

- the July 2016 Estimate from the Department of Health indicated that the required resources needed to fully implement A Vision For Change are €177.3 million or €35.4 million per annum over five years;

- in 2017 the funding committed for new developments is just €15 million;

- such an increase would represent only a 1.8 per cent investment in new developments for mental health compared to the 2016 Budget; and

- even including the €9.7 million announced for increased pay rates in mental health services, this represents an increase of just 3 per cent in revenue funding for mental health, much less than the 7.4 per cent increase in revenue spending for the health budget as a whole; and

calls for:

- an urgent review of the Government's decision to allow just 1.8 percent in additional spending in 2017 for mental health care improvements;

- a multi-annual plan to be published within three months outlining how the commitment in Appendix 1 of the Confidence and Supply Arrangement for a Fine Gael-led Government to fully implement A Vision for Change will be realised;

- any such plan to include a provision that all and any monies allocated to mental health, and that go unspent within a financial year, be carried over to the following year and not be returned to the exchequer and/or expended elsewhere; and

- any successor strategy arising out of a review of A Vision for Change to incorporate this multi-annual plan.

Debate resumed on amendment No. 1:

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

“notes:

— the commitment by Fine Gael in its post-election agreement with Fianna Fáil to increase funding annually for mental health services and fully implement A Vision for Change;

— that the July 2016 estimate from the Department of Health indicated that the required resources needed to fully implement A Vision For Change are €177.3 million or €35.4 million per annum over five years;

— the recommendation of the Oireachtas Group on Mental Health that an increase of €37.5 million should be made in spending for the service in 2017;

— that in 2017 the funding committed for new developments is just €15 million;

— that such an increase would represent only a 1.8 per cent investment in new developments for mental health compared to the 2016 Budget; and

— that even including the €9.7 million announced for increased pay rates in mental health services, this represents an increase of just 3 per cent in revenue funding for mental health, much less than the 7.4 per cent increase in revenue spending for the health budget as a whole;

commits once more to the complete implementation of A Vision for Change as soon as possible;

resolves to:

— increase the mental health budget for 2017 by a minimum of €37.5 million; and

— ring-fence all and any monies allocated to mental health, and that go unspent within a financial year, for use the following year and for such monies not to be returned to the exchequer and/or expended elsewhere; and demand that a multi-annual plan be published by Government, within three months, outlining how the full implementation of A Vision for Change will be realised including provision for required future funding increases.”

- (Deputy Pat Buckley)

**An Ceann Comhairle:** On Tuesday, 15 November, on the question, “That the amendment be made”, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

*Dáil Éireann*

The Dáil divided: Tá, 47; Staon, 0; Níl, 88.		
Tá	Staon	Níl
Adams, Gerry.		Aylward, Bobby.
Barry, Mick.		Bailey, Maria.
Boyd Barrett, Richard.		Barrett, Seán.
Brady, John.		Brassil, John.
Broughan, Thomas P.		Breathnach, Declan.
Buckley, Pat.		Brophy, Colm.
Burton, Joan.		Browne, James.
Collins, Joan.		Bruton, Richard.
Connolly, Catherine.		Burke, Peter.
Coppinger, Ruth.		Butler, Mary.
Crowe, Seán.		Byrne, Catherine.
Cullinane, David.		Byrne, Thomas.
Daly, Clare.		Cahill, Jackie.
Doherty, Pearse.		Calleary, Dara.
Ellis, Dessie.		Canney, Seán.
Ferris, Martin.		Cannon, Ciarán.
Fitzmaurice, Michael.		Carey, Joe.
Funchion, Kathleen.		Casey, Pat.
Healy, Seamus.		Cassells, Shane.
Howlin, Brendan.		Chambers, Jack.
Kelly, Alan.		Chambers, Lisa.
Kenny, Gino.		Collins, Michael.
Kenny, Martin.		Collins, Niall.
McDonald, Mary Lou.		Corcoran Kennedy, Marcella.
Martin, Catherine.		Coveney, Simon.
Mitchell, Denise.		Creed, Michael.
Munster, Imelda.		Curran, John.
Murphy, Catherine.		D'Arcy, Michael.
Murphy, Paul.		Daly, Jim.
Nolan, Carol.		Deasy, John.
Ó Broin, Eoin.		Deering, Pat.
Ó Caoláin, Caoimhghín.		Doherty, Regina.
Ó Laoghaire, Donnchadh.		Donohoe, Paschal.
Ó Snodaigh, Aengus.		Dooley, Timmy.
O'Brien, Jonathan.		Doyle, Andrew.
O'Reilly, Louise.		Durkan, Bernard J.
O'Sullivan, Jan.		Farrell, Alan.
O'Sullivan, Maureen.		Fitzpatrick, Peter.
Penrose, Willie.		Flanagan, Charles.

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The Dáil divided: Tá, 47; Staon, 0; Níl, 88.		
Tá	Staon	Níl
Pringle, Thomas.		Fleming, Sean.
Quinlivan, Maurice.		Gallagher, Pat The Cope.
Ryan, Eamon.		Griffin, Brendan.
Sherlock, Sean.		Harris, Simon.
Shortall, Róisín.		Harty, Michael.
Smith, Bríd.		Haughey, Seán.
Stanley, Brian.		Heydon, Martin.
Wallace, Mick.		Humphreys, Heather.
		Kehoe, Paul.
		Kelleher, Billy.
		Kenny, Enda.
		Kyne, Seán.
		Lahart, John.
		Lawless, James.
		MacSharry, Marc.
		McConalogue, Charlie.
		McEntee, Helen.
		McGrath, Finian.
		McGrath, Mattie.
		McGrath, Michael.
		McGuinness, John.
		McLoughlin, Tony.
		Madigan, Josepha.
		Martin, Micheál.
		Moran, Kevin Boxer.
		Moynihan, Aindrias.
		Murphy O'Mahony, Margaret.
		Murphy, Dara.
		Murphy, Eoghan.
		Murphy, Eugene.
		Naughton, Hildegard.
		Neville, Tom.
		Ó Cuív, Éamon.
		O'Callaghan, Jim.
		O'Connell, Kate.
		O'Dea, Willie.
		O'Donovan, Patrick.
		O'Dowd, Fergus.
		O'Keefe, Kevin.

The Dáil divided: Tá, 47; Staon, 0; Níl, 88.		
Tá	Staon	Níl
		O'Loughlin, Fiona.
		O'Rourke, Frank.
		Phelan, John Paul.
		Rabbitte, Anne.
		Rock, Noel.
		Ross, Shane.
		Scanlon, Eamon.
		Smith, Brendan.
		Troy, Robert.
		Varadkar, Leo.

Tellers: Tá, Deputies Aengus Ó Snodaigh and Pat Buckley; Níl, Deputies James Browne and Billy Kelleher.

Amendment declared lost.

Motion put and declared carried.

### **Education (Admission to Schools) Bill 2016: Second Stage (Resumed)**

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

**An Ceann Comhairle:** Deputy Róisín Shortall was in possession. Is she sharing time with Deputy Catherine Martin?

**Deputy Róisín Shortall:** Yes. Last night in my contribution, I was talking about the fact that a couple of groups who are campaigning in this area for the removal of the baptism barrier have received their own independent legal advice to the effect that it would be perfectly constitutional to remove section 7(3)(c) of the Equal Status Act. I do not accept what the Minister is saying in this regard. I believe this issue needs to be tested. There is a clear precedent that when dealing with competing constitutional rights and legislation, the courts do not impose views on the balance struck. That is what we were talking about last night, namely, the balance that is already contained within the Constitution. Instead, the court's attempt is to determine whether the legislation is so contrary to reason and fairness that it constitutes an unjust attack on the individual's constitutional rights. It is very difficult to see how addressing this issue in a reasonable and proportionate manner would be deemed to amount to such a breach, particularly in light of the court's reluctance to overrule the Oireachtas on matters of social policy.

However, as we have previously stated, the Social Democrats do not believe that the possibility of legislation being tested in the Supreme Court or the potential need for a referendum should be used to impede the necessary reforms from taking place. Too often we hear constitutional impediments being used as an excuse for not taking action. Either they are impediments or they are not. If they prove to be impediments, then we have to deal with that. We cannot use that concern as an excuse to long-finger something that is a blatant area of discrimination against many of our citizens.

To date, no legislation, Government or Opposition, that is currently before the House substantively addresses this issue, and yet there is a clear need for us to act now. The United Nations Committee on the Rights of the Child has recommended that we make the necessary amendments to eliminate discrimination when it comes to school admissions. Indeed, only yesterday, the Irish Human Rights and Equality Commission published a range of recommendations, including that the Equal Status Act be amended to give effect to the principle that no child should be given preferential access to a publicly funded school on the basis of her or his religion. I look forward to the Minister's response to this recommendation of the Irish Human Rights and Equality Commission.

Even if we are to leave aside this matter for the time being, there remain other issues in the Bill as it stands that are matters for concern and that need to be improved on Committee Stage. For example, the Bill does not provide clear guidelines on the question of opting out of faith formation, nor does it, as the Irish Human Rights and Equality Commission noted in its recommendations, provide the Minister with the power to regulate how schools provide for these students. Again, the strong argument is that we should be requesting schools to move religious classes, faith formation classes in particular, to either the start or the end of the school day to facilitate those students whose parents wish them to opt out. It is important that the Minister takes the lead on this and that he provides guidelines on how schools should do that. Parents need to know that their child will not be excluded from their school community due to not subscribing to the dominant faith of their school. A decision must be made on when it is appropriate for faith information to be taught and at what point during the school day.

If we are to allow this Bill to pass in its current form, it will undoubtedly be a wasted opportunity to address some of the clearest failings of our education system when it comes to admission to schools and to recognise and respect the diversity which exists in society. It is not a defensible position for the Minister to allow a situation to continue in which schools can discriminate against four and five year olds solely on the basis of their religious persuasion. The State simply cannot continue to abdicate its responsibility in this regard. I call on the Minister, yet again, to take this responsibility seriously, to recognise and respect the diversity we have in society and to indicate that he is open to considering amendments on Committee Stage.

**Deputy Catherine Martin:** The Green Party will support this Bill because it proposes some positive steps forward in ensuring equality of access, participation and opportunity in schools. However, while what is proposed in this Bill is clearly preferable to the current prevailing system, it simply does not go far enough. This was a golden opportunity to remove finally the baptism barrier from the schools admission process to ensure no child is discriminated against because of his or her religion. Why has the Minister not incorporated the removal of this discriminatory barrier in the Bill? Such barriers have no place in education as equality must be central in any educational reform. Proper and fair access to education is a cornerstone of equality. Therefore, although the Green Party will support this Bill, I will table amendments on Committee Stage to address the baptism barrier that the Government simply refuses to address.

Schools should reflect the modern diversity of families and communities. No State-funded school should be able to discriminate for or against a child on the basis of his or her religion. While there is a place for freedom of religion and religious schools, this should be recognised and respected, but not in an exclusive way. Taxpayers' money should not fund discrimination. While I welcome the provision in this Bill whereby schools will have to publish their procedures for working with children who do not wish to partake in religious instruction classes, it is essential that the Department of Education and Skills goes further and provides guidelines to

schools and accessible options for children who will opt out of religious classes, spelling out and committing to access for these children to appropriate alternatives to such classes.

The events of recent days, weeks and months have surely shown us that our children are growing up in very worrying times. We have the challenges of climate change, the rise of the far right and populists preaching intolerance and hate for those who are “other” - other nationalities, other races, other genders, other sexual orientations and other religions. Anyone who has spoken to a young child knows that children simply do not see these differences or these so-called others. Where they do notice a difference, it is to be explored, to be gazed on in wonder and to be celebrated. Put simply, we have an obligation to challenge hate and fear of those different from ourselves. We must defeat exclusion and alienation with inclusivity in everything we do, including how we educate our children. The most valuable lessons any child can learn are respect, tolerance and love for all the people around him or her, regardless of their ethnicity, age, religion, the language they speak or where they are from. We as legislators must do all in our power to protect children from becoming isolated and insulated. I am concerned that we are falling short of doing what we can and as a result we deprive children of the rich lasting experience of encountering children who come from different backgrounds, cultures, points of view and ways of life or religious beliefs. Apart from the long-term benefits of helping to create a more stable, tolerant enriched society a child who cannot interact with the wonderful diversity of this country and the world to the fullest possible extent is a child whose childhood is not as rich as it should be. Schools are where children make friends, and often where their parents make friends also. While the religious ethos of many schools is helping to shape the good values of the people of this country, no child should be denied a possible friend because he or she prays in a different way, or he or she does not pray at all.

That said, I acknowledge the contribution made by religious orders to education over hundreds of years. Many of us here in the Chamber owe our education to the religious orders. They were often the only educators who were playing an invaluable role at home and abroad. So many of them are rightly renowned throughout the world. In the past, they provided education in a voluntary capacity, and at times at grave risk to their own lives. We can acknowledge that and show our appreciation while at the same time we prepare to step forward into a new era, a new Ireland which is a changing society where all children must be embraced and treated equally. The demand for non-denominational schools in Ireland is surely an indication that many parents seek a more secular and pluralist education for their children. Parents should be allowed make that choice and children should be allowed to benefit from it.

This Bill also takes some steps towards removing barriers for children with special educational needs, but I respectfully suggest that, again, it does not go far enough and to that end I intend tabling amendments on Committee Stage. At a recent education committee briefing with the National Council for Special Education, NCSE, I noted that many schools do not open classes for children with autism despite a local need being identified. I believe the Bill should have a provision whereby the NCSE would have the power to instruct a school to do so. That would, of course, be in cases where a school has the physical space to allow for that. The NCSE could then provide the appropriate resources. That would prevent the current situation where parents are stressed and frantically trying to find appropriate schools, making numerous applications, being refused and having to go through numerous appeals. I have met many such parents while canvassing the area of Dublin Rathdown and their stress, hurt and sometimes exhaustion was palpable. It is something I will keep with me and I propose that we as legislators should not allow that to continue. Simple measures to address the issue in the Bill would

relieve massive burdens from those parents.

We must acknowledge, embrace and cater for a changing, modern society in which all children are treated equally when it comes to education. Religious discrimination has no place in modern society. All schools in receipt of State funding should be fair, transparent and inclusive in their admissions policies and discrimination on the basis of religion or special educational need should never be tolerated. Go raibh maith agat, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** I understand Deputy Peter Fitzpatrick is sharing time with Deputy Jim Daly. Is that agreed? Agreed.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to take part in today's debate on the Education (Admission to Schools) Bill 2016. First, I congratulate the Minister on his action plan for education and his vision to ensure this country has the best education and training system within the next decade. A fit-for-purpose education system is the foundation for any successful country. I believe the education system has been instrumental in our success as a country.

In terms of the Bill before us it is only right and proper that we provide a framework for students and their parents that will provide a basis for school enrolment that is structured, open and transparent. It is also vitally important that we are fair to schools and that there is a balance between a school's admissions policy and the regulations imposed by the Department. The stated aim of the Bill is to address issues such as school enrolment policies, put an end to waiting lists and the introduction of annual enrolment structures. There is no doubt that situations arise whereby a child is unable to get a place in a local school even though the school has available places. As the Minister stated in his speech, the Bill will increase transparency and fairness in terms of school admissions.

My firm belief is that the education system and by extension the schools must make places available for all children regardless of their race or ability. All schools must be fully inclusive and be seen to be so when it comes to the admission of pupils. The Bill will also put into law a ban on schools making it a condition of entry for a charge to be paid before a child is admitted to a school. I have come across the situation on many occasions where parents could not send their child to a certain school due to a so-called voluntary contribution system being in place. In fairness, in recent years there was a steady decline in the practice, which is welcome.

It is important to point out that the vast majority of parents are delighted with the schools their children attend and that the vast majority of schools offer a warm and welcoming environment. However, I am not convinced that the Bill addresses all of my concerns. There are a lot of schools where the number of applicants greatly exceeds the places available. In those circumstances, schools have no option but to operate a waiting list. In such cases, a school must have some basis on which to select students. One of the more contentious issues in that regard is the treatment of the children of past pupils. In his speech, the Minister indicated that the Bill is silent in terms of limiting the power of a school to determine a priority for children of past pupils. The Bill must be more proactive in that regard. We cannot simply allow it to remain silent on the issue. I note from my research into this matter that the previous Oireachtas committee's report on the draft general scheme considered that a school should not be permitted to give any priority to children of past pupils. I put on record that I totally disagree with that opinion. It is a tradition in this country that children generally attend the same school as their parents. For us to put a barrier in that regard is wrong and it is not fair to either the children,

their parents or the schools.

I welcome the Minister's statement that he is open to discussions on this matter. I note that he stated a maximum limit of 25% of places could be available for the children of past pupils. However, I foresee problems with such an approach. For example, what happens if children of past pupils apply for, let us say 35% of the places available? In such a case we would be back to a situation whereby a number of applicants would be treated unfairly. There is no easy solution to the issue. I do not believe we can solve it by simply stating that 25% of places should be reserved for the children of past pupils. My view is that the children of past pupils should always be given the option to attend the school their parents attended. As I already stated, that is the tradition in Ireland and one I would like to see retained. I am not favour of tinkering with long-held traditions that have worked successfully in the past and continue to work successfully now and will into the future. I welcome and acknowledge the Minister's statement that he will listen to all views on this matter when the Bill is on Committee Stage.

Another area on which the Minister touched last night was the protection of minority religions in schools. I fully agree with him that we must protect all minority religions but we must also protect the majority religion. We cannot discriminate against any religion, whether it be a minority or a majority religion, when it comes to school admission. Parents and schools will have rights in this regard that need to be protected. I would be the first to admit that a solution to this issue will not be easily found.

I agree with the approach that the Oireachtas education committee will scrutinise the proposed legislation, take submissions and hold hearings with legal experts and stakeholders. It is important that all potential issues are addressed as we do not want a situation to arise later where changes to law are changed by the courts.

I congratulate the Minister, Deputy Bruton, on his efforts to improve the education system with his action plan for education, which I believe will be successful. I look forward to seeing the Bill make its way through the Houses.

**Deputy Jim Daly:** Fáiltim roimh an deis labhairt ar an mBille seo. I welcome the opportunity to speak on the Education (Admission to Schools) Bill before the House today, which is very welcome legislation. I acknowledge the work of the Minister in bringing the Bill before the House and that of his two predecessors, Deputy Jan O'Sullivan and former Deputy Ruairí Quinn, the officials in the Department of Education and Skills, and the members of the previous education committee, which debated many of the issues that are finally coming before the House in this Bill. The legislation is welcome across the board.

Legislation on education is always difficult because we can legislate for every eventuality but end up in a vicious cycle. It would be preferable if many of these issues did not have to be legislated for because we are dealing with challenging and changing times and if this Bill is an indicator of anything, it is of the significant shifts in society and in the population as a whole. The world we live in is constantly changing and we need an Oireachtas that can react to those changes. Not everybody will be happy with the result that finally comes about. Everybody has varying opinions but that is the challenge we face as an Oireachtas. I am glad we are stepping up to meet that challenge and making the best effort we can with this legislation. It is not perfect and it does not answer all the issues arising within the education sector, but it is a great start and it will go some way towards dealing with a number of them.

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The Minister gave most of the detail in his opening statement to the House last night and identified the specific provisions. One or two of them have to be teased out in considerable detail on Committee Stage in terms of section 29 of the Education Act and the percentage, if any, for former pupils. Deputy Catherine Martin referred to amendments she intends to table and I am sure other amendments will be tabled also that will open up this legislation.

The Education Act was significant legislation and a game changer. I spent much of my life in the education sector and spent many happy years working in both the primary and secondary sectors. I was working in the sector at the time of the Education Act. It was an exciting time to be in education as there was an explosion in the emphasis on new models of teaching. The education of children with special needs came to the fore and it was an interesting and exciting time to be in the sector. That is a challenge that still faces us today and while we have made significant progress as a society, a Government, a Legislature and educators, many challenges remain but this Bill is a welcome start to meeting them.

We live in a diverse, pluralist society in which many views are held, including on the issue of religion. Admission to schools would become a problem with the explosion in the population and the imbalances in terms of development throughout this country. Those issues have posed many significant challenges.

I raise an issue that grated on me more than any other. I live in an area that does not have major issues with admissions based on numbers. Population pressures would not be a huge issue in the constituency I represent but I sat on many section 29 appeals boards during my time as a member of Cork County VEC, now the education and training board. I chaired many appeals at that time but it is very frustrating when a parent comes to one as a practising politician, and I am a parent, who cannot get their child who has special educational needs into the school because of those learning challenges. They cannot continue their education. To be fair, the primary sector is much more open, flexible and accommodating in terms of children with special needs learning in their own community. Those schools have made huge strides in dealing with the area of special needs but the secondary sector is significantly behind in that regard. A child with special needs has to leave their community and their classmates, having done well for eight years in primary school despite the significant challenges they faced, to try to get into secondary school but they cannot because of those very challenges.

I have tried to assist parents in this regard. I have dealt with schools and boards of management on many levels but we came up against the same challenge each time. The appeals were always only on the process. There was no room in the appeals system for the substance of the appeal. That is frustrating for the children but particularly for the parents who represent their children in the appeals system to their local secondary school. One can go through a number of different appeal processes but all of them result in the same outcome, namely, standing by the school as long as it adheres to the process. For example, a school can state in its admissions policy that it will not take any child with the surname Daly and as long as it is in its admissions policy, it can stand over that. All the appeals in the world will not allow that child gain access. It is disheartening and heartbreaking to see that happen at second level. The Minister referred to a suite of legislative measures coming up but that is the reason I have been championing for an education ombudsman since coming into this House and as a member of the previous education committee. An education ombudsman could deal with many of the issues that are arising here in that parents would have an independent authoritative body, which would be qualified in the area of education, to which they could appeal these decisions. When my proposal for an education ombudsman came before the House and got the support of all parties on Second

Stage, it was the parents of children with special needs who responded the loudest and fastest to me to tell me that it was wonderful and a hopeful step for their children. Any parent will say that nothing is good enough for their child. They will do anything to help their child, particularly if they have learning challenges, and want to do all they can for them.

I very much welcome the proposal for a parents and students charter, which will be a substantive development in the education sector because we need to open up the schools. We should consider the number of people who are impacted by our education system, including the hundreds of thousands of students who attend it on a daily basis, their parents, brothers, sisters, grandparents, uncles, aunts and so on. Everybody is in some way impacted by the education system, and we all rely on it. Almost all of us go through the education system. It is a hugely important sector but it is so closed because of the archaic model of management that has evolved for historical reasons over the years. That has left boards of management isolated and closed and it has left parents at the front door, so to speak, as a result of what is an autocratic and sometimes cold system.

Many schools are doing wonderful work. I do not want to ever take from that but when something goes wrong, fails or when a parent or a child is let down, it is impossible to penetrate that. The Department has always taken a hands-off approach because of the historical situation that has arisen. Boards of management are unique in their isolationist approach. Each board can do as it sees fit as long as it is following its own guidelines. This legislation will go some way towards ensuring that schools have a responsibility to be more open and transparent and to reach out to parents. Having them involved in the parents and students charter will add to that.

The fitness to practice section that will come under the Teaching Council is another one of these steps in the suite of measures announced to try to open up the entire system to more accountability. There is nothing to be ashamed of in our education system. We have a fantastic education system and we should be very proud of it. Individual schools should be enormously proud of what they do. They should not fear any of these measures because they are designed to embrace the talent available in the pool of parents, and parents will do anything for their children. The argument is often made that we cannot put pressure or more regulation and rules on boards of management because they are voluntary and it is difficult enough to get parents to go on schools' boards of management. I reject that argument out of hand. It may happen that a very small school can be deprived of talent but in most cases parents would love to be a part of their children's education and the opportunity to be part of the board of management and contribute in some way to the education of their children. They are more than willing to do it and there are amazing skill sets in that parent body, but for reasons of fear and so on many schools stick to the tried and tested method of using the same few parents time and again.

*2 o'clock*

Opening it up there will make it much more real, beneficial and fruitful for everybody. As already stated, the key issue here is to break down that barrier for children with special learning needs who want to continue their education in their communities and access their local schools, particularly at second level where there is an acute issue.

We will tease this matter out somewhat more on Committee Stage to ensure - the Minister has already made provision in this regard - that a school can appeal. Of course, a school can appeal the decision. Regardless of whether it is a school, a child or whomever, there should be a right to appeal provided to all involved - not only the school - to have their rights vindicated.

What this Bill sets about is the vindication of the rights of the child who wants to go to a particular school. Of course, a school can have legitimate reasons - much of which may be down to resources - for not being in a position to admit a child.

I particularly welcome the aspects of this Bill that deal with schools charging fees. This is an issue that has grown exponentially in recent years. One hears bizarre stories about the efforts to which schools go to raise moneys from parents, the bills that are being sent out at the start or, in some cases, the end of the academic year, the lengths to which some schools go to apply pressure on parents to pay and the reminder letters, further letters and warning letters that are sent out. All of this needs to be regulated. There should not be such a system and schools should not be obliged to rely on it. Barnardos has been consistent on this matter and has raised it on numerous occasions. In fairness, it does so every year. Barnardos has done its homework. From memory, €103 million is the figure Barnardos puts on ensuring totally free schooling for our children. In the greater scheme of things, given that the entire education budget is €8.7 billion, it is not a lot of money. On its own, of course, it is a large amount. It is something in respect of which we should have ambition. If we are true to the principle of free education, we should stand over that. I do not doubt that liberties are being taken on all sides. What is proposed will increase the accountability, the openness and the transparency of the system. The only ones who will win are those who are in the system - teachers, pupils, principals and boards of management. There will be more of a framework set out. Obviously, the Department will have a role in providing much assistance to the different schools to advise them on how to deal with the various new issues that will arise. Change is often difficult and can be a matter of concern. However, change is what legislators have to drive through.

I compliment the Minister on his ambitious education action plan. While he is a party colleague of mine, I still have independence of thought enough to say it as I see it. The Minister had a successful term in his previous Department and the action plan he introduced there served us well. The action plan and the ambition the Minister is bringing to the Department of Education and Skills are welcome within the education sector. I have real hope and confidence that there will be many benefits for all the users of the system for decades to come as a result. I look forward to working with the Minister and the other members of the Select Committee on Education and Skills in progressing this legislation.

**Deputy Robert Troy:** With the permission of the House, I will share some time with Deputy Eugene Murphy.

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

**Deputy Robert Troy:** On Deputy Jim Daly's concluding point, he need not inform the House that he has the benefit of independence of thought. Certainly, the Taoiseach is quite aware that Deputy Jim Daly has the benefit of independence of thought and the Deputy does not need to spell that out for the Minister, Deputy Bruton.

My colleague and party spokesperson already outlined our party's support for this Bill. We support the overall thrust of the legislation, which will make it a requirement for schools to publish their admissions policies. I welcome that. I hope that, unlike on previous occasions when this matter was dealt with in the House, we will not be obliged to return to consider a similar Bill at a later stage. I also hope that the Minister will give a commitment to the full passage of this legislation through the Dáil and the Seanad and that, in fact, it will become law.

The matter at issue here affects some areas more than others. In rural areas such as that from which I come in the heart of County Westmeath - and in which I attended a one-teacher national school - it was not an issue of the school being oversubscribed. It was not an issue of who was to be selected to go to that school. The issue was whether enough pupils would attend in order to keep the school open. In the previous Dáil, the disproportionate increase in the pupil-teacher ratio had an immense effect on smaller schools. I refer to those schools with fewer than four teachers and minority faith schools. The increase in the pupil-teacher ratio made it more difficult for these schools to keep their doors open. The schools in question would not have turned anybody away because, as I stated, their goal was to enrol as many children as possible in order to keep their doors open.

One of the big omissions from this Bill is a provision to deal with the practice of people needing to supply baptismal certificates. As a practising Catholic who went to a Catholic national school and Catholic secondary school and who has nothing but the height of praise for what the religious did in education - there was certainly a lot of negativity and that was well documented through various investigations and reports - I must acknowledge, on the whole, the good work done by the various religious orders in the schools. However, as a republican, I also must acknowledge that not everybody wants to have his or her son or daughter educated in a school of a particular faith. Nobody should be forced, against his or her will, to adopt a particular faith just to have access to what is a fundamental right, namely, the right to an education. This matter will not be dealt with in the legislation but it needs to be dealt with without delay.

Some people may believe that a greater need exists - and that this is happening on a larger scale - than is actually the case. One of the Minister's predecessors, Mr. Quinn, set a target of divesting 50 schools from the control of the Catholic Church. The matter went out to consultation with local communities and a sizeable majority of people did not want what was proposed. That target - or anything like it - was never achieved. This is not the significant issue that some make it out to be but is an issue for a certain people in our communities and it must be dealt with. Nobody should be forced to adopt a particular religion just to have access to education. When the Minister is replying, he should outline, quite clearly, how he intends to deal with this matter.

A welcome aspect of this legislation is the prohibiting of application fees. It is becoming common practice in many schools to charge application fees. They are not charging application fees out of spite or to get at the parents or cause them undue financial hardship. They are charging application fees because the State is not adequately resourcing schools in terms of the various capitation grants. We have all seen evidence of this. Schools are undertaking cake sales, fashion shows, cycles, walks, runs - you name it. It is not the job of school authorities to fund-raise. While the Minister is bringing in a prohibition on application fees - which is right and proper because such fees place undue financial hardship on families who have been put to the pin of their collar as matters stand - we must also ensure that the level of resources is increased sufficiently in order that schools can function without the need to engage in any fund-raising.

Another welcome provision in the legislation relates to the powers that will be given to Tusla, the Child and Family Agency, and the National Council for Special Education, NCSE. It is regrettable to see a child who has been born with either an intellectual or physical need being unable to access an appropriate setting. It is right and proper that the Department will have the authority to direct schools to admit these children and ensure that they get their basic right to an education, so they are not penalised because they happen to have been born with a disability. Again, however, as with the case of removing the ability to charge fees, this provision will do

no good unless adequate resources are put in place. Adequate resource hours and special needs assistants must be put in place in the school to ensure that not only will the child with the disability get the additional resources required, but also that the rest of the students, who benefit from having somebody with a disability in the classroom from the point of view of social inclusion, will not be put at a disadvantage because the teacher will have to spend more time dealing with the child who needs additional time.

In that context, I wish to raise the position in the capital programme of a school in my constituency, something I have raised numerous times in this and the last Dáil terms. We are discussing admission to school, equality and ensuring that all citizens are treated fairly. Saplings Special School in Mullingar, in my constituency of Longford-Westmeath, deals with children who have severe autism difficulties. It is currently operating out of a private rented facility. It is doing fantastic work. The school invited all Deputies and prospective Deputies to visit it in advance of the last general election and gave us a tour. I had been to the school previously but that was my most recent visit. We met the teachers, parents and students and saw the level of engagement, care, attention and good work taking place with children with severe physical and intellectual disabilities. That gives them a start in life. Unfortunately, however, the project for that school is sitting on a list on a desk somewhere in the Department. We need special schools because some children, due to their level of need and disability, require a special setting. They will never be able to enter mainstream education so they need those facilities.

Saplings Special School in Mullingar is waiting on the list, as is St. Mary's Special School in Delvin which also deals with children with severe high dependency due to physical and intellectual disability. St. Mary's is waiting for a new site and new school. An uncertain future hangs over the schools because they do not know what is happening. That puts undue pressure on the principals, teachers and staff of both schools. It also puts undue pressure on the parents. I am sure some of the Minister's colleagues in the Government will have brought this to his attention. I ask him to look into the matter and refer back to me. In the interest of equity and fairness, these children deserve a new school. They have no alternative and should be prioritised in that regard.

Our party welcomes the Bill and will support it. However, I have outlined the issues I have with respect to having a baptismal certificate and the area of special educational needs. It is welcome that there will be the power to instruct a school to admit somebody, but if that is not met with adequate resources it will not work. I would appreciate it if the Minister would examine the two cases I mentioned in my constituency and refer back to me on them.

**Deputy Eugene Murphy:** I thank Deputy Troy for sharing his time. I will be brief because our education spokesman, Deputy Thomas Byrne, has indicated to our Parliamentary Party, the media and others our policy on this Bill. I welcome the Bill. It is important and will bring about some necessary change, which we welcome.

It must be said that my constituency of Roscommon-Galway has a very good policy of accepting all children into its schools. Admittedly, the schools do not have waiting lists, although obviously one tends to encounter more problematic situations in the big urban areas. I am proud of the fact that many of our schools have a good policy in this regard. It is important that such a policy should be in place in all schools. Like Deputy Troy and Deputy Thomas Byrne, I am a practising Catholic but I always refer back to what is said about education in our Constitution, that all of the children of the nation should be treated equally. It is most important to include that in this Bill.

The Bill has a number of good provisions. It removes the provision dealing with the past-pupil rule, an issue that has been spoken about a great deal. The Minister said it will be dealt with on Committee Stage and by ministerial regulation. I am sure that will happen but our party will ensure it is dealt with on further Stages. The Bill also explicitly prohibits the use of certain additional selection criteria in school admission policies. These include a student's prior attendance at preschool; the payment of fees, which is a huge issue and Deputy Troy has addressed it; the occupation or financial status of the parents of a student, which is an important issue for me; a student's academic ability, skills or aptitude; a requirement that a student or his or her parents attend an interview, open day or other meeting as a condition of admission; and the date on which the application for admission was received by the school. Barring schools from using these provisions to select students for admission is welcome. It is something our party and our spokesman on education, Deputy Thomas Byrne, have sought. Indeed, our party has campaigned on this issue for a number of years. The big issue here is the retention of the denominational status or religion as a basis for use in admission policies. We believe that no parent should have to baptise their child simply to get him or her into a school. All children, regardless of religious denomination or outlook, should have access to a school in their local community.

In conclusion, I wish to mention a matter referred to by Deputies Troy and Thomas Byrne. The financial strain many schools are under at present is extraordinary. The Minister is correct that we cannot have application fees; nobody wants them. However, as Deputy Troy said, schools are being pushed into that situation because they are short of finance. I have been involved in school management boards. Schools are struggling to keep all of the services going. In Ireland, we are very lucky to have the commitment of our teachers and the people on school management boards. It is extremely important that we alleviate this financial burden on our schools to some degree. The problem is that it gets worse with each year. It is a massive challenge now for schools and communities. I am sure the Minister is aware of that and I hope he will address it. I thank Deputy Troy for sharing his time.

**Deputy Joan Burton:** I welcome the Bill. It is a copy, save in two respects, of the Bill that was worked on by two of my colleagues, the former Ministers Deputy Jan O'Sullivan and former Deputy Ruairí Quinn. During the previous Government, very few issues which were as divisive as the issues reflected or, in some cases, not reflected in the Bill. I recall, and the Minister will recall, how divisive some of the discussions were. The Bill and the issues surrounding it speak to how much Ireland has changed since the national school system was introduced in the 19th century. On many occasions I looked around the Cabinet table and saw how many people were products of very exclusive and expensive secondary schools. The Cabinet debated the rights of children of former pupils to access their parents' schools, their fathers' schools for the most part, given that many of Ireland's private schools are top of the range boys' schools. Many of the Ministers, including those in the current Government, attended those schools. Before the last election, there was a very vocal and lively campaign to ensure these schools would retain the privilege of guaranteeing access, in whole or in part, to the children, grandchildren and relatives of former pupils. However, Ireland has changed.

I have the pleasure and honour of representing Dublin West, which has a range of schools, including a number of private schools and a very large number of public schools. All the schools are funded by the State, and this is why the issue of who gains access to schools is so important. I agree with many of the comments by Fianna Fáil Members, and there was much empathy and sympathy with the situation in which parents find themselves when their children,

for reasons of denomination, religion or otherwise, cannot access their local schools.

**Deputy Thomas Byrne:** We also have a policy, unlike the Labour Party.

**Deputy Joan Burton:** I did not interrupt the Deputy.

**Deputy Thomas Byrne:** The Deputy is making allegations.

**Deputy Joan Burton:** While there was much empathy, it was a bit like Mother Machree's dog. It was going a bit of the road with everybody. When our Bill was brought before the Dáil, before the summer, it was parked in cold storage, if I recall correctly, with the support of Fianna Fáil, for 12 months to ensure no decision would be made or that this Bill would pre-empt it. Only the Minister and the Government can tell us. Perhaps Fianna Fáil already has an agreement with the Government on the matter. I do not want to prejudge it.

**Deputy Thomas Byrne:** The Deputy just has, and the answer is "No, we do not".

**Deputy Joan Burton:** I am sure Fianna Fáil will tell us in due course.

**An Leas-Cheann Comhairle:** The Deputy without interruption.

**Deputy Thomas Byrne:** I have to respond to this nonsense.

**Deputy Joan Burton:** I refer to modern Ireland and the area I represent, and an amount of the area the Fianna Fáil spokesperson on education, Deputy Thomas Byrne, represents, is similarly a very diverse area. The most recent census showed Fingal has close to the highest level of international community. It has the highest growth in diverse communities and in many schools there are children from 30 to 50 different countries. This means those children may be children of people of professed faith, or who are not particularly attached to any faith, or who might classify themselves as humanist or atheist. In Dublin West, we have had to grapple with a situation in which for almost everybody the school of choice for parents is the local school. The local school is the heart of the local community. Understandably, when people get a long-term tenancy, buy a house, as has been the norm over a long period of time in Dublin West, or rent a house long term in the private rental sector, they by and large look to the local primary school to provide their cherished children with education. The heart of the problem is that we do not have great clarity on how people can access their local schools.

The Constitution properly recognises rights regarding denominational education in terms of different religious bodies including, given our history, the Roman Catholic church, the Church of Ireland and other Protestant denominations. However, we have no clarity, and much confusion, as to whether, and in what circumstances, a child whose parents do not profess the faith associated with the particular patron, can access the school. Approximately more than 20% of schools are heavily oversubscribed, perhaps due to population growth in an area or because a school is very popular and considered very desirable. In Dublin West, the critical pressures are population growth, shown in the most recent census to be among the highest in Ireland, and the fact that the population is diverse and includes people from many countries.

Notwithstanding the many good and clear elements set out in the Bill, for example, the commitment not to discriminate against applicants on grounds of gender, civil status, family status, sexual orientation, religion, disability, race, membership of the Traveller community or special educational needs, the Bill provides for the exception that denominational schools will continue to be able to prioritise, or refuse enrolments, in accordance with religious denomination under

section 7(3)(c) of the Equal Status Act 2000. This is the crux of the issue, and the Minister is not addressing it in the Bill. Our Bill sought to have a balance between the constitutional right to the expression and freedom of religion and religious denomination and the constitutional right of a child not to be discriminated against. The Minister, in the Bill, has decided, as he did with the Labour Party Bill, to park and evade the question entirely.

Equate got legal advice and opinion from a trio of very distinguished lawyers, Dr. Conor O'Mahony of UCC, Dr. Eoin Daly of NUI Galway and Dr. David Kenny of TCD. They went further in their opinion regarding the issue and set out a case to say there should not be some of the discrimination which is a feature of education in Ireland. As someone who is hugely involved in the different schools in my area as well as in education in general and having worked in third level education for more than 20 years, my experience has been that the patrons, boards of management, principals and staff of schools are fantastic in terms of seeking to ensure every child at primary or secondary level is made welcome. The Minister for Education and Skills is not providing leadership on the difficult issue of balancing two constitutional rights, namely, the right to denominational and religious freedom and the right of a child to access a local school. Almost everyone who has spoken during the debate has referred to the desirability of a child being able to attend the local school. So far I have not heard from the Minister of any development of his understanding of the issues involved.

One way of addressing this has been through the Educate Together movement. Deputy Shortall and I were deeply involved in its foundation many decades ago. However, not every child will have the opportunity to attend an Educate Together school. We have also had the development of the community national school model under the education and training boards, ETBs. This is a very good model, as are the second level schools and colleges under the ETBs. Many of these schools, including ones in my area, are giving the expensive private schools on the south side of Dublin a good run for their money in terms of leaving certificate points achieved and academic and other successes, be they in debating, sport, arts or creativity. The older private schools are being given something to think about. However, it is still not clear how the ETBs can deal satisfactorily with the children in their care. They have made it clear that religious instruction and a religious and social curriculum will be made available if parents want it. However, what of the child whose parents do not want him or her to participate? I received an interesting letter from a teacher on the issue. The teacher asked what one does with the child. This could occur in a smaller school or one in which the resources are not available to set up direct facilities for the child. Should the child, as happened years ago, sit at the back at the class reading a book while the religious instruction takes place? These issues are difficult.

Most Deputies referred to the issue of parents feeling they have to have the child baptised to enhance their child's chance of getting into the local school of their choice. None of us wants to see, in essence, an educationally forced baptism. If people are being baptised, it should be an expression of religious faith and freedom. It should not be a strategy to ensure a child obtains a place in a local school. This is not a problem in many parts of the country, particularly in rural areas. The further one goes from Dublin or the other big cities, the more local schools are delighted to have additional families registering their children with them. It is a problem, however, for those in cities and towns where there is a strong demand for places as a result of increases in population. I am interested to hear what proposals the Minister has to address the issue of parents being forced to baptise their children when they might otherwise wish not to do so.

The Minister, in his previous role, recognised that Ireland is changing. We are one of the

most open economies in the world. We trade right around the world. We now face changes and challenges in terms of Brexit and the President-elect of the United States, Mr. Donald Trump. Despite this, here in Ireland we have this educational situation that needs to be resolved. There are many good provisions in the Bill. Many sections are exactly the same, word for word, as what was prepared by Ruairí Quinn and Deputy Jan O'Sullivan, with the two exceptions I have referred to earlier. The Minister needs to tell us what he is going to do about the two omitted sections. There is the section that provided for the appointment of an independent person by the Minister to comply with the Minister's direction on the admissions functions of a school. What will happen in that regard? There was also a provision on the past pupils issue which was to be dealt with in regulations.

I listened with some astonishment to the passion that emerged from the Fine Gael benches about the need to retain access for children and grandchildren of those who had attended private schools. Perhaps we can call these the families' hereditary schools. I know that this was the subject of quite a lot of canvassing. I can understand that people may have a strong personal association with a particular school. A family builds up a relationship with it. We all understand that. It is a positive thing in the development of a school's community. However, we need to address the issue of children not being able to access the local school on a reasonably fair basis.

The Bill's sections dealing with non-discrimination and the declarations about non-discrimination on a whole range of grounds are excellent. Why then the cop-out by the Government? I remember the many discussions I had during the lifetime of the previous Government with Fine Gael Ministers and the Taoiseach on the issue and how we might reach an agreement that would benefit the children of Ireland and bring forward a system that reflects the pluralism in our society. We are proud to have significant foreign direct investment throughout the country. It results in many people from many countries working and living for periods of time, sometimes very long periods of time, in Ireland. If we want to ensure our education system keeps apace with the changes that are happening in society, we have to address these issues. I am sorry to say that the Bill is a cop-out.

This month we had the publication of the report of the Irish Human Rights and Equality Commission, which is a merger of two former bodies. It set out a schedule of recommendations on the first page of the report. The first of these recommendations was that the Equal Status Act should be amended to give effect to the principle that no child should be given preferential access to a publicly funded school on the basis of his or her religion. What response, if any, does the Minister have to that recommendation? There is a whole set of other recommendations, which I do not have the time to go into, but I ask the Minister to respond to the summary recommendations. Will he also respond to the arguments put forward by different groups and bodies, including Equate?

I will finish on this. I saw a reference yesterday to a meeting of a group which had been cancelled in a hotel across the road. That group made very strong statements from a right-wing perspective about what this country should be. I hope the Minister in his approach to the Bill will say this is a pluralist country where we respect people who practice different religions and that we also respect people who do not choose to be involved in religion.

**An Leas-Cheann Comhairle:** I call Deputy Richard Boyd Barrett. His group has 20 minutes. I understand he is sharing with Deputy Ruth Coppinger.

**Deputy Richard Boyd Barrett:** We have 20 minutes; ten minutes for me and ten for Dep-

uty Coppinger. According to the Minister, the Education (Admission to Schools) Bill 2016 is designed to ensure every child is treated fairly and that the way in which schools decide on applications for admission is structured, fair and transparent. It does none of those things. It does not go anywhere near delivering on those aspirations.

There are a couple of elements in the Bill that are to be welcomed as minor steps forward. The fact that denominational schools will have to publish what they do with children who opt out of religious instruction is something. There are no minimum standards attached to that so they could still just let those kids sit in a room on their own but as long as they publish it, it is transparent. It does not deal with the fundamental problem of segregation, discrimination and lack of equality in a school system that is completely dominated by a particular religious ethos. It is somewhat welcome that Tusla and the National Council for Special Education will be able to instruct a school to take a child and not discriminate on the basis of colour, ability or disability. The Bill does not address the key question of the religious discrimination that comes from the fact that more than 88% of our schools are denominational, most of them Catholic, and dominated by a particular religious ethos. They, therefore, fail to give real equality to all children, particularly those of minority religions or who have no religion at all. This Bill completely fails to deliver that equality.

I will come on to the central issue of what this Bill does not do but should do, which is address the baptismal barrier, but before that I will mention briefly the so-called soft barriers, which this Bill also fails to deal with. One of the two major soft barriers in terms of equality for children in the school system is the issue of voluntary contributions, which are an absolute scandal. They act as a barrier and discriminate against people who are less well off. The necessity for voluntary contributions flows from a chronically under-resourced and underfunded education system. The system of voluntary contributions creates, in reality, a tiered education system consisting of schools where parents can afford significant voluntary contributions and those where parents struggle to do so. Such parents are in effect inhibited from sending their children to schools where the demands for significant voluntary contributions are way out of their reach. The Bill fails to deal with that. We should completely ban the entire system of voluntary contributions which are a disgrace and lead to a tiered education system. Similarly, in the area of special needs there are soft barriers. This Bill will say schools cannot formally or explicitly discriminate. There is also soft barrier discrimination in the area of special needs. Schools essentially tell people who try to get children with particular special needs into a school that they do not have the resources to cater for them, they do not have any experience, or there are not enough specialised staff. The signal is sent to the parents of children with special needs that the school cannot take their kid. They cannot actually preclude them but in reality they do. I have a friend of a friend whose child is due to go to school in January. The child has diabetes, which is unusual in young children, and needs special support in school. She has asked four schools if they can cater for her child and the schools have said they cannot do it. Unless the resources, special needs assistants and so on are there, this soft barrier continues to create discrimination against children with special needs.

The big issue and gap in the whole Bill is the complete, total and utter failure of the Bill to deal with the baptismal barrier in a situation where the vast majority of our schools are denominational and where non-denominational or multidenominational schools are massively over-subscribed. My kids were lucky enough to get into DSP in our area, which was the first Educate Together school in the country. My partner had to run from Holles Street hospital when our baby was born to get out to the school to put its name down and even then it was not guaran-

teed that the child would get in. Hundreds of mothers and parents fail to get their kids into the multidenominational or non-denominational schools. They consequently have to put them into denominational schools where they are segregated, discriminated against, isolated, excluded and made to feel different in a way that completely flies in the face of this Bill's claim that it is trying to deliver equality and a welcome on an equal basis for all children. This Bill does not achieve that. It continues to pander to religious denomination of our schools and, therefore, exclude people of minority religions or of no religion.

The key issue is that of section 7(3)(c) of the Equal Status Act which allows that discrimination and barrier to continue. I want to get to the bottom of something the Taoiseach said, which the Minister repeated. I have asked the Taoiseach three times about the legal advice, which he has told the House he has, to the effect that removing section 7(3)(c) would pose legal or constitutional problems. I have asked the Taoiseach that three times after he publicly stated it. Those questions were bounced off to the Minister for Education and Skills, who also never answered the question. We have never seen the legal advice or the reports, yet it was cited by the Minister in his speech yesterday that it would cause constitutional and legal difficulties. He said we need all-party Oireachtas committees and a long, delaying, protracted process just like we had on the issue of abortion back in 2011. We had committees and so on and ended up with a rubbish Act called the Protection of Life During Pregnancy Act that still makes abortion illegal and discriminates against women's right to have control over their own bodies. It is still not resolved yet that is what the Minister is proposing to do again on the basis of his claim that he has legal and constitutional advice that there are problems. Where is the advice? Will the Minister show me the report and the legal advice? I do not believe he has it. I suspect the Minister and the Taoiseach have been misleading the House, otherwise they would have published the advice. We do not see it. The truth of the matter is the Government - as successive Governments have done - continues to kowtow to the domination of the Catholic Church and its control of our schools rather than stand up for them and insist that a system of education funded by the public and taxpayers' money is run publicly, in the interest of all citizens and all children, on the basis of real equality and without any discrimination against minority faiths or those with no faith at all. If I am wrong, the Minister should show us the legal advice to the effect that there are constitutional and legal impediments. If not, I call on the Minister to move ahead and give us the equality which he claims to want in this Bill but which he completely fails to deliver.

The Irish Human Rights and Equality Commission has said the Government is in breach of four UN conventions because of admission policies. I have seen legal advice from Equate and Education Equality to the effect that there are no legal or constitutional impediments. Therefore, I do not believe the Minister or the Government. The Minister had better start telling the truth and stop covering up for the fact that he does not want to end religious discrimination in our schools and that he is continuing to facilitate the Catholic domination of our schools. As long as the Minister persists with this approach and as long as he fails to act on this, he is abusing, neglecting, segregating, excluding and discriminating against young children. It is not fair. It has to end. We want education equality and this Bill does not deliver it.

**An Leas-Cheann Comhairle:** Deputy Coppinger, you have almost ten minutes.

**Deputy Ruth Coppinger:** I assume I will get an extra minute, like Deputy Burton.

**An Leas-Cheann Comhairle:** I have already given you half a minute extra by saying you will have ten minutes.

**Deputy Ruth Coppinger:** This Bill is meant to be aimed at reforming significant inequality in school admission practices. In reality, it is more like a patient with cancer going to the doctor to seek treatment but only getting treatment for a head cold she happens to have as well. The core glaring practice of discrimination in this country in education is on the grounds of religion and religious patronage. The idea that the Minister would draft a Bill, leave out that issue or side-step it and that this would be somehow acceptable is absurd. A Green Party Deputy spoke earlier and said that her party would support the Bill. They should not support a Bill that encourages and facilitates discrimination against children on the basis of their parents' religion.

Let us put the religious issue aside for a moment to deal with some other aspects. There are some welcome reforms. The prohibition on schools seeking a fee or contribution for an application for a child to attend a school is welcome, as is the prohibition on the practice of a determination on the basis of parental interviews. We have all heard about these in the past. Another welcome measure is the prohibition on schools screening out those they deem to be difficult pupils on the basis of tests. There is a change to references to special educational needs in admission policies, although far more needs to be said about this on the next Stage, and I remain unconvinced that this will no longer happen. It is welcome that schools will have to publish admission policies, although most of them do so now in any case.

I take issue with the Minister retaining the past pupil rule. In effect this is a continuation of the old boys and old girls network. People who end up in university together studying law, medicine and other prestige courses tend to have gone to the same schools. It is simply a continuation of that culture. This rule was used recently to discriminate against a Traveller getting in to a school. The school circumvented the equality legislation by arguing that the child's father had not attended the school. The Minister must explain why he has not removed this rule. It will be used as a further ground to keep people out. These people are already marginalised and we have had enough marginalisation of the Traveller community in this country. The rule affects immigrants and people who have come to this country in a similar way. One would have to agree that there are some things in this country that would make Mr. Trump seriously envious. When it comes to health and education and the control of the Catholic Church, we can see where that view comes from.

Deputy Troy asked whether this was really an issue. In Dublin West, one in four people are not of Irish origin. It is among the fastest-growing areas of Ireland. Most people coming to the area do not have a family history of anyone attending a local school. It is easy to see how this can be used, potentially. We also have an issue with homeless families. A total of 40% of homeless people in Dublin are from my constituency. We can see the complications in this regard if the rule is to be used against them as well. We are told the Bill will eliminate socio-economic criteria when it comes to getting access to schools. However, while we still have poverty and social division, that simply will not happen.

We need to hear more about the changes in the area of special needs. There is also a concern among Irish-speaking families that they will not be able to secure priority access to Gaelscoileanna. That needs to be clarified.

The substantive problem with the Bill is that it continues to allow religion to be used as a criterion for keeping a child out of a school. This is despite the fact that education is a right in the Constitution. I would like to hear from the Minister which parts of the Constitution is he referring to when he says constitutional rights have to be considered. I would like to put the same question to Deputy Burton. The Constitution is being used when it comes to dealing

with the housing crisis as well. There is no right in the Constitution to discriminate or to have a denominational education.

The Minister had tried to point us in the direction of the Labour Party Bill as a means of dealing with this issue. That will not work, I am afraid, because that Bill does not deal conclusively with discrimination. It simply gives the catchment area of a school a greater priority than the religion of the parents. Of course, it does not challenge the *status quo*. The only conclusion is that the State and political parties in the Dáil are petrified of taking on the Catholic Church and they will not do it.

People need to realise where they should go if they want this type of change. Left-wing parties have always advocated and championed such change and they are the only parties people can rely on to make the radical change that is necessary and to do so quickly. It will not be done by the big parties in the House. Those parties are willing to cower before the Catholic Church to the point of illegally allowing open religious discrimination in schools and in school admissions. As a socialist, I stand for the full separation of church and state. I fully support religious freedom as well. That is a very important principle to defend. We oppose the State interfering in the personal beliefs of people, but we also oppose religious views being imposed on people against their wishes. It is incorrect to suggest that allowing religious discrimination in school admissions has to be permitted to defend religion. The legal advice we have seen shows there is no problem removing religious discrimination in schools.

People are being discriminated against on religious grounds as we speak. We have all heard of Roopesh Panicker, a Hindu man who has gone public about the fact that his child was unable to get in to countless schools. Someone from the Archbishop's office told him that if his child were baptised – if the family changed their religion, effectively - she would get into the local school without a problem. Religious discrimination is happening all the time.

The shortcomings of the Bill are clear. Deputy Troy asked whether this religion question was an issue and suggested that only a few schools were divested-----

**Deputy Thomas Byrne:** I cannot see how Deputy Coppinger heard Deputy Troy's speech. She was not here.

**Deputy Ruth Coppinger:** I did, actually. I was listening.

**An Leas-Cheann Comhairle:** Deputy Coppinger, without interruption.

**Deputy Thomas Byrne:** Deputy Coppinger was not here.

**Deputy Ruth Coppinger:** I was listening in my office. A large volume of e-mails have come to my office on this matter.

**Deputy Thomas Byrne:** Deputy Coppinger should not be making things up.

**Deputy Ruth Coppinger:** Deputy Byrne should stop shouting over me. The UN has also taken issue with Ireland on discrimination.

I will illustrate how out of step the Government position is with the majority of people. Countless surveys have been done relating to this question. A total of 87% believed the State has a responsibility to ensure children do not experience discrimination in the school curriculum. Fully 77% agreed that schools should not have the right to refuse admission on the

grounds of religion, while 84% agreed that the education system should be changed such that no child should be excluded on the grounds of religion. Those surveys have been done repeatedly. The UN has said there should be a review and an amendment of laws, as appropriate, to ensure publicly funded schools provide equal access to education for all, irrespective of faith or religious affiliation. This Bill continues to fly in the face of that conclusion. The only change the Bill will make with regard to religion is whereby schools must publish their ethos and outline how they will allow an opt-out. It is not good enough for schools to outline how they will allow children to opt out. Will they be put at the back of the room to read a book or do their homework while all the time assimilating the religion through what they hear? Are they to be put in the school library? None of this amounts to a vindication of the rights of children.

The issue of religion does not end with admissions, and I realise that is the limited scope of this Bill.

*3 o'clock*

There are other matters the Minister needs to consider. The UN and countless Irish equality agencies have pointed out that there is no uniform programme of relationships and sexuality education being taught in schools. It very much depends on what the school allows. Whole areas of sex education are simply not covered in schools. I do not know whether the Minister is at all concerned about this. For example, teaching on same-sex relationships is not allowed in Catholic schools, full information on contraception is not recommended in Catholic schools, and, of course, abortion is still a taboo subject and is taught from an anti-choice perspective in schools with a religious ethos. I have seen this to be the case not just in secondary school religion books, but also primary school ones. Does the Minister have any concern that the sex education of young people in this country is gender normative and discriminatory against LGBT people, despite the fact we have same-sex marriage in this country?

The Anti-Austerity Alliance supports the ending of religious discrimination in school admissions. We need to repeal section 7(3)(c) of the Equal Status Act and amend the Education Act 1998 in order that the curriculum is delivered in an objective, pluralistic and critical way that avoids indoctrination. Religion should be taught after core school hours on an opt-in rather than an opt-out basis. Our Equal Participation in Schools Bill has passed First Stage, and we would like to see its provisions incorporated on the next Stage of the Education (Admission to Schools) Bill if it progresses.

**Acting Chairman (Deputy Eugene Murphy):** We move on to Independents 4 Change. I presume Deputy Collins will speak.

**Deputy Joan Collins:** Yes.

**Acting Chairman (Deputy Eugene Murphy):** Is she sharing her time?

**Deputy Joan Collins:** I should be sharing my time with somebody. I do not know who.

**Acting Chairman (Deputy Eugene Murphy):** The Deputy should take her time and keep going until somebody else comes.

**Deputy Joan Collins:** I welcome the opportunity to speak on the Bill the Minister introduced, though he could have done better. The establishment of the national school system in the 1830s was a tremendously progressive step forward. The Stanley letter of 1831, which is

the legal basis of our national school system, contains some core principles for publicly funded, that is, national schools. First, they would be free. Second, they would be open to all children, regardless of religion. Third, all religions would be taught in the one school as separate subjects, not by teachers, but by religious personnel, and there would be no public funding for any school where there was a hint of proselytism. A demand that a child be baptised represents a lot more than a hint. Would it not be wonderful if our national school system lived up to these progressive, integrationist ideals of almost 200 years ago? We should base our legislation on them.

Any school operating a Catholics-first admissions policy is acting illegally. That is a fact. Such a policy is contrary to the legal basis of our national school system, that is, the Stanley letter of 1831, it is contrary to Article 42 of the Constitution, it is contrary to the Education Act 1998, and it is contrary to the Equal Status Act. An enforcement of the law by the Minister and the Department of Education and Skills is needed on this issue. In practice, the way our national schools are run is a million miles removed from the principles of the Stanley letter. The system has been hijacked. National schools have been given denominational status as allowed in the Rules for National Schools 1965. All State-funded primary schools are governed by the 1965 rules. Rule 68 reads as follows:

Of all the parts of a school curriculum Religious Instruction is by far the most important, as its subject-matter, God's honour and service, includes the proper use of all man's faculties, and affords the most powerful inducements to their proper use. Religious Instruction is, therefore, a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school.

That is what we are working under at the moment. Schools are therefore required to adopt an integrated curriculum whereby all aspects of the school day reflect and are informed by religious values. Religious instruction is not confined to one discreet period of the school day. It is impossible for children to opt out effectively of faith formation in schools. We have segregation as opposed to integration. Religion is not taught as a separate subject. It is part of an integrated curriculum taught by teachers paid from public funds. All of this is contrary to the principles of the Stanley letter of 1831, which were incorporated into the Constitution of the Free State and are reflected today in Article 42 of the Constitution of Ireland.

The Bill may make some improvement, and I will seek to amend some parts of it. My contention is that the current situation should not exist. It needs to be ended, not amended. The opt-out situation is not good enough. Where will we opt out the children to, as has already been said? Will they be moved to the back of the class or into a library? Religious education should be provided separately by people involved in the particular religion, who can spread their own word if that is what they want to do, not in the national school system. Some of the measures in the Bill will actually copperfasten the situation by transferring powers from boards of management to patrons.

This is not really a rural problem. It does not come up much in rural schools. They seem to be more able to facilitate their children in their schools. However, in urban areas, it certainly is a problem. A number of parents from my constituency have approached schools to enrol their children in them and have been told openly that if the children are not baptised, they will most likely not be allowed into the school because preference will be given to those who are baptised. That must be dealt with. In 2016, in a so-called progressive society, we should consider these issues and try to deal with them, get rid of them and end them, not amend them. I ask the Min-

ister to consider my comments, maybe address them in his summing up when he contributes again and try to address them in the Bill. The prohibition of children on the basis of not having a baptismal certificate is archaic and should be put in the dustbin of history. We should have as our base the national school system that had been progressive but, as I said, has been hijacked. I will leave it at that. I will not speak for ever and a day and make things up as I go along. I have made the points I wanted to make.

**Deputy Martin Heydon:** I am delighted to have the opportunity to speak on the Education (Admission to Schools) Bill, which was outlined in our programme for Government as a matter we would move forward. I welcome the Bill's passage to Second Stage and the Minister's presence in introducing it. As he is aware, the pressure on school places, particularly at secondary level, in south Kildare is a very topical issue and one that is leading to much concern and angst among parents. We have had a number of meetings about it. Some of the issues that arise from the pressure on capacity are addressed in the Bill, which is very important. It focuses on those schools that may not be at full capacity in many cases in respect of section 29 of the Education Act and other elements. However, in the Newbridge area, for example, we have schools that are turning many pupils away. Demand far exceeds supply in these schools.

This Bill really comes into its own in the case of people, such as those I meet in south Kildare, who moved to the area for work reasons or might not be from the area, which can happen. In Kildare, in particular, it happens sometimes. The measure to which I refer is a very important one to which we can point in saying that children should not be discriminated against. The use of waiting lists in the past has been a barrier. If somebody must move to a different area, their children should not be disadvantaged.

Similarly, families of lower socioeconomic background tend to leave enrolment of their children to the last minute and maybe do not plan to the same extent as other families who have a very keen focus on the education of their children.

**Deputy Joan Collins:** That is not a good statement to make.

**Deputy Martin Heydon:** I can see how this has played out. Some schools have used this in the past.

**Deputy Thomas Byrne:** Some of us got on because our families pushed us-----

**Acting Chairman (Deputy Eugene Murphy):** Could we allow-----

**Deputy Thomas Byrne:** -----through education without having any educational background.

**Deputy Martin Heydon:** My point is that waiting lists have allowed schools to cherry-pick, to an extent. It might not be particularly politically correct but it is a reason to do away with waiting lists, as that would leave a fairer and more level playing field. I am also aware of schools that have fees associated with being on a waiting list. With one school in particular, to the best of my knowledge, parents must pay an annual fee from when a child is in second class to remain on a waiting list. When the child gets to sixth class, parents must pay a significant registration fee in September or October of that year just to remain on that list. Even at that, the school has always had more applications over the past number of years than it has had space. It is another example of not necessarily having a level playing field so I welcome the measures within the Bill because they are positive.

Similarly, the publication of schools admission policies is really important. As a politician, many parents contact me who are concerned about such policies and there is much ignorance about what is in the schools admissions Bill. As we know, every school has the autonomy to have its own admissions policy but when it is not readily available, it can lead to much concern and suspicion as to how the process is carried out. The explicit ban on discrimination is key and it should be a given. We have a challenge in that discrimination can sometimes be hard enough to prove or find. Having a school admissions policy open and published, readily available to everybody, would particularly protect those schools doing their business in the right way. There are many schools I deal with that take great pride, even when they are over-subscribed, in dealing with these matters in a very fair way. We need to protect the reputation of those schools so even if a few act badly, those who act well would get to keep their good name in that regard. It is another good measure within the Bill.

The Minister knows the pressures in Newbridge and Kildare South that I mentioned as he met representatives of a campaign seeking an Educate Together school in the area. Similarly, I have told the Minister that many parents contact me who have concerns about provision. I know the departmental officials argue that future demand will be met by both existing and planned developments but there is much concern that this might not be the case. There is a planned extension to the Patrician secondary school in Newbridge for 2019 but that must happen sooner because the pressure on spaces and demand for the school is significant. I ask the officials to examine how quickly it can be expedited. Similarly, there is a planned extension for Cross and Passion College in Kilcullen for 2018 but as far as I am aware, no meaningful work has commenced in the process and we are near the end of 2016. If it is to happen in 2018, I would like to see real engagement from the Department.

There are also planned extensions in Athy, not to mention the new autism spectrum disorder, ASD, units coming with those facilities that are really important. We have been good at developing ASD units at primary level but there is a shortage at secondary level because of pressure. We are facing a bit of a cliff because children are in ASD units at primary level but we do not have spaces for them at secondary level. That process must be expedited. Although there is a plan as part of the extensions, we need it to happen very quickly.

The issue of the process arising from section 29 of the Education Act 1998 has been touched on by colleagues. Perhaps it has been spoken about in a different manner. It can be a difficult process when there are spaces in the school but somebody has not met the enrolment criteria. There are many examples of this issue in my local area because the schools are over-subscribed. It is a harsh, blunt and costly instrument for the State, and I believe the average cost of a section 29 process is close to €700. It takes up many man hours, there is much emotional involvement from families and it can be a very crude instrument dealing with proof of a specific structural deficiency. One cannot get into more of the sentiment of the cases.

This Bill is definitely a step in the right direction. More needs to be done but I am delighted to be part of a Government that is addressing admissions policy. It is something we spoke about in the last Government and it is great to see it being progressed. I spoke about the pressures in south Kildare and an Educate Together campaign, and I have encouraged those people to look at other options. They have been fighting for a new school but the Department has stated the demand does not exist for that school. We would argue about some of the figures being used. We need more choice in provision for south Kildare and I call on those campaigning for that to engage with the education and training boards to see what options exist. We have partnerships and collaborations in other parts of the country that can be used as models. I ask the depart-

mental officials to keep a very close eye on the demographics of Kildare South as we have one of the fastest-growing and youngest populations in the country. The pressure is very evident in our schools.

**Deputy Bernard J. Durkan:** Like my colleague, I am delighted to have the opportunity to speak on this important Bill and I compliment the Minister on the quality, extent and structure of the legislation. It is required and it is an improvement on existing law, catering for all needs as anticipated. There was a need to carry this out in a non-discriminatory way and the Bill does that. We live in changing times, with changing demands and pressures, particularly arising from the urbanisation that has taken place in many of our constituencies. There are variations between the circumstances pertaining in those areas and less populated rural areas, and the Bill takes full account of that. I hope the regulations proposed by the Minister and the provision for reference to the Minister will eliminate the difficulties that could arise or which have arisen in the past prior to the introduction of the Bill.

Parents looking around for a school to which they would like to send a child can find it very stressful if they make repeated applications to a particular school in the immediate area without success. A school may well have reasons of its own for not allowing the application which are sometimes valid and sometimes not so valid; sometimes they do not appear to be valid. The Bill will address those issues and as a result of its introduction, there will be greater transparency and tendency to accommodate people, with more emphasis on accommodation than there was in the past. I am not suggesting for a moment that after the passage of the Bill we will achieve all we wanted as there will always be issues arising from time to time. The system relating to admission, including admission of children with special needs, discipline and expulsion is dealt with in the Bill but there must be a third party arbitrator to examine the process at arm's length from local circumstances. For example, it might apply when people of different religions, ethnic backgrounds or special needs are involved. From time to time we have come across cases where it would appear the ethnic origin of a child appeared to influence policy on admission or, even more so, with regard to expulsion.

We Irish travel all over the world and we emigrated everywhere. It was not always from a war zone as we were economic emigrants. I would like to think we could accommodate those who travel to our country and treat them in a way we would like to be treated ourselves in their quest for education in foreign lands. Perhaps we were not always treated the way we should have been, although generally speaking we were accommodated. The Bill goes a long way towards addressing some of those issues and I hope the theme of fairness strongly represented in the Bill will manifest itself in the time to come in a way that will illustrate to parents and children throughout the community that the legislation is intent on following a certain procedure.

I hope it will also advertise to the community at large that things are being done in a fair fashion. There is the old story that everything must be fair and be seen to be fair. The secrecy that can surround decisions that appear to have two or three meanings, none of which apply to the benefit of applicants, has to go. The Minister is to be complimented on introducing that theme of fairness and transparency into the situation now. If parents feel they have to go outside their local areas to gain access to schools for their children, there must be issues with the local schools that have to be dealt with. There might be insufficient accommodation in those schools, or the parents might feel the quality of education in them is insufficient to meet their requirements. Such issues arise from time to time as schools develop their reputations in local communities. Like politicians, schools can establish reputations that are good or not so good. We all strive to have the better side of that argument if we can.

The Minister will recall our discussions about post-primary schools in my local area. I am grateful for the approval by the Minister and his predecessor of the provision of two post-primary schools in Maynooth. The sheer pressure of numbers meant that the approval of these schools had to happen. Some children have gone to schools outside the local area in recent times because of the pressure that is building. I am reliably informed that a system-built structure can be incorporated in the construction process, with huge benefits from the point of view of the delivery of the contract and with very little financial impact. It is hugely beneficial in terms of the speed of construction. The Minister might think about that when the time comes. It is not too far away.

While I am being parochial, I should mention that a gaelcholáiste is required in my local area. One should never travel too far from Tip O'Neill's saying that "all politics is local". He said that in the good old days when politics in certain parts of the world was very honourable and certain criteria were strictly understood and adhered to. I remind the Minister that we are still striving for a gaelcholáiste. Like his predecessor, he has been well disposed towards this project. We know it is in the offing and we want to make sure it does not slip away or get pushed aside by other competing demands. In this business, we all know about competing demands. My philosophy is that those demands which are competing also have to compete. We hope that in the current circumstances, the gaelcholáiste will receive favourable support and provision in the next year or so.

If many of the provisions of the Bill before the House are operated and become part of the philosophy of education, this could be a modernising and futuristic enactment the likes of which we have not had access to before. While it was always possible for requests to be made to the Minister in the past, I do not think they carried the same weight as they will carry as a result of the provisions of this Bill. An appeal to the Minister in circumstances in which there has been a failure to accede to or provide for the system of openness, fairness and transparency that is endemic in this Bill will bring about a beneficial response. If that were not the case, I do not think these provisions would have been included in this legislation in the first place. They are in place for a purpose.

I cannot talk about school admissions without referring briefly to the issue of bullying in many primary and secondary schools. Many victims of bullying are afraid to talk about the serious problems caused by it. Even though there are frameworks for making complaints and provisions in place to bring it to the attention of teachers and patrons that something has gone wrong, fear on the part of the victims of bullying often prohibits action from being taken and prevents the reporting of incidents by those concerned. All Deputies have heard complaints along these lines. The Bill may have a considerable impact on this area, and so it should because this has become a serious issue, particularly where there appears to be competition between bullies of one sort or another as to who can have the most serious impact on victims. It is in the nature of things that there can be tragic consequences if bullying goes unchecked for a sufficiently long period of time. There have been such consequences in many cases. We have all dealt with such cases. I would like to think that in the course of the operation of this legislation, in conjunction with other Education Acts, particular emphasis will be placed on paying attention to reports of bullying, including cyberbullying, physical bullying and mental torture by way of texts. The perpetrators must be identified and it must be explained to them that what they are doing may have consequences for them and for their victims.

I hope the Education (Admission to Schools) Bill 2016 will be effective and adequately comprehensive to deal with the issues that are arising and are likely to arise in the future. I hope

all patrons and boards of management in all denominational and non-denominational schools will have sufficient administrative procedures available to them, and will show sufficient commitment, to adhere to what the Bill purports to do. If that is the case, this Bill will be of considerable benefit to children, the community at large and the future adult population of this country.

**Acting Chairman (Deputy Eugene Murphy):** There are no more speakers offering so I ask the Minister to bring the debate to a conclusion. As there are just two minutes remaining before the start of Question Time, the Minister may have to conclude his response the next time the Bill comes before the House.

**Minister for Education and Skills (Deputy Richard Bruton):** I do not think there is any point in calling Deputies back to hear me speak. I thank the 20 Deputies who spoke on this Bill and raised many issues. It has been a universally constructive debate. Much of what is in the Bill has been welcomed. I agree with the sentiments of many Deputies who have expressed a desire for us to address the baptism barrier, as it has been described. We will do that by having hearings that give us a chance to tease out the issues involved. I am glad the education committee is taking on that role in the context of a Private Members' Bill that was passed here earlier in the year and referred to the committee for its assessment. I look forward to working with colleagues on the many issues involved in this legislation on Committee Stage. I am glad this Bill has received broad support throughout the House.

Question put and agreed to.

### **Education (Admission to Schools) Bill 2016: Referral to Select Committee**

**Acting Chairman (Deputy Eugene Murphy):** I understand it is proposed to refer the Education (Admission to Schools) Bill 2016 to the Select Committee on Education and Skills pursuant to Standing Orders 84A(3)(a) and 149(1). I call the Minister, Deputy Bruton, to move the motion of referral.

**Minister for Education and Skills (Deputy Richard Bruton):** I move:

That the Bill be referred to the Select Committee on Education and Skills pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

### **Ceisteanna - Questions**

#### **Priority Questions**

#### **Private Rented Accommodation Provision**

1. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government the proposals he is considering to try to stem inflation in rent prices in the private

rental sector in the short term; and if he will make a statement on the matter. [35579/16]

**Deputy Barry Cowen:** Notwithstanding the initiatives in Rebuilding Ireland - Action Plan for Housing and Homelessness to deal with supply and the housing crisis, for which enabling legislation is expected to come before the House in the weeks ahead, with one such Bill currently before the Seanad, we have an immediate problem in the rental sector where inflation is running at more than 10%. This rate of inflation cannot be sustained by current household incomes and is leading many people to homelessness. An immediate solution is required. We have all engaged in the consultation process of recent weeks and I hope the Minister will produce proposals in the short term. I earnestly ask that he consider introducing legislative proposals in the coming weeks to give Deputies an opportunity to analyse and scrutinise them, with a view to ensuring the best possible solution is proposed, one which secures the approval of as many Deputies as possible.

**Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney):** The significant increases in rents we are seeing, particularly in urban areas, are primarily caused by a severe shortage in supply. The best way to address rents in the long term and benefit the entire sector is to increase the supply of rental accommodation and accelerate the delivery of housing for the private and social rented sectors. However, I acknowledge that short-term measures are also needed.

Pillar 4 of Rebuilding Ireland - Action Plan for Housing and Homelessness commits to developing a comprehensive strategy for the rental sector. The strategy will include measures to address immediate issues affecting the supply, cost and accessibility of accommodation. In addition, it will consider measures to increase security of tenure and, in particular, the potential of new mechanisms for both setting and reviewing rents. There will also be a focus on maintaining existing levels of rental stock and encouraging investment in additional supply.

The rental strategy will provide a vision of the role the rental sector will play in the short, medium and long term in the context of the Government's overall objectives for the housing sector. I expect it to be finalised by the middle of December. Some of the measures in the strategy will require supporting amendments to be made to the Residential Tenancies Act. However, other legislative changes are being accelerated for early enactment in the Planning and Development (Housing) and Residential Tenancies Bill 2016, which commenced Second Stage in the Seanad yesterday. Tenants and landlords alike will, therefore, see a number of improvements introduced arising from these legislative provisions.

The key challenge is to ensure the development of a viable and sustainable rental sector that can provide choice, quality, value and security for households, together with secure, attractive investment opportunities for rental providers.

My objective is to use the opportunity presented by the Planning and Development (Housing) and Residential Tenancies Bill 2016, which will come before the Dáil in early December, to make necessary amendments that are consistent with the rental strategy once it has been launched. These amendments will probably be made on Committee Stage in the Dáil. I hope I will be able to reflect the concerns expressed by a number of political parties and individuals in the consultation process. I will try to find a balance that will ensure continued investment and supply and provide an appropriate response to the difficult conditions in which many tenants find themselves as a result of rental inflation.

**Deputy Barry Cowen:** I thank the Minister for his response and acknowledge that he agrees with many Deputies on this side on the urgent need to introduce short-term measures to address the terrible inflation being inflicted on those who find themselves in the awful predicament of renting accommodation. I also welcome his commitment to consider the possibility of amending legislation to ensure security of tenure for tenants and to place before the House legislation which will give effect to new means and mechanisms for setting and renewing rents along the lines of rent certainty and control.

I also acknowledge the commitment given by the Minister to introduce amendments on Committee Stage of the Planning and Development (Housing) and Residential Tenancies Bill 2016 consistent with the rental strategy which he will announce in the weeks ahead. This reflects the calls made on this side for urgent action to be taken on this issue. Amendments should not be taken lightly because they interfere with the market but market intervention is unfortunately necessary because market conditions are abnormal. Changes can be reviewed after a period to ensure they achieve the desired outcomes. I ask the Minister to bear in mind that regardless of how abnormal his amendments may seem, the market is also abnormal and the changes the House introduces can be reviewed after a period.

**Deputy Simon Coveney:** Striking a balance is difficult; if it was easy, we would have acted months ago. Sinn Féin has made proposals on numerous occasions and I understand the party intends to introduce another Private Members' motion in two weeks' time, which is just before we are due to launch the rental strategy. I am not sure if this will be helpful given that we are trying to finalise a rental strategy that takes on board the concerns of many stakeholders. That is politics, however.

The issue for me is to get this right. The last thing I want to do is introduce a blunt measure that may solve an immediate problem for one sector but cause a major problem in another sector. We must ensure that, regardless of what steps we take, the private rental market continues to attract investment because we need many more rental properties. However, I will not ignore the pressures many tenants are under. We have taken time to consult many interested parties, including the Opposition, on this matter and we will finalise the process as quickly as possible. I hope political games will not be played during the process because this is a genuine effort to get this right.

**Deputy Barry Cowen:** I assure the Minister that I will not seek to play political games on this issue. I want the legislation to be brought before the House in order that it can be analysed, scrutinised and improved. I want a consensus to be achieved in order that the legislative changes the House makes will have the desired effect and will be reviewed after six or 12 months. I want measures introduced urgently that will deliver the best possible outcomes and provide security of tenure and legal mechanisms to allow for fair play in the setting and renewing of rents.

**Deputy Simon Coveney:** The rental strategy is an important part of the housing strategy. The rental market has doubled in size in the past 20 years. Thousands of families rely on a sustainable and predictable rental market to provide certainty about where they will live in six weeks, six months or six years. We are trying to respond to changing circumstances and the crisis in supply in many parts of the country. It is not easy to get the balance right, which is the reason we have taken a little time to develop the strategy. I appeal to people to allow us to conclude the strategy. There will be an opportunity to debate the amendments to legislation we will introduce as part of the rental strategy as well as policy initiatives we will take to try to strike the right balance, which will not require legislation.

## Housing Provision

2. **Deputy Eoin Ó Broin** asked the Minister for Housing, Planning, Community and Local Government his plans to direct local authorities to sell public land at low or below market rates as part of pillar 3 of his housing action plan; the public sites currently under consideration for such sale; the total hectareage of these sites; the number of houses that will be provided at these locations; the percentage of these houses that will be social housing; the timeframe for providing these units; and the cost to the State arising from the low or below market sale of these lands. [35578/16]

**Deputy Eoin Ó Broin:** The housing action plan refers to the potential for providing low-cost lands to private developers for the provision of private units at affordable costs. Last week, following the launch of pillar 3, there was media speculation about the low-cost sale of lands to private developers. The Department's website features a speech given by the Minister when he announced the 19 potential pathfinder sites. As it does not provide much detail, the purpose of my question is to elicit as much detail on this aspect of the plan as the Minister is able to provide today.

**Deputy Simon Coveney:** That is a fair question. Rebuilding Ireland's core objective is to increase and accelerate housing delivery to meet demand. In the context of State lands, that means extracting the optimum housing supply in the shortest possible timeframe, while also securing the greatest value for money possible in terms of State-owned assets. In practical terms, this will include accelerating social housing delivery and securing more homes for sale and rent at lower and more affordable price points.

Many local authorities have significant landbanks and are pivotal in managing the overall planning and development of housing to meet the needs of citizens. It is not my intention to direct local authorities on how to maximise the housing supply from their sites but, rather, to work with them in partnership, using all of the levers available to me, to support the development of housing on such sites.

In this regard, Rebuilding Ireland contains a number of key actions that are capable of supporting the accelerated delivery of mixed-tenure housing from local authority sites. These include the commitment to spend over €5 billion on adding a significant number of social housing units to our existing stock, the €200 million local infrastructure housing activation fund and the major urban housing development sites initiative, which involves some local authority-owned and private sites. I hope we will get significant and ambitious public private partnerships in order to get mixed-tenure sites moving. This will be done on a case-by-case basis.

In principle, we have agreed politically on O'Devaney Gardens. We want to bring finance to the project to support 30% social housing. We also want Dublin City Council to try to design a system that can attract significant private sector interest in the site and to use the land that is available, which is the key to ensuring that the council receives as much of a dividend as possible from the private developer. It may be a social as well as a financial dividend, or one or other, in terms of the 20% affordable rental element of the project that we envisage.

Depending on the location and value of a site, the last thing we want are large sites remaining empty for five or six years when the current pressures on supply continue. We are encouraging the chief executives of local authorities to be ambitious and to come to us with projects that we will help them put together.

**Deputy Eoin Ó Broin:** As the Minister knows, we support the principle of mixed-tenure estates and want public landbanks used to the maximum public housing benefit possible. I urge that there be the greatest degree of flexibility possible from the Minister's Department in terms of the proposals chief executives bring forward. Different local authorities have different landbanks and sets of needs. In the case of O'Devaney Gardens, for example, Dublin City Council has other land that can produce other mixed-tenure sites, possibly under a similar model.

In my constituency, the bulk of the Clonburris strategic development zone, SDZ, land is private, but the Grange, or the Corkagh site on the Minister's list, is one of the last major publicly-owned pieces of land for social housing. If we do not get that process right, it will reduce the overall increase in social housing we are able to develop in an area of very high need. I would be interested in hearing whether the Minister is open to the idea of council-led mixed-tenure estates or the current proposal that the city manager of South Dublin County Council is considering in terms of the sale of land with the council receiving its full market value, the Department possibly funding the 30% social housing provision and the local authority being able to use the money from sale of the land to purchase further land in order to provide more mixed-development estates. That would be the most advantageous use of the land in the constituency.

**Deputy Simon Coveney:** That is a very fair point. Depending on where lands are located, the circumstances in the communities around them and so on, sometimes we need to actively try to get private housing in certain areas in order to create real mixed-tenure and broader communities - O'Devaney Gardens is a good example of that. In other areas, it may be sensible to have a higher percentage of social housing because there may already be a lot of private housing there.

It would be sensible of me to look to the experience within local authorities, which know their areas a lot better than I do, come back with proposals, vet them and have a robust discussion about ensuring that we derive maximum value from the relevant sites. We also need to try to meet the policy objectives of the Rebuilding Ireland plan, which aims to change the way in which we deliver social and affordable housing in terms of mixed-tenure and use, better design and building communities rather than simply building housing estates.

As I said, we are encouraging local authorities to work with our housing delivery unit and to be ambitious in respect of prospective projects. We have a lot of money to spend on housing next year, the year after and so on. We will be part of those projects but they need to make sense from a policy point of view.

**Deputy Eoin Ó Broin:** I thank the Minister. I acknowledge and welcome the flexibility he has outlined. I urge him to consider other areas of flexibility. I refer to the affordable or cost-rental element of some mixed-tenure estates. There is a real value in considering local authorities being responsible for cost rental or affordable rental schemes, partly because it would increase the rent paid to local authorities, which would assist them in meeting their commitments in respect of the long-term maintenance of the stock.

I refer to housing for sale. We know, from replies from the Department to parliamentary questions I submitted, that the all-in cost of local authority building for two or three-bedroom houses is significantly below that outlined in some surveys, such as the one carried out by the Institute of Chartered Surveyors. Therefore, there could equally be a benefit to local authorities and the State if the latter was in the business of providing affordable housing for sale that could be sold at below €200,000 or €220,000. That profit could be recycled back into future mixed-

tenure housing developments. I am not saying that the Minister should consider the proposal instead of what clearly seems to be a more private sector focus. However, it is a model he should actively explore.

**Deputy Simon Coveney:** I do not have a closed mind. I find it difficult to believe that local authorities would be able to manage projects more efficiently than a competitive tendering process where a project goes to market and the person who produces the best and lowest cost proposal will be awarded the contract. Local authorities should be involved in the management of the process. By and large, however, the likelihood is that they will tender in order to try to get the best value, design and so on.

We should not forget that local authorities have not built many houses for quite some time. In terms of building up expertise and teams of architects, engineers, quantity surveyors and so on, they will be under a lot of pressure to get social housing projects built on time without taking on a lot of extra staff. If there are exceptions to that, if there is a good case being made, if chief executives think it is a good idea and if they are supported by councillors, we will consider the proposals so long as they are not a contravention of competition law.

### Planning Issues

3. **Deputy Barry Cowen** asked the Minister for Housing, Planning, Community and Local Government if his Department has undertaken an audit of potential bottlenecks and undue regulatory burdens slowing down the planning process for building multi-unit housing developments such as apartment buildings or housing estates; the findings of this audit; and his plans to remove such blockages. [35580/16]

**Deputy Barry Cowen:** The Government has acknowledged on numerous occasions that the cost of building houses and apartments is a key issue in the holding back of supply. However, there appears to be no mention of an intention to undertake regular audits of construction costs in the Rebuilding Ireland document, despite it being one of the main recommendations of the Committee on Housing and Homelessness. That being the case, can the Minister inform the House whether he or his Department has carried out an audit of the cost burdens or impediments that are affecting the supply of housing? Will the Minister make it public to Members and allow us to analyse it in order to ascertain what measures and actions are necessary on the part of the House in order to improve supply?

**Deputy Simon Coveney:** The Deputy has asked a slightly different question to the one that was tabled. I will respond to his comments. We are now working with the Housing Agency to put together an independent audit of build cost. The Deputy has requested that for some time and of course it makes sense to do it. I do not think we should rely on the Chartered Surveyors of Ireland, even though the report it compiled has contributed to the debate. It factored in over €60,000 of site value, a profit of 15% and so on. We need to have a genuinely independent process. The Chartered Surveyors of Ireland did an interesting job but we need to be seen to have an independent assessment of build cost that includes everything in order that we might have a benchmark to measure against in terms of our discussions on the cost of building and what is an affordable house and what is a reasonable price to expect in different parts of the country. We can then factor in land costs, etc., on top of that. We need to benchmark against the cost of building houses in other parts of Europe. For example, we need to look at the costs of concrete in Ireland compared with other parts of Europe, which is a fair ask. That process is very much

under way and has been for about one month.

**Deputy Barry Cowen:** I thank the Minister for his response. I welcome again the commitment of the Minister and the acknowledgement of this being a factor which has to be investigated independently, properly and authoritatively with a view to informing the market of the actual cost of construction, which heretofore nobody has been able to provide. This aspect was a major recommendation of the Committee on Housing and Homelessness. I welcome the Minister's commitment and his ongoing work to provide this.

Perhaps the Minister could inform the House when this might be first available and at what stage the reviews will take place thereafter. Will reviews be quarterly or half yearly? It is important to ascertain the impact of the amendment on, for example, a decrease of planning development levies, of certification costs and of VAT rates and a decrease in the costs of finance. It is not competitive when one has rates far in excess of what should be competitive rates of 3% 4% or 5%. We hear of mezzanine funds at 15%, 16% and 17%, within one of which the Government has a role, and that cannot continue. That is only part of the mix that will emanate from a report which will authoritatively and independently assess the costs of construction. Will the Minister indicate when it will first be available and when reviews will take place thereafter to analyse and see that costs are coming down?

**Deputy Simon Coveney:** We have been acting in trying to get down the cost of building a house. That is what the local infrastructure housing activation fund, LIHAF, is all about. It is also why we are making publicly owned land available in an effort to create joint public private partnerships and in getting affordable housing projects moving. This is why we are looking at a much more streamlined and efficient planning system for some of the larger housing estates, in order that there can be certainty around the timeline for decisions, which also has an impact on funding. We are also looking at the Ireland Strategic Investment Fund, ISIF, with regard to on-site infrastructure investment at low cost. All these are being done.

To be fair, the core question Deputy Cowen has been asking for some time is whether we can get an independent assessment of the complete picture with regard to the construction costs for a house or an apartment complex. We have asked the Housing Agency to co-ordinate this and it is putting together a task force. I suspect we will have it in the first quarter of next year. Once there is a template to assess that, it should not be difficult to reassess it periodically to see whether elements of our construction industry are too expensive and if we can deal with that. When we have that list itemised, I believe it will be easier to do it.

**Deputy Barry Cowen:** I thank the Minister. He acknowledges that it will be in the first quarter and that we would agree a framework for assessing that thereafter and a period which would be acceptable to the rest of the House. Will the Minister make available his Department's audit of the various cost burdens associated with house and apartment construction that led him to that decision, notwithstanding the pressure from me, the committee and others who have been seeking that information? Perhaps the Minister would make available to me, as soon as possible, whatever audit has been carried out by his Department in allowing him to arrive at that decision, in addition to other pressures coming from other parties.

**Deputy Simon Coveney:** When making the decisions in the Rebuilding Ireland strategy, we looked at the process of building a house and looked at the levers that are controlled by the Government, by local government and by me. We looked at the obvious things that we could change. We know, for example, that 15 planning applications for more than 100 houses have

been submitted to An Bord Pleanála this year. We know that the time period from concept to final decision was 78 weeks on average, with many of the planning applications taking longer than that. It did not take a genius to conclude that maybe we should take a look at streamlining the system, and that is what we have done.

Likewise, we looked at the cost of development levies on many of the sites. There is enough planning permission currently in Dublin for 27,000 houses, but only 4,000 are under construction. When one speaks to people about why construction is not happening they speak about a series of costs. One of those costs is the cost of infrastructure to open up the land for development, so we targeted that issue with the LIHAF fund.

This is a practical response to practical blockages in the system as opposed to being a formal audit. I am happy to share and discuss this. We have had a lot of discussion in the committee on many of these issues already.

**Acting Chairman (Deputy Eugene Murphy):** Before I proceed I wish to say that I am very reluctant to interrupt a Deputy or the Minister while they are trying to ask a question or give an answer. We are, however, consistently breaking the time barrier for this debate, which means that somebody at the end of the time allotted for this debate is not going to have his or her question answered. I ask for everyone's co-operation. A slot is six and a half minutes with 30 seconds for an introduction. This does not seem to be a problem at all. The Minister is then given two minutes to reply and there are four minutes for supplementary queries and responses, comprising one minute for the Deputy, one minute for the Minister, another minute for the Deputy and another minute for the Minister. When I interrupt, it is because I want to let Deputies know that we need to keep things moving to ensure everyone gets a fair play. I have probably just taken up one minute saying this, so we will move on pretty rapidly.

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

4. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning, Community and Local Government the number of council houses owned and managed by local authorities that will be delivered in 2017, 2018, 2019 and 2020 under the Rebuilding Ireland plan; if he will provide a breakdown of these figures by local authority; and if he will make a statement on the matter. [35506/16]

**Deputy Richard Boyd Barrett:** For some time I have been trying to get to the bottom of actual council houses and the delivery of same under Rebuilding Ireland. I would like to be wrong and I hope I am wrong but I suspect that under the heading "social housing" or "new build" we are actually getting hardly any local authority housing. Will the Minister provide the factual situation on local authority housing?

**Deputy Simon Coveney:** The 47,000 social housing units to be delivered under Rebuilding Ireland - Action Plan for Housing and Homelessness, span the years 2016 to 2021. All of these 47,000 units will be available for local authorities to utilise in addressing housing need for those on waiting lists. Of the overall total, up to 33,650 will be owned and available to be managed by local authorities. Of these 33,650 units, approximately 18,700 will be delivered through construction, PPPs, voids, regeneration, rapid build and Part V acquisitions by local authorities. Some 2,300 will be acquired from the market by local authorities and 3,500 will become available to local authorities through the new repair and leasing scheme. There will

be 9,150 units leased from a range of sources, including private owners and the NTMA special purpose vehicle, which is to be established. These units will be secured using robust long-term lease arrangements for periods of ten to 20 years. In the case of such units, local authorities may directly manage them or may arrange for them to be managed by approved housing bodies. The balance of 13,350 units within the overall 47,000 target will be constructed or purchased and managed by approved housing bodies. These are all new houses coming into the system.

A breakdown of the 33,650 overall local authority delivery, which I referred to earlier, is not available on an individual local authority basis at this point. However, the following table sets out the annual national breakdown envisaged. While all local authority areas have targets out to 2017, details of which are on my Department's website, and are being supported by my Department to accelerate and increase social housing delivery, new individual targets that reflect the increased ambition and funding provided under Rebuilding Ireland will formally issue to each local authority in January 2017, following the completion of the summary of social housing assessments in 2016. The assessment process is now well advanced and will provide updated figures for social housing need. This will allow for social housing delivery and resources to be aligned with the up-to-date, priority housing needs locally.

Annual breakdown of delivery of the 33,650 new units that will be owned and available to be managed by local authorities

2016	3,190
2017	3,325
2018	5,669
2019	6,489
2020	7,332
2021	7,645
Total	33,650

**Deputy Richard Boyd Barrett:** The expression, "The devil is in the detail", takes on a whole new meaning when it comes to trying to get to the bottom of figures for social housing in the Minister's Rebuilding Ireland plan.

*4 o'clock*

I will study the Minister's answer in detail, because there was a lot of detail. Certainly, on first hearing, one could be forgiven for saying I am not really getting a straight answer as to how many of the 47,000 houses will actually be - let me be very clear - new local authority houses, not ones acquired under Part V leasing arrangements, not approved housing bodies-----

**Deputy Simon Coveney:** Part V is not leasing.

**Deputy Richard Boyd Barrett:** This is the detail I am trying to get at. I will be asking about Cherrywood later. We are going to have 8,000 houses. How many of them will be council houses? My fear is it will be very few. I know that, next year, Dún Laoghaire-Rathdown will get 103 local authority houses, although, in fact, we do not even know if they are all local authority houses. It is probably fewer than 100 council houses whereas we have 6,000 people on the list. This is the detail I want at national level and then broken down county by county.

**Deputy Simon Coveney:** With regard to Dún Laoghaire-Rathdown, while I was in talking

about how we can deliver more social houses, Deputy Boyd Barrett was outside protesting.

**Deputy Richard Boyd Barrett:** I was. I am not a councillor.

**Deputy Simon Coveney:** As opposed to making a contribution to the solution, he was just screaming and shouting, as usual.

The issue for Dún Laoghaire or for anywhere else is that its local authority decides how many social houses it wants to deliver and then we will pay for them. We want to work with local authorities to ramp up social housing delivery dramatically. I made that very clear when I was in Dún Laoghaire-Rathdown. My understanding, according to a figure I got the other day, is that an extra 222 will be delivered by Dún Laoghaire-Rathdown by January 2018, which is in just over one year. We can go through the detail of that if we get the detail from the local authority.

My only objective is to increase significantly the number of social houses owned, built, acquired or altered to make them suitable for good quality social housing, preferably in mixed tenure estates. We will encourage that and spend a lot of money to deliver it. That is why we are talking about these kinds of figures, with 18,700 to be delivered through construction, PPPs, voids, regeneration, rapid build and Part V acquisitions. Part V is not leasing; it is acquisitions. There are other leasing projects we can do that make sense, for example, leasing for between ten and 20 years to give people certainty and security of tenure. Although the Deputy might not like to hear it because it does not suit the political arguments, the Government is committed to delivering tens of thousands of extra social houses over the next five years.

**Deputy Richard Boyd Barrett:** The reason I was protesting is that, for six years, since I was elected to this House, I have been pleading with the Government to return to the provision of local authority housing. For five of those years, I got blanked completely, and the list in Dún Laoghaire went from about 3,000 to about 6,000, with people now waiting 18 years on the list. I have people coming in to me every week with their kids, literally crying about having no place to live. That is why I am protesting. If the Minister can solve the problem, I will be a very happy person. It is not out of a desire to have an unnecessary political argument. I just want a solution for the desperate people who are coming in every week.

What I cannot get, and I hardly have time to ask the question, is the information on how many of these will be local authority housing, as opposed to housing from the approved housing bodies or leases. Let me put it this way. Of the 8,000 houses, let us say I can convince the council that 2,000 of those should be council houses, will the Minister give Dún Laoghaire-Rathdown the money to take 2,000 of the 8,000 houses in Cherrywood into public ownership as local authority houses?

**Deputy Simon Coveney:** The point I was making about protesting is that we were out there to discuss how we ramp up and significantly increase social and affordable housing provision in Dún Laoghaire, which has specific problems because of the extraordinarily high average rents and house prices there. We need to tailor solutions, as I made clear to some of the councillors who are connected to Deputy Boyd Barrett's grouping. I recognise there are almost unique problems there that require solutions which my Department has to be part of. That is what we are there for.

If the Deputy looks at what we are trying to do, he will see we are increasing the housing budget for next year by 50% in one year. No other Department is even coming close in terms

of the pace of increased budgetary commitment. That is because, primarily, that money will be going into social housing provision in Dún Laoghaire and elsewhere. We need ambitious approaches to come from local authorities and we want to work in partnership with them to make that happen. That is what we are trying to do. There is no mystery about it and no one is trying to hide anything.

The figure I believe the Deputy is looking for is that 33,650 of the 47,000 will be owned and available to be managed by local authorities. The other 13,000 or so will be through AHBs because we need to get the balance between the two to maximise output.

### **Local Authority Housing Provision**

5. **Deputy Catherine Connolly** asked the Minister for Housing, Planning, Community and Local Government the number of houses that have been acquired and purchased by Galway City Council in each year from 2011 to date in 2016; the number of houses that have been constructed by the city council for each of those years; the number that are under construction; the number of houses that will be completed by the end of 2016 and by the end of 2017; the number that are planned for construction by the city council in 2017; and if he will make a statement on the matter. [35507/16]

**Deputy Catherine Connolly:** Galway city has 4,720 households on the waiting list, comprising 10,000 to 15,000 people, and that figure is rising. As I speak, 29 families with 79 children are homeless, 18 other families are at risk of becoming homeless and 20 people are sleeping rough. My question is very specific. What houses were built and what houses are going to be built?

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** The development of new social housing in Galway city is, in the first instance, a matter for the local authority. However, it is something the Department is taking very seriously, and the Minister, Deputy Coveney, has visited Galway three or four times in the past couple of months. The idea behind Rebuilding Ireland is to work with local authorities to drive change in this area.

Since 2011, 84 social housing units have been acquired by Galway City Council or approved housing bodies in its area. This includes two in 2011, 22 in 2012, 56 in 2015 and four up to the end of June 2016, with additional units expected by the end of 2016. In that period, 15 new social housing units were completed in an unfinished development at Cúirt Róisín and were taken over by Clúid earlier this year. Galway City Council has also secured 261 units through long-term leasing arrangements, including 50 new units under Tuath at Ballyburke through the NAMA special purpose vehicle, the National Asset Residential Property Services, NARPS.

A target of 518 social housing units over the period 2015 to 2017, supported by a funding allocation of €28.3 million, was notified by the Department to Galway City Council in April 2015 to be invested in a combination of building, buying and leasing schemes. Following this, the construction of a total of 69 new social houses at Ballymoneen Road was approved, and I am advised that the first phase of 14 units is expected go on site next month for completion in 2017. I am also advised that phase 2 of this project, which will deliver 55 units, will start on site in 2017. A further 19 new units are also due on site in 2017 across three approved housing body projects, while in July last, the Minister, Deputy Coveney, announced the delivery of 73

new units at Ballyburke as part of the second bundle of the social housing public private partnership programme.

Funding has also been approved by my Department under the capital advance leasing facility for the acquisition by three approved housing bodies of 69 units in Galway city. Delivery is contingent on approved housing bodies securing the balance of funding required, but if successful, 39 units are expected to be delivered by the end of 2016, a further 27 in 2017 and three in early 2018.

In the context of the increased targets in Rebuilding Ireland, the Deputy can be assured that the Department will continue to work with Galway City Council to increase and accelerate social housing delivery in Galway city.

**Deputy Catherine Connolly:** I do not think the Minister of State heard what I said. I asked him what the Government is going to do. The local authority produced plans every single year and no funding was made available. I share Deputy Boyd Barrett's frustration with this type of reply. I want to welcome any positive news.

I want to be crystal clear. Not one single social housing unit has been built in Galway since 2009. That is why we have between 10,000 and 15,000 people on a waiting list since 2002. The Minister of State spoke about approved bodies and different leasing schemes. The 14 he spoke about are still not built. That is simply because of lack of money, or that is what I am told. If I am wrong, the Minister of State can correct me. I understand that the Department of Housing, Planning, Community and Local Government stopped the bigger scheme and instructed the council to get more units on site despite the fact that the latter had been given approval.

**Deputy Damien English:** I will do my best to answer the question Deputy Connolly tabled, which relates to the detailed figures.

**Deputy Catherine Connolly:** How many houses have been built?

**Deputy Damien English:** I went through the figures. The Deputy asked what we are going to do and whether there is an issue with funding. It is not an issue of funding any more. We have made it clear to all local authorities that we are in a position to work with them on projects across all the initiatives. We will work to tailor the needs of each county. The Minister and I are trying to visit every local authority as quickly possible in order to meet their officials and elected representatives and make it clear that the funding is available under the different schemes and can be adapted to suit their needs. A few of the new schemes announced would suit Galway County Council very well in respect of the buy-and-repair initiative. It is working on proposals for that. The housing budget is €1.3 billion extra. It has increased by 50%. The year after next there will be a major increase. The funding is there and the capacity of people in the Department and every local authority can be employed in order to deliver this and spend the money. There will not be an excuse.

The Deputy is correct that the figures for the waiting list are not acceptable. We understand that and we are all determined to drive those figures down by providing solutions. We will do that across many initiatives.

**Deputy Catherine Connolly:** I thank the Minister of State for the positive news and for expressing his outrage that the list is too long. I appreciate that candour. My question was very specific. How many houses were constructed by the city council year on year and how many

will be constructed? Can the Minister of State please tell me if it is correct to say that not one new house will be constructed by the end of this year by the city council and that it will be next year before we see any new local authority house built by the city council? That will be 14 units, the first building project since 2009. Are the Ministers meeting the councils regularly to increase that figure to deal with the housing crisis?

**Deputy Damien English:** The Department, the Minister and I are in touch with every local authority on a weekly, if not daily, basis at this stage. The idea behind having an action plan is to drive change. We recognise that the financial and human resources were not there in recent years in order to drive the kind of change that is needed. Galway City Council is in a position to increase its numbers. Its previous target was 518 units by 2017 across a range of schemes. It could choose which ones suited its needs. It is doing that and is well on target. We have told it in the past couple of weeks to acquire any houses it can before the end of this year. Every local authority has been given the same instruction: spend the money to acquire houses. It is not the easiest solution for Galway, although it did avail of it in recent years. However, there is pressure in Galway now in the context of housing. There is a range of schemes available and the council has approached this very well in various ways. For the past couple of years, it was not just a case of building houses but also of acquiring or leasing them. The council is on target but that target will be increased, and rightly so, because there is increased funding available.

## **Other Questions**

### **Commission on Domestic Public Water Services**

**Acting Chairman (Deputy Eugene Murphy):** Question No. 6 is in the name of Deputy John Brady but the Ceann Comhairle has agreed that Deputy Ó Broin will take this question and Question No. 14, which is related to it. Is that agreed? Agreed.

6. **Deputy John Brady** asked the Minister for Housing, Planning, Community and Local Government the funding being made available by Government for the expert commission on water; and if he will provide a breakdown as to the way in which this funding is to be used. [35437/16]

14. **Deputy Martin Ferris** asked the Minister for Housing, Planning, Community and Local Government when the Independent Commission on Water will report to him; and the timeline and detail for the establishment of the special Oireachtas committee to consider the detail of the report. [35460/16]

**Deputy Eoin Ó Broin:** What was the funding allocation to the expert commission on the future of water charges before and after the budget? The Minister was not able to answer that question previously but perhaps he can give us one today. Is he in a position to provide an update on the formation of the commission, when he expects it to start meeting and when it will publish its report on the future of water charges?

**Deputy Simon Coveney:** We got €280,000 to spend on the costs, which are expenses related to the commission. That money has not been spent yet. Most of it is for the cost of providing staff from the Institute of Public Administration, IPA, to service the secretariat. That cost relates

to a senior researcher, a researcher, administration support - as well as the involvement of the IPA's director general in assisting the commission - and other associated overhead costs. The cost of commission members travelling to and attending meetings of the commission makes up approximately €24,000. Other administrative costs include advertising and fees for members, which are modest. The members will get just over €3,000 each for the work they have been doing and the chairperson will receive €7,500. That is consistent, for example, with the type of fee that the chairman of an Oireachtas committee would get. The workload has been significant in the timeline to which those involved have been working. We have tried to keep that cost to a sensible level but, at the same time, we want to ensure that there is a proper secretariat and that the work is done as professionally as possible from a research perspective and so on.

The expert commission on domestic public water services will, we hope, make its report available to the new special Oireachtas committee on water at the end of this month. That is the timetable for which we are planning.

I have not had engagement with the expert commission, deliberately, because if I had, some people here would accuse me of trying to influence outcomes, etc. I have stayed out of this entirely, apart from setting up the commission. We are setting up a special Oireachtas committee. My understanding is that there was basic agreement at the Business Committee today as to its shape. There will be five Government Deputies, four Fianna Fáil Deputies, two Sinn Féin Deputies and five others, one from each of the smaller groups. I want to ensure that nobody is excluded. There will be four Senators --one Fianna Fáil, one Fine Gael and two others - because it is important that the Seanad is represented on the committee. It will be a group of 20 and we hope to set it up formally next week.

**Deputy Eoin Ó Broin:** I spoke to Deputy Ó Snodaigh after the Business Committee meeting and he said the motion was not tabled, that it has been deferred until next week and, therefore, that will not come before the Oireachtas until the following week. That does not seem to tally with the Minister's outline.

**Deputy Simon Coveney:** That is not my understanding.

**Deputy Barry Cowen:** Nor mine.

**Deputy Eoin Ó Broin:** When will the committee meet and how often? Will the Minister indicate when he wants it to report because many of us are eager to get on with the work once the expert commission's report is produced? Is it the Minister's desire that the committee should hold hearings? My view is that it should not to so and that we should just deal with the report and move to make recommendations to the Oireachtas.

While a figure of €280,000 may not seem large, €7,500 for a chairperson for three months, €2,500 per month, is significantly above what an Oireachtas committee chairman gets - in the region of €9,000 over a year. Is it a full-time position? How often has the commission met? What kind of work does it do?

Many of us are very keen to see the Oireachtas committee get on with its work. If it has been delayed, and my understanding is it has, I would like to understand why.

**Deputy Simon Coveney:** It is important to be accurate. This commission will have worked for five months, not three. The people we have asked to serve on it are knowledgeable, successful and busy individuals. This has taken up a lot of their time, I suspect. Approximately half

of them are not Irish but the chairperson makes the majority Irish. They are all experts in their fields and if we want to get good quality people, the least we can do is cover the cost of their turning up for meetings. The secretariat and the research staff are needed. The commission has to avail of legal advice. That money has not yet been spent. That is what we have budgeted for in order to ensure that we can get a professional job done.

This is one of the most divisive political issues with which this Oireachtas has had to deal in recent years and that it will have to deal with in the future. We are talking about a €5 billion investment programme for Irish Water over the coming few years. It makes sense to spend a little money to ensure that we give the process the best possible opportunity of creating some political consensus around this divisive issue. That is how we have approached it. This is not my committee. I am not going to dictate how many times it meets, who it asks to appear before it, etc. My understanding is that we can set it up next week, but we can discuss the matter further. That is the message I received from the Fine Gael Whip. Whether it is formally set up next week or the week after, it will still happen well in advance of the report coming out. The latter is important because I believe the report should go directly from the expert commission to the new committee in order that it can get on with its work and that it is not seen as being “handled” by Government in the period between the finalising of the report and its going to the committee. That is very consistent with the confidence-and-supply agreement. This is the process that is under way that I hope will produce a good outcome. The sooner that committee is set up, the sooner we can get on with it.

**Deputy Eoin Ó Broin:** I have two further points of clarification. Will it be a matter for the committee to decide who will be its Chair? Also, my understanding was that the Business Committee was meant to agree today on the motion to be proposed to the Dáil next week and that this did not happen. Can the Minister explain why that is the case and outline the reason for the delay?

**Deputy Simon Coveney:** I am not a member of the Business Committee but my understanding was that there was an agreement, in principle, in terms of the number of Members of the Oireachtas on the committee, which will be 20. I understand that the Government is to bring forward a motion that is consistent with that next week in order to facilitate establishment. I am not aware of any objection. I made a point of telephoning a number of people to ensure that everyone was okay with what we are proposing before the meeting of the Business Committee. Many of us would have preferred a smaller group but I was very anxious that nobody would be excluded and that we would not have a d'Hondt system that would choose between the smaller groups for representation because people have very strong views on this issue. Now every group that wants to participate will have an opportunity to do so. There must be 20 members if we are to include the Seanad as part of the process as well. Hopefully, people are not going to start blocking the establishment of the committee before the commission's report is even finalised. That would be a very bad start to the process. My understanding is that agreement, in principle, was reached today and that we will bring forward a motion to that effect next week. If there is a different understanding, it can be dealt with by the Business Committee. It is not a big deal.

**Deputy Barry Cowen:** As a member of the party that co-signed the confidence-and-supply agreement that provided a pathway to deal with this process, my understanding of the Business Committee's deliberations today is similar to that of the Minister. The configuration of the committee, the number of members and the levels of representation on it were all agreed earlier today. A motion will be forthcoming from the Government during the course of next week to

seek the approval of the Dáil for that committee to be put in place and a Chairman to be appointed, with a view to it being in receipt the week after of the expert commission's report and for it then, as Deputy Ó Broin stated, to decide upon the means and methods by which it will do its business before it refers the matter back to the Dáil for an ultimate decision.

**Acting Chairman (Deputy Eugene Murphy):** The time is completely up. Even allowing for the two questions being grouped, we are way over time.

Question No. 7 is in the name of Deputy Curran. Deputy Barry Cowen is going to take it in his stead. Is that agreed?

**Deputy Richard Boyd Barrett:** Is the question grouped?

**Acting Chairman (Deputy Eugene Murphy):** No. The previous two questions were grouped because they were similar, as Deputy Ó Broin pointed out to me. This is a question in the name of Deputy Curran and it has been suggested to me that it will be taken by Deputy Cowen.

**Deputy Barry Cowen:** If there are similar questions, I have no problem with it being grouped with them.

**Deputy Richard Boyd Barrett:** We were told they were grouped.

**Deputy Eoin Ó Broin:** It is grouped with Questions Nos. 27 and 33.

**Acting Chairman (Deputy Eugene Murphy):** Sorry. I did not realise that.

**Deputy Simon Coveney:** It is grouped with Questions Nos. 27 and 33, just to be helpful.

**Acting Chairman (Deputy Eugene Murphy):** That is fine. There is no problem there. We are taking Questions Nos. 7, 27 and 30 together. Is everybody agreed on that?

**Deputy Richard Boyd Barrett:** No. 33.

**Acting Chairman (Deputy Eugene Murphy):** Questions Nos. 7, 27 and 33. That is fine.

**Deputy Simon Coveney:** The Deputy sees the conspiracy in every sentence.

**Deputy Richard Boyd Barrett:** Clarity.

**Acting Chairman (Deputy Eugene Murphy):** The questions are in the names of Deputies Boyd Barrett, Mitchell and Curran. That was not in front of me but I have no difficulty with it at all.

## Housing Data

7. **Deputy John Curran** asked the Minister for Housing, Planning, Community and Local Government the locations and number of houses in each location to be provided in the fourth quarter of 2016 under the rapid-build housing programme initiative (details supplied); if there are any delays being experienced in achieving the figure; if he will identify the general and the site-specific issues giving cause to these delays; and if he will make a statement on the matter. [35415/16]

27. **Deputy Denise Mitchell** asked the Minister for Housing, Planning, Community and Local Government the total number of rapid builds currently under construction in Dublin; and if he will provide a detailed timeline for all of the rapid-build projects currently in the pipeline, indicating when they will commence, when they will be completed and when they will be tenanted. [35434/16]

33. **Deputy Richard Boyd Barrett** asked the Minister for Housing, Planning, Community and Local Government his plans for rapid-build housing; the planned per-unit cost of these homes; the speed at which they can be delivered; the comparison in both cost and delivery time with traditional-build council houses; if he will provide a breakdown of plans for these kind of houses, by local authority; and if he will make a statement on the matter. [35480/16]

**Deputy Barry Coveney:** Undoubtedly, the greatest victims of the housing crisis in the midst of which we find ourselves are the homeless and those in emergency accommodation. There are massive records being set on a regular basis in peaks of homelessness, such as the 2,426 children in emergency accommodation. It is deeply frustrating and worrying for ourselves. We do not want to be seen to be angry about this, frustrated or ramming these figures down the Government's throat, but there was a provision made by the previous Government this time last year to provide 500 rapid-build units to address the immediacy and the urgency of the situation. Only 22 have been delivered. Can the Minister inform the House as to the logjams, problems and difficulties that have arisen by virtue of the fact that the Government has not been able to meet its predictions in that regard? If we learn of these problems and are made aware of them, perhaps we, as legislators, can help and assist in order to rectify them and ensure that they can be delivered more speedily in order that people can extricate themselves from the terrible predicaments in which they currently find themselves.

**Acting Chairman (Deputy Eugene Murphy):** I will allow the Minister to respond and then the three Deputies responsible for tabling the questions may contribute.

**Deputy Simon Coveney:** I ask that the Chair give me a bit of extra time since I am dealing with three questions.

**Acting Chairman (Deputy Eugene Murphy):** I will.

**Deputy Eoin Ó Broin:** We will go easy on the Minister.

**Deputy Simon Coveney:** I am pleased that these questions have been asked. Often, the debate around rapid-build becomes very negative because the initial rapid-build project - which was something of a pilot project - was delayed and encountered problems. The easy thing would be for me to say that I am not going to answer for my predecessor and all the rest of it. However, the reality is that what the previous Minister, Deputy Kelly, did constituted a genuine attempt to try to bring a new technology into building social housing a lot faster. A whole series of things happened that slowed the process down. That probably frustrated Deputy Kelly more than anybody else. This is actually a really positive story and I want to go through what we are doing now.

My Department is working closely with the four Dublin local authorities in relation to the rapid delivery programme. A total of 22 rapid-build units have already been delivered and are occupied. A total of 350 rapid-build houses will be advancing through various stages of delivery, including construction, by the end of this year. A further 650 rapid-build homes will be advanced in 2017, with another 500 units to be delivered in 2018.

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It should be noted that Dublin City Council is currently advancing a number of rapid-build projects, including four in Finglas, Darndale, Cherry Orchard and Drimnagh, which will deliver a further 131 homes. These homes will be handed over to Dublin City Council on a phased basis from the end of the year and delivery will be completed early in 2017. My Department is working closely with the council to expedite delivery.

In addition to these four projects, further work is under way across the four local authorities that will bring to 350 the total number of rapid-build homes advancing through various stages of delivery, including construction, by the end of the year. The additional sites in question are in Dublin city, Dún Laoghaire, Cherry Orchard, Tallaght, Blanchardstown and Balbriggan. Construction dates will be finalised in the context of completion of procurement and award of contracts. Sites are being identified and planning requirements advanced for a further 650 rapid-build homes in 2017 across the four Dublin local authority areas and also in Louth, Wicklow, Kildare, Meath, Cork, Waterford, Galway and Limerick. This will ensure that the commitment in Rebuilding Ireland to deliver 1,000 rapid-build homes in 2016 and 2017 is met.

The standard delivery timeframe for a traditional social housing construction project from inception to occupation can range from 12 months to three years, depending on the complexities of the project. All social housing construction projects, including rapid-build projects, must follow certain basic steps before construction can commence.

There has been significant pressure to ramp up delivery, which local authorities have been responding to positively. However, there are requirements, such as in the context of procurement, that have to be adhered to and that, in some instances, have caused delays. Notwithstanding this, I am confident that all parties are endeavouring to move the programme forward speedily.

We now have finality from the Government office of procurement to put a central procurement list together that local authorities from anywhere in the country can simply pick companies from, because those companies have been through the procurement tests, certification and so on.

I know that this has got off to a bad start in some ways. I have regularly had debates on that in media and elsewhere. However, I actually think a lot of private estates are going to be built with this technology as well. Rapid build is simply a different way of constructing houses. Much of the assembly is done off-site in a factory-style setting where pieces are craned in and put together, which allows one to build houses faster and potentially create economies of scale.

**Deputy Thomas P. Broughan:** After 20 years one will have to rebuild them.

**Deputy Damien English:** No, one will not.

**Deputy Simon Coveney:** No, one will not. Deputy Broughan is talking nonsense.

**Deputy Thomas P. Broughan:** They had to be rebuilt in Finglas.

**Acting Chairman (Deputy Eugene Murphy):** The Minister should be allowed to speak without interruption.

**Deputy Simon Coveney:** All of the construction companies and developers that are tendering for this work are giving 60-year guarantees. Deputy Broughan should do his homework before he starts to ditch-----

**Deputy Thomas P. Broughan:** Sixty years, yes. The Minister will not be around then and neither will I.

**Deputy Simon Coveney:** These are good solutions. Has Deputy Broughan been to Pop-pintree?

**Acting Chairman (Deputy Eugene Murphy):** Could the Minister please address the Chair?

**Deputy Thomas P. Broughan:** I went to the exhibition.

**Deputy Simon Coveney:** The exhibition was about modular homes. They are not the same as rapid build.

**Deputy Thomas P. Broughan:** Houses had to be rebuilt in Finglas.

**Deputy Simon Coveney:** People should get their facts right before they start trying to undermine genuine efforts to get significant numbers of social houses built right across Dublin and in other parts of the country. It is not a silver bullet but one of the ways in which we can get the kind of numbers that others have been calling for here moving into good quality houses that have a lifespan of 60 years and longer is by using rapid-build technology. Many private houses are currently being built with this type of technology and will be in the future. Modular units and rapid-build technology are two different things and we should not mix them up to try to undermine genuine efforts to build good houses for people.

**Deputy Barry Cowen:** I do not doubt the Minister's good intentions, goodwill, willingness and effort to address this issue, nor do I doubt the frustrations of the previous Minister, Deputy Alan Kelly, to which the Minister referred. In fact, that is very much self-evident on a regular basis. The Minister committed in the Rebuilding Ireland document and again here today to a further 900 to 1,000 units between the end of this year and early next year. That is fine. I wish the Minister every success and I hope those targets are achieved. However, I wish the House to be aware of the difficulties that were experienced by the Department, the providers and those whose responsibility it was to have 500 units in place within a year from the date of the announcement last year. If the Minister failed to reach that target, why was that the case? I just wish to ensure that the same mistakes are not made again in spite of the efforts on the part of the Minister, the Department and the local authorities. I acknowledge and welcome the extensive roll-out across other counties apart from Dublin because the housing lists, crisis and problems are evident throughout the country and not only in the main centres of population. Could the House be made aware of the difficulties that were experienced in order for us to be sure that the logjams have been cleared?

**An Ceann Comhairle:** I will come back to the Minister.

**Deputy Richard Boyd Barrett:** We all agree that we need urgent delivery of social housing. As the Minister is aware, council housing is our preference. There is also no doubt that if there is a direct choice between rapid build and bricks and mortar houses, the majority of people would prefer bricks and mortar.

**Deputy Damien English:** They are getting bricks and mortar.

**Deputy Richard Boyd Barrett:** The only case therefore for rapid build is if the houses can be delivered much quicker and if it is cheaper. The evidence in Dún Laoghaire is as fol-

lows, and I will listen if the Minister can tell me differently. Dún Laoghaire-Rathdown County Council is building ten council houses in Sallynoggin and we are told the project will take 12 months. It is also building 12 rapid-build houses on another site, when we wanted bricks and mortar, and it is said that the project will take 12 months, but the work can start straight away in Sallynoggin because there are no procurement issues while in George's Place, where the rapid build project is located, there has been a delay since September because of the procurement issues. Even when the work starts, it will take the same amount of time as traditional build, so why would one not do traditional build? In addition, could the Minister clarify the issue of cost because it seems there is no significant difference in cost either?

**An Ceann Comhairle:** We will take all the questions together and then go back to the Minister.

**Deputy Eoin Ó Broin:** As the Minister knows, Sinn Féin has supported the rapid-build projects where they have been undertaken so far and we are not looking to undermine this particular part of the strategy, but I share the concerns on a number of issues of both of the Deputies who have spoken on this side of the House. The use of language here is very important. The Minister talked about 350 additional units advancing before the end of this year. What we want to know is how many of those will be under construction by the end of this year and when will the units be finished? Likewise, for the 650 houses to advance next year, when will they be under construction and when will they be finished? What we want to know is when people will be moving into those houses. That is the first thing.

I share Deputy Boyd Barrett's concern about costs because, unfortunately, different levels of cost are being reported in the media and we do not know whether they are true. The Minister responded earlier in reply to Deputy Boyd Barrett and referred to 33,000 units owned or managed by local authorities. He included rapid-build houses in those figures. Rapid-build houses were originally meant to be emergency accommodation. I just want to know, of the numbers in the plan, how many the Minister intends to count as permanent social housing because that is a change from the plan of the previous Minister, Deputy Alan Kelly, and I wish to get clarity.

**Deputy Thomas P. Broughan:** I previously asked the Minister whether any of the rapid-build projects would include timber-framed homes because they were built mostly in the private sector and it seems to me that quite a few of them have had issues that came to light in various counties. We did have rapid-build housing previously in parts of the city, for example, south Finglas, and we had to go back and rebuild the houses. A lot of money was spent redesigning the houses and on other elements.

The Minister mentioned a number of sites in my constituency of Dublin Bay North. For years we asked the Government of which the Minister was a part, and the Government of which Deputy Cowen's party was a constituent part, for funding to build ordinary bricks and mortar houses on those sites but they would not give us the money. That is the reality. The production of homes by the Government since 2011 is an appalling statistic.

**Deputy Simon Coveney:** First, we should have been building many more social houses than we were able to in recent years but people conveniently forget the storm Ireland has come through. We were borrowing money with a lot of conditions attached, which made it virtually impossible to be able to fund the kind of social housing building programme that was needed during those years. We now have an economy that is recovering and we can afford to spend a lot more money. We are ramping up dramatically to deliver social housing through a social

housing building programme as well as an acquisitions programme, getting vacant properties back into use and all the rest of it. One can build houses through conventional building methods and there can be a need to go back to repair them if they are badly built. Standards are the issue here. The technology must deliver standards, whether that is pre-assembly in a factory setting or by traditional-build methods, and technology is moving on. As my colleague, the Minister of State, Deputy English, said, there are steel-framed houses built with this technology in Dunshaughlin that are on sale today for more than €400,000. That is how houses are being built.

**Deputy Barry Cowen:** That is an awful price.

**Deputy Simon Coveney:** I agree it seems ridiculously expensive.

**Deputy Damien English:** People are paying the price.

**Deputy Simon Coveney:** It is a case of using the best available technology to get houses built as quickly as we can to try to meet the demand for social housing. It is as simple as that.

If one looks at the reasons that the rapid-build programme has stalled and is taking longer than some had hoped, one can point to procurement, for example. It has taken the Office of Government Procurement some time to get the framework in place. We had hoped that would be done by the middle of summer 2016 but it is only being done now. There are reasons for that. Let us face it; there have also been protests. There was a lot of local resistance to a number of sites because of the kind of fears we have heard today, namely, that the houses would blow over in the next storm. That is not the case, but they were the fears expressed. There have also been some planning issues in terms of trying to progress the programme because of the suspicion around rapid build and whether it could offer the kind of quality we need, among other issues. We have moved on from much of that now. From a procurement point of view, we have clarity and speed, and from a Part 8 point of view, all of the 350 or so houses that will be at various stages of progress by the end of the year will have achieved planning permission and will have funding signed off and the work will be progressing.

I do not think that this is any more expensive than building so-called conventional houses. When one looks at the price in Poppintree, for example, when the final costs came in, it was not as high as many had predicted. There was a robust negotiation with the developer on that.

There was a very pointed question about what the houses would be used for, which is a very fair question. When we ramped up the numbers to go from 500 to 1,500, clearly this was about social housing provision as well as emergency accommodation. My preference is that homeless people should be a priority in this context but when we are talking about the numbers I suspect we will deliver in the coming years from rapid build and of the tens of thousands of social houses we may build in the future, we may find that this technology becomes the norm, both in the private sector and in social housing build programmes. It would be wrong to say that all of these units will be for temporary emergency accommodation. That is unlikely in reality.

**Deputy Mick Wallace:** There is nothing wrong with timber-frame accommodation if it is constructed in the right way. In a climate like ours, the inner leaf can be timber frame but the outer one should be solid. Houses have to be built to a certain standard and to ensure that is done, we must have a proper inspection scheme. The Minister should reconsider getting the local authorities involved in inspecting the way things are done. It will make a huge difference and save the Government money in the long term. I have built timber-frame houses which I guarantee are of the highest quality, but always with a solid leaf on the outside. With regard

to the time it would take, timber frame inside and conventional outside would be quicker than what is called total conventional.

**Deputy Simon Coveney:** I totally agree with what has just been said. It has taken some time to put a procurement framework in place. Companies are tendering to build these kind of houses and they will be building them years to come. I suspect this is not just about the 1,500 we are planning. I believe it will go well beyond that, but that is what we are committing to for the moment. I have been in and out of building sites all my life. The timber-frame technology is the norm in many countries and when it came into Ireland-----

**Deputy Thomas P. Broughan:** It is banned for apartments in the United Kingdom.

**Deputy Simon Coveney:** It is the norm for houses in many cases.

**Deputy Thomas P. Broughan:** Yes, houses.

**Deputy Simon Coveney:** The issue here relates to standards, quality, certification and consistency, and the need for a high-quality procurement process that ensures we get we will get all of the latter from reputable builders. As it happens, I believe the vast majority of these houses will not be timber frame. They will be steel frame, but that is incidental.

### **Traveller Accommodation**

8. **Deputy Mick Wallace** asked the Minister for Housing, Planning, Community and Local Government if he is satisfied with the implementation of the Housing (Traveller Accommodation) Act 1998; if he has considered amending the legislation to include sanctions for non-compliance by local authorities with its provisions; and if he will make a statement on the matter. [35482/16]

32. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Housing, Planning, Community and Local Government further to Parliamentary Question No. 264 of 25 October 2016, his views on the low drawdown level of funding by local authorities for Traveller accommodation; his further views on whether all of the funding will be drawn down by the end of the year; and the action he will take against local authorities who repeatedly fail to draw down the funding provided for this purpose. [35455/16]

**Deputy Mick Wallace:** In 2000, the Traveller accommodation budget was €70 million. In 2008 it was €40 million, and it was subsequently slashed to €4 million. It was increased slightly in the budget but it represents a cut of 90% on the most marginalised group in our society. Furthermore, there was an overall underspend of 36% in the Traveller accommodation budget allocated from 2008 to 2012. Are there any plans to address the huge problem of accommodation for the Traveller community?

**Deputy Damien English:** I propose to take Questions Nos. 8 and 32 together.

The Deputy's question is mainly about getting the money spent but on the funding issue the funding has gone back up, and rightly so. In recent years approximately €5 million or €6 million has been spent on capital projects. Next year the figure will go up by 69%. The funding is increasing but ensuring that it is spent is another matter. We are reviewing the position in that regard.

A Programme for a Partnership Government commits to establishing a special working group to audit the current delivery and implementation of local authorities' Traveller accommodation plans and to consult with stakeholders on key areas of concern. This commitment has been underpinned in *Rebuilding Ireland: Action Plan for Housing and Homelessness*, which provides for the commissioning by the Housing Agency of an expert, independent review of expenditure on, and delivery of, Traveller accommodation to underpin the work of the special working group.

The review, which will have regard to the targets contained in the local authority Traveller accommodation programmes, has already commenced and is due to be completed in quarter 2 of 2017. That will deal with all the issues raised at the conference earlier in November and the concerns about delivery and getting this money spent in the right areas and delivering the accommodation. It will provide factual information and thus provide a key platform for the special working group to progress its work effectively. The working group will be established by the statutorily appointed National Traveller Accommodation Consultative Committee, NTACC, immediately after completion of the review. We expect the working group to complete its work in an expedient manner and, as provided for in the Housing (Traveller Accommodation) Act 1998, the national committee may then advise us on any appropriate measures for improving the provision and management of accommodation at local level.

The question relates to the drawdown of funding for 2016. My Department was in contact recently with the relevant local authorities in order to ensure that drawdown is maximised. The position will continue to be monitored closely by my Department over the coming weeks but we expect that this year's capital allocation will be drawn down. The same concern was raised this time last year that the money would not be spent, and it was spent. The Deputy is right that the money must be spent because we need to defend increases over the next couple of years.

**Deputy Mick Wallace:** We know that local authorities probably will not spend all the money this year and next year. Is there any way of sanctioning them because what is happening is a form of racism? Representatives of the Traveller groups came before the justice committee two weeks in a row and the main point is still Traveller ethnicity. They said that a national policy is something that should be a right for Travellers and not something that has to be demanded and that failure to do the latter means that this Government has no obligation to fully recognise Travellers' distinct difference in terms of accommodation requirements. Travellers are a nomadic tribe and we are not providing the type of halting site accommodation that many of them seek. We brought in laws in 1993 and again in 2000 that were racist in nature because the only ones that suffered as a result of them were Travellers who could not go onto a piece of land with a caravan or set up on the side of the road. One of Travellers told us that they did not have a homelessness problem 15 years ago because they could go anywhere. They have a huge homelessness problem now because they cannot go where they want to go and the houses are not available for them either.

**Deputy Eoin Ó Broin:** To mid-October there was about a 30% drawdown from the local authorities. I accept the point the Minister is making about them having a couple of months left but last year a number of local authorities did not draw down any of their allocation. For example, Clare County Council and Cork County Council have not drawn down any of their allocations this year. What is the Department doing to ensure that the money is spent? I am not talking about the local authorities that have a good track record but, rather, about those that are not spending the money year on year.

**Deputy Thomas P. Broughan:** In the estates in my constituency that are primarily occupied by Traveller families, the big demand is for new housing. Is it not the case that these Traveller families, who often endure severe overcrowding - with younger families on the housing list - have a special priority? That is something the Minister is directly responsible for because he has not allocated to Dublin City Council and Fingal County Council the resources to provide the housing that is urgently required.

**Deputy Damien English:** We accept that the resources in this area were reduced, as they were in every other area. No area was singled out. Resources across the board were reduced. The aim of the Minister, the Department and myself is to try to drive that spend up. There are issues with regard to this money being spent in certain areas. Some local authorities excel in that regard and some do not. We are trying to get to the bottom of the reasons for that because it is not acceptable. Not all the reasons are to do with the local authority; it is a combination of reasons. We have put in place the expert panel to review this matter and I have no doubt we will then have action to try to drive the spend. In the context of concerns about whether the money going in the right direction, the Deputies should look at the trend. We increased the capital spend in 2015 by 22%. Next year it will be increased by 69%. We would not be doing that if we did not believe it was the right thing to do, nor would we be increasing the spend if we thought we could not spend it. In October last year the spend was approximately 27% or 30%, which is the same figure for this year. There will be a big push over the next few weeks - I know there are only seven or eight weeks left in the year - to get this money spent, and we intend to do that because Deputy Wallace is correct in stating that it should be spent.

**An Ceann Comhairle:** Does Deputy Wallace have another supplementary question?

**Deputy Damien English:** Some of the issues raised are matters for the Department of Justice and Equality, not for our Department.

**Deputy Mick Wallace:** Wexford has the fifth-highest Traveller population in the country. That population increased by 58.9% between 2003 and 2013 but there are no plans for any transit sites to 2018. According to the plan, there are 128 Traveller households on the Wexford housing list but the lack of funding for new standard local authority accommodation will make it very unlikely that these houses will be delivered in the foreseeable future. There was supposed to be a review and I am wondering whether there is any update in respect of it.

I will admit, having listened to the Traveller representatives who came before the committee, that all of us in this House have been negligent in fighting for better conditions for Travellers. I wonder if the Government has an appetite for dealing with the issue of Traveller ethnicity because it would mean so much to them.

**Deputy Simon Coveney:** We are looking at that. The Minister of State at the Department of Justice and Equality, Deputy Stanton, is leading on that effort. I have had long conversations with the Minister of State in respect of it. The Government is looking at that issue.

In terms of the housing, it is important to understand the funding history here. My understanding is that the reason the funding for Traveller-specific accommodation decreased dramatically a number of years ago was that there was a policy decision that we would try to deal with Traveller housing needs within the broader social housing funding. In other words, instead of separating the needs of housing for Travellers and the needs for social housing, there was a merger of the two. Having learned some lessons, there is a need to significantly increase

Traveller-specific funding relating to housing need and accommodation.

I was out in Carrickmines last week with the Connors family trying understand exactly what they are seeking from Dún Laoghaire-Rathdown County Council in terms of solutions. I assure Deputy Wallace there is a serious effort within the Department to try to ensure increased budgets for Traveller-specific accommodation and that there is a political environment that can spend it locally.

### **Local Authority Staff Recruitment**

9. **Deputy Thomas P. Broughan** asked the Minister for Housing, Planning, Community and Local Government if he will provide major additional funding for the four Dublin and other large local authorities to enable their housing, construction and planning departments to restore the levels of planning and construction expertise and staffing that local government had up to the early 1990s to engage in direct planning and building of social and affordable housing; and if he will make a statement on the matter. [35229/16]

64. **Deputy Thomas P. Broughan** asked the Minister for Housing, Planning, Community and Local Government if he has received any requests from the four Dublin and other large local authorities for extra funding to enable them to employ additional skilled housing construction and planning staff to expedite local authority social housing programmes; and if he will make a statement on the matter. [35228/16]

**Deputy Thomas P. Broughan:** At the outset, I do not agree with Deputy Wallace in respect of timber-frame accommodation. Certainly, apartments which were built with timber frame have caused problems. It is something that has to be kept under strict review.

On the question, I mentioned to the Minister's colleague, the Minister for Children and Youth Affairs, Deputy Zappone, that 2,500 of our children will be in emergency homeless accommodation on Christmas Day. That is happening on the Minister, Deputy Coveney's, watch. The numbers of homeless families are growing. We have 45,000 citizens on housing lists in the Dublin local authorities. As a key element of this, the Minister told a colleague recently that he had sanctioned 500 additional posts in construction and planning roles in the major local authorities and I wondered whether he is prepared to take any further action on that.

**Deputy Simon Coveney:** I propose to take Questions Nos. 9 and 64 together.

The elected members of a local authority have direct responsibility in law for all reserved functions of an authority, which includes adopting the annual budget, and are democratically accountable for all expenditure by the authority. As such, it is a matter for each local authority to determine its own spending priorities in the context of the annual budgetary process having regard to both locally identified needs and available resources.

In terms of funding, the social housing element of Rebuilding Ireland - Action Plan for Housing and Homelessness proposes a significantly increased level of ambition, aiming for the delivery of 47,000 social housing units through build, refurbishment, acquisitions and leasing, over the period 2016 to 2021, supported by Exchequer investment of some €5.35 billion. A further €200 million is being provided through the local infrastructure housing activation fund.

In addition, Rebuilding Ireland will deliver innovations to improve, support and acceler-

ate 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 pre-application consultation at local authority level.

Since the publication of Rebuilding Ireland, the focus has been very much on driving implementation and accelerating housing delivery. To this end, I have visited a number of local authorities and have met all local authority chief executives. I have assured them that they will have the necessary support and resources to deliver on the plan.

With regard to 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 551 staffing requests, of which 541 have been approved, with the remaining ten pending, awaiting further information. These posts are varied and relate to planners, technicians, surveyors, engineers, project managers, housing welfare officers, building inspectors, clerks of works and administrative staff. In response to issues raised regarding staff costs, arrangements have been put 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 which also, of course, have a role to play in meeting the additional costs themselves.

Under the aegis of the Cabinet committee on housing, chaired by the Taoiseach, the Government will be keeping the implementation of the Rebuilding Ireland plan under careful review with published quarterly reports on implementation and progress.

We are involved - to answer Deputy Broughan's question directly - in an ongoing conversation with chief executives. If they need more staff to deliver on the kind of ambition that we have, as the Deputy can see, we generally respond to that. If they need more, as long as they can justify the case, we will certainly try and look at it favourably.

**An Ceann Comhairle:** The time remaining is limited. I call Deputy Broughan and I will then call Deputy Ó Broin.

**Deputy Thomas P. Broughan:** Is the reality that it is because of the policies of successive Governments the Minister's party and, in particular, Fianna Fáil, have led since the late 1980s that the professional memory of excellence in all aspects of housing construction and planning has been lost by local authorities? Does the Minister not have a clear responsibility to ensure that such professional excellence is brought back? Should he be asking the authorities to take up a much stronger role?

If we want to increase housing supply, we must get the local authorities involved. It must be remembered that in the city in which the Minister is sitting and in his own city, some of the best estates - estates which have developed well over the decades - were built by local authorities. Like many in this Chamber, I grew up in a county council house. The Minister and his predecessors have allowed that resource to be lost. The results, of course, are the dismal figures - all zero - for housing production on the part of the four Dublin local authorities, year in and year out. Only the other day I looked at the Dublin City Council direct construction programme to 2020. It is a dismal programme of approximately 800 units for the entire city and is part of the

Minister's overall programme. In my constituency, it amounts to the building of a few dozen units each year. We have tens of thousands of people desperately seeking accommodation.

**Deputy Eoin Ó Broin:** I have two brief questions. The Minister has said a number of times that funding is not an issue and that if local authorities bring forward more ambitious programmes than the ones they are currently pursuing, he will consider them. South Dublin County Council has budgeted to construct 600 new-build units. If it approaches the Minister and states that it wants to build twice that number, is he seriously saying that he will consider the proposal?

What is really killing local authorities is the length of time the approval process takes. For example, in Clondalkin this week we are starting to see the building of local authority houses the planning permission for which we, as councillors, approved at the start of 2014. Can the Minister give us an update on his commitment to shorten that four-stage approval process? We can have all the funding we want but if it takes 18 months to get bricks on the ground, it will cause problems for all of us.

**Deputy Simon Coveney:** I assure Deputy Ó Broin it will no longer take 18 months to get approval. There was an eight-stage approval process. It is now down to four stages. There is a real effort to streamline now.

We have given a commitment to chief executives that once they get projects across the line in terms of the Part 8 process and once they make applications in respect of those projects to the Department, we will ensure a quick turnaround in respect of them. We will send project teams to local authority offices to tease through the issues and get through the stages in days rather than weeks. That is what we are trying to do.

We must ensure that there is integrity in the decision-making process. We are spending millions of euro in public money and the important point is that we can account for all of it. We can account for the value that is being derived from those projects. We ensure that mistakes have not been made and that we are not paying too much for rapid-build projects or, for that matter, anything else.

*5 o'clock*

We must have a robust process but the Department and I - people are working very hard on this - are committed to ensuring that we move through those stages far faster than has been the case previously and that we have face-to-face meetings to get that done, rather than having an e-mail or letter engagement which often gives rise to delays for all sorts of reasons. We will move on that.

With regard to south Dublin, we have told chief executives to be ambitious. We have signed off on many new projects for next year. If there are more, we will consider trying to accommodate them as long as the ambition is consistent with the policy direction around mixed-tenure developments and building good, balanced communities.

*Written Answers are published on the Oireachtas website.*

## Topical Issue Matters

**An Ceann 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 Willie Penrose - to provide funding to enable Killucan railway station to be reopened; (2) Deputy Thomas Byrne - to advise if the Minister will be announcing funding for the minor works grant scheme; (3) Deputy Bernard J. Durkan - impact of objections and concerns over a prominent site at Naas, County Kildare; (4) Deputy Alan Farrell - to ensure the DAA fully addresses concerns of residents on the second runway for Dublin Airport; (5) Deputy Martin Kenny - to address the lack of quota for bluefin tuna for Irish fishermen; (6) Deputy Maurice Quinlivan - to address the comments regarding University Hospital Limerick made by a person (details supplied); (7) Deputy Tony McLoughlin - to ensure the N4 Collooney to Castlebaldwin road upgrade project in County Sligo is advanced; (8) Deputy Marc MacSharry - to ensure that the post office at Ballygawley, County Sligo, remains open; (9) Deputy Frank O'Rourke - the need to address problems with the centralised tender for book supplies to public libraries; (10) Deputy Mattie McGrath - to review the criteria for consultation on Government sponsored forums; (11) Deputy Eugene Murphy - to ensure the availability of private nursing homes to alleviate overcrowding in public hospitals (details supplied); (12) Deputy Charlie McConalogue - to discuss the acute overcrowding situation at Letterkenny University Hospital; (13) Deputy Ruth Coppinger - to discuss the gender pay gap in Ireland; (14) Deputy Bríd Smith - to address the ongoing rapid-build projects in Dublin; (15) Deputy Clare Daly - to discuss recent calls for an inquiry into the issue of forced adoptions in Ireland; (16) Deputy Josepha Madigan - to address the impact on global efforts to combat climate change following the recent US presidential election; (17) Deputy Anne Rabbitte - to address the reimbursement of the cystic fibrosis medication Kalydeco for two to five year olds; (18) Deputy Martin Heydon - to address the need for improved youth services in County Kildare; (19) Deputy Mick Wallace - to discuss the purchase of Project Eagle by a company (details supplied); (20) Deputy Richard Boyd Barrett - to address the issue of no referrals from Loughlinstown Hospital in respect of orthodontic surgery being taken at St. James's Hospital from Loughlinstown Hospital; and (21) Deputy Thomas Pringle - to discuss the impact of the Barlow judgment on Northern Ireland vessels fishing in Irish waters.

The matters raised by Deputies Penrose, Durkan, Martin Kenny and McConalogue have been selected for discussion.

## Topical Issue Debate

### Railway Stations

**Deputy Willie Penrose:** I sincerely thank the Ceann Comhairle for selecting this important topic in respect of public transport. The Killucan-Kinnegad Transport Lobby Group, chaired by my colleague, Denis Leonard, is a very vibrant local development group which has been in existence for a long period. It has been strongly focused on what it wishes to achieve and for a number of years has been actively advocating, and working towards, the reopening of the railway station at Thomastown, Killucan, which closed in 1963 after 115 years in operation.

It is the only station on the 22-mile stretch between Mullingar and Enfield on the Dublin-Sligo line that has double track, an existing station and platform and parking for over 120 cars. An independent report was commissioned by Westmeath County Council in 2007 and it strongly and unequivocally recommended that the station be reopened. It is part of the Westmeath county development plan and the national spatial strategy, while other strategic plans have also acknowledged it. There is a huge potential customer base, a matter which would worry the Minister in the context of recent reports. The demographics show that there has been a significant increase in the population of the area. The population in Killucan and Kinnegad has effectively quadrupled. There is also a large catchment area that includes east Mullingar, The Downs, Raharney, Ballivor, Rochfortbridge and Miltownpass.

The old station infrastructure is already in place, including a platform and signal box. It has been estimated that an unmanned facility could be put in place at a low capital cost of just over €1 million. The station is located at a loop point in the line. This section of double track is used to allow oncoming trains pass each other safely. Most hourly passenger services stop there already to allow other trains pass in safety, so we are not demanding something new. Adding Killucan as an occasional additional scheduled stop would clearly have minimal impact on existing customers and timetables.

We all acknowledge that many people need to get to their places of work. There is a huge migration of people from Mullingar and other stations along the line eastwards in the mornings. We do not wish to impact on them and this proposal will not do so. Iarnród Éireann owns a significant amount of land around the station. The installation of a park-and-ride facility could be achieved without land procurement and with virtually no impact on existing customers during the upgrade works. The 2007 study indicated that, at a minimum, approximately 260 commuters to Dublin from the housing developments in Ballivor, Killucan, Rathwire and Kinnegad would definitely use the Killucan station if it were reopened. That was more than eight years ago. Unlike the case with recent reports, this station would be extensively utilised as a significant number of people commute eastwards daily for work and other commitments.

Of course, some joined-up thinking at company and Government levels is also important in terms of the significant impact the availability of the reopening of the station could have on climate change targets and the significant reduction in the carbon footprint that would result from motorists availing of such a service and facilities. It is well known that there has been an increase in transport carbon emissions in the past number of years. There was a recent editorial in the *Irish Independent* on this issue. It asked what could be done to encourage commuters to utilise rail transport. It is instructive to read. It states:

What are the Department of Transport and NTA doing? Are they consulting with communities on what services they need to allow them to leave the car at home? ... The Government has a choice. Allow congestion to grow and emissions to rise, or tackle transport.

There have been ongoing consultations with, and representations to, Irish Rail about this station. Irish Rail has said it is okay from a safety point of view and eventually confirmed, through its chief executive, that it was also fine from a timetable point of view. The cost is €1.2 million to €1.6 million, depending on the specifications required. It is not a black hole. Up to 50% of the funding is available from the Border, midland and western, BMW, region and funding could also be leveraged from numerous rural development funds. I ask the Minister to support this.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Deputy for raising this matter. As Minister for Transport, Tourism and Sport, I have responsibility for policy and overall funding of public transport. The operation of rail network and the stations on it is a matter for Iarnród Éireann. Killucan train station in Westmeath is on the Dublin to Sligo line, located approximately half way between Mullingar and Enfield. I understand that the station closed to passengers in November 1947.

Over the years, the question of reopening the station has been raised with my Department and with Iarnród Éireann on a number of occasions, particularly by Mr. Leonard, to whom Deputy Penrose referred. I understand that in 2008 Westmeath and Meath commissioned a study which, in part, reviewed the potential of opening a new station at Killucan but that Iarnród Éireann concluded that the projected demand in the area and its surrounding hinterland was of an insufficient scale to warrant the development of a station at the time. If the Deputy can prove otherwise, I will be interested to see the evidence. Iarnród Éireann remains in a challenging position financially and has limited resources available to fund new projects. The company has not made any proposal to my Department regarding the reopening of Killucan station.

The Deputy will be aware that Exchequer funding for public transport projects over the coming period is already set out in the Government's capital plan. The transport element of the plan covers the period up to 2022. I have previously outlined that my Department's first priority under the capital plan is to ensure the maintenance of our existing transport infrastructure at steady-state levels so that it will remain safe and fit for purpose. Based on the funding allocations for public transport under the capital plan, we should achieve steady-state levels by 2020. In view of the current constraints on availability of funding, the priority for the heavy rail network under the plan is to improve efficiency and maintain safety standards, rather than expanding the network, opening new stations or reopening existing stations.

The Deputy will be aware that the Government has committed to review the capital plan in 2017 and I am determined to make the case for public transport investment to be both increased and accelerated as a result of that review, in order to address our grossing transport needs. Following on from this, if additional funds were to become available there would be many competing demands within the public transport sector. All projects would be subject to robust analysis and would require strong business cases to justify their value and demonstrate how they would significantly improve the public transport system.

I will briefly address the specific point made by Deputy Penrose about the possibility of a single-platform solution for Killucan. Iarnród Éireann advises that the operation of a single-platform station at Killucan would introduce an undesirable operational risk. I reiterate that the priority for the heavy rail network, with the funding available under the capital plan, is to improve efficiency and maintain safety standards, rather than expanding the network or reopening stations. Earlier this week, the National Transport Authority, NTA, and Iarnród Éireann launched a public consultation process on the rail review report. The report has been published on the NTA's website along with a public consultation paper. The purpose of the consultation exercise is to open a public discussion on the role of rail in Ireland and the funding of the rail network and services. This process will give the public and all interested parties the opportunity to give their views and contribute to the debate on the future of the heavy rail network. The public consultation process will run until 18 January and the NTA will then prepare a report about the process which I intend to bring to the Government. I stress that no decisions will be made until the public consultation process has concluded and been evaluated. I urge the Deputy and anybody else who supports the reopening of this station to contribute to that.

**Deputy Willie Penrose:** The Minister said the operation of a single platform would create an undesirable operational risk. However, in his letter of 30 October 2014, Mr. David Franks said he was satisfied that current operating rules and procedures could sufficiently address it. I was waiting for the answer the Minister got. I have been around long enough to know how officials and bureaucrats work. That puts an end to that. It is already there. The trains are already stopping 5 m or 10 m up the line. They should just pull in and let people get on. It is unbelievable. I will invite the Minister to come and see. He will have to come. Given his business background, he will say we have to get the show on the road. It would help relieve the choking traffic on the N4 and M50 as people try to get to their places of employment. There are several very good businesses in the vicinity of Killucan station and they appreciate the value of having it reopened. They would be prepared to help out in the provision of park and ride infrastructure facilities by way of contribution of essential materials, and they would not be found wanting in making it a reality. We should examine all these prospects.

All that is required is to be positive. Providing a park and ride facility will cost €1 million, however there is already parking for 120 cars. We are allowing for it to have 300 spaces. The catchment area is huge, stretching from Delvin and Raharney to Milltownpass, Rochfortbridge, Kinnegad, Killucan, The Downs, east Mullingar and all the areas in between. Killucan is at the epicentre of it. Let everybody here make it a reality for 2017 with good will and a small capital investment. This will not be a white elephant but a real, active station with the people just stepping on. When another train is coming, this train has to pull in to allow the train to pass, and it happens within metres of the closed station. You could not make it up. Some bureaucrat, as is their wont, wants to make a laugh of everything. On any cost benefit analysis, this would stand up to the most detailed scrutiny. I appeal to the Minister to use his common sense and ensure it becomes a reality. The people of the area deserve no less.

**An Ceann Comhairle:** Will the Minister take the train to Killucan?

**Deputy Willie Penrose:** He should. He would learn a lot. He should forget about the bureaucrats.

**Deputy Shane Ross:** While taking the train to Killucan may be difficult, I will certainly accept the Deputy's kind invitation to come and have a look. I am not an expert in this area and I would probably be wise to bring along somebody from Iarnród Éireann who has made a decision or judgment on this. Given the passionate way the Deputy has presented the problem, it is only fair.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Shane Ross:** He has made the case that the population is expanding and the project would have merit and would perhaps be commercial, be an asset to Iarnród Éireann and bring more passengers. Of course I will consider it. I am not here to refuse requests if they make sense. If it does not, it will be rejected. I strongly advise the Deputy to advise those who made representations to him to contribute to the public contribution, which the NTA will consider. While the NTA may be considered negative on reopening lines - I do not know whether it is - if the figures he presents are compelling, I do not see how any reasonable person could refuse them.

During Topical Issue debates there is often conflicting evidence from the Deputies and the people advising me, and it is very difficult for me, being struck by the figures in the debate,

to criticise or challenge the Deputy's figures. I am happy to consider them and I will ask my officials to consider them. Iarnród Éireann has recently advised that the operation of a one-platform station at Killucan would introduce an undesirable operational risk. The Deputy said he had a letter from Mr. Franks.

**Deputy Willie Penrose:** I have.

**Deputy Shane Ross:** Again, we have a conflict. The issues associated with the single platform relate to the impact on the timetable in normal operations and safety and recovery times in the event of a train failure or other degraded conditions. I thank the Deputy and I will visit his area. It is a pity he could not accept my invitation when I was there when he was being re-elected. At the time, he did not know he was going to be re-elected, so he could not invite me.

**Deputy Willie Penrose:** Exactly. I thank the Minister.

### Planning Issues

**Deputy Bernard J. Durkan:** I thank the Ceann Comhairle for facilitating me in raising this sensitive subject. I thank the Minister of State, Deputy Damien English, for his attendance. The Ceann Comhairle will be very familiar with the silhouette of Naas, as I am. As one approaches it from any angle, one sees three cranes standing over the town, frozen in time like prehistoric dinosaurs. They are symbols of inactivity, inaction and decay which is not good for the town or the surrounding area. Worse, we could resolve it if we put our minds to it. The Minister of State has offered his assistance, as has his colleague in the Department of Justice and Equality, to try to bring this to a conclusion.

Imagine our chagrin when, in recent days, we discovered an invisible enemy within, which appeared on the horizon when a local business interest with potential for the provision of more than 400 jobs had to withdraw its case on foot of an objection from a semi-State body, Transport Infrastructure Ireland, TII. TII successfully objected, for a second time, to such an extent that the business concerned withdrew its application on the basis that it could not risk a second refusal. I do not mind somebody having a genuine reason for making an objection. It is provided for in law, as it is in this case. However, when State and semi-State bodies are involved, it should not be beyond the boundaries of supposition for them to come together and recognise what is possible. TII's successful objection deprived the town of an industry which was going to be beneficial. It was going to upgrade the facility. The site, at the entrance to the town, has been derelict for many years. On safety grounds, allegedly, the good statutory body objected to the proposal. The proposal is in abeyance and we do not know if any application will ever receive favourable consideration.

The site is not directly off the motorway. It is off a roundabout which is off the motorway. It is a roundabout, off a roundabout, off the motorway. There is plenty of space to provide whatever safety features are required. It is an independent site and it is a prime site. There is no better located site in any town in the country. The fact that, for the second time, the statutory body decided to hold to its strict pattern and, once again, deprive the people of Naas of a beneficial investment, is unacceptable. The time has come when we must ask ourselves some very serious questions about the purpose of such an exercise. I would have thought the purpose in life of all such statutory bodies was to co-operate to the best of their ability and ensure they fulfilled their statutory functions within the meaning of the law with all due respect for all others, including

the private enterprise that attempted to make the application. I leave it to the Minister of State to respond and I hope we can be of some positive influence.

**Minister of State at the Department of Housing, Planning, Community and Local Government (Deputy Damien English):** I apologise on behalf of the Minister, Deputy Simon Coveney, who was not able to stay for the debate. I thank the Deputy for raising the issue and giving me the opportunity to outline the position regarding the site in question near Naas, County Kildare. As the Deputy said, we have had a few discussions on sites in the area. I am familiar with the cranes he mentioned. The spatial planning and national roads guidelines issued by my Department in 2012 set out the general planning policy in relation to developments being undertaken along our national road network. The guidelines advise that development that includes offices, retail or other uses along national roads should avoid becoming destinations in their own right. Section 2.8 of the guidelines sets out the requirements for service areas, including on-line and off-line motorway service areas at national road junctions. With regard to on-line service areas on motorways, that is service areas directly on motorways, the guidelines advise that only TII can bring forward such development proposals. Regarding off-line motorway service areas, such as the case the Deputy raised, which is off a roundabout off a roundabout and incorporates a retail element, the guidelines advise that planning authorities should take account of policies for the consideration of such development in accordance with the most up-to-date TII guidance on the location and layout of such off-line motorway service areas. The guidelines further state that a proliferation of off-line motorway service areas at national junctions should be avoided and that any such facilities should be of the type that avoids the attraction of short local trips. In this connection, I should add that a destination service area incorporating a retail element should also be in compliance with the retail planning guidelines of 2005.

As the Deputy will be aware, the Minister for Housing, Planning, Community and Local Government and I are specifically precluded under section 30 of the Planning and Development Act 2000, as amended, from exercising any power or control in respect of any particular planning case with which a planning authority, including An Bord Pleanála, is or may be concerned. The handling of the planning application is a matter for the relevant planning authority - Kildare County Council in this instance - and we have no function or remit in this regard. However, from enquiries made of Kildare County Council, I understand that, notwithstanding the recent withdrawal of the planning application in this case, the developer involved remains committed to pursuing the development of the site in question and has made a submission to Kildare County Council in the context of the new county development plan with a view to resolving specific traffic related issues which were raised in the original planning application and to further progressing the development in question. I understand also that all parties and authorities involved in the matter are continuing to engage with one another. I hope a resolution can be found.

**Deputy Bernard J. Durkan:** I thank the Minister of State for his reply. I hope that, in the course of the discussions currently taking place, common ground will be found to ensure we get a satisfactory resolution. In other words, I hope that the local authority will find it possible to grant planning permission, with the agreement of the dissenting objector, so that the economic potential of the area can be maximised. Looking at the history of Naas during the past ten years or so, we had a progressive provincial town. It was one of the key towns in the country but suddenly it seems to have been bypassed at every turn and what appears obvious to everyone does not seem to be possible. Long, drawn-out and protracted procedures are now part and parcel of

what we would expect to be an easy solution but instead it is becoming more difficult, serious and circuitous as time passes.

The visible obstacle is already in place and we have the invisible objector. We have gone every which way about the town of Naas. If legislation is required to deal with situations such as this one, we should invoke it. Deputy Penrose referred to bureaucracy a few moments ago. It is not possible to have public confidence in a system in which there is a tendency for bureaucrats to emerge fortuitously, from their point of view, out of the woodwork, particularly as that is not to the advantage of the public.

**Deputy Damien English:** I, too, hope that common ground is identified and a satisfactory resolution for all involved is reached. This has been going on a while. Our aim, as a Government, is to do exactly what the Deputy said, that is, to make the obvious and the necessary possible. As politicians and as a Government, that is our job. We want to see towns such as Naas and others in the greater Dublin area and beyond maximise their potential. That is the idea behind Rebuilding Ireland and the various construction plans and projects. We want to be able to restore towns to what they are capable of. That is the message we are trying to communicate. I hope our national laws, planning guidance, etc., will cater for it. As already stated, I hope the consultation under way at present will bring about a resolution in respect of the site.

### **Fish Quotas**

**Deputy Martin Kenny:** The bluefin tuna is not a fish that many people in the Chamber or throughout the country would have come across. It is quite a rare, but valuable, fish. Only one tenth of Irish territory is made up of the island of Ireland, with nine tenths of it lying out in the ocean and affording many possibilities for Irish fishermen to make money. The bluefin tuna is a fish that offers huge opportunity because, although quite rare, it is extremely expensive. I understand that a fully grown bluefin tuna can fetch prices of up to €100,000 on the Japanese market.

We are seeking a small quota for Irish fishermen to catch this lucrative fish. Vessels from other countries are allowed to catch bluefin tuna in our waters. We support the introduction of a bluefin tuna tag-and-release research programme, so that we will be able to gather evidence to support the case for a quota for Ireland. We have called for it in the past, as well as for the opening of recreational bluefin fisheries in Donegal, in particular, and other areas throughout the country and also a catch-and-release programme. There is huge potential for job creation and the boosting of our regional tourism in this regard.

The Department with responsibility for the marine has ruled out negotiating for the bluefin tuna quota on the grounds that there is no basis for Ireland to receive such a quota. If we do not seek it in a proactive way, we will never get it. That is the issue. It was stated earlier that people were trying to find common ground on issues. We should be able to find common ground - or common water, as it were - so that we can seek this quota.

Ireland has a very small possibility of catching bluefin tuna. I am informed by many fishermen that there are many more of them in our waters than was the case in the past. Whether it is a result of global warming or some other issue, in recent years quite a number of them have been sighted by Irish fishermen up and down the west coast, in particular, in St. George's channel and in the Irish Sea. Recently, eight of them were caught off the coast of Wexford. Unfor-

tunately, because there is no Irish quota, the entire catch had to be sold for €5,000. Those fish could have been worth €800,000. This was a huge amount of money for those involved to lose and it was all because of the absence of a quota.

I understand that there will be a meeting in December to negotiate and establish quotas. I am asking for the Government to seek a bluefin tuna quota, even if just for the recreational sector. Ireland could then at least have a space in all of this. As with many other areas for Irish fishermen, they see French, Spanish and Portuguese fishermen catching these fish, yet they are not allowed to do so. That is inappropriate. I appeal to the Minister to find a way and to fight hard for even a small recreational quota for Irish fishermen to be able to catch bluefin tuna.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank Deputy Martin Kenny for raising this important and interesting matter. The bluefin tuna is a highly regulated species and the situation is extremely contentious at EU and international level. The annual catch limits are set by the International Commission for the Conservation of Atlantic Tunas, ICCAT, based on scientific advice. Due to the severely depleted state of the stock, a management plan was put in place by ICCAT in 2007. This resulted in greatly reduced annual catch limits in the Mediterranean and eastern Atlantic Ocean in an effort to rebuild stocks. It is only in the past few years that the stock has begun to show improvement for the first time since the establishment of the recovery plan.

Within the EU, quota shares for bluefin tuna were allocated in the late 1990s to member states based on track record. Ireland, which did not have a track record of fishing for bluefin tuna, does not have a dedicated quota. We do, however, have access to a small by-catch quota of 39 tonnes for 2016 for bluefin tuna in our albacore tuna and pelagic fisheries only. It must be stressed, however, that this by-catch quota is also available to other member states and cannot be used for any targeted fishery including recreational and/or sport fisheries under any circumstances.

In terms of Ireland seeking to acquire a dedicated bluefin tuna quota, the only way we could obtain a quota would be to reach agreement within the EU to reallocate to us a portion of the EU total allowable catch, TAC. This would be extremely difficult as it would involve reducing the share of the total allowable catch of those EU member states that do have quota and for which bluefin tuna is an important commercial fishery in which they have had an established track record. These constraints apply also to any attempt by Ireland or others to increase the by-catch quota as any increase would have to come off the total EU allocation.

I have recently made funds available to allow the Marine Institute, with the support of the European Commission, to engage actively in developing Ireland's involvement in the ICCAT Atlantic-wide research programme relating to bluefin tuna. With these funds, Ireland is currently participating in an ICCAT sanctioned scientific tag and release research programme on bluefin tuna in the waters off the north-west coast. This is a scientific research project to assess the abundance and distribution of bluefin tuna in the waters off the Irish coast. In future, and depending on the results of the project, it may prove possible to extend the scope of the project. I appreciate the situation that there is growing abundance of bluefin tuna in the waters around Ireland. Deputy Kenny has alluded to that. I have asked my Department to explore any possible opportunity to increase the by-catch quota allocation particularly in light of the discards ban which applies to this species. In terms of seeking a dedicated quota for our recreational fishery or a commercial quota, it is clear that the European Union obstacles are formidable. At European Union and ICCAT level, we are showing our commitment to building scientific

knowledge of the stock that will provide information on its abundance and migratory pattern. However, bluefin tuna is one of the most high value and contentious stocks. Any suggestion that Ireland receive a share for a directed fishery will face huge opposition from member states with established shares who would lose a portion of their quotas.

The annual meeting of ICCAT is currently under way in Portugal and will conclude on 21 November 2016. As always, Ireland is being represented at this meeting and has participated in all of the relevant technical preparatory meetings, with assistance from the Marine Institute. This meeting deals with all Atlantic tuna stocks, including bluefin tuna. From an Irish point of view, our immediate primary concern is our valuable albacore fishery. This meeting will determine TAC levels for both albacore and bluefin tuna but it will not address any reallocation or the creation of new shares.

**Deputy Martin Kenny:** The research work going on in the north-west Atlantic on the catch, tag and release of bluefin tuna is welcome. It may help to establish what the stocks are like there. It is disappointing to say we do not expect to get anything out of it. We should be going into this in a much more forceful manner to try to ensure that our fishermen get a fair share. I said at the outset that nine tenths of the territory of Ireland is in the Atlantic Ocean and yet we find that other countries have access to those waters. Whatever those countries have done in the past - perhaps they caught these fish 30 or 40 years ago, built up some kind of a stock and are therefore able to make an argument for it - the fact is they are in our territorial waters doing it. That has to be taken into account.

With regard to Brexit, can the Minister inform us if Britain got any of this quota? Is that a possibility that we could look at in the future? The big issue here is the sense of unfairness that an awful lot of Irish people have about the whole notion of where the European Union has gone down the years and certainly in regard to our fisherman. We have all met them and we all know the grievances they have but our fishermen in particular feel very aggrieved that they are restricted in so many ways in which they can make a livelihood. They see huge trawlers coming in from other places, particularly from other European countries, making massive catches and just taking them away with them. There are all kinds of restrictions on them as well but the truth is our quota for much of our fishing is low compared to many of these other countries. With regard to bluefin tuna, it is very clear cut. There are a lot more of them in our waters now than there was. There is a possibility of looking for something here and we should be going out in an aggressive way to try at least to give some hope to the fishing community that the Irish Government will fight its corner. I implore the Minister to ensure we look for even a small quota in the recreational side of it to ensure bluefin tuna can be a fish that is very lucrative and which Irish fisherman can gain something from.

**Deputy Michael Creed:** As we face into the December Fisheries Council meeting, it is abundantly clear that science is the foundation on which decisions are made. Leaving aside the issue of bluefin tuna, the science is difficult to argue against. We face a very significant challenge in that context.

In the context of the Marine Institute's involvement here, what is happening is the building of a case but without the conclusions of the scientific research we are going nowhere. I will give the Deputy another example in the context of established track records in a fishery. Deputy McConalogue is here and he will be familiar with the pelagic fish sector. Killibegs has very significant involvement in that. If one was to argue that the fishery, which was established substantially on the basis of their efforts, should be reallocated to others, Deputy McConalogue

knows what their view would be. It is understandable in the context that they have established a fishery on the basis of their endeavours over many years. The unfortunate truth about this is we did not have an established track record. There are issues around the migratory pattern of the species and its proliferation in Irish waters, which was not always the case. Whether it is due to science or global warming, it is the case. The Deputy alluded to the catch off Wexford. The Marine Institute is leading an effort to build the science. It is only when we have the conclusions of that science that we can proceed, whether it is an increase in the by-catch or the recreational catch and release, which would be significant for tourism and angling in particular. That will be the premise on which we proceed. The difficulty of expecting to go without the support of the science initially and then to have to overcome the ownership which others feel they have of this fishery because it was their endeavour that established it is not to be underestimated. We are taking the right steps.

**Deputy Martin Kenny:** It included a conclusion of science.

### **Hospital Services**

**Deputy Charlie McConalogue:** I thank the Ceann Comhairle for selecting this very important matter for answer by the Minister of State, Deputy Marcella Corcoran Kennedy. I am raising it so there can be no doubt that the Minister of State and the Minister, Deputy Simon Harris, are entirely aware of the very acute overcrowding in Letterkenny University Hospital and to allow the Minister of State the opportunity to explain the reasons for this unacceptable overcrowding uncovered by the investigations in the Department of Health. Most crucially, what is the Government doing to ensure the issues are addressed and to ensure this is not something we continue to see over the coming weeks and months as we go into the winter?

Yesterday, Letterkenny University Hospital had the joint highest number of people in the country, alongside Cork University Hospital, on trolleys in accident and emergency departments and waiting for admission. That was a record number in the experience of Letterkenny but it comes on the back of similar experiences over the last number of days and weeks where the maximum capacity protocol has been initiated in the hospital. Each day for the past couple of weeks, with very few exceptions, the accident and emergency department has been overcrowded and there have not been beds available in the hospital to take in new inpatients. I hope the Minister is able to give an explanation of the dynamic of the problem and what the Government proposes to do about it. It is not a result of significant respiratory illness, which is very often an issue at particular times in winter and leads to particular pinch points in hospitals. That is not part of the dynamic here. We are only at the start of winter and there is no identifiable cause, for example a particular illnesses causing a spike. It comes back to something which is much more structural about the management of our hospitals and our health service in Letterkenny and other hospitals across the country. This is an ongoing issue. Families of patients have been ringing me over the last number of weeks looking to get their family member moved from Letterkenny hospital either to a hospital in Galway, where they need to go for specialist treatment, or for an operation in a hospital in Dublin, one of the acute hospitals or one of the children's hospitals. They cannot get away because there are problems in those hospitals and they are then blocking beds in Letterkenny. The problem is we are seeing a domino effect where one issue in the health service has a knock-on effect on a number of patients right down along the track. For example, if a person in Galway cannot get in to have an operation, they are blocking a bed that somebody in Letterkenny wants to take up. They, then, are blocking a bed in the main hospital

in Letterkenny from someone who cannot get out of the accident and emergency department. Then, as a result of maximum capacity protocols being launched, inpatient and day cases are being delayed. In turn, this means those patients are being inconvenienced and not getting the treatment they need.

I hope there is clarity from the Government today in respect of exactly what the structural management issues are in the health service that are causing this capacity shortage and lack of beds. If the Government cannot clarify what exactly is at issue, then there is not much hope that the problems can be addressed. I hope the Minister of State can at least do that much and then outline what action the Government will take to ensure that the resources and assistance are put in place to address the problem in Letterkenny so that we do not see it continue on an ongoing basis over the coming weeks.

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

I thank Deputy McConalogue for raising this issue and for giving me an opportunity to update the House on the serious matter he has raised relating to Letterkenny General Hospital. The Minister for Health, Deputy Harris, has asked me to convey his apologies to Deputy McConalogue as he is unavoidably detained elsewhere. He has asked me to address this matter for Deputy McConalogue.

I appreciate that the number of people on trolleys is too high and this leads to a very difficult environment for patients and frontline staff. The HSE and the Department of Health are working hard on measures to try to reduce these numbers, especially as we head into the busy winter period. The Minister, Deputy Harris, has been meeting regularly with the HSE because of his concern at the high trolley numbers and particularly today's unacceptably high numbers. I am pleased to say that the numbers have reduced dramatically by over 200 as of this afternoon but this is going to take a relentless management focus from the HSE in the coming winter period to sustain the improvement.

Patient attendances at emergency departments to the end of September have been 5% higher this year when compared with the same period last year. Notwithstanding this increased demand, there has been a decrease of approximately 3% in the number of patients who have had to wait on trolleys in comparison with the same period last year. Trolley numbers have been higher in recent days due to consistently higher emergency department attendances and increased incidence of infection, which has resulted in bed closures in many hospitals. In addition, hospitals are currently carrying out a high rate of elective procedures to address waiting lists and this is contributing to pressures on the emergency departments.

I realise Deputy McConalogue is more interested in what is happening in Letterkenny University Hospital but it is important to set the general context. The HSE TrolleyGAR system shows that Letterkenny University Hospital with 33 patients waiting on trolleys 8 a.m. yesterday morning. This reduced to 14 by 8 a.m. this morning. I am advised by the HSE special delivery unit that Letterkenny emergency department has been under pressure this week, due to high attendances, a high number of delayed discharges and a suspected winter vomiting bug outbreak. The hospital is working hard with the local community health organisation to resolve its delayed discharges.

Notwithstanding the pressure on Letterkenny emergency department in recent days, it is worth noting that patient experience times in Letterkenny are above the national average, meaning that patients complete their episode of care more quickly in Letterkenny emergency depart-

ment. I imagine Deputy McConalogue will be pleased to get that information. Letterkenny University Hospital has continued to receive capital funding in recent years to address the flood damage sustained in 2013. At present, work is ongoing to restore and upgrade the critical care, haematology and oncology units damaged in the 2013 floods.

The HSE has advised me that a number of measures are being followed to address congestion seen in emergency departments in recent days not only in Letterkenny but throughout the country. These include the use of escalation plans by all hospitals and a continued focus on diagnostics and enabling prioritised discharges. Hospitals and hospital groups are also working with the HSE social care and primary care areas to maximise discharges, through optimising the use of homecare packages, transitional care beds, as well as community intervention Teams.

The winter initiative plan 2016-17 has provided €40 million of additional funding for winter preparedness and is now operational. The initiative sets out a comprehensive range of actions across primary, community and hospital services to increase hospital avoidance measures, facilitate timely discharge from hospital and increase hospital capacity. As part of this process, the HSE special delivery unit has been visiting hospitals to review current practices and support those hospitals in implementing key process improvement changes. Under the winter initiative, additional home care, home help and transitional care bed allocations have been made available to hospital sites, including Letterkenny University Hospital to alleviate winter emergency department pressures.

**Deputy Charlie McConalogue:** I thank the Minister of State for her response. It goes without saying that the experience that patients have had to endure in recent days in Letterkenny - the same applies to other hospitals - is unacceptable for them, their families and the staff, who have to try to manage what is an impossible situation.

I had hoped the Minister of State could have given me more detail on specifically why there has been overcrowding in Letterkenny in recent days and weeks as well as what specifically will be done. There was too much general comment in the response of the Minister of State. The Minister of State referred to what is being done at a national level, but there must be a specific response that recognises what exactly is causing the issue in Letterkenny and what exactly is required to address it. I call on the Minister of State and the Minister for Health, Deputy Harris, to engage further with the management in Letterkenny hospital to establish exactly what the issues are and to ensure that the response from the Government and the HSE in appropriate to address them. As I indicated earlier, there are no particular issues yet with respiratory illness or seasonal spikes. Undoubtedly, there are structural issues in the management of our health service and knock-on effects from one hospital to another as well as particular problems at local level.

Can the Minister of State give me more detail on what specifically the Government is going to do in Letterkenny? Will the Minister of State come back with a clear plan on what is going to be done there? Will she give a commitment that the resources and assistance required will be made available to ensure that home help is available for people being discharged from hospital and to ensure that every possible community hospital bed is opened? This particular experience of recent weeks – not that we needed reminding – emphasises the importance of ensuring that community hospital beds are available. We must work to ensure that the use of escalation plans, to which the Minister of State referred, is not the standard response. This is because that standard response means people who were due to come in for day operations and appointments are being told to stay at home. Waiting lists get longer as a result.

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**Deputy Marcella Corcoran Kennedy:** I have been advised by the HSE that those responsible in Letterkenny have confirmed that the emergency department is under pressure. The reason provided – this is as specific as I can be – is that there are high attendances there and a number of delayed discharges and a suspected winter vomiting bug outbreak. That is as specific as I can be about the reasons around what is happening in the emergency department in Letterkenny. Those responsible are working hard to try to resolve this.

The hospital in Letterkenny, as in the case of many hospitals, will benefit from the winter initiative and will receive the associated funding allocation. I hope that will be of help in future. I hear the concern expressed by Deputy McConalogue around what might happen and I realise influenza outbreaks and so on can cause many problems.

There is a more general point to be made about our health and well-being. It is important that people who should be availing of the flu jab avail of it to prevent themselves from becoming ill in the first place. I realise this is not specific to Letterkenny but it is a general comment in terms of what should be done to try to keep ourselves well and healthy so that we do not wind up having to go there. For those who do end up in hospital, we want them processed as quickly as possible. In fairness, those in Letterkenny are doing a great job in that regard.

I will bring Deputy McConalogue's message back to the Minister, especially his point about escalation. I have no hesitation in doing so.

### **Health and Social Care Professionals (Amendment) Bill 2016: Second Stage [Private Members]**

**Deputy Brendan Howlin:** I move: "That the Bill be now read a Second Time."

Approximately ten years ago a small organisation came into existence called Choice Ireland. It was founded after a public meeting about the eighth amendment to the Constitution organised by Labour Youth. During its period of activity, I have no doubt that this organisation helped move the conversation in Ireland considerably towards a detailed and reflective consideration of the eighth amendment.

One of the actions the group undertook was to highlight the extent to which rogue agencies lied to women in crisis pregnancy agencies. I know one of the women involved in the group very well: Sinead Ahern is the chairperson of Labour Women nowadays. She was one of a small number of women who went undercover to determine the true extent of what was going on in these so-called rogue agencies. When speaking about this issue recently, Ms Ahern noted her shock in discovering that these same agencies still operate a decade later. Somehow, we have all collectively looked the other way for the past number of years. It took the brave work of two journalists, Ellen Coyne and Catherine Sanz of *The Times*, to bring our focus back to the lies, the deceit and sometimes the grotesque mistruths being told to women in crisis pregnancy situations.

However, it is not enough for us to express our horror or outrage and then for the issue to disappear once more. To do so would leave these agencies operating for another decade, abusing countless women when they are in most need of care, support and, above all, the truth. It is no longer tenable to stand over a situation in which dieticians and opticians must be regulated before they can offer any service to the public but those counselling women in vulnerable situa-

tions face no requirement to register or be regulated at all. It is not good enough for us to stand over a situation in which women are being lied to in what sometimes amounts to a grotesque fashion at a time of vulnerability. Women in crisis pregnancy situations are being told that abortion increases a woman's risk of breast cancer or that women who have had abortions will later abuse or neglect any children they might have. These are lies told to scare, humiliate and denigrate women and, most of all, to prevent them from having access to the impartial information to which they are entitled before they make choices for themselves.

We are long past time for an honest conversation about gender equality in Ireland. We continue to hear a litany of statistics about the enduring problem of domestic violence in this country. We heard again this morning about the persistence of the gender pay gap, which amounts, in the analysis done, to 20% between men and women. Too many women remain in low-paid, insecure work. Too few women are breaking through the glass ceiling of senior roles in the public and private sectors. Access to affordable child care in Ireland for every family still looks like a distant dream. We have, thankfully, more women in this House than ever before. Waking the Feminists is doing exceptional work to improve the position of women in theatre in Ireland. There are other efforts to increase the number of women on State boards, in academia, in science careers and elsewhere. However, we still have a long way to travel on the road to true equality and we need to have a broader discussion on these matters. The discussion is happening outside this Chamber. It is time we began a frank discussion here too. Today we deal with one way in which we permit the mistreatment of women in Ireland. Rectifying this problem will not solve all the other issues I have mentioned, but even the elimination of this one injustice will represent a step towards equality, and every step on that journey matters.

For all the reasons I have outlined, I believe new legislation is needed to regulate this area. We in the Labour Party have chosen the Health and Social Care Professionals Act as the vehicle for the proposed reform. It is the vehicle best suited to deal with the elimination of rogue counselling agencies from the spectrum. That Act applies to the newer health and social care professions outside the traditional core sectors of medicine and nursing. The Act establishes registration boards for those designated professions, it protects the use of the titles of those professions and it provides for the resolution of complaints relating to fitness to practice.

There may be some practical difficulties in applying this Act to crisis pregnancy counsellors. I have discussed my proposal several times with the Minister for Health, Deputy Simon Harris, here present, and with his officials and I thank him for the frank and forthright way in which he has approached this difficult and sensitive issue. I acknowledge and appreciate that the Minister is anxious to co-operate on the Bill and accommodate what he recognises as much-needed reform in this area and that he has instructed his Department and its officials accordingly. As I understand it, the problem, from an administrative perspective, is that the Health and Social Care Professionals Act applies automatically to certain professions directly named in the legislation itself. These include, for example, chiropodists, occupational therapists, physiotherapists and psychologists. These professions already have what we might call the infrastructure of a recognised and regulated profession, namely, a defined scope of practice, a representative professional body, defined routes of entry and recognised qualifications. The Act goes on to enable the Minister by regulation to designate additional health and social care professions. He does so by reference to the stipulated factors. In other words, the Minister assesses whether the profession has in place the infrastructure to enable it to be regulated. Normally speaking, the path towards recognition and designation may take months, if not years, involving consultation, assessment, the satisfying of preconditions and so on. I propose in my Bill to fast-track this

process for those involved in pregnancy counselling.

I propose to amend the Act itself so as to include these professionals in the category of those directly designated in the Act. I do so unashamedly and for a reason spelled out in section 4(4) (e) of the 2005 Act. In deciding whether it is appropriate and in the public interest that a particular health or social care profession be designated, we as legislators insisted in that section that regard must be had to “the degree of risk to the health, safety or welfare of the public from incompetent, unethical or impaired practice of the profession”. I want to home in on this factor, which is the reason I propose this amendment. Giving incompetent, unethical and impaired advice or counselling to vulnerable women with crisis pregnancies represents an unacceptable risk to their health, safety and welfare. In these circumstances, I do not believe we have time for a more leisurely route. Immediate action is warranted. As I said, the Minister and his officials share these concerns and have signalled they are anxious to work co-operatively to secure a workable way forward. A departmental consultation process is already under way in respect of counselling generally, but crisis pregnancy counselling has not as yet been specified as a separate social care profession. I recognise there are practical hurdles. However, if we do nothing and simply await developments, I do not believe we will see, in any acceptable timeframe, the necessary criteria being satisfied by the profession itself.

*6 o'clock*

We will not see agreement on a defined scope of practice, a representative professional body or agreement on recognised qualifications. It may be, when we have had an opportunity to consider this further in committee, that we will find a solution which combines aspects of this body of legislation with another Act that I had some involvement with when I served as Minister for Health a number of years ago.

I refer, in this regard, to the Regulation of Information (Services outside the State for Termination of Pregnancies) Act 1995. The latter arose from the 14th amendment to the Constitution, which enshrines in the Constitution that Article 40.3.3° cannot be used to limit the freedom to receive and impart information about services available in another state, subject to such conditions as may be laid down by law. The 1995 Act lays down those specific conditions and seeks to reflect an appropriate balance between the constitutional rights and freedoms bearing on the question of abortion information. The Supreme Court had decided in a number of cases that the dissemination of information on abortion, such as the name, address and telephone number of a foreign abortion service and the method of communication with it, was unconstitutional. However, the European Court of Human Rights had held that these Supreme Court injunctions were in breach of Article 10 of the European Convention relating to freedom of expression and the right to receive and impart information. The legislation we passed to give effect to the 14th amendment sought to clarify the legal entitlements and obligations of persons and agencies that provide abortion information and to ensure that any doctor or advice agency that provides abortion information to pregnant women does so only in the context of full counselling on all of the available options, without any advocacy or promotion of abortion.

From discussing the matter with the Minister’s officials, I understand that he and they emphasise section 5 of the Act. That section applies to anyone who engages in the activity of giving information, advice or counselling to individual members of the public with regard to pregnancy. The section states that where such a person is requested by a pregnant woman to give information, advice or counselling on her particular circumstances, it is not lawful for that person to give what is called “act information” to the woman unless the information, counsel-

ling and advice are “truthful and objective”. The Department’s view is that a rogue counselling agency may well be in breach of that statutory requirement. In other words, it may be found that the information it provides, if not fair and accurate, is in legal terms not truthful or objective.

I have no problem with that, as far as it goes, but it is important to bear in mind that the scope of the 1995 Act is confined to a specific type of information, or what it calls “act information”. This is defined as information likely to be required by women in availing themselves of pregnancy termination services. In other words, “act information” relates to that information which helps somebody have an abortion, and, in reference to the subject matter of the original Supreme Court injunctions, it means providing the name, address and telephone number of a foreign abortion service and so on. Thus, as then Minister for Health, Deputy Michael Noonan, pointed out on Second Stage of that Bill in this House, the Act does not apply to more general information, such as information about the nature of abortion. If a rogue agency, which seeks to restrict access to abortion, provided women with information that was objectively untruthful, it might do so without being subject to the legislation.

I am conscious that my time has almost expired. It is important that we have a workable solution to outlawing this practice of giving totally inaccurate, misleading and damaging information to women at a time of crisis. We believe our proposed legislation is the best and quickest method to do this. I welcome the support for the principle of the legislation from the Minister and I look forward to working with him to find a mechanism that will bring a form of legislation to the Statute Book at an early point to achieve these objectives.

**Minister for Health (Deputy Simon Harris):** I begin by thanking Deputy Howlin for raising this timely and very important issue and for the co-operation he has demonstrated with me and my officials in working on this matter in recent weeks. I am supporting this Bill on Second Stage because I am fully supportive of the objective behind the legislation, which is to protect the public and women of Ireland. I pay tribute, as Deputy Howlin has done, to the investigative work of Ms Ellen Coyne and Ms Catherine Sanz that has resulted in us perhaps having this worrying issue that we are now endeavouring to address on the floor of the Dáil this evening.

The people requiring protection in this case are women who are experiencing crisis pregnancies and seeking support at a time of extreme distress and vulnerability. Instances have come to light where services purporting to provide objective advice and support were serving their own agenda with little regard for women, their health or welfare. Health information should be just that, not an opportunity to push an agenda, mislead or scaremonger.

My Department has assessed the Bill, as drafted, and we do have some concerns, alluded to by Deputy Howlin, and there is a need to rework some elements to achieve our shared objectives. However, I look forward to engaging constructively with the Deputy on the Bill. Rather than doing what has been done before in the House with a timed amendment, we are, as I discussed with Deputy Howlin, taking a different approach because I was worried that it would send a signal that we are not attaching the required degree of priority to the issue. It is appropriate that the House pass this Bill on Second Stage and that we work constructively to formulate the appropriate solutions to achieve our shared objective. Subject to the Bill passing Second Stage, I will make available the resources of my Department for this purpose. I hope we can work with Deputy Howlin to achieve the best result for women.

I know Deputy Howlin, as a former Minister for Health, is very much alive to the duty to

protect the public when availing of health or social care services. As I have said, this concern is shared by me and the Government, especially when it comes to pregnancy counselling services. A crisis pregnancy is perhaps one of the most stressful events in a person's life and can place a woman in a very vulnerable position. Positive Options, the crisis pregnancy service that is funded and overseen by the Health Service Executive, provides counselling in 50 locations nationwide and provides women with free, non-judgmental counselling. We are all aware, however, that some other bodies providing counselling to pregnant women may not adhere to the same standards. There have been media reports, as I have alluded to, of such bodies providing information that is not truthful or objective and this is a cause of concern. It is more than that; it is repulsive, spineless and unacceptable to any right-thinking person. It should not and cannot be tolerated. To address that concern Deputy Howlin has put forward this Bill, which seeks to address the matter by regulating crisis pregnancy counsellors. I have some legal and practical difficulties with the detail of these proposals, as I noted, but I agree there is a very important role for the regulation of relevant professionals in this area. I hope we can find a means of achieving such regulation and I will outline developments for the House that are very relevant in doing so.

Before I do so, I am announcing tonight that, in tandem with our consideration of this Bill, my Department is commencing a review of the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995 as part of our response to addressing the concerns that have arisen. This is an issue that has been raised with me by Deputy Howlin and the Terminations for Medical Reasons group at our meetings, as well as by individual women I have met over the past six months or so. The 1995 Act provides it is an offence for bodies or counsellors to provide information on termination of pregnancy that is not truthful or objective. Allegations of providing such information may be referred to the Garda Síochána for investigation. These provisions are already on the Statute Book and it is important that people with concerns about the veracity of information given by service providers are aware that there is an existing basis for having their concerns addressed. The review I asked my Department to conduct will set about establishing if these provisions need to be strengthened. We will also examine other relevant issues and concerns that have been raised.

On the issue of professional regulation, it might be useful for me to outline the progress that has been made in implementing the Health and Social Care Professionals Act 2005 and to provide some information on how it operates in practice. The 2005 Act provides for the statutory regulation of 14 designated health and social care professions: clinical biochemist, dietician, dispensing optician, medical scientist, occupational therapist, optometrist, orthoptist, physiotherapist, podiatrist, psychologist, radiographer, social care worker, social worker and speech and language therapist. I hope that is 14.

Regulation under the Act is primarily accomplished through the statutory protection of professional titles by confining their use solely to people who have been granted registration. The structure of the system of statutory regulation comprises registration boards, a committee structure to deal with disciplinary matters and the Health and Social Care Professionals Council, known as CORU, which has overall responsibility for the regulatory system. CORU is responsible for protecting the public by regulating health and social care professionals in Ireland. CORU is also charged with promoting high standards of professional conduct and professional education, training and competence among registrants. The 2005 Act provides for a transitional "grandfathering" period of two years during which existing practitioners must register on the basis of specified qualifications. After this period, the only people who are entitled to use the

relevant protected title are those registered with the registration board who are subject to the Act's regulatory regime. To date, the registers of eight of the designated professions have been established. The remaining professions are following close behind. I expect that the registers of all 14 professions will be open by the end of 2017.

While it has been a long and difficult journey for all involved, much valuable learning has been gained along the way. From a public protection viewpoint, a crucial milestone in the regulation of the designated health and social care professions designated under the 2005 Act was the introduction at the end of 2014 of the fitness to practice regime under the Act. This allows complaints about the conduct or competence of registrants to be investigated and, where complaints are substantiated, disciplinary sanctions up to and including cancellation of registration to be imposed. The regime is similar to that which applies to medical practitioners, nurses and midwives. A code of professional conduct and ethics, which sets out the standards of conduct, performance and ethics to which registrants must adhere throughout the course of their work, is central to CORU's fitness to practice regime. Each profession that is registered has its own code. As part of an application to join a register, all registrants will have signed a statutory declaration stating that they have read, understood and agreed to abide by the code for their profession. Failure to adhere to the relevant code is grounds for a fitness to practice complaint.

I would like to update the House on the relevant proposals to regulate counsellors and psychotherapists, as alluded to by Deputy Howlin. At present, these professions are not designated under the 2005 Act, which provides that the Minister for Health may designate by regulation health or social care professions not currently designated if he or she considers that it is in the public interest to do so and if the specified criteria have been met. A previous Minister for Health, Senator James Reilly, wrote to the Health and Social Care Professionals Council on the question of designating, in the public interest, the profession or professions of counsellor and psychotherapist under section 4(2) of the Act. The 2005 Act provides that the Minister for Health is obliged to consult with the council in the first instance concerning a proposed designation and to give interested people, organisations and bodies an opportunity to make representations to the Minister. The council was asked to consider a number of issues concerning the proposed designation and was requested to take into consideration Quality and Qualifications Ireland's report on the academic standards necessary for the accreditation of courses in counselling and psychotherapy. This was the first stage in the consultation process under the Act.

On 31 August last, having received and considered the report from the council, I proceeded to the next stage, which involves a public consultation to include all interested parties. As mentioned earlier, I have asked that submissions be forwarded to my Department by the end of this month. While a number of key issues remain to be clarified, including decisions on the title or titles of the profession or professions and the minimum qualifications to be required of applicants for registration, I hope the necessary designation regulations can be submitted to the Oireachtas for its approval next year. Expressions of interest will then be sought via the Public Appointments System from suitably qualified people who are available for appointment to the new registration board that will be established to regulate counsellors and psychotherapists. This is a massive body of work. It is important for the Oireachtas to get it done for once and for all in an appropriate way.

The forthcoming developments with regard to the registration of counsellors under CORU are highly relevant in determining the best means of regulating pregnancy counselling other than that provided by professionals such as doctors, nurses or social workers, who are already regulated. As Deputy Howlin has outlined, his Bill proposes to amend the 2005 Act to desig-

nate crisis pregnancy counsellor as a profession. It would treat pregnancy counsellors separately to counsellors generally and would define their scope of practice. While I am not convinced that this would be the best approach in practice, I wish to tease out the issue further with the Deputy. The establishment of crisis pregnancy counsellor as a profession separate and distinct from the profession of counsellor would give rise to difficulties. Pregnancy counselling does not meet the standard criteria for designation under the 2005 Act. In particular, it has not established itself as a separate profession with its own professional body, defined routes of entry and distinct entry qualifications etc. Unlike the general profession of counsellor, the number of people in the profession of pregnancy counsellor would be very small. Most providers of pregnancy counselling are members of other regulated professions such as counsellors, medical practitioners, nurses and social workers.

The Bill also seeks to regulate the profession by defining the activity engaged in by pregnancy crisis counsellors. The 2005 Act regulates professions by setting qualifications and protecting title; it does not regulate activity or define scope of practice. As I mentioned earlier, registrants are obliged to adhere to a code of conduct and ethics specific to their profession. Failure to do so is a ground for a fitness to practice complaint. The Act provides that only those who are registered can use the protected title. The ultimate sanction under the Act is the cancellation of registration and the consequent removal of entitlement to use the title. For that reason, the inclusion of references in the Bill to “the activity of giving information, advice and counselling to pregnant women in relation to crisis pregnancies” needs further careful consideration. A range of professionals engaged in such activity are regulated by CORU and other regulators such as the Medical Council. We want to retain the everyday important contribution of such professionals to supporting women in crisis pregnancy situations and in a way that relies on their existing professional regulation, which reflects their professional affiliation and standing. In addition, the Bill before the House does not take account of the difficult but key requirement to set grandfathering qualifications, which is central to the registration of existing practitioners. There is also the matter of having to provide for the establishment of a registration board and a range of consequential amendments to the 2005 Act.

I make all of these points in the desire to be constructive and make progress. I will ask my officials to continue their current engagement with Deputy Howlin and other interested Deputies on these issues so that we can arrive at the points that I believe we collectively as a House wish to arrive at with regard to this important issue. While I support the Bill being read on Second Stage, I feel obliged to point to the additional work we need to do in this area. I am committed to working with Deputy Howlin on this matter. I have asked my officials to give timely consideration to ways of better protecting the public from certain crisis pregnancy agencies or counsellors that are providing information that is clearly neither truthful nor objective. The intention will be to make progress through forthcoming registration of counsellors, the existing Regulation of Information (Services Outside the State For Termination of Pregnancies) Act 1995 and the review of the 1995 Act I am announcing this evening as a sizeable and important body of work. I look forward to keeping the House updated. I look forward to this legislation progressing beyond Second Stage, as I hope it will do, so that we can work together to make sure women in this country are provided with factual and truthful information, rather than some of the despicable and disgusting issues we have read about in the media recently. The women of this country deserve better. I am determined to work with Deputy Howlin to achieve the objectives he is setting out to achieve.

**Deputy Joan Burton:** I congratulate Deputy Howlin on introducing this legislation in the

Dáil. I thank the parties that have accepted that the legislation should be able to proceed. This legislation is important for women, particularly younger women, who might potentially have a crisis pregnancy and seek the advice of rogue or fake crisis pregnancy agencies. This modest proposal is being made by the Labour Party to remove an abuse of pregnant and vulnerable women who may be used and abused by bogus crisis pregnancy agencies. I refer to agencies that seek to give bad and, in some cases, downright dangerous advice to women who come to them genuinely to seek a range of advice about the dilemmas they are facing in the context of their pregnancies. I want to make it clear that the Bill is not about imposing a particular ethos for assisting women in crisis pregnancy situations. There are many legitimate crisis pregnancy agencies funded by the HSE that meet strict criteria. On the one hand, there are agencies such as the Irish Family Planning Association, which I want to specifically thank for the assistance it has given in drafting this legislation, and the Well Woman Centre. On the other, there are legitimate agencies such as CURA that are up-front about their particular religious and Catholic ethos. The Bill is in no way a threat to these legitimate services.

What the Bill seeks to tackle are rogue agencies, those disingenuous services that do great harm. Research has shown that women who attend unregulated counselling services are often put off seeking assistance from a legitimate provider after what is the horror of their experience. Many of these unlicensed agencies are linked to a nationwide network. We know this from some of the people who have gone to find out about the services. For example, I know of one case where a person was seeking advice from a Donegal-based address and almost immediately the person was told that someone could meet them in a car park in one of the Donegal towns, not in a proper office. The people in the service were so anxious to meet that person that they were available at the drop of a hat. We know some of the things that have been said from the work of a number of people, including journalists who have examined this issue.

Vulnerable woman at times suffer a terrifying experience. They are told they will be very ill in later life and are candidates for cancer, or that they will never have another baby, or, if they do have a baby, that they are at risk of abusing that baby. All of the data shows that those who end up in the hands of what is basically a rogue advice centre very often go out the door and do not go back to anybody else for advice. In a situation where they are already trying to make a very difficult decision as to how they address a crisis pregnancy, they are essentially brought into a situation and given what, for many, can be terrifying advice. We are all familiar with the concept of old wives' tales but these tales are specially tailored to strike fear into women's hearts and, in many cases, they make people forever after very vulnerable in the context of a difficult phase in their lives.

While the Minister is present, I want to make reference to the Crisis Pregnancy Agency, which was founded more than a decade ago, in Fianna Fáil's time. The Crisis Pregnancy Agency was chaired very effectively by Olive Braiden and did a huge amount of work to publicise the concept, through the HSE, that advice was available from a variety of advice providers to allow people to address the situation in the context of their own ethos, beliefs and circumstances. That agency was very effective. It has since been absorbed into the HSE, within which it is a unit or office, but I believe it had better visibility when it had an independent chair. It sent out a message to all of the different organisations involved, given there is a network of advisory agencies throughout the country which provide a range of advice on different options. When getting advice, most people want to look at the options and it is important they are able to do that. The Crisis Pregnancy Agency started the first campaign to tell women to stop being manipulated if they end up, as it were, in the clutches of one of these rogue agencies. In fact, at

the time many women in the Dáil, from all the different parties and from none, got involved in getting the information in regard to their own areas and being able, if necessary, to pass on that information and make it available. It is one of the aspects the Minister might examine because the Crisis Pregnancy Agency also reached out to many women's organisations, aside from the professional counsellors.

The Labour Party Bill seeks to protect the title of "crisis pregnancy counsellor" and to make it an offence to falsely pose as a crisis pregnancy counsellor. Given the regulation of the medical profession, we are all now used to reading distressing cases from time to time where people end up acting as doctors or nurses and it turns out they are bogus. Given some of the information that has been made public, which I am sure the Minister has pored over in his time, it is hair-raising to know an adult or a child could end up in the hands of somebody who is not qualified to practice. People go to a counsellor because they feel they need to talk about a situation and they need advice. It is very likely the purpose of the visit is to help them to reach a decision. If that advice is given in bad faith, against all professional norms, it can do huge, long-lasting damage that results in a person's subsequent capacity in regard to relationships, whether with adults or subsequently with children, being damaged, or in a person feeling some kind of guilt. When one talks to people who have been through this, it is clear the experience is very negative. If the person giving that advice was also posing as a doctor, a nurse or even a teacher, we would all understandably be extremely upset and we would not want the risk of harm that such people pose.

It is no longer tenable to stand over a situation where dieticians, opticians, doctors, nurses and so on are regulated but those who counsel women in vulnerable situations face no such requirement. The agencies that are properly regulated and accountable to the HSE practice to a particular professional standard. It is not good enough for us to continue to stand over a position where women are being lied to in a grotesque fashion at a time of exceptional vulnerability. Women in crisis pregnancy situations are being told new wives' tales about what may happen to them in terms of the risk of diseases, in particular the risk of cancer, or that women who have abortions will later come to neglect and abuse their children. These are lies told to scare, to humiliate and to denigrate women.

The Bill applies to the newer health and social care professions outside the traditional core sectors of medicine and nursing, and I recommend it to the House. There are people here with a wide range of views but really bad advice is very damaging. Those on particular sides of the argument about the eighth amendment may feel that they should automatically take one side or the other. Somebody looking for advice probably has several options in mind and the critical point is that said advice should allow that person make a decision she wishes to adopt. That is the purpose of the advice; it is not for the adviser to be a warrior in a campaign to make a woman act in a particular way.

**Deputy Jan O'Sullivan:** I congratulate Deputy Howlin on bringing forward this legislation on behalf of the Labour Party. I welcome the fact that the Minister for Health has indicated he will not be opposing it. His contribution was very constructive in engaging with what the Labour Party is trying to achieve, namely, to ensure that false information is not given to women in the extremely vulnerable situation of trying to make a very difficult decision in circumstances of being pregnant without intending it. They, therefore, have to consider all the options available to them and all the circumstances of their lives and those of the people around them. If any of us were to think of what it is like to be in that situation, the last thing we would need would be to be lied to by being given information that was not correct. The two previous speakers

have described the kind of information that is given. The information that particularly upset me, as a mother and a woman, is the idea that a woman might go on to abuse her own children because she has had an abortion. That is an extraordinarily offensive thing to tell any woman and something that would be deeply worrying to a woman who might believe it to be true. It is extraordinarily dangerous to give that kind of information to a woman, as it is to suggest that she might somehow be more likely to get cancer in later life if she has an abortion.

We are not seeking to direct people as to what decision they should make but to ensure that the information they are given is accurate and that they will not be told that having an abortion is going to have an effect, particularly as there is absolutely no evidence to suggest that the latter might be the outcome. That is why we want to ensure that such rogue pregnancy agencies are completely outlawed. That is the urgency of Deputy Howlin's point in amending the legislation to include rogue pregnancy agencies in the Bill and, therefore, that, under the terms of the Bill, anybody who sets themselves up to give advice in respect of crisis pregnancies cannot give false advice and must adhere to certain standards and codes of practice.

We recognise the points the Minister made - he made them well - about the various structural difficulties that would have to be overcome to regulate any profession. We welcome the fact that he has said he is willing to work with Deputy Howlin and the party and other interested Members because they are seriously concerned about this issue as well. We also welcome the fact that the Minister indicated that he will review the Regulation of Information (Services outside the State for Termination of Pregnancies) Act 1995 as part of his response in addressing the concerns that have arisen. As Deputy Howlin pointed out, this Bill concerns "act information", the very precise information about where a woman can go in Britain. It is not the broader kind of information that women often look for when they are initially faced with the shock of being pregnant when they did not expect to be. While we welcome the review the Minister has announced, our Bill addresses the broader issues of information.

I also thank the various bodies which have assisted us, including the Irish Family Planning Association, IFPA. There has been a need to address this for a long time. The two journalists who exposed what was going on brought the matter to public attention. I commend Sinead Ahern, who went undercover and managed to expose what was happening. This was done because of a genuine concern that we do not want any woman to have to go through this or be given that kind of false information. Different opinions will probably be expressed in this debate in the context of the general issues of repealing the eighth amendment and people's views on abortion. I, too, would stress that even if the false information was going to direct a woman the other way, it should not be given to her. Nobody should be given false information, whatever the motivation for it. The information has to be factual and true.

I welcome that we openly debate these issues regularly. We have had debates in this House about the repeal of the eighth amendment and the need to have a referendum. There was a time when it was extremely difficult to debate any of these issues in any kind of logical or non-abusive way. I well remember in 1983 and 1995, when some very nasty and vindictive people abused those who argued the case for the right to travel and to have accurate information. We have matured as a society in the way we debate these issues and that is to be welcomed. I hope that when we get to debate the repeal of the eighth amendment, after the Citizens' Assembly makes its recommendations, we will have a civilised and respectful debate. I would be surprised if Members oppose the Second Stage of this Bill because it only seeks to ensure that information is accurate. It does not seek to change people's views on the substantive issue. It is very specific about the giving of accurate information and the outlawing of rogue agencies set

up to mislead because of the points of view of those who established them.

I hope that people on all sides, of whatever view, will support the legislation we are putting forward. We want to list crisis pregnancy agencies in the primary legislation to ensure that we can have action as quickly as possible on this issue in order that, in the immediate or near future, no woman will be placed in the situation Deputy Burton described of being met in a car park, or anywhere else, and given inaccurate information when she is at a particularly vulnerable time in her life and making a very big decision. I hope that Members on all sides will support this Bill.

**Deputy Michael Collins:** I fully support the need for women always to receive factual information when receiving counselling in a crisis pregnancy situation. I do not believe there is a single person in this House who would disagree with that. However, I have to raise concerns about the motivation behind the legislation being put forward today. The proposed legislation cannot be discussed without looking at the background that led to today's move. It is very clear that the sole motivation for this amendment was a newspaper report about a certain anti-abortion agency. It is impossible not to notice the double standards at play here and the way the Minister for Health and those putting forward today's amendment ignored the outrageous behaviour and counselling practices at the Irish Family Planning Association, IFPA, clinics. In 2012, IFPA counsellors were found to be telling women they could lie to their doctors and say they had a miscarriage, and not an abortion, if complications arose after their abortion. I find it very hard to understand why the Minister for Health has never condemned this scandalous and dangerous advice that was given to women, which put their lives at risk. To think that the same agency advised women on how to illegally import abortion pills to consume without any medical supervision adds to this terrible scandal. The fact is that the IFPA receives State funding, but the anti-abortion agency that motivated the debate here today does not receive any such funding. Surely there is something amiss when the Minister for Health sits back and does nothing when a State-funded body is found to be engaging in such reckless behaviour. It is important that we keep all this in mind when the current discussion is under way. The public deplore double standards and rightly so. I would have no difficulty supporting changes to make counselling safer for women but I have well-based concerns about the reasons behind today's proposed changes. There is nothing fair and objective about targeting one side of this debate while turning a blind eye to the extreme wrongdoings on the other side.

**Deputy Simon Harris:** We are not targeting sides.

**Deputy Michael Collins:** Let us be very clear. That is what is happening here today and I regret to have to say it. Even at this late stage, I call on the Minister for Health to condemn what the IFPA has done and to call on it to provide a full explanation for its wrongdoings. Failure to do so leaves the Minister open to the charges of bias and double standards.

**Deputy Mattie McGrath:** I am delighted to be able to speak and I am glad that the Minister is here for the debate. In November 2012, undercover investigators revealed that the IFPA clinics and other clinics that are overseen and funded by the HSE's crisis pregnancy programme were involved in actively encouraging women in crisis pregnancies to mislead and lie to their doctors about their abortions if complications were to arise after the abortion procedure. That is a fact. The advice was described at the time as reckless and dangerous. Deputy Burton was a Minister at that time and later became Tánaiste. She did not have any problem with it at that time even though I called several times a year for an investigation. When the investigation became public, Dr. Sam Coulter Smith, not me, said that he was aware of cases in which women had died because they did not tell their doctors they had an abortion. That is also very serious.

It is disturbing that such poor advice would be given to Irish women in crisis pregnancies at such a difficult time. At least Deputy Jan O'Sullivan stated here tonight that the advice from the other side was also wrong, dangerous and reckless. She is the only person to have acknowledged that so far, including the Minister.

**Deputy Simon Harris:** I do not think she said that.

**Deputy Mattie McGrath:** The finding was just one of a number of disturbing findings revealed in the investigation. It also found the IFPA in particular was in breach of several provisions of the abortion information Act 1995, which I do not think the Minister mentioned tonight, though he mentioned other Acts. It appears this legislation was being breached on a wide-scale basis. This reflected a high level of contempt for the health and wellbeing of the women, not to mention the law of the land. Following on from this investigation, a so-called independent inquiry was established at the time by the HSE boss, Mr. Tony O'Brien, who is also the former head of the IFPA. The inquiry was to be chaired by Ms Brigid McManus, a former Secretary General of the Department of Education and Science.

However, in reply to parliamentary question from the former Deputy, Terence Flanagan, the impression was given that the investigation and inquiry has been downgraded to an audit, which is something entirely different. I raised that in the House countless times with the Taoiseach and then Tánaiste, Deputy Eamon Gilmore, and later on, then Tánaiste, Deputy Burton. The inquiry was established in November 2012 and seven months later no significant progress had been made. I asked the then Tánaiste, Deputy Gilmore, to explain the delay in the investigation given the seriousness of the wrongdoing, which all Deputies are talking about tonight. It is very serious and very wrong to be giving that kind of dangerous advice given the seriousness of the situation.

The undercover investigation had revealed that women's health was being endangered. It is funny how investigations are picked. All investigations are very important and right. We must condemn, and must have legislation for, any wrong information being giving by anybody on any side. Why was the investigation downgraded to an audit? Were the people giving this dangerous information suspended? They should have been suspended, or at the very least, some action should have been taken. Was any part of the €3 million in HSE funding to the offending agencies withdrawn or withheld? Goodness knows, we need HSE funding for a lot of things. If not, why not? Why is the IFPA, a State-funded agency, which has given out life-endangering and inaccurate information to vulnerable women and girls in crisis pregnancies, still receiving money when other HSE programmes are being targeted and seriously cut? I wish the Minister, Deputy Harris, well in his new portfolio and I still wish him well.

**Deputy Simon Harris:** I thank the Deputy.

**Deputy Mattie McGrath:** Even at this late stage, I call on the Minister, a new Minister with no baggage coming into this portfolio, to condemn what has come to light regarding the abuses that have taken place in IFPA-run counselling centres. He was well able to use very strong words on the other side of the equation tonight and rightly so. Surely he has to have some bit of moral standing in the other area as well. Some passing remark about general concern regarding poor standards in counselling provision will not suffice. The Minister for Health owes it to women who received nothing short of life-endangering advice from the IFPA to condemn in the strongest possible terms what the IFPA did and to commit to looking most closely at what has gone on in IFPA centres. He did condemn the other side very robustly.

I propose a further amendment to this Bill to ensure that pregnancy counselling agencies cannot be involved in political campaigning. That is very important and nobody on any side of the House has referred to this. The difficulty arises in framing the law to rule out the possibility of groups like the IFPA campaigning for changes to the Constitution, including repeal of the eighth amendment, while also supposedly acting as impartial counselling providers. That cannot happen. Again, I wholeheartedly support the idea of fact-based impartial counselling. That is vital. However, there is a breathtaking hypocrisy and double standard behind today's proposal which is clearly motivated by a desire to single out anti-abortion groups, while giving a complete and unjustified clean bill of health to radical pro-choice groups. The fact that the Minister for Health or his predecessor have never publicly criticised what went on at the IFPA sums up everything I am saying. It is not too late for the Minister, Deputy Harris, to do so. The public is waiting for him to correct his view and his very clear lapse and omission. He used very strong and extreme words here this evening such as "repulsive", "shameless", "despicable" and "disgusting".

**Deputy Simon Harris:** "Spineless".

**Deputy Mattie McGrath:** It was equally repulsive, shameless, despicable and disgusting when the other advice was given out by HSE-funded people. The Minister never said a word about that. The Minister's future career is on the line. If he wants to be honest and straightforward with people, by all means he should, but he cannot have such naked double standards.

I wholeheartedly support the idea of best practice being followed at all times by those offering counselling. The proposed legislation is coming from a former Minister, Deputy Howlin, who was one of the top four or magnificent four in the previous Government. He ignored appeals by me, by the former Deputy, Terence Flanagan, and others during his time in government to carry out that investigation and stop it from being downgraded to an audit. There was nothing done. He blatantly ignored it and so did the two *iar-Thánaistí*, Deputies Gilmore and Burton. They ignored it. For them to come in here this evening with this motion is sickening and it is so hypocritical to have to listen to this kind of double standards a short time after. They think we are all going to forget about it and go away. Thankfully, some of us have not gone away, you know.

**Deputy Simon Harris:** I know.

**Deputy Mattie McGrath:** The Labour Party's proposed change to the law is directly linked to one particular undercover operation, which I welcome, that focused on an exposé of an anti-abortion counselling agency. As I said, Deputy Howlin ignored all of the other ones. It just does not add up. How come no similar concerns or rushes to change the law were raised by the Labour Party when many of us on this side of the House showed that the State-funded IFPA was giving women life-endangering advice during crisis pregnancy counselling? Where was the outrage and calls for changes to the law from the Labour Party then? The party was in government. It could have drafted a Bill any day it wanted to. Where was the outrage when the IFPA was caught on tape telling women to lie to their doctors, as Deputy Collins said, and to say they had a miscarriage and not an abortion in the event of medical complications arising. Goodness knows, many can arise. I have heard the Minister for Health voice his support for this proposal on the radio a few times. It is impossible to take Deputy Howlin's proposal, or the Minister's support for it, seriously when both men have maintained absolute silence about the life-endangering abuses of the IFPA counselling. The people out there are not fools altogether. They are educated, both young and old. They know what is going on. They can recognise

downright lies. Lies were mentioned so many times tonight. I thought it was not allowed to mention them in this Chamber but downright lies have been quoted several times by proponents of the Bill. Damn lies. Many people are rightly revolted by the unbelievable hypocritical-----

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy cannot accuse somebody of telling lies.

**Deputy Mattie McGrath:** No, I am not, but lies have been quoted.

**Acting Chairman (Deputy Bernard J. Durkan):** No.

**Deputy Mattie McGrath:** I am not. I said lies have been quoted a dozen times already.

**Acting Chairman (Deputy Bernard J. Durkan):** I know, but the Deputy cannot accuse anyone of telling lies.

**Deputy Mattie McGrath:** I am not accusing anyone, I am just saying other speakers referred to lies.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy cannot use the word “lies”.

**Deputy Mattie McGrath:** They can blame God if they like. The Minister quoted lies several times and so did Deputy Burton.

**Acting Chairman (Deputy Bernard J. Durkan):** No. I am sorry, but-----

*(Interruptions).*

**Deputy Mattie McGrath:** It is a one-sided affair.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy McGrath knows-----

**Deputy Mattie McGrath:** You are wasting my time, Acting Chairman.

**Acting Chairman (Deputy Bernard J. Durkan):** I do not want to interrupt Deputy McGrath but-----

**Deputy Mattie McGrath:** Many people are rightly revolted by the unbelievable hypocritical double standards of both men, but it is worse when it comes from the women. The Minister has made many comments about hypocrisy and words. I challenge him to correct the record and try to ensure there is some modicum of fair play.

*(Interruptions).*

**Deputy Mattie McGrath:** Could I continue? I did not interrupt anyone.

**Acting Chairman (Deputy Bernard J. Durkan):** Deputy McGrath can of course, but he should not mention lies.

**Deputy Mattie McGrath:** How much time do I have left?

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy has 1.07 minutes left.

*(Interruptions).*

**Deputy Mattie McGrath:** I do not need any chorus of support at all. I am fine.

**Acting Chairman (Deputy Bernard J. Durkan):** A total of 1.07 minutes is left. Time is running out.

**Deputy Mattie McGrath:** I welcome what the Minister said about fitness to practise and all the regimes he will bring in and about addressing the failure to adhere to the code of practice. That is all very serious. I wholeheartedly welcome them. They have to be there and they exist in certain areas.

If I heard the Minister correctly he said the consultation started on 31 August and the closing date is 30 November. How many people know that or is it only the professionals that will be involved in the consultation?

**Deputy Simon Harris:** It is for the public.

**Deputy Mattie McGrath:** Could the Minister elaborate on that and clarify the situation for me? Wherever wrongdoing exists it must be addressed. All health care professionals must adhere to a fitness to practise code. That operates across the board. We have seen so many cases where that did not happen. I am very disappointed with the Minister's speech tonight. It was obviously well prepared by his officials and himself - I do not say the Minister could not do it - but I am unhappy that he ignored the previous investigation and the fact that the HSE-sponsored funding from taxpayers was used, which is needed for knee operations, cataract operations and other operations. The Minister knows the situation. He visited Clonmel and he met the carers and saw the bedlam. The Minister ignored the squandering of that money to give illegal, dangerous, life-threatening advice to young pregnant women and he continues to do so, as has the proposer of the Bill.

We cannot do this - just close a chapter in a book from the previous Dáil and introduce it in this Dáil. Deputy Harris is the new Minister and it behoves him to be honest with the people, be honest with himself and true to himself and the unfortunate people. The Minister said he met women, and I believe he did. I know he is a compassionate man. Will he meet the group of women known as Women Hurt by Abortion? The Minister said he wants to meet people on all sides of the debate. The group was not allowed into the hearings in 2013. Will the Minister meet the group, whose members will be very calm in telling him their story? It is very important to have all the knowledge and the full facts. I look forward to debating the issue further and to opposing the Second Stage reading.

**Deputy Billy Kelleher:** Fianna Fáil will support the Bill, the purpose of which was outlined by Deputy Howlin who sponsored it and which was further elaborated on by the Minister for Health, Deputy Harris. The issue gives rise to emotive debate but at the same time we have an obligation to ensure that health and social care professionals and counsellors in the area of crisis pregnancy are imparting ethical, factual, clinical information that is truthful and objective. Regardless of the position one takes on the argument, the purpose of the Bill is to take no sides but to ensure there is an obligation on counsellors to give factual information based on clinical practice and empirical evidence. That is no more or less than the Bill proposes.

The Minister, Deputy Harris, outlined that there are some deficiencies in the Bill and that departmental officials will be made available for discussion with Deputy Howlin and others who wish to play a proactive role in trying to ensure that information imparted to women who are in a very vulnerable state is factual and objective and that there is no sleight of hand in terms

of the advice being given to them. The purpose of the Bill is tangible and is required.

There is no doubt that in recent years we have seen some groups give advice in clinics in a negative way and journalists have uncovered damaging information being imparted to women at a time of crisis. I compliment the investigative journalists who went under cover and highlighted this issue. It is completely unacceptable for advice to be given to people that is wholly inaccurate without clinical or medical support or evidential base. For that reason the Bill will start a debate and a process to ensure we get to a position where formal governance structures and regulation are in place for such counselling.

The Minister announced tonight that in tandem with the consideration of the Bill his Department is commencing a review of the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995 as part of the response to addressing the concerns that have arisen. I hope whichever route is taken that the process will be speedy and that it does not fall between the two possible approaches we can take, namely the legislative review or the Bill proposed by Deputy Howlin.

We have had debates in this House previously on other health care professionals. It is important that there is absolute confidence in the regulatory authorities that oversee the various health care professionals. Those that are currently governed by the Health and Social Care Professions Act were outlined and Deputy Howlin proposes to include crisis pregnancy counsellors as well. There is no doubt about the significant difficulty in regulating this sector because of the grandfathering obligations that might exist and the fact that some groups are completely outside the regulatory system in terms of self-governance and self-regulation. Much work remains to be done on the issue. If the Minister is to make his officials available I ask that time would then be made available in Parliament to progress the issue and to have the legislation passed.

I support the principle of the Bill and I urge everyone to support it to ensure there is integrity in the counselling system and confidence that counsellors are imparting information that is accurate, objective, truthful, that can be clinically substantiated and that they do not try to direct a woman in a crisis pregnancy one way or the other. The information should be given and the choice made by the woman herself, her family, her clinician and others that might be involved in the decision-making process as well. I welcome the opportunity to speak on the Bill and I hope it can progress in a reasonable timeframe. I hope it does not fall between two stools due to the fact the Minister, Deputy Harris, has also said he will review in tandem the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995.

**Acting Chairman (Deputy Bernard J. Durkan):** Before I call Deputy Bríd Smith I wish to advise that we have 51 minutes left and five speakers remaining plus the Minister for five minutes and the proposer for ten minutes. I will try to get everybody in and ask people to assist. I will call on them after seven minutes.

**Deputy Brendan Howlin:** I will concede five minutes of my time if that helps.

**Acting Chairman (Deputy Bernard J. Durkan):** All right. I thank Deputy Howlin very much.

**Deputy Bríd Smith:** I do not think I will take much more than the seven minutes. We have spoken a lot about this issue in this House.

**Acting Chairman (Deputy Bernard J. Durkan):** We will do our best.

**Deputy Bríd Smith:** I sure have and I will continue to do so. First, I very much welcome the discussion because I do not think we can talk about this enough because every day that goes by another 12 women leave this country to procure an abortion, and another three at least procure the abortion pill. The reality behind women's lives, fatal foetal abnormality tragedies and other related issues continues as we continue to fail to deal with this issue.

*7 o'clock*

I welcome the opportunity to discuss it.

I am amazed at Deputy Mattie McGrath. He has been a Member of the House a long time, but the arguments he made were so unscientific, silly, prejudiced and bigoted. They appeared to have been dragged up from a period Ireland had gone through and forgotten. On what he said about the Irish Family Planning Association, I remember it very well. The so-called pro-life people who were actually anti-choice - if they were pro-life, they would care about the deaths of women but they do not - deliberately targeted the Irish Family Planning Association, picketed its clinics and tried to have it criminalised for giving false information. They were found to have a false perception. I remember it because I took part in a counter picket on Cathal Brugha Street with people to whom Deputy Mattie McGrath referred to as women who had been hurt by abortion.

We should not frame this discussion in terms of the fear of the horrible things that happen to women after they have an abortion or that they cannot go back to their doctor because they have to hide it. The fact is that abortion is a reality in this country and we should not scapegoat women. I believe there was a day in this Parliament, although I was not around at the time - Deputy Mattie McGrath might have been here - when women who advocated repealing the eighth amendment or stood up for the right to choose were called murderers. Thank God, we have moved on and that is my point. We have moved on from the level of debate in which Deputy Mattie McGrath engaged because Irish society has moved on in a huge way and we now have to think carefully about what the reality is.

The Bill tries to address the disgraceful situation where a State-funded clinic gave information. Some of it is difficult to repeat, but one woman was told that she could not have an abortion before eight weeks of gestation because if she were to have one any earlier, there would be too much of a danger of leaving a body part behind because the foetus was so small. She was told she might still be pregnant if a body part was left behind. What ugly, unscientific, anti-medical, anti-logic crap is that to be spewing out. Whatever the Irish Family Planning Association might have told women, it certainly was not anti-medical. I know hundreds of women who, like me, would have been in dire straits without the services of the association and very much appreciated its support and advice during the country's dark years when to even say the word "abortion" would almost have resulted in a crucifix and a piece of garlic being put in front of someone because he or she was some kind of devil.

The regulation of access to information on services legally available in other states is what this discussion is about. How do we regulate access to information available in other states? One would not find this in any other aspect of life or any other jurisdiction. The services about which we are talking regulating are available in other states and we are looking at how we regulate the information on them. It speaks volumes about the country that such detailed regulations and guidelines are required to spell out to women how and where they can find information on ways and means of controlling their bodily autonomy.

In one way I echo what Deputy Mattie McGrath said. What guarantee do we have that the State did not fund or will in the future fund agencies that have existed for a long time? The one on Berkeley Street, which has been referred to, set itself up under various names since 2000 and at one stage advertised itself as offering advice on British options available for pregnant women, emphasising repeatedly that it focused on the truth about abortion. One can say all of these things and tick the boxes in the regulation, but does that mean that we now have to have a regulatory authority with inspectors to oversee it or from time to time send women undercover for interviews to make sure it is not happening?

It is the failure of the House to deal with the question of abortion rights for many decades that has brought us to this point. We would not be discussing the Bill had we agreed to hold a referendum to repeal the eighth amendment. We could be in a more clear-cut, uncomplicated and better place for the women of today and of the future had we agreed to put the question to the people whether they wanted to repeal or retain the eighth amendment. The eighth amendment lies behind all of the issues about services abroad and the information available on them, etc. God knows, they were dark days when *Cosmopolitan* had to import its version of a magazine into this country with blank spots throughout covering advertisements for abortion services. A book entitled *Everywoman* was removed from every shelf in every public library in the country because it told women that they might be able to procure an abortion. It was not only the publication of books and magazines that was affected. The Trinity College Students' Union was taken through the courts because it had provided students with the names and addresses of clinics. We should move on and get away from that anti-scientific, scary argument and start thinking about what needs to be done very quickly to end this draconian law.

I welcome the discussion and congratulate Deputy Brendan Howlin on introducing the Bill. It is a pity that when his party was in power, it did not manage to have the eighth amendment repealed or vote in favour of the Bill on fatal foetal abnormalities Bill but such is life. People change and move on. Thankfully, we are moving on.

**Deputy Louise O'Reilly:** I want to start my contribution by expressing my support for the Irish Family Planning Association and the work it does. Unfortunately, Deputy Mattie McGrath has just exited the Chamber. He is a little like a rogue agency spewing out an awful lot of nonsense. We have all seen the leaflets, some of which are to be found in community centres, which ask: "Pregnant and scared? Do you need help? Are you confused? We are here to help you." When women are faced with a crisis pregnancy, they become desperate for help and to seek allies. Unfortunately, as alluded to by Deputy Bríd Smith, because of our point blank refusal to tackle the issue of repealing the eighth amendment, the subject of terminations and the advice available to women remains underground. It is seen as sordid and seedy, but that should not be the case. Women should have access to the information they need.

The agencies and counsellors the Bill seeks to regulate effectively prey on vulnerable women. They seek out women who find themselves in a desperate situation and attack them. They need to be tackled, regulated and put out of business. Somebody recently sent me a copy of a leaflet from an organisation that purported to have a cure for cancer. Clearly, it does not, but if a family member has cancer and someone is desperate, he or she might telephone that number or call to that clinic. We have a job of work to do to regulate all of the agencies that offer what they call simple solutions to the problems people in vulnerable situations face. Some of the leaflets on the websites of the rogue agencies include very damaging, violent and disgusting language. They state abortion has been associated with emotional and psychological impacts. They list the symptoms as including guilt, depression, suicidal thoughts, difficulty in bonding

with one's partner or children and eating disorders. The most recent leaflet exposed relies on a disproved connection between abortion and breast cancer. None of these claims has any basis in scientific fact.

The organisations in question have a clear hidden agenda. They attract desperate, vulnerable women in order that they can pressure them into making one decision or stigmatise them because of a decision they might have already made. Rather than offer legitimate counselling or impartial advice to the vulnerable women concerned, they delay the counselling process and, in certain cases, show clients inappropriate images and use falsified health and scientific warnings to influence their decision. How they operate is shameful. It is happening less than a kilometre away from our door and something definitely needs to be done.

A reputable service, such as the service provided by the Irish Family Planning Association, will counsel women on all of the available options and will not try to persuade, cajole or strong-arm a woman into making a choice. It will simply provide her with information.

Regrettably, the revelations about rogue agencies are not new. If one simply types the issue into Google, one can see that there have been several exposés. In 2007, *Hot Press* ran an article on this issue. It had a copy of a recording with a counsellor from one of these agencies. That was ten years ago. In that recording, much like the one from 2016, the "counsellor", which term I use advisedly, repeatedly told the lie that abortion causes breast cancer, stating:

Your risk of breast cancer rises significantly ... every woman who has an abortion her risk of breast cancer rises ... you're the one that's going to have to go away and get up in the stirrups and risk breast cancer which is already in your family. ... if you decide to continue with the pregnancy you'll have protected yourself for life from breast cancer.

This is to a vulnerable woman, a woman who is desperate and who wants to know what her options are. She gets told that one of her options will definitely cause breast cancer. That is shameful. We know what is out there.

I thank Ms Ellen Coyne and the team in *The Times* for the exposé. It is welcome, but it is not new. We know that it is there. Like Deputy Bríd Smith, I also wonder why action was not taken on this while the proposers were in government but it was not and we are where we are. Therefore, it behoves us to support this legislation. I personally am not convinced that it will do all that it is intended to do but I welcome the fact there is cross-party support. It means we will have an opportunity on Committee Stage to look at it in detail and ensure that whatever arises out of our deliberations is fit for purpose and puts an end to it. There is broad agreement that we need to put an end to the rogue agencies that are operating.

These agencies, of course, are a last port of call for women. They should not be allowed to operate. A woman should know when she needs help that she can pick up the phone or make an appointment, that she will be counselled on all of the options that are available to her, that she will not be judged and that she will not be made to feel worse than she already does.

As I said, my party will be supporting this Bill, and we are happy to do so. I would also like to put on record our willingness to engage with all of the parties, and to take up the Minister on his offer to engage with the officials in his Department to ensure our collective goal in this regard to put these agencies out of business.

This Bill will bring the crisis pregnancy counsellors under some form of regulation and will

allow for some kind of monitoring and complaints process but we need to be absolutely certain that it will stop people from disseminating misinformation or selectively highlighting what they term to be medical risks. This legislation is well-intentioned and I sincerely hope it does not have the impact of forcing reputable counsellors and counselling agencies into a regulatory framework while the ones we seek to regulate can change their name or go underground to remain outside of that. With cross-party support, if we put our heads together, we can ensure that does not happen. I very much look forward to the cross-party engagement on this legislation. When it comes to the next stage, as I said, my party will be supporting this and we are hopeful that we will be able to develop comprehensive legislation which ensures that we do not have to read any more of those exposés.

If I could, I will use my last few remaining seconds to reiterate my support for the Irish Family Planning Association and to reject the claims made by Deputy Mattie McGrath. The association does good work and that would not be disputed by the vast majority of Members in this Chamber.

**Deputy Ruth Coppinger:** The Anti-Austerity Alliance supports any attempt, including this Bill, to legislate for rogue crisis pregnancy agencies. The purpose of such agencies is not to help women. Their sole purpose is to prevent women from having abortions and to use any lies and intimidation they possibly can. These agencies are generally staffed by anti-choice volunteers, although there is a trend of late to employ medical staff, and even to use ultrasounds - to show women ultrasounds and try to use medical science to frighten women.

The key words these agencies use in the advertising of their services on the Internet are, for instance, “Scared” and “Family planning” to fool people. Obviously, many and probably most of the women who contact them in the first place are seeking to get information about abortion, at least as one of the options and, if not, they have already made up their mind. They generally pop up as the first item in any search engine, if one googles “crisis pregnancy”. They even use terms like “abortion information”, as a way to get click bait and get people to look for them, and often they locate near counselling centres to fool people, using names such as “reproductive choices”, which is obviously completely the opposite of what they stand for. They prey on the most vulnerable - women who are the least likely to be able to pay for or access information. As has been said, usually what they do is cause a delay in the woman seeking an abortion, leading to later abortions in many cases. The stories have already been well told here tonight about the myths that they perpetuate, that abortion leads to breast cancer, it leads one to abusing children in the future etc. and therefore I do not need to spend too much time on that.

The Minister has agreed to support the Bill but one point that really struck me in the course of his contribution, which I googled during the rest of the debate, is that he tells us there is legislation in place to tackle rogue crisis pregnancy agencies. He talked about what is known as the 1995 abortion information Act, the full name of which is Regulation of Information (Services Outside the State For Termination of Pregnancies) Act 1995, which was obviously brought in following the X case. I checked it out. In section 5(b)(iii), if one gives information or counselling to anyone who is pregnant who is seeking information and if it is inaccurate and not objective, one can be taken to court. I would ask the Minister why is he not doing so then? If he is telling us that there is something in statute, how many persons have been prosecuted in the past 21 years under this Act? I would like the Minister to come back and answer that because it is outrageous that this has been going on for nearly a quarter of a century and yet nothing has been done about it. Why are these clinics not being shut down on the basis of that Act? Do we even need this Bill? The Minister needs to explain why that Act has not been invoked despite

him expressing concerns when this all came out and the story was broken by those investigative journalists.

The elephant in the room here is that we should not be meeting late tonight to discuss this in the first place. The only reason we are having this discussion is that we have the eighth amendment, which bars not only abortion but information about abortion and makes it extremely difficult for women to get that information.

I am absolutely gobsmacked. Deputies Michael Collins and Mattie McGrath - I was going to say "Deputies Trump" - find it surprising that a woman might go to her doctor and not tell that she has had an abortion. What planet are they living in? It is because of people like them that women have to do that, that a woman cannot be honest with her own doctor because there is a 14-year jail sentence. Abortion is a criminal offence. Lots of women do not tell doctors that they have had abortions and I am surprised that they are surprised about that.

In relation to the allegation Deputy Michael Collins, who is from Cork, made, one would think women from Cork and Tipperary never had abortions. Of course, they do. Deputy Michael Collins referred to abortion pills without medical supervision. That is because women cannot get medical supervision. The pills are illegal precisely because of people like him.

With regard to the Irish Family Planning Association, IFPA, I would be very surprised if it told women to tell lies to their doctors. My knowledge of the association is that it sticks very much to the letter of the law. I have criticised the association in the case of the migrant rape victim. She was attending the association for months for counselling. That poor girl, who was effectively tortured in this country, should have been given, or at least been directed to, safe but illegal abortion pills if she wanted them, or at least told about the website. I am sure the association did not do that because it was afraid, so I would be surprised if it was giving inaccurate information.

I wish to comment on the likes of Deputy Mattie McGrath. He said that lies are worse when they are told by women. I am not sure what he meant by that, but I will tell him the truth now. He is a sexist, backward man with an inordinate interest in women's bodies. That is the unvarnished truth. There is something very distasteful about older men lecturing younger women, who are generally affected by these issues, in such a way. It must be said. This is something that will never affect them, yet they are judging and talking about women in this way.

I wish to point to some items that could potentially be added to the Bill. One of the dangers with the Bill, and it is not a danger with the proposers of the Bill, is that I hope it is not just a way to avoid dealing with the abortion issue and abortion information in Ireland. We must have a situation where the eighth amendment is repealed and abortion is fully decriminalised. The reason women are skulking around back alleys looking for information is that they cannot get it. Once abortion is criminalised there is a penalty attached to helping somebody to get one. What is even more disgraceful is that it is illegal to give women information on how to access safe legal abortion in England outside of a one-to-one counselling session. That is the situation in this country. However, it is perfectly legal for religious fundamentalists, which is effectively what they are, and the ghouls who prey on women in these rogue agencies to tell women with crisis pregnancies a pack of lies. No legal action is taken against them, yet one cannot give somebody information on how to access a safe abortion.

Another addition that could be made, and the Anti-Austerity Alliance would be willing to

table such an amendment, is to add sex educators to the potential list. I will outline the reason. At present, agencies such as Life Pregnancy Care and Family & Life are going into schools and giving precisely the same information to young children. In 2014 an investigation by *The Irish Times* found that students were being given sex education in schools by teachers and outside agencies such as those I mentioned. In those lessons students were told that abortion damages a woman's internal organs and it destroys a woman's mental health. They were also told that a woman who has an abortion might feel she is being punished if she suffers a miscarriage in a later pregnancy. The third piece of information was that women can feel suicidal and might harm themselves after having an abortion. The fourth piece was that life begins at the moment of conception, which is not something most people in this country believe. Otherwise, they would not support morning-after contraception. It is something a small group of religious people believe. The students were also told that the most important person during pregnancy is the baby, so the woman receives no regard at all. This is what is being taught in schools at present. If we intend to close down rogue pregnancy counselling agencies, we should also shut down these agencies from infecting our children with this dangerous nonsense at an age when they are liable to be influenced and unable to challenge it. The Minister should consider that.

Finally, the Minister said that our women deserve more. They do deserve more. They deserve to have the right to have these services in their own country and not to have to skulk around Dorset Street or elsewhere, in fear and ignorance, seeking information. It is time for him to repeal the eighth amendment.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I thank Deputy Howlin and the other speakers for their contributions on this important issue. As the Minister, Deputy Harris, outlined, the Government is supporting the reading of the Bill for a second time but cautioning the House that much work will have to be done before it proceeds further. The Minister and the Government fully subscribe to the objective of the Bill, which is to protect the public. The Minister is committed to working with Deputy Howlin and other Members to arrive at more workable solutions to ensure that truthful and objective information is made available to all women experiencing crisis pregnancies.

We all agree that a woman seeking advice on a crisis pregnancy must be provided with truthful and objective information, and that it is appropriate that the State facilitates its provision. Women can currently seek such information in the context of free and non-judgmental counselling through Positive Options, the crisis pregnancy service that is funded and overseen by the Health Service Executive. People with concerns about the veracity with which they have been dealt with by service providers can have their concerns investigated by the Garda under the Regulation of Information (Services Outside the State for Termination of Pregnancies) Act 1995, but there may be a need to strengthen these provisions and to create greater awareness of this legislation. Deputy Coppinger referred to this and we can establish if complaints have been made to An Garda Síochána through the Department of Justice and Equality. The Minister has asked the Department to commence a review of the Act, as he announced this evening.

The bringing of counsellors within the ambit of the Health and Social Care Professionals Act 2005 will also provide better protection of the public and should go a long way towards addressing Deputy Howlin's genuine concerns. The Act provides that only registrants are entitled to use the protected title. A person who is not registered and who uses a title protected under the Act would be guilty of an offence and would be liable on prosecution to a class A fine or up to six months in prison or both. Registrants are also subject to the Act's fitness to practice regime. This allows for complaints about the conduct or competence of registrants to be investigated.

Disciplinary sanctions, where complaints are substantiated, up to and including cancellation of registration, may be imposed. The regime is similar to that applicable to medical practitioners, nurses and midwives. The Minister's proposals to regulate counsellors under the Act are currently out for public consultation and he hopes to be in a position to submit draft regulations to this House next year.

While I support the Bill before the House, a particular concern we have with it is that it would treat pregnancy counsellors separately from counsellors generally and would regulate them differently from the fourteen other professions currently designated under the Act. This in turn would pose difficulties for the operation of the 2005 Act into the future. It is the Minister's intention to make progress through utilising both the forthcoming registration of counsellors and the existing regulation of information Act 1995 to result in a more workable solution to the challenge of ensuring that truthful and objective information is made available to all women experiencing crisis pregnancies.

For these reasons, I support the Minister's proposal that the Bill be read a second time but I join him in pointing to the additional work that will be required before the Bill proceeds further.

**Deputy Brendan Howlin:** I thank the Deputies who contributed to the debate. Newer Deputies might not be aware that sometimes we have not had the opportunity to have the type of open debate on the abortion issue as is possible in this Dáil. Much reference has been made to the information legislation that was brought to the House by the then Minister, Deputy Michael Noonan. I drafted that legislation in 1994 when I was Minister for Health. At the time, my office in Wexford was picketed for three weeks by Youth Defence. On one Saturday its members put posters on every storefront on Main Street stating that "Howlin murders babies". That was the atmosphere of the 1990s. It was the atmosphere of the debate we had when the original eighth amendment was proposed in the 1980s. We have come a very long way. There are only two Oireachtas Members still here who voted against the original amendment in 1983, namely, me and, as far as I remember, the Minister, Deputy Shane Ross, who was a Member of the Seanad, as I was, at the time. The atmosphere was poisonous. There was no objective debate on it. Although we have moved a long way from it, there is still potential for a poisonous debate on it, and we need to anchor ourselves in calmness as best we can. We must allow people who have genuine concerns, whatever their perspective, to be heard but at the same time anchor ourselves in objective fact. Objective fact is becoming a scarce commodity in political discourse generally, as we have seen in the conduct of the US presidential election.

The purpose of the Bill is straightforward, simple and unambiguous. It is to ensure whoever holds themselves out as counsellors in a crisis pregnancy would be required to be regulated in such a way that all the advice and information they impart must be truthful and accurate. I listened to Deputy Mattie McGrath passionately argue for the same principle and then conclude that he was going to oppose the Bill. There is no logic in that. If he believes, whatever perspective one brings, that one must tell the truth, he must support the Bill, given that this is what the Bill sets out to do.

There are two mechanisms under consideration, and we examined both of them. The first is the proposal we have before the House, using the Health and Social Care Professionals Act by adding to the list another category of health professional that would be required to be regulated, namely, pregnancy counsellors. I listened with care to the Minister's views. In all such matters there is always complexity. He proffered the view that the better alternative would be the Regulation of Information (Services Outside the State For Termination of Pregnancies)

Act 1995 which Deputy Ruth Coppinger referenced. We examined the Act in some detail and the difficulty is that it applies only to “Act information”, which is information relating to the procurement of an abortion. If a practitioner said he or she was not going to give any counselling relating to abortion, the information would not be “Act information” and could be as inaccurate, mischievous and damaging as one likes. The advice I received was that it was not the best vehicle to use. I imagine this is why there have not been prosecutions under the Act. It is related to dealing with the Supreme Court decision that giving information, even names and addresses, about places to have an abortion outside this jurisdiction was not tolerated under the eighth amendment. That was why we introduced the subsequent amendment on information and travel. I will happily work with the Minister for Health and his officials, by whatever means is open us, to arrive at our objective, which is to ensure women in this most vulnerable situation of crisis pregnancies or pregnancies they did not plan or want will have objective options put to them plainly, truthfully and accurately about what they need to do.

While I do not want to labour the point, I totally disagree with Deputy Mattie McGrath’s totally unfair comments on the Irish Family Planning Association, IFPA, which over decades has provided an important service to women, men and families. I salute the IFPA and thank it for its work. Deputy Bríd Smith, in supporting the legislation, asked why we did not bring it forward earlier and said we should have done it previously. This is the first time anybody has done this. There was no consensus in Sinn Féin to repeal the eighth amendment until this Dáil. A significant portion of Sinn Féin would not have been in that category. Sinn Féin did nothing on the issue in the previous Dáil, and it had plenty of Private Members’ time in which it could have done it. We should all come to this with a view that the thousands of women who find themselves pregnant when they do not want to be and who are worried and stressed need to be able to turn with confidence to those who hold themselves out to be counsellors and also need to know that whatever is told to them is the truth. They do not want to be horrified with lies and untruths.

It is a reasonable expectation that as we regulate chiropractors, podiatrists and dietitians, this category of medical advice should also be regulated. It is such an important decision that has lasting impacts on people’s lives, and we must have regard to this. As my colleague, Deputy Joan Burton, said, it is not an extraordinarily complicated Bill. It is very straightforward and simply adds a new category to the list of professionals to be regulated. There is already a long list to be regulated, some of which are set out in the Act and others which have been added on under the Act by a decision of the Minister for Health. We have said it should be put directly into the Act, given that it is the quickest and most effective way of doing it. If there are difficulties with it or a more effective route to achieving the objective on which we have, by and large, a consensus or a majority view, I would be open to whatever route is best to achieve it. I look forward to working with all colleagues across all benches in the House to achieve the desired objective of the overwhelming majority of Dáil Members.

Question put and agreed to.

### **Health and Social Care Professionals (Amendment) Bill 2016: Referral to Select Committee**

**Deputy Brendan Howlin:** I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders

17 November 2016

84A(3)(a) and 141.

Question put and agreed to.

### **Message from Select Committee**

**Acting Chairman (Deputy Bernard J. Durkan):** The Select Committee on Social Protection has completed its consideration of the Social Welfare Bill 2016 and has made amendments thereto.

The Dáil adjourned at 7.40 p.m. until 2 p.m. on Tuesday, 22 November 2016.