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PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 26 Eanáir 2017

Thursday, 26 January 2017

Chuaigh an Ceann Comhairle i gceannas ar 10 a.m.

Paidir.
Prayer.

Symphysiotomy: Statements

Acting Chairman (Deputy Eugene Murphy): I welcome Members. We will now have statements on symphysiotomy for the next two hours. I call on the Minister to make his statement under Standing Order 45.

Minister for Health (Deputy Simon Harris): I am pleased to have the opportunity to address the House this morning and to have the opportunity to discuss the outcome of the symphysiotomy *ex gratia* payment scheme and the report of Judge Maureen Harding Clark, assessor to the scheme. It is fair to say we have all been touched by the stories of the women who underwent symphysiotomy and the Government's aim was to take as humane and dignified an approach as possible to help bring closure to as many of the women as possible. The scheme has helped to bring that closure to a large number of women and I welcome that. However, I will address a number of issues raised in the House on 1 December 2016, including the terms of reference for the scheme, the issue of consent by women undergoing a symphysiotomy, the level of proof required to seek awards under the scheme and the right to appeal. I will do so during the course of this speech, as well as setting out the background to the establishment of the scheme.

Following examination of two earlier independent reports commissioned by my Department, it was agreed by the Government in July 2014 to establish an *ex gratia* scheme for women who underwent a surgical symphysiotomy. The surgical symphysiotomy payment scheme was established in November 2014 following engagement by the then Minister for Health with the three patient advocacy groups that support women who underwent the procedure. It is an important point for the House to note in our discussions today that two of those advocacy groups welcomed the Government-approved scheme. One of those groups has stated its clients were happy to have been vindicated and to have had their suffering acknowledged. This support group also indicated that they had positive feedback concerning the scheme from the women and their families, and it stressed the importance of providing redress for the women, given the older age group to which many of the women belong. This group has indicated that it supported in excess of 250 of the women in 2015. One advocacy group rejected the scheme and continued to advocate for court settlements for the women. The scheme provided an alternative, non-adversarial and person-centred option for women, many of whom were elderly and did not wish to pursue their cases through the courts.

As Deputies are aware, the first independent report commissioned by my Department was undertaken by Professor Oonagh Walsh. Professor Walsh is a renowned medico-social historian with a special interest in female medical history. Professor Walsh outlined the history of symphysiotomy in Ireland and recommended that an *ex gratia* scheme be established. Importantly, Professor Walsh's research also included a national public consultation process with the women themselves and with other interested bodies. The Walsh report noted that symphysiotomy was an exceptional and rare intervention in obstetric practice in Ireland. The procedure was used in mild to moderate disproportion and in obstructed labour. It occurred in less than 0.05% of deliveries between 1940 and 1985. The report estimates that approximately 1,500 symphysiotomy procedures were undertaken in Irish hospitals and that there were approximately 350 women still living who underwent the procedure. The second report was prepared by Judge Yvonne Murphy, who was commissioned by the Government in 2013 to undertake a further independent review on the legal aspects of symphysiotomy in Ireland. Judge Murphy advised the Government on the merits and costs of proceeding with an *ex gratia* scheme relative to taking no action and allowing the court process to proceed. Once again, Judge Murphy recommended that an *ex gratia* scheme be established.

Regarding the issue of consent, based on the evidence available to the Department of Health, it appears that in a number of cases the procedure was carried out without a woman's knowledge or consent. However, this was not the case in all hospitals. It would also appear that the lapse of time, the demise of the clinicians involved and the paucity of records may have made it difficult to establish whether reasonable efforts to obtain consent were made. Hospital records in some instances showed that it was an elective procedure. The data on symphysiotomies in Our Lady of Lourdes Hospital in Drogheda include a high number of elective procedures, which would have been carried out with patient consent. A total of 20% of respondents to Professor Walsh during her research were private patients.

Until the 1960s, it was common for many women in the Dublin area in particular to only present for a hospital delivery once complications had set in. Professor Walsh alluded to cases where patients had been in labour for extraordinarily long periods before admission to hospital. A labour period of 50 hours was high but not exceptional in those early years. Judge Yvonne Murphy found that a court was not likely to hold that it was necessary to have obtained an informed consent in unexpected lifesaving emergency situations of obstructed delivery during labour.

Judge Harding Clark provided a comprehensive report and we now have available a thorough overview of the historical and medical context of symphysiotomy in the country. The report included several appendices containing information gleaned by Judge Harding Clark and her team during the operation of the scheme. Appendix I includes information on radiological imaging used in the assessment of symphysiotomy, entitled Symphysiotomy & Pubiotomy Review - an Imaging Perspective. Two further appendices contain historical documentation relevant to symphysiotomy in Ireland. Appendix II contains extracts from the Transactions of the Royal Academy of Medicine in Ireland between 1943 and 1967. Appendix III contains extracts from the annual clinical reports of four major maternity hospitals: the National Maternity Hospital, Holles Street; the Rotunda; the Coombe Women and Infants University Hospital; and Our Lady of Lourdes Hospital, Drogheda. It also contains medical papers published between 1940 and 1960. Contrary to some reports in the media, the information provided in appendix II and appendix III shows that symphysiotomy was not a secret procedure at the time. In fact, it was debated and discussed in many medical papers by eminent physicians.

The total cost of the symphysiotomy payment scheme was a little under €34 million and payments of €50,000, €100,000 or €150,000 were made to 399 women who met the criteria for awards. All of the women have received their respective payments, totalling €29.85 million. The majority of claimants were aged over 75 years and payments were made to women between the ages of 51 and 96 years. Many women took legal advice and the scheme provided for payment of their legal costs. The total legal costs were a little under €2.1 million. A breakdown of amounts paid to the solicitors involved is available in appendix V of Judge Harding Clark's report. A little under €1.25 million was expended on administrative costs. These included rent, telephone, fees and salaries, office equipment and supplies, utilities and broadband.

The scheme was designed to be simple, straightforward and non-adversarial. It was designed to offer to women an alternative to pursuing their cases through the courts if they so wished. The women were not expected to give oral testimonies, unlike in a court setting. Although the scheme was non-adversarial, the provisions took into account that women may have wished to consult a solicitor and take legal advice and assistance in submitting applications to the scheme. In the interests of accountability, the scheme required each applicant to prove that she had a surgical symphysiotomy or pubiotomy to be considered for the assessment of an award. The level of proof required to qualify for an award was clearly set out in the terms of the scheme. It is important to note that the proof required was, rightly, considerably lower than the burden of proof that would have been required by a court. Judge Harding Clark worked with each woman or her legal representative to locate medical records. When she considered it necessary, Judge Harding Clark met some of the women in different parts of the country. Where claims could not be reconciled with established facts, women were examined by relevant medical experts. Judge Harding Clark encouraged women who believed they had undergone a symphysiotomy to apply to the scheme, advising them that they did not give up their right to pursue their cases through the courts. It was only on accepting an award under the scheme that a woman had to discontinue her legal proceedings. The vast majority of women opted to do so.

The scheme was administered to the highest standards in line with its terms of reference. The scheme had an independent website to provide advice, assistance and information to interested persons as the scheme progressed. Applicants and their family members could contact the office of the scheme by telephone. Where an applicant was too infirm to apply herself, applications were accepted by proxy on her behalf. All awards were transferred electronically to the applicant's account. Importantly, at the end of the scheme, all applications and supporting documents were returned to the applicants or were confidentially shredded in line with the wishes of each applicant. The scheme did not hold any original medical records.

In order to undertake her role under her terms of reference in an informed manner, Judge Harding Clark drew on the professional expertise of certain medical specialists. These clinicians specialised in the areas of obstetrics, radiology, orthopaedic surgery, pelvic injury and urology. They advised on the scheme throughout the process. This ensured an effective, fair and well-informed method of assessment of the applicants by means of a comprehensive clinical case review in line with best practice, whenever this was required. Many hundreds of hours were spent examining the medical records of applicants. Each application received individual and careful assessment. Medical evidence was sought to explain delivery records. When claims could not be reconciled with established facts, the applicant was examined by relevant clinical experts. Some applicants were examined by several experts.

When all efforts failed to obtain records, the scheme moved to seeking secondary proof of symphysiotomy by evidence of a scar and radiology evidence. In 12 especially difficult appli-

cations, Judge Harding Clark held a discussion conference between her medical team and the medical expert representing the women. Consensus was reached based on the medical facts in each case. Out of almost 600 applicants, 185 women were unable to establish that they had a surgical symphysiotomy. The report states that all of these applicants were assisted by members of the team in trying to establish their claims. The resources relating to the scheme were applied in rigorous investigations before a claim was declared ineligible for the scheme. On reading Judge Harding Clark's report, I get a real sense that the team and the judge worked with each applicant to try to establish facts, obtain records and ensure that an applicant to the scheme had every support and opportunity to have records and medical evidence presented.

A total of 23 women experienced a spontaneous symphysiotomy during birth. While this condition is not particularly common, it is well recognised. These women did not quality for an award under the terms of the scheme because they did not have a surgical symphysiotomy.

Pubiotomy is a distinctly different procedure to symphysiotomy. It was also included in the scope of the scheme at the request of the support groups. Pubiotomy was frequently claimed by applicants but was established in only one case. Significant disability was established in that case.

It should also be noted that medical services, including medical cards, are facilitated for the women by HSE-nominated symphysiotomy liaison officers based throughout the country, regardless of whether a women has availed of the scheme.

In July 2014 one of the advocacy groups made representations to the UN Human Rights Committee concerning symphysiotomy. Ireland takes its membership of international organisations seriously. The country is absolutely committed to human rights. This is why we always engage with these processes in a meaningful way through providing information and updates, responding to recommendations and attending reviews held by these organisations. This gives us an opportunity to set out the Government position on Human Rights. Shortly, we will provide more details about the scheme to the Convention on the Elimination of All Forms of Discrimination Against Women. While the Government notes the comments made by the UN on symphysiotomy, it believes that the provision of the *ex gratia* scheme and the ongoing provision of medical services by the HSE represent a comprehensive response to this issue.

My Department has received the report that one of the support groups, Survivors of Symphysiotomy, has submitted to the UN Committee on the Elimination of Discrimination against Women, which has symphysiotomy on the agenda for its meeting on 15 February. There are serious inaccuracies in this report that cannot go without comment. The opening paragraphs refer to women having their pelvises broken during childbirth. A symphysiotomy does not involve breaking the pelvis. The procedure involves cutting the fibrous cartilage of the pubic joint. The report to the UN claims that no independent or thorough investigation has been carried out in Ireland into the practice of symphysiotomy. The contrary is the case, and I have already set out the background to the thorough work which has been done on the matter, most recently by Judge Harding Clark, but by others before her as well.

I urge anyone who wishes to get a fair and balanced view on the issue of symphysiotomy to read Judge Harding Clark's report. She was unfettered by Government in completing her work. She could have simply administered a payment scheme, and she would have been able to do so and fulfil the terms of reference. However, she chose to use her judicial skills and experience and that of her clinical team to examine all aspects of the issue and to review the evidence col-

lected in the two years of her work. The report states that my Department has refused to supply information concerning the research conducted by Professor Leo Lawler, consultant radiologist at the Mater Misericordiae University Hospital, visiting consultant at the Rotunda Hospital and a member of Judge Harding Clark's clinical advisory team. This is not correct. My Department was not involved in this study and therefore it has no further details other than the documents we have supplied in response to a recent freedom of information request.

It is important to emphasise the importance which we place on patient safety and quality in our modern maternity services. Ensuring that quality of patient care is at the heart of our health services and that we keep our patients at the centre of the provision of our services is key. We must continually learn and work to make our services safer. One year ago, my Department published Ireland's first national maternity strategy in a concrete demonstration of a new, enhanced and long overdue focus on maternity care at both policy and service delivery level. Just before Christmas, I launched the new HIQA national maternity standards. Taken together, these initiatives provide a roadmap for how we can continue to improve maternity and neonatal care in the years ahead to promote and assure safe, standardised and high-quality care. In addition, I am pleased to note that all maternity services are now reporting monthly maternity patient safety statements and are participating in national data collections, including the Irish maternity indicator system.

More broadly, my Department remains fully committed to progressing a programme of major patient safety reforms. These measures are focused on legislation, the establishment of a national patient advocacy service, the introduction of a patient safety surveillance system, extending the clinical effectiveness agenda, commencing a national patient experience survey and setting up a national advisory council for patient safety. In December, I launched our new national patient safety office, which will be the driver behind many of these reforms. Within the programme of legislation we intend to progress the licensing of our public and private hospitals, the health information and patient safety Bill and provisions for open disclosure.

In conclusion, the brief given to Judge Clark in November 2014 was not an easy one. At that time, the advice to the Department of Health was that many women would face an uphill struggle in proving their claims in the courts and we did not want women to have to face that uphill struggle. Each woman would face an uncertain outcome, as each case would be adjudicated by the courts on its individual merits. We now know that this is the truth. For example, in one of the small number of cases that have gone through the courts, the judge in that case found that even though the woman had a symphysiotomy 12 days before her baby was born in 1963, this procedure was "not a practice without justification" at that time. This *ex gratia* scheme was to avoid the adversarial courts-based system. Judge Clark's independent report is a thorough body of work and I hope the implementation of this scheme has helped to bring closure to many women.

Acting Chairman (Deputy Eugene Murphy): We now have one hour and 43 minutes left in this debate. I have 16 speakers offering. Due to the serious nature of this debate on symphysiotomy, I want every speaker on the list to be able to contribute. I will be strict on the times. Deputy Billy Kelleher is next and is sharing five minutes of his time with Deputy Smyth.

Deputy Billy Kelleher: I might be even briefer if I can be.

Acting Chairman (Deputy Eugene Murphy): Thank you.

Deputy Billy Kelleher: I welcome the fact that the House and the Government established an *ex gratia* payment scheme. We said at the outset that an adversarial court procedure in the context of individuals having to go to court to vindicate their rights was something that we had grave concerns about. As alluded to by the Minister, the fact that every individual case would be taken on its merits and individually assessed by a court, with awards granted or not, would have been unfair to many of the survivors of symphysiotomy.

Reading the report, there is no doubt that some of the language could be seen to be abrasive if one looks at it in the context of where some of the survivors are coming from. It is hard-hitting. When one goes through the whole report, it does sit a little bit uncomfortably at times. Of course, the reality is that some women did not experience symphysiotomies in their time but we should also be conscious that they may have had very difficult labours and that it was many years ago. There were very few supports and services available to women who had forceps deliveries and extended labours of sometimes up to 50 hours, which would not have been uncommon at that time. There were very few supports available to those women after birth. That is an issue that is acknowledged in the assessments of Judge Yvonne Murphy and Judge Maureen Clark of people who went through very difficult experiences.

As has been said in this Chamber, there is no doubt that symphysiotomy was quite a barbaric practice and was continuing long after it was no longer seen to be a conventional medical intervention across the western world. It continued for a longer period of time in Ireland than elsewhere. It must be acknowledged that for whatever reasons, some obstetricians continued the practice when it was no longer deemed to be a recognised intervention for a complicated delivery. That is certainly something of which we must be conscious. We failed to bring forward supports both for these women and in the context of the wider maternity services, which left a lot to be desired for many years. There was no proper oversight. Peer assessment and peer review of obstetricians, practices and outcomes were not what they are today. Leaping forward in time to our modern maternity services, there needs to be a consistent underpinning of standards in the delivery of care, as well as for professional clinicians, peer assessment, peer review and in the oversight of HIQA, which is critically important.

Some people are still very unhappy with this report. Let us be clear about that. Survivors of symphysiotomy have issued a very hard-hitting statement. We have to acknowledge equally that many women are satisfied that it was an opportunity for their rights to be vindicated and for compensation to be paid. The payments themselves range from €50,000 to €150,000. It had been anticipated that in the region of 350 women would apply for the scheme, but, in fact, 590 applied. Around 400 women, I think it was 403, were awarded some form of redress in compensation.

Judge Clark encouraged women who believed they had had a symphysiotomy to apply to the scheme, advising them that they did not give up their right to pursue their case and vindicate their right through the courts. I believe that is critically important. There were concerns that if people entered the scheme, they would lose their right and entitlement to vindicate themselves in a court of law. Of course, as the Minister pointed out at the end of his speech, there was a case in which a person did go to court. A symphysiotomy had been carried out but no compensation was offered and her right was not vindicated. It does put into perspective the risk for women who were damaged by symphysiotomy in going to court and having their case individually assessed. We said at the very outset of the scheme and the establishment of same that its purpose was for people to have their rights vindicated, for compensation and redress to be given and for the money to go to the victims as opposed to their legal representatives in very

expensive court cases.

Judge Clark's report contains very hard-hitting language in many aspects, but she does refer to the issue of some people making applications based on evidence presented by others who were successful in their claims in court and things like that. A huge number of women suffered appallingly at the hands of the maternity services in Ireland in a previous time. It would be shameful and distasteful, to say the very least, if a small number of people were using the misery and the trauma that was visited on those women to try to seek redress. Even if there was only one or two, it would be shameful. The last thing we need to do is undermine the traumatic stories that people told us. Listening to the evidence was utterly traumatic, to be truthful. We met them in the AV room and listened to some of those affected. It was exceptionally difficult just to listen to their stories of what they endured. Let us be honest, the vast majority of them were vindicated in the context of their applications to the *ex gratia* payment scheme. We have to put that in context. It would be remiss of me to not accept the fact that there may have been a very small minority who used the tragic circumstances of symphysiotomy and the scheme itself to try to seek redress for themselves for ulterior motives.

The UN Human Rights Committee recommended that "the State party should initiate a prompt, independent and thorough investigation into cases of symphysiotomy, prosecute and punish the perpetrators, including medical personnel, and provide an effective remedy to the survivors of symphysiotomy for the damage sustained, including fair and adequate compensation and rehabilitation, on an individualized basis". In that context we have done some of it. Whether or not the Dáil or Government would consider the prosecution and punishment of perpetrators, that would not necessarily be a role for us as legislators, but we must continue to ensure rehabilitation for the individuals. The fair and adequate compensation that was awarded through the *ex gratia* payment has been accepted by a lot of the survivors of symphysiotomy, but we still have a substantial group that feels dissatisfied with the report in its entirety, and not only the *ex gratia* payment. They are also dissatisfied with the recommendations made in the report prior to that by Judge Yvonne Murphy. It is a difficult issue to address to try to ensure everyone feels they could embrace this particular scheme, and that is regrettable. I sincerely hope we do not end up with people going to the courts continually with some of them finding that they will not get redress or compensation there. That is something we did not want to happen but it looks like it will happen now, unfortunately, for some people who did not embrace the scheme in that context.

We must be mindful of the language that was used in the report. While it was hard hitting and direct, in some areas one could say it was abrasive. Ms Justice Maureen Harding Clark used her judicial experience, of which there is no doubt, but it was very direct. I want to put on the record that we must be very mindful that there were a huge number of women who were badly damaged at the hands of the health services at the time and we should never lose sight of that. We can sometimes get caught up in what was said in the report with regard to the 185 women who did not qualify for the scheme, but that does not mean that many of those 185 women did not endure some form of traumatic experience at the hands of the health services in the context of difficult labours, forceps deliveries and almost no supports after the births of the kind that would be offered nowadays. We must also acknowledge the fact of postnatal depression, an area of which people are now very conscious. Back then, however, it was not even discussed. Many women are still damaged that have not received redress through this scheme.

Deputy Niamh Smyth: Fianna Fáil hopes that the publication of Ms Justice Maureen Harding Clark's report, The Surgical Symphysiotomy *Ex Gratia* Payment Scheme, will bring some

closure to the women who were so badly affected. We believe the scheme was a genuine attempt to try to bring a resolution to this matter. Many of the findings of the report made for very distressing reading. The practice of symphysiotomy had stopped in other countries for many years but, unfortunately, continued for some time later in Ireland. The procedure has caused debilitating physical, psychological and emotional side effects for many women who have had decades of medical problems as a result. It is to be hoped they will be able to access the treatment and supports they so badly need. Unfortunately, four of the women passed away before the report was published. Thankfully, symphysiotomy is no longer an accepted practice in obstetrics and it is crucial that the medical professions have learnt lessons from the past.

In 2014, the UN Human Rights Committee recommended that, "The State party should initiate a prompt, independent and thorough investigation into cases of symphysiotomy, prosecute and punish the perpetrators, including medical personnel, and provide an effective remedy to the survivors of symphysiotomy for the damage sustained, including fair and adequate compensation and rehabilitation, on an individualized basis." Ms Justice Maureen Harding Clark's report on the surgical symphysiotomy *ex gratia* payment scheme was published in November. The scheme was aimed at women who underwent a surgical symphysiotomy in the State between 1940 and 1990. It had been anticipated that in the region of 350 women would apply to the scheme, but in fact 590 applications were received. Ms Justice Harding Clark encouraged women who believed they had had a symphysiotomy to apply to the scheme, advising them that they did not give up their right to pursue their case through the courts. I would like now to read an extract from the report:

> All objective evidence received or obtained was carefully considered and any doubt was applied in an applicant's favour. If an applicant identified a specific disability, her subsequent delivery records and her GP records were examined for evidence of any treatment or investigation capable of supporting the fact of that disability. The applicant's personal statement was reviewed and considered in the totality of the evidence. That is not to say that all statements and reports were accepted uncritically.

I must confess to a feeling of sadness for those applicants who somehow believed that they were victims who had survived a symphysiotomy only to learn that they were mistaken and that their recollections were based on error. Elderly women should not have to face such emotional turmoil. I have no doubt that some of them spent good money presenting their claims, which cannot be recouped. Those who have been active in representing themselves as victims to the media must now retrace their lives and this, understandably, must be upsetting.

Deputy Caoimhghín Ó Caoláin: I will start with a quote: "For the public at large, the purposes of the Scheme were fulfilled by an objective but compassionate assessment ... It is hoped that the findings will quell the hurt and anger of the elderly women who have undergone the procedure and that this subject will now be laid to rest." With these words Judge Maureen Harding Clark concluded her chapter 1 overview before addressing the costs of the scheme and recording her thanks to those who assisted her over the two years of her role as judicial assessor over the surgical symphysiotomy payment scheme. Harding Clark seeks to assure the public at large that she conducted her role with objectivity and compassion. There is scant evidence of this claim in the pages of her report and there is none at all in their harrowing accounts of their experiences of the process and their reaction to Harding Clark's "insulting and wounding commentary", by several of the survivors.

Judge Harding Clark's brief was, I understood, to preside over the assessment of claims of

those who were subjected to surgical symphysiotomy, to determine the legitimacy of claims made as best the women's testimony and available records would allow, to evaluate the extent of discomfort or disability arising from the procedure and to award the applicant accordingly in line with the three categories of payment prescribed from the outset of the scheme. I was not aware that Judge Harding Clark had been commissioned to provide a history of symphysiotomy or pubiotomy, but she has. I was not aware that Judge Harding Clark had been commissioned to evaluate the long-term effects of symphysiotomy on those who were subjected to the procedure, but she has.

Judge Harding Clark describes the payment scheme she was commissioned to oversee as "an ex gratia, non-adverserial scheme". She goes on to state that "once symphysiotomy...was established, a compassionate and generous view would be applied to the assessment of each claim". It is possible that some who applied under the terms of the scheme would view Judge Harding Clark's disposition towards them as compassionate and generous but not all of them would, nor near all by any means. The tone of Judge Harding Clark's report shows little empathy with the claimant women. Many of them, we know from their testimonies before us in the Houses of the Oireachtas and elsewhere, have lived a life of reduced capacity, discomfort and the presence of embarrassing side effects.

Judge Harding Clark acknowledges that 142 of the 183 women who were awarded the higher payments were assessed as having suffered "significant disability", yet she goes on to state in the subsequent page that "The majority of applicants who underwent symphysiotomy made a good recovery". That must surely be a comfort for the cadre of obstetricians who have defended their and their colleagues' actions in years past.

How far in the past, however? A footnote on page 18 speculates it is possible that one or two symphysiotomy procedures were carried out in 2003-04 at the Lourdes Hospital in Drogheda. Members take note. That is in 21st century Ireland. What I find most galling of all is that Judge Harding Clark, who did not interview all of the claimant women, has declared, based on her so-called findings, and with an eye of deference towards the consultant representative body and the reputations of its members, past and present, that the evidence before her "did not confirm that symphysiotomy inevitably leads to lifelong pain or disability or [that] those symphysiotomy patients aged in a manner which was different to those of non-symphysiotomy women." I assure Judge Harding Clark that there was a difference. It was there in the lives lived and in the daily reality of those women for a lifetime.

I wish to place on record what Judge Harding Clark did not hear and did not seek to hear, namely, the story, in part, of a woman whose documentation alone secured her a payment under the scheme but who, like so many others, was not heard. I will refer to her as "Rose", which is not her real name. Rose was taken into an empty ward at midnight. They strapped up her legs and began sawing her pelvis under a local anaesthetic, while a doctor leaned across her to block out her view. She remembers the terror as she felt the sensation of the sawing and there was an eerie silence among the six to eight people in the room, only broken by one of the students asking something about the severity of the operation. At no time did anyone explain what they were doing, either before or after. Rose was expecting the child to be born but was told the child would not be born now, leaving her thinking the worst. They then gave her an injection to put her to sleep. When she began to wake some hours later, they were holding a mask across her mouth which put her out again. When she came around, she was no longer pregnant but there was no baby to be seen. Although her husband and sister tried to assure her that the baby had been born, such was her condition, the hospital did not bring the baby to her for two days.

Therefore, as well as her physical pain, she suffered the mental anguish of fearing the worst for those two days. She also had a B. coli infection from the symphysiotomy.

Released from hospital, Rose had to move from her home in Dublin and live with her parents in another location because it took six months before she could walk properly and look after the baby on her own. The pain in her lower back and hips became part of her life, her daily reality for the rest of her life. She also had some problems with incontinency. She did not understand what had happened to her. She miscarried her next pregnancy and subsequent pregnancies had her in nervous dread of what she might have to face giving birth. It was only after Survivors of Symphysiotomy was set up that she realised she was not alone. She was able to talk to others who had also suppressed their horrific experiences for decades. Her son has written to me to state that while being able to talk about what happened has been somewhat therapeutic for Rose, what he has described as Judge Harding Clark's "one-sided report that attempts to whitewash over this shameful episode in Irish medical history has compounded the traumatic stress of these women, rather than seeking the truth, which might have gone some way to helping Rose and the other women come to terms with the consequences of their experiences".

This report is shameful. The character and integrity of the women has been placed in question. Judge Harding Clark's conduct of the scheme entrusted to her has been, in the view of many, both flawed and dismissive. Her treatment of the victims and - let there be no doubt about it - the paltry payments involved, in my opinion, as both a Deputy and as convenor of the Oireachtas support group for over a decade with colleagues in this Chamber, amount to a national disgrace.

Deputy Mary Lou McDonald: Judge Harding Clark's report on the surgical symphysiotomy *ex gratia* payments scheme does not remedy an injustice, as the Minister claims, but in fact adds to the injustice faced by a group of women, women maimed without their consent by this State and its health services. After everything these women have been through, some suffering for over 60 years, they are effectively being re-traumatised. Let us be honest about it. The elderly women and their supporters believe they are being accused of dishonesty, of deceit and of making fraudulent claims. How unfair it is that these women, one of whom is in her 90s, are left feeling their reputations and honesty are called into question and that their years of suffering are belittled.

The judge asserts that a compassionate approach was adopted in assessing the claims of these women. Frankly, this is hard to credit. It is worth repeating that the barbaric and controversial procedure used on an estimated 1,500 women in Ireland up to the 1980s involved the cutting of the cartilage of a pregnant woman's pelvic bone and of breaking the bone itself in some extreme cases to widen the birth canal. The thought of it is horrific, not least for those of us who have had babies ourselves. Many subjected to the procedure were left with long-term medical difficulties, including incontinence and chronic pain.

The UN Human Rights Committee, the only independent body which examined the issue, described the practice of symphysiotomy as being cruel, inhuman or degrading treatment, amounting to torture. Judge Harding Clark's report takes a different view, arguing that this brutal procedure was non-injurious and medically appropriate. The consent of the patient, she further argues, was unnecessary and not required. The UN committee also recommended that the State should identify, prosecute and punish those who had carried out these procedures without the prior consent of the women involved. The recommendation was to identify, prosecute and punish but the State and the Government have chosen to ignore it.

This lack of accountability adds to the injustice inflicted on these women. As is so often the case in this State, the persistent, relentless campaign for recognition and justice by a determined group of people has forced the Government towards offering some form of redress in compensation for an historic injustice. Judge Harding Clark was appointed as an independent assessor. She processed and assessed applications from almost 600 women who had been subjected to symphysiotomy or pubiotomy. Judge Harding Clark examined hospital records and medical tests to verify the claims of these women. As the Minister announced, payments were offered as redress - €50,000 to those who could show they had had a symphysiotomy; €100,000 to those who could link that procedure to ongoing health consequences; €150,000 for pubiotomy; and so on. The Minister referred to the non-adversarial nature of this process. It was also, of course, *ex gratia*, which is the crucial point.

I could say so much more, but I want to finish on the following point. Women have suffered all their lives with the consequences of a symphysiotomy. It impacts on entire lives, on families and on physical and mental health. This report has not healed the old wounds. In fact, I would say it has opened up new ones.

Deputy Imelda Munster: Symphysiotomy is an issue which, unfortunately, has hugely impacted on my constituency. Many women in our community have been left with lifelong disability and it has been a life of trauma and upset for both the women and their families. Symphysiotomy procedures dropped off after the 1960s in most parts of the country in favour of caesarean sections, but not at Our Lady of Lourdes Hospital in Drogheda, where they were, unfortunately, carried out right into the 1980s.

I welcome the fact many women were offered compensation under the surgical symphysiotomy *ex gratia* payments scheme but this was not the scheme the survivors or their supporters wanted after they had endured a long, hard fight to get to this stage. Liability was never admitted by the medical profession or others, and the survivors were not afforded the opportunity to give oral evidence, to tell their story or have their voices heard. While some women who underwent the procedure made a full recovery, many who had a symphysiotomy have suffered significant pain, illness and psychological damage as a result of the procedure. It is only right that this is recognised by the State and by Irish society.

It comes as a disappointment that the Harding Clark report and media coverage of it left a bad taste in some of the survivors' mouths. There was much focus on the women who did not receive payments under the scheme and the inference is that they were confused or deluded, or even that they were lying. This does a disservice to the women involved. As the inquiry only accepted written evidence, it was difficult to prove that a medical procedure had taken place 60 or 70 years ago. Doctors pass away, medical records are lost - even disposed of - and memories fade. Many women were not even told that they had undergone a symphysiotomy and they did not realise what was the cause of their symptoms or the agony that they went through until many years later. In the absence of medical records, the scheme employed radiological evidence and medical assessments. Survivors of symphysiotomy have stated that this type of evidence is not conclusive for a myriad of reasons, for instance, scars fade, the gap in the pelvis made by this procedure can heal itself. Women have endured a long history as second-class citizens but the Harding Clark report did not do justice to many of the survivors of symphysiotomy.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy.

Deputy Imelda Munster: I commend all the women who were brave enough to take on this

fight for justice and redress and all who came before the scheme. I hope they feel vindicated. I hope they feel the brutal procedure that was done on them has been recognised by the State as precisely that. I hope they feel at the end of the day they got some sort of justice for the pain that they went through for the rest of their lives.

Deputy Joan Burton: Difficult and all as this discussion is, it is important that it is held. First, I again extend my sympathy to all of the women who were affected by this.

I have read the different reports, including the report of the socio-medical historian, Professor Oonagh Walsh, who goes into the history of it. This was in Ireland, where there was no legal access to contraception and where the question of the mother being subsequently perhaps able to deliver multiple babies successfully was a key element of socio-medical strategy. This was part of the background to what happened in maternity hospitals. Also, the great privacy attaching to pregnancy, which still pertains for instance in most of the developing world where there is very little discussion it is fairly secretive. Once a woman has a baby successfully delivered, very often what most people want is to forget as much as possible as quickly as possible. That pertains to this day. We have practices which in future years may be looked back upon where we have a lot of arrangements around very high numbers of caesarean sections, which are running close to 30%, without a huge amount of discussion. It is true that while for some women delivering a baby is not only a happy and joyful event, it can also be relatively speedy and less painful than it is for a certain proportion of women on the other end of the spectrum for whom, even today, delivery can be extraordinarily and exceptionally painful.

When I was part of the then Government that discussed this, I was of the view that the redress approach should not be the same as an inquiry, that it should be a redress scheme which would be set up and which would invite women who were affected to go through the procedure to seek to get their redress. Let me say why I take that position. I have just heard Members suggesting there should have been a more court-based adversarial process. I personally knew many affected by the different inquiries into children who were held in institutions, in some cases as adult women in Magdalen institutions for the greater parts of their lives. While some are robust in going through procedures and telling their stories, for others, who are both fragile and damaged, it is an incredibly difficult experience where not only must they share with whatever the procedure is but then they must explain to their families and children something which, like this procedure, they may never have explained previously. Setting up a process that would allow women to be compensated was certainly uppermost in my mind and the Labour Party's mind, given that we were coming off a long period. In 2003, as I recall, Deputy Michéal Martin was Minister for Health. The Deputy is a compassionate person but he did not do anything to address the stories that were coming forward then. That happened over a long period of time. It was put to one side. Really, it was not addressed until the various more detailed examinations were undertaken, starting with Professor Walsh's report, going on to the good report done by Judge Yvonne Murphy and then the redress scheme administered by Judge Harding Clark.

What is interesting about the scheme is that, initially, it was thought - this was following on two previous detailed expert reports - that approximately 350 women would apply. In fact, there were 950 applications. That is no one's fault. Inevitably, when a scheme is advertised those who feel they were affected as well as those who perhaps had been involved in different groups over a long period of time campaigning on it would, of course, go forward. It is also interesting how many awards were made. Liability was established in over 400 cases. That is a shocking figure. In that sense, the scheme dealt with and made awards to far more women than were even anticipated would come forward when it was set up at the outset.

There have been comments here about the fact that awards were classified in groups by amounts awarded but that is often done internationally where one is making a scheme easy to access. It is quite a sensible approach to take because it lessens the trauma for most of those concerned. We need to be honest about that. We have had so many cases in here of women who have been accused of sexual abuse who have been thrashed on social media because of what they have said, and we have discussed that here. I entirely disagree with the idea that these most private matters would be entirely in the public domain and before a court-type procedure because of the cases of those of whom I am aware who either chose or did not choose to go before court-type procedures on previous occasions.

Three-hundred and thirty-nine applications received awards, 166 of which were awarded €100,000. I am not saying that in any way compensates for what the women suffered but it is a significant sum. Some 15 assessments involved awards of €150,000 because those women suffered potentially significant disability which, as the House will be aware from the women's testimonies, affect their lives in profound ways.

What do we do as a consequence of learning this?

11 o'clock

I suggest that we invite the authors of the various reports to make presentations to the Oireachtas health committee and to have a discussion with the members about the history, with due regard to the sensitivities of people who suffered in this way. That would be a valuable public exercise in terms of education.

We should consider this as well in today's context. About three weeks ago I sat with over 20 women in a hospital and rehabilitation centre in Dar es Salaam in Tanzania in east Africa, where I worked in the 1980s. I wish to speak particularly to all the women who are present, because this is very much a women's concern. In Africa and in most of the developing world, the follow-on and current day practices to which symphysiotomy relates is called fistula. This is where after a delivery, as a consequence of vaginal or rectal damage, a woman basically becomes incontinent in respect of urine and, in some dreadful cases, in respect of faeces as well. It is truly horrifying because in many countries and societies, women to whom that happens are ostracised and shunned as though they have done something wrong. We never had such a history in Ireland; we would never do that. When we are looking at the past through the prism of the present sometimes we do not sufficiently recall what Ireland was like and what the different forces of authority in Ireland were. In any event, we should point out here today that where parallel practices continue to be staple treatments for women who are being delivered of babies in the developing world, this country in its development programmes should help in trying to provide recovery for the women and girls affected.

Of the approximately 23 women I spoke to in Dar es Salaam, who had all had potentially life-saving operations to correct what had happened in a recent childbirth, about seven were teenagers. The youngest was around 15 years of age. As we in Ireland seek to address a dreadful wrong and what women here suffered in the past, we must also thank those women for telling us about it and for sharing what happened to them with later generations of women. The eldest of the women who received the awards was 91 years old while the youngest was 51. All of us would like to believe that the services in Ireland have moved on dramatically, but we should not forget that this type of dangerous event during pregnancy is still very prevalent in much of the developing world.

The other voices that are missing from the debate in Ireland are those of midwives. People who have watched the popular television programme "Call the Midwife", which is based on Jennifer Worth's memoir of being a midwife in the east end of London in the 1950s, will be aware that it was the development of the British National Health Service by Aneurin Bevan, the great Labour Party Minister, which brought an end to some of the terrible practices of that time, as outlined in the books and the television series.

I propose that the authors of these detailed reports be invited to appear before the committee. I am pleased that hundreds of women have received some redress. I hope it has helped them in their lives. It will not have cancelled out what happened to them but, hopefully, it will have given some comfort to them and their children. We should also be proud of the Irish development aid programme, which partly sponsors the hospital and facility I visited. Thousands of women's lives are being saved every year partly through the development money that Irish taxpayers contribute through their taxes. In that way they are bringing an end to parallel sufferings that, unfortunately, women are still undergoing. The tragedy, both then and now, is that when these things happen in a maternity case the baby is often lost as well. The woman is not only physically damaged but her capacity to have children is also severely damaged. Again, that is an enormous heartache for people. It was in the past and it is now.

Deputy Ruth Coppinger: The Harding Clark report is another injustice to the women who had symphysiotomies against their will. The report is unbalanced, flawed and not objective. It should not be accepted and promoted by the Government. The report was released before Christmas but we are only discussing it at the end of January because a number of Deputies intervened and demanded that it be discussed in the Dáil. In the meantime, some in the Catholic right, the media and the medical establishment have seized on the report and used it as an opportunity to cleanse what happened in the past and to pretend it was not so bad. The message being conveyed in the last month or so is that the women concerned were not believed then and will not be believed now. That is shocking and outrageous.

Judge Harding Clark's report came up with the concept of alternative facts before Donald Trump even thought about it. The Government, Fianna Fáil and the Labour Party should think very seriously before giving this report their *imprimatur*. The Irish State has an appalling record in dealing with women's health, women's bodies and women's lives. Fianna Fáil, Fine Gael and the Labour Party have all participated in Governments which took decisions to relegate women's health in general, to subcontract women's bodies to the church and its institutions and to challenge in the courts women who were making claims against the State for abuse and injury. Before they consider signing off on this report, they should recall the other chapters in a very bad saga. Those chapters include the Magdalen laundries and the mother and baby prisons - we should stop calling them homes because that gives them a cosy sounding name. There is the export of the abortion trail, where women with crisis pregnancies are shunned out of the country. The death of Savita Halappanavar is another chapter. Of course, let us not forget the glorious plot, with denial and fighting to the very end, against the anti-D women who were poisoned by a State institution. Key figures in this Government and Dáil who played a role in that shameful episode 20 years ago are potentially playing a role now in respect of symphysiotomy.

Let us be clear and frank about what is happening here. A process was commissioned by the Dáil that was supposed to be restorative for women damaged by medical professionals, church and State. Instead, a flawed report is being seized on by the same establishment and ardent Catholic commentators to give the impression that it was not that bad, that was how things were then and a woman's lot was hard everywhere. However, let nobody fool themselves. Ireland

was not a normal European country then with its maternity practices, and nobody should fool themselves that it is a normal European country now with the eighth amendment and the continuation of utterly condescending patriarchal maternity practices. I can give two quick examples. The heads of the hospitals that look after women giving birth are still called "masters". Some of them are archbishops, such as the chairman of the board of the National Maternity Hospital as a result of an Act that Fianna Fáil, Fine Gael and the Labour Party have not bothered to repeal in 80 years.

Instead of restorative justice to damaged women, is what we are seeing in this case an attempt by the Government to spin this story out until the last of the ageing symphysiotomy women die? Frankly, that is how it appears. There is disdain in this report on the part of the judge towards the women. She used language such as that they were "amenable to ... emotional contagion", subject to "acquired group memory" and "self convincing confabulation of personal history". The women were subjected to symphysiotomy because of patronising and patriarchal views of women. They did not give consent and were not informed about what was happening to them. It would seem they are being condescended to again in the 21st century by the judge. The tone of the report suggests the women were ignorant and it is claimed at one point that they were under the influence of campaigners, rather than that the women were well aware of what happened to them and the trauma it created afterwards, especially during subsequent pregnancies. At one point, Judge Harding Clark used the defence that the women were Roman Catholic themselves. It is incredible. Does the fact that 95% of the population is born Roman Catholic mean they should not be asked for consent to have their pelvic bones broken?

Symphysiotomy was a human rights violation. It disregarded the women's rights to bodily autonomy. Whether the doctors intended to harm people is irrelevant. The point is that they did. The tone of the report is what we see again and again in this country when it comes to women's health, namely, the idea of an acceptable standard of suffering. Judge Harding Clark is obsessed with whether it can be proven with "near certainty", a standard that is not even applied in personal injury law, that the woman endured lifelong suffering - not just any suffering; it has to be lifelong. As it was, 35% had to prove they suffered significant disabilities which lasted more than three years. A similar threshold of suffering was applied in the case of Savita Halappanavar, when doctors literally stood over her to measure whether her life, not just her health, was at risk. The issue is that the women did not consent to the procedure and were not informed of it. There are many flaws in the report, which I do not have time to deal with. They have been taken up by people such as Marie O'Connor, Máiréad Enright, Professor Linda Connolly and Dr. Jacqueline Morrissey.

The Minister for Health, Deputy Simon Harris, mentioned the 185 so-called false claims. He repeated that 185 people were unable to establish their claims. Midwives for Choice went through these cases and outlined the facts. Could the Minister please correct this? A total of 65 people withdrew their claims. We do not know why; there could be any number of reasons. Eight people engaged in the process initially but did not engage any further; 21 had inaccurate medical records; 12 were late applications given that the women were given only 20 days in which to make an application; and one person died. This means 78 people did not establish a claim, not 185. The Government is using the figure of 185 inaccurately.

The 78 women are not liars. The process had no oral testimonies. It was centred on written medical records and the judge even claimed that there was no evidence of a religious rather than obstetric reason for the claims. Again, I do not have time to go into it. However, I validate the work done by Survivors of Symphysiotomy Ireland and I hope they will fully answer this

outrageous report, which tries to demean them and the women involved.

Deputy Bríd Smith: When I first read this report in *The Irish Times*, which was the first one to flag to the people that the tone of the report was very much to say there had been no whitewash, nothing was going on, people should move on, there was no problem and there was too much panic about something that was not really a problem, I immediately felt sick in my stomach. It reminded me greatly of the litany of offences that the women who suffered from the anti-D serum in the hepatitis C scandal went through for years at the hands of the State under the current Minister for Finance, Deputy Noonan.

We listened to the evidence of women who suffered from symphysiotomy although we could not hear the evidence of the many such women who are dead. Some of those who gave evidence to us at the time when the scandal was breaking have since died. I pay tribute to those women and their families who fought for truth and justice in this case and who, I am afraid, will have to continue to fight for truth and justice. The truth is not out and justice has not even been attempted in the Harding Clark report. It is a whitewash. It is utterly disgraceful and totally prejudiced against those women who suffered the violation of their bodies in this manner. I thank the academic Máiréad Enright, who has done brilliant work in highlighting how flawed the report is.

Of the 275 pages of the report, 133 are commentary from the judge while 142 are extracts from medical literature. She assessed applications from 600 women who believed they had been subjected to symphysiotomy, she oversaw searches of hospital records and medical texts and she allocated payments according to what she believed was just. The judge allocated €50,000 in some cases, or €100,000, to those whom she believed could link symphysiotomy to ongoing, lifelong health consequences. However, Máiréad Enright points out to us that the extensive defence of what is a uniquely Irish practice of non-emergency dealing with women in pregnancy is not an independent report and that survivors are entitled to more under international law. I entirely agree with her.

What is independent about a report that spends more than a whole chapter criticising and condemning women who mistakenly claimed they had had a symphysiotomy and spends less time examining why doctors carried out the practice? I argue the reasons for which they carried out the practice were rooted in the conservative, Roman Catholic nature of Irish society and not just the church itself but how it is linked to the operation of everything that happens with the State, crucially in the health service. Therefore, we find a very heavy concentration of the use of the procedure in somewhere like Our Lady of Lourdes Hospital, Drogheda, which was dominated by a Roman Catholic ethos, as Deputy Caoimhghín Ó Caoláin pointed out. It is clearly linked to the role the State plays in dealing with women. Deputy Ruth Coppinger has gone through how the State has dealt with women on many issues, from abortion to contraception.

In the 1970s and beyond, when the operations were being carried out, doctors probably thought, with their Catholic heads on, and with discussion with hospital management, that if a woman was in trouble during her pregnancy it was better to break her hipbone so she could easily have more children than to put her through a caesarean section, which would make it more difficult for her to have children. They probably thought what they wanted out of the country was for women to have more and more children, that childbirth was fundamental to what a woman was in Catholic Ireland in the 1970s. Symphysiotomy guaranteed that women could have more children, and that the process of reproduction, of women's bodies being used to reproduce more human beings, would not be interfered with.

This goes to the heart of what Máiréad Enright points out and which was ignored entirely by the report. The report, by its very nature, is flawed, given that it fails to deal with the direct consequence of the linkage between church and State, particularly in the health service and on the question of women's reproductive rights. We will not interview a doctor who will admit he or she thought a woman should have lots more babies and broke her hipbone to guarantee it would happen. However, this attitude would have been enshrined in the ethos of the hospitals and the management of maternity services at the time. One of the reasons it was enshrined in it was linked to the fact that women did not have access to contraception.

The judge referred to women who went on to say that although they suffered pain during sexual intercourse for up to a year afterwards, it did not stop them from having more babies. Hello. All it says is that they had sexual intercourse without contraception, during which they suffered pain, because at that time it was understood that it was their role in life to have more babies regardless. The fact that they had no access to contraception or abortion is crucially linked to how they were treated. There are many misinterpretations and opportunities in dealing with it. We need a new report and a new study as well as a new attitude to the countless women who suffered physical and emotional pain. They also suffered, as was stated in many of the testimonies, from distress and powerlessness. Imagine one's body is being used for experimentation in a medical practice to ensure future generations will be procreated. C-section or surgery were not to be used. Instead, a procedure was used to ensure women could have more babies. This is what is at the heart of this and what has been missed. To add insult to injury, the judge said one person's case is worth €50,000, another's, €10,000 but she hardly believes others suffered. The judge should be coming out with a report that utterly condemns the system of symphysiotomy, the hospitals that oversaw it, as well as the health service which continues to whitewash it and do these women down. Hats off to those women for fighting. It must be very difficult to do.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Mick Wallace, who is sharing time with Deputies Catherine Connolly, Maureen O'Sullivan and Joan Collins.

Deputy Mick Wallace: And Deputy Clare Daly.

Acting Chairman (Deputy Eugene Murphy): She has her own slot of five minutes.

Deputy Mick Wallace: Chronic pain, incontinence, hip degeneration, organ prolapse and psychological trauma are some of the horrendous lifelong effects of symphysiotomy. They are also the effects which have been completely rubbished by the assessor of the Government's symphysiotomy redress scheme, Ms Justice Harding Clark. The exclusion of survivors' oral evidence from the terms of reference of the scheme and a narrow focus on medical records going back 50 years as proof of disability make it near impossible for many to prove they are in fact victims. Hospitals are not required to keep medical records going back more than seven years. The burden of proof, therefore, lies unfairly and disproportionately with the victim. In cases where medical records are available, in many cases symphysiotomy was not recorded, even when it took place. MRI scans were also used in assessing victimhood but the report itself admitted that the use of modern radiology to measure disability occurring half a century ago is unsupported by any orthopaedic literature, yet it was used as a diagnostic tool.

While the UN Human Rights Committee classified symphysiotomy as torture, cruel, inhuman or degrading treatment and involuntary medical experimentation, Judge Harding Clark decided it was not that bad. According to her report, it was medically appropriate and patient

consent was unnecessary. Not only does the State not believe many of the women who came forward as victims, but in classic victim-blaming mode, Judge Harding Clark actually accused many of them of making false statements for financial gain. The voices of the victims were trumped by accounts of doctors who engaged in the practice of symphysiotomy, many of whom were guided by their own religious convictions. It may seem unbelievable now that C-section was once seen as a form of birth control. However, we only have to look at the State's ongoing violation of the human rights of women through its draconian stance on abortion to see religious nuts still call the shots as regards women's bodily integrity.

One would think after the Magdalen laundries, the death of children in mother and baby homes and the sex abuse scandals in the Catholic Church, the State might start to take responsibility for its many crimes against women. Yet this scheme strips victims of their constitutional rights, denies applicants their right to appeal and forces them to see their abusers as harmless. For anyone who actually read the survivors' testimonies, the idea of describing the perpetrators as harmless is sickening. The report is an exercise in the protection of the medical hierarchy. It is a load of rubbish.

Deputy Catherine Connolly: In his statement, the Minister urged us to read Ms Justice Harding Clark's report, pointing out it was unfettered by the Government. He said she could have simply administered a payment scheme but she chose to use her judicial skills and experience, and that of her clinical team, to examine all aspects. That is shocking. She was given a job to do which was to administer a compensation scheme.

I have read the report and, given my previous life in law, I am absolutely shocked at its tone and the fact the judge went completely outside her terms of reference. "Abuse" is a strong word, but the language in the report is one of abuse, pointing out to women that they are not believed when the majority who came forward showed they had a symphysiotomy. Of those who could not, the figure is fewer than the judge claimed. It was in fact 58. The fact she repeatedly used a substantial section of the report to say these women lacked credibility - perhaps not in that language but that is what she inferred - is shocking. Not only that, these women were subject to outside influence of a nature which overwhelmed them. She did not focus on the fact that of the 590 applicants who came forward, the majority had the operation and suffered.

Interestingly - the judge does not dwell on it - symphysiotomy was an unnecessary procedure in the UK. The report actually stated "in the major public hospitals in Liverpool, Leeds, Manchester, Glasgow … where significant communities of Irish Catholics lived", there was no necessity for symphysiotomy. That in itself deserved three chapters as to how that could possibly have happened and what led to it.

The Minister should take his own recommendation and read the report

Deputy Maureen O'Sullivan: Symphysiotomy was a most inhumane, degrading and brutal procedure carried out on women without their full knowledge of what was involved, without their permission, and, in some cases, they did not even know what was going on. It led to horrific health problems for these women with intense suffering and discomfort that affected their lives and their relationships. In the previous Dáil, we had the opportunity to meet some of the women affected to hear exactly what had happened to them and the effects on their lives afterwards. We debated it here and had Leaders' Questions on the matter.

Survivors of symphysiotomy have serious and genuine concerns, despite what the Minister

said. What will happen to those concerns? There are concerns about the content of the report and how little actually concerns the subject matter with so much skirting around the central issue. There are also concerns about the requirement for the contemporaneous medical records, records which are not readily available; the exclusion of oral evidence; that the terms of reference did not comply with the recommendations made by the UN Human Rights Committee; that none of the perpetrators were held to account and there was no admission of wrongdoing; that the report did not respect the integrity and credibility of all applicants; that the burden of proof required went beyond that required by courts, which the Minister disputed in his speech; the finding that some leading symphysiotomy survivors who had one did not; that the infant mortality rate was not considered by the judge; and that the radiological review used applicants' health data without their knowledge or consent.

These are serious concerns which have been brought to the attention of the House and the Minister. What will happen to these concerns? Will they be just let slide? It is doing a complete and utter injustice to those women who have these concerns. I hope the Minister will address these in his reply.

Deputy Joan Collins: The publication and media coverage of Ms Justice Harding Clark's report into the surgical symphysiotomy *ex gratia* payment scheme raises fundamental questions about how citizens who pursue justice in cases of historical abuse are treated by the organs of the State. The terms of reference called for the assessor to report to the Minister on the activities and the expenditure of the scheme. I believe Ms Justice Harding Clark overstepped the mark in this case. It was highly inappropriate for her to comment on ongoing litigation because some cases are going through the courts.

The report on the scheme, overseen by Ms Justice Harding Clark, can only be read as a defence of the uniquely Irish practice of non-emergency symphysiotomy, as it served to diminish survivors' claims that the non-emergency substitution of symphysiotomy for caesarean section, without consent as practised in Ireland, violated many women's human rights. This was taken up by the United Nations Human Rights Committee, which found that symphysiotomy, as practised in Ireland, constituted torture, cruel, inhumane and degrading treatment where patient consent was never sought. The report has caused tremendous anger and upset among women who successfully applied for the scheme and those whose applications were unsuccessful.

I believe it is an attempt to undermine the women by concentrating on unsuccessful applicants and brushing over the fact that 70% of applicants applied successfully to the scheme. The scheme's burden of proof made it difficult, if not impossible, for some women to prove their cases. It demanded absolute certainty. For women who were unsuccessful applicants and had no right to appeal, the report has just added insult to injury. It is hostile in its tone and attempts to smear the survivors and discredit them rather than own up to a bad and damaging policy and a poorly administrated redress scheme which not all people supported when it was set up.

I will finish by reading out an e-mail that was sent to me before Christmas, for the debate we were supposed to have in December, from a young woman whose mother-in-law was subjected to symphysiotomy. The latter is quoted in the e-mail as stating:

> It is with a feeling of hurt and sadness I have read Judge Clarke's and the Irish Times view of the end of the symphysiotomy scheme. It was to be an non-adversarial scheme, and on the advice of my solicitor and because of my age (79) it would be easier for me to apply for the scheme (even though I had all my documentation of proof). I was prepared to

go to court. Now as a group we are all being maligned as cheats and liars. Such a pity that [Mr.] Varadkar told us how straightforward this non-adversarial scheme was going to be. I remember the words he used. In future, schemes like this will remember our treatment as an example of trusting a minister and his appointee.

It goes on, but I will leave it at that. The report has affected these women very badly and should be withdrawn.

Acting Chairman (Deputy Eugene Murphy): Buíochas - I thank the Deputy for her co-operation. I call Deputy Daly.

Deputy Clare Daly: What should have been a routine assessment of the activities and expenditure of the scheme was used by Ms Justice Harding Clark to turn it into a vitriolic assault on the victims of this barbaric procedure. It is abhorrent and shameful and should be withdrawn. The Justice in her remarks went way beyond her remit and made accusations without evidence. The report was flawed in its objectivity, full of conjecture and raises serious concerns about the scheme in its entirety. Let us be clear: there would never have been a scheme if the women and their advocates had not campaigned for years to demand justice and accountability for what happened to them. When it was put in place, the scheme was roundly warned about by Members on this side of the House as being inadequate in the manner in which it was structured. Other Deputies have made these points. It was an abysmal scheme. The kinds of awards that were covered by it, for a lifetime of pain and hardship, were minuscule. Obviously, I am glad the women received something, but Ms Justice Harding Clark got more in a year than these women did for a lifetime of suffering. Other Deputies have made the points about the 20 days within which to apply, the methodology for the burden of proof being flawed and the reliance on documentary evidence. The scheme allowed for oral evidence; Ms Justice Harding Clark chose not to use this. The scheme allowed for awards to be made without the admission of liability. This amounted to an expression of regret without responsibility. It is just not on.

The report by Midwives for Choice is an excellent critique of the Harding Clark report. It points out that the Harding Clark report is characterised by a reticence to present actual figures, using vague generalisations instead of key findings, as though keeping the reader in the dark, and that such an absence of transparency and proximity to objective scientific standards at any level means that they do not recognise any contribution to the body of knowledge on symphysiotomy. Midwives for Choice is correct. That the Minister sought to claim in his introductory remarks that this narrative added to our understanding of symphysiotomy clearly demonstrates to me that he has not read the report because the data and methodology for establishing symphysiotomy and any resulting disability were completely inappropriate and unscientific. I challenge the Minister to read the report. In fairness, Midwives for Choice makes the point about the challenges faced by the judge in the absence of objective evidence due to inconsistencies across medical records, birth registers, annual clinical reports and so on. However, it also makes the point that irrespective of these challenges, there was an onus on the judge to do justice to the best of her ability to the women who had put their faith in her, and that the failure to acknowledge the limitations of the scheme's methodology in favour of branding honest and responsible elderly women as false claimants and setting an arbitrary diagnostic bar in full knowledge of the impossibility of women whose symphysis pubis had reapproximated over time reaching it is far from the justice to which these women are entitled.

These actions are irresponsible, and the media coverage was irresponsible and hurtful. The 800-page report devotes just 82 pages to the scheme. The rest consists of the judge's bizarre

opinions - and this is not for the first time. She wrote to some of the complainants - and language is important - telling the women to "treat themselves" and commiserating about their "unhappy experiences". She wrote to me and Deputy Wallace in terms which to me were like the ravings of a lunatic. They certainly were not the words of a competent, independent assessor. It was bizarre language, and this bizarre language, the inference and her own ideology seep through the report. It is a defence and a whitewashing of the State's involvement in barbaric practices which have been condemned by international human rights organisations. It utterly should be withdrawn. This issue will not rest. The questions asked by Deputy O'Sullivan about the scientific critique of the report must be answered by the Minister and the Department.

Acting Chairman (Deputy Eugene Murphy): I thank Deputy Daly for ending right on time. Before I call Deputy Harty, I wish to say "fáilte" to the students from St. Nathy's College in Ballaghaderreen, definitely County Roscommon, not Mayo. They are very welcome. I hope they have a good time today. I call Deputy Michael Harty.

Deputy Michael Harty: I do not think I will take 15 minutes, so Deputy Eamon Ryan will have a free run for the end of the debate.

The Maureen Harding Clark report on surgical symphysiotomy remains a very unsatisfactory report for many women. It covered a period of 50 years from 1940 to 1990 and was set up on the assumptions that symphysiotomy led to lifelong disability and was impelled by Catholic teaching on contraception and that Irish doctors were alone in the English-speaking world in using the procedure. However, the report found that the procedure for many women was non-injurious in the long term and medically appropriate and that patient consent was not necessary. These findings could not have been upheld if oral evidence had been taken. This also calls into question medical ethics. It is completely unacceptable that procedures would be carried out on anybody, even in 1940 to 1990, without obtaining consent or explaining the procedure.

The process of the procedure was very invasive and barbaric and was not a first option in allowing women to deliver their children. It certainly was not an option when caesarean section was freely available at the time. It was carried out because women were deemed to have pelvic disproportion, which is a small pelvis. This was a very difficult diagnosis to make up to the 1990s, certainly in the 1940s and 1950s. The procedure was carried out very often on first-time mothers who were not given a trial of labour and who could have had a caesarean section if their labour was not progressing. To use symphysiotomy in this regard was therefore completely unacceptable. Many procedures were carried out as an alternative to caesarean section, not because the women could not deliver the child.

The issue of consent is very important. Many women availing of this scheme did not know what procedure had been carried out. They were unaware that they had had symphysiotomies. This may have led to difficulty regarding the Maureen Harding Clark hearings. A total of 107 of the applicants were between 85 and 96 years of age at the time of application. These women could be forgiven for memory lapse and their ability to sustain a claim. Who would falsely claim redress for a procedure he or she did not experience?

The report relied on medical records, if they were available, going back many decades. Medical records going back 40 or 50 years were quite often not available, whether the survivors' GP records or their hospital records. They were subjected to an examination for evidence of a surgical scar, but this would not be absolute evidence of whether they had a symphysiotomy. The scar was small and could have faded in time. It also relied on radiological evidence

of the symphysis pubis gap being large, which would have been the case in many of those who would have had a symphysiotomy, but that may have healed over time and would not be absolute evidence that they did not have a symphysiotomy. Written evidence was taken but often discounted and no oral evidence was taken. The scheme applied an almost criminal standard of proof, beyond reasonable doubt, as opposed to the civil standard of proof, which would be on the balance of probability. Lack of consent or explanation of what had been performed was one of the inhibiting factors in this report and symphysiotomies were carried out before and during labour and even after a woman had had a caesarean section, to, in my view mistakenly, aid their next delivery. Of the 590 women who applied for inclusion in the scheme, 185 were excluded as they did not meet these criteria even though failing to meet them did not mean they had not undergone the procedure. Many were left to deliver their babies through a now traumatised, unstable pelvis adding to their labour and their pain. Thankfully, this procedure is no longer carried out in modern medical obstetrics. This report has many deficiencies. A major one was the failure to take oral evidence. If oral evidence had been taken, women could have outlined the mobility difficulties they had after the procedure, the pelvic instability they endured for many years, the urinary incontinence, the damage to their pelvic floor and the chronic pain they endured. Many lived a life of misery. The integrity of the 185 who did not meet these criteria has been called into question.

The procedure was not necessary and it led to poorer outcomes for baby and mother, when taking into account the availability of caesarean section. This is a crucial point. Infant mortality increased over and above what would have been available through caesarean section by having a symphysiotomy. It was a procedure that could damage the baby as well as the mother. The procedure was carried out in Ireland almost exclusively in hospitals which had a very strong Roman Catholic ethos in respect of fertility, contraception and particularly tubal ligation. This report has not brought closure to many people who went through this process, particularly the 185 who did not meet the criteria. They were assaulted, the procedure was unnecessary and their integrity has been called into question which is to be regretted.

Deputy Eamon Ryan: It is important to stand with and support those women, particularly those who have not got any *ex gratia* payments. For them this problem continues. We have not given what we should have given, an upfront apology, a recognition that what went on was wrong and recompense for the huge damage, loss and pain that occurred over their lives. I listened to the Minister for Education and Skills, Deputy Bruton, ask how we could have done that if Judge Harding Clark did not deliver that for those women. While we did not want to go into an adversarial, inquisitorial system, was it not possible to listen to those women in a humane way rather than merely stating they did not have the records? That would have been an appropriate response to what had gone on. I regret that we are not getting that today but we are getting a similar defence of the system that was indefensible. That is a terrible missed opportunity and that is why this debate today is important.

The way our medical system deals with births remains an issue today. Let us hope the new national maternity strategy published last year will lead to a genuine change and shift in the system. The statistics show we have not learned the lessons we would have learned had we stepped back, apologised and said our approach is wrong. The doctors and consultants say the statistics show we have the safest and best system but we could refer to other statistics. The level of inductions in birth in Irish hospitals at 31% is approximately three times what the World Health Organization, WHO, recommends. That has real consequences today for mothers and babies. I have seen oxytocin used as part of this active management of labour. Symphysiotomy

was also part of that system. The Minister for Health said certain labours went on for 50 hours. We have created a managed system which tells a woman that if her chart is not going the right way within 12 hours, the doctors will intervene and apply oxytocin which has real medical consequences for the child, particularly some in crisis pregnancies, and mother. This is done, as I have seen, without really consulting, preparing or offering choices to the woman. It is the same interventionist approach in which doctor knows best and one should not listen to the mother that still happens today.

According to the statistics from the National Maternity Hospital approximately 27% of women have an episiotomy. That has real consequences. Our level of caesarean births is high at 30% and in some hospitals it is as high as 38%. In some instances that is no doubt the right medical procedure. We have to stand up for our doctors because there are certain acute cases where they provide lifesaving, important interventions but that level of intervention has knock-on consequences, making the average mother's recovery period at least two or three times what it would be with an alternative approach. Today, 60,000 women are suffering the consequences of that excessively interventionist, medicalised, doctor-knows-best approach. It is against all the recommendations of the WHO and other international scientific best practice. We say we are the best in the world but the statistics say otherwise. Our approach fits women into the consultant's or active management timetable, rather than trusting and working with them to make their deliveries the best they could be.

Breastfeeding is connected to this and is a cultural problem within our medicalised interventionist system. Why are our levels of breastfeeding the worst in the world? Only 6% of mothers here breastfeed after six months. I do not want to send them on a guilt trip and far be it from me as a man to talk about it but we cannot ignore the statistics. We spend only €100,000 a year on supporting breastfeeding but we spend €15 million a year on the acute infections in infants which could be addressed by higher levels of breastfeeding because it is the healthiest alternative. All the evidence is clear on how we raise our babies but we do not do it because we are still stuck in this consultant-led system.

Today we should be celebrating the work of Máiréad Enright and Dr. Jacqueline Morrissey and the Association for Improvements in the Maternity Services, AIMS, who have done a fantastic job, as well as the women themselves but it should not be up to those women to fight their case. It should have been for the State to acknowledge the facts, admit we were wrong and to listen but not in an adversarial way. Had the doctors really listened to Savita Halappanavar, her tragic case might not have happened. Our Lady of Lourdes Hospital was mentioned several times. Michael Neary should have listened to the midwife who was having her baby there and screamed at him not to do a hysterectomy. She was not listened to. We should be listening to those women today. We should be responding, as Deputy Bruton said, not in an adversarial or inquisitorial way but a listening way and responding accordingly to admit we need to change. More than anything else that comes out of this debate let us respect, honour and apologise to those women. Let us give them due recompense.

More than anything else, we should use this opportunity to admit that the delivery of medical services in the obstetric health system is still not right and is still not mother-centred in nature. We have chased after midwives who have tried to provide alternatives such as home births, which should be available. We have hounded them out. I have seen it personally. They have been demonised and hounded out. I understand that just 5% of deliveries are led by midwives, even though such deliveries are just as safe as doctor-led deliveries. I am speaking from personal experience when I say that this completely different cultural and medical approach is

fit for purpose in many pregnancies. It should be commonplace. To my mind, we should have a completely midwife-led system. I appreciate that in cases of acute medical emergency, consultants and others have to be brought in to save the lives of babies and mothers. We have allowed doctors to control the system. I am afraid they need to learn the lesson that they are not gods. We need to have a system that is led by midwives and mothers. We need to apply the lessons of the symphysiotomy experience to all mothers today.

Acting Chairman (Deputy Eugene Murphy): I thank Deputy Eamon Ryan for bringing the statements on symphysiotomy to a conclusion. Tá na ráitis maidir le simfiseatóime críochnaithe. I thank the Minister and all the other Deputies who participated in this morning's quite emotional debate.

Sitting suspended at 11.55 a.m. and resumed at 12 noon.

12 o'clock

Leaders' Questions

Deputy Lisa Chambers: There have been many announcements by Government of initiatives to address the housing crisis. Nevertheless, there remains an ongoing crisis at all levels across the housing sector. In Dublin alone, 1,200 families - including 2,500 children - are living in hotel accommodation. Last November, there were 6,985 men, women and children in emergency accommodation throughout the State, a 31% increase on the number in November 2015. Unfortunately, there is no evidence of additional supply coming through by way of the provision of social housing. This has led to an over-dependence on the housing assistance payment, HAP, scheme, which uses the lower end of the private market to supply homes to families. Rents are at an artificial high across the country notwithstanding the welcome legislation that was passed last December to limit rent increases to 4% in particular areas. Unfortunately, that measure will not alleviate the problem in the short to medium term because it addresses only future increases and does not deal with the existing artificially high rents across the State.

Simon Communities of Ireland delivers supports and services to more than 8,300 people every year who are experiencing homelessness or are at risk of becoming homeless. Today it published its latest Locked Out Of the Market report illustrating the stark realities of rental increases across the country and how, despite modest increases in social housing payment caps, 80% of rental properties are beyond the reach of rent supplement and HAP recipients. Private rental supply, the report notes, is down 44% since May 2015. The report shows the average number of properties available to rent decreased by 19% in the 12 months since the last report in August 2015. There is a growing gap between rent supplement and HAP caps and current market rents. The report confirms the number of properties available to that cohort is shrinking, particularly for individuals and couples. Simon Communities Ireland personnel work at the coalface and they are extremely worried that if things continue as at present, the crisis will deepen in the short term.

Today's report from Simon Communities of Ireland is further evidence that the imposition of rent caps should not have been limited to Dublin and Cork. I assure the Minister that the crisis is affecting all parts of the State. In my own constituency of Mayo, I have families coming to me on a weekly basis seeking help to find homes. These people have given up hope of ever getting a place in social housing and are seeking my assistance to secure a private rental prop-

erty. It is next to impossible to find a three-bedroom family home in Castlebar that falls within current HAP limits. Westport is a no-go area as far as affordable accommodation is concerned. More must be done and done soon if we are to meet the challenges presented by an artificially high rental sector.

Simon Communities of Ireland has called for the rent certainty measures to be extended as a matter of priority. Will the Minister indicate when the reviews of areas outside of Dublin and Cork will be completed and when the rent increase limits will be extended to those areas? What does the Government intend to do to address the supply issue? Without more supply, the problem will only get worse.

Minister for Education and Skills (Deputy Richard Bruton): I thank the Deputy for raising this important issue, to which the Government is giving intense priority and in respect of which we have devised solutions for the short, medium and long term. In terms of social housing, we made an unprecedented commitment to the delivery of 47,000 new homes. These are to be constructed through various agencies. That is a massive commitment to social housing, which was neglected for more than a decade.

Short-term measures to address the housing situation include the extension of the HAP scheme to Dublin from March. Some 12,000 families were housed last year under that scheme. Under the homeless HAP initiative launched by the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, 550 families in Dublin were accommodated last year. That is a significant intervention. Last year, 1,000 homes were purchased to provide immediate accommodation. In addition, there is a commitment to provide 350 rapid-build homes in Dublin. In regard to the rental cap, the Minister will very soon indicate the areas of extension beyond the current locations of Dublin and Cork cities. We have seen very high increases as a result of supply constraints. The rental cap is a short-term measure to deal with that and will provide certainty for people by imposing a cap on rental increases.

On the wider front of housing supply, it is encouraging to see housing starts showing considerable growth at last, in Dublin and in other parts of the country. The numbers remain well short of where they need to be but the measures the Minister is taking to streamline the planning processes and make it easier to access finance and to build will assist in accelerating the housing supply. We all agree that increasing supply is the key solution, both in the private sector and the public sector. We allowed a situation to develop where public sector direct provision fell away to levels that were way below those of any other country while, at the same time, relying too heavily on the private rental sector to deal with social housing. The measures the Government has introduced will help to restore the balance in that regard. We have a balanced set of measures that are being rigorously driven forward and which include provision for quarterly reporting. The Minister is intensely aware of the huge number of families that are depending on the success of his strategy.

Deputy Lisa Chambers: I thank the Minister for his reply. We have had major commitments from the Government in terms of building housing, but they are slow to translate to action. There are still 2,000 vacant homes awaiting refurbishment across the various local authorities. The housing repair and leasing initiative that was piloted in Cavan and Waterford seems to be going well, but it needs to be extended. My constituency would certainly benefit from such an initiative.

Simon Communities of Ireland has called for a twice-yearly review of the HAP increases.

Will the Government commit to facilitate that, given the acute challenges outlined in today's report? Out of the ten areas covered by the study, which included major towns and cities, only eight properties were available for rent to single people and only 11 were suitable for couples. There are plenty of initiatives being launched but we are not seeing the effect in increased supply. A twice-yearly review of the HAP increases should be initiated.

Deputy Richard Bruton: There has been a significant increase in the level of activity under all social programmes. The number of people who will be accommodated under those programmes in the coming year is 21,000, an increase from 14,000 two years ago. There is an intensification of efforts in this regard and it is delivering in terms of supply. The concept of extending the homeless HAP scheme beyond the current areas is under active consideration by the Minister and it is hoped to do so later in the year.

On rental reviews, the Minister will examine the effectiveness of the relevant measures based on the evidence. We need to get supply moving and focus on the initiatives in the areas of purchase, rapid build, the homeless HAP scheme and so on. Those measures offer a particular targeted intervention for the categories of persons about whom we are especially concerned, namely, the 1,200 families living in hotel-type accommodation. Those are areas of intense concern and the Minister is focused on delivering for the families concerned.

Deputy Mary Lou McDonald: Since he formally took office as President of the United States, we have had a flavour of the new White House policy under Mr. Donald Trump. Yesterday, he signed executive orders to build a wall along the US border with Mexico and to crack down on cities which shield undocumented immigrants. Late last night, in a flagrant disregard for all international human rights protocols, the President said that torture works. It is extremely worrying that some of the most dangerous and divisive rhetoric heard during the US election campaign is now being followed through with actions. Let us be clear. It is not for us here to judge who the US people choose as their President. That is the prerogative of American citizens. They have made their choice and we respect that but we can and should voice our concerns when there is a blatant disregard for all generally acceptable political behaviour. As a party of equality, Sinn Féin has no truck with misogyny, racism or homophobia.

Deputy Thomas Byrne: What about the fund-raisers?

Deputy Mary Lou McDonald: I do not think the Minister needs to be reminded that the issues at play here are very serious.

Deputy David Cullinane: Has the Deputy got something to say?

Deputy Mary Lou McDonald: The Taoiseach will be in the White House-----

Deputy Billy Kelleher: Sinn Féin will have to give the money back.

Deputy Thomas Byrne: Trump went to the Sinn Féin fund-raiser.

Deputy Mary Lou McDonald: The Taoiseach will be in the White House in a matter of weeks on St. Patrick's Day. This is a very important day for the Irish in America. Will the Minister tell me what message the Taoiseach will convey to the US President on our behalf on all of these matters? A particular focus of the Government, as we have said before here, has been the very real issue of the estimated 50,000 undocumented Irish citizens in the United States. These concerns were voiced yesterday by Ciaran Staunton, the president of the Irish Lobby for Immi-

gration Reform in the US. The new Administration's stated desire to tackle so-called sanctuary states is deeply alarming. The Irish International Immigrant Center in Boston said yesterday that President Trump's actions could contribute to a growing anti-immigrant sentiment in the US. The Irish Government has raised the issue of the undocumented in the past and I appeal to it to persist in this in the time ahead. Irish America has always been the bridge between this island and policy-makers in Washington and there is alarm there just as there is here. It is imperative that efforts to resolve the plight of the undocumented Irish living in the US continue. I urge the Government to adopt a stance with the President that reflects that need. We also need to hear the Taoiseach articulate the politics of upholding equal and respectful treatment of all across the globe regardless of race, gender, background or sexual orientation. What message will the Taoiseach bring to the White House and what efforts will be made in respect of the undocumented?

Deputy Billy Kelleher: Will he send back the cheque?

An Leas-Cheann Comhairle: The Minister, Deputy Bruton, has three minutes.

Deputy Richard Bruton: I thank Deputy McDonald for the question.

Deputy Billy Kelleher: Sending back the cheque is the first step.

An Leas-Cheann Comhairle: The Minister, without interruption.

Deputy Richard Bruton: The first thing is that Ireland's priority in dealing with any Government, whether newly elected or otherwise, is to ensure we serve the interests of Irish citizens. We have had long trading, political and social connections with the United States and they continue to be really important to us in terms of employment, social connection and the political handling of issues such as the one the Deputy raised on the undocumented Irish. We deal with countries with whose politics we do not always agree. In terms of pursuing the interests of Irish citizens, we have to be conscious that in every state, people will select people whose policies we do not all agree with. Ireland upholds the highest standards in all international organisations in terms of the protection of rights and so on and it will continue to do so.

Specifically on the issue of the Irish undocumented, there have been meetings, as the Deputy knows, between the Taoiseach and the Minister for Foreign Affairs and Trade, Deputy Flanagan, and representatives of the US Government at all levels, including the Houses of Congress, the Senate and the Administration. Those will continue to be pursued because it is a really important area of public concern for our citizens, which the Government has an obligation to pursue. We will continue to do that. We will support organisations that deliver front-line services and community care to Irish emigrants in those situations through emigrant support programmes and otherwise.

The Deputy expressed concerns about some of the campaigning that occurred and some of the policies that might ensue. Our primary interest is to make sure that in some of these new policy directions, we work to ensure that Irish citizens' interests are protected. There are changes in many areas including migration policy, tax policy and at home. These are elements on which we need to be alert to the potential implications for us. I assure the Deputy that all parts of the Government are very alert to those elements. It will protect Irish interests, the interests of Irish people and will work with the new Administration and the wider interests on Capitol Hill, which remain a fundamental part of long-term decision-making. The US constitution contains the concept of balance of power and it is important that we relate to all sections

of the administration and democratic representation within the US. If we pursue that, as the Taoiseach has done consistently, we will protect the interests of Irish citizens and, in particular, the undocumented Irish for whom Deputy McDonald has expressed a particular concern.

Deputy Mary Lou McDonald: The Minister does not have to convince me of the value of our relationship with the United States or with Irish America.

Deputy Timmy Dooley: It has been financially very beneficial.

Deputy Thomas Byrne: Sinn Féin should send it back to Trump.

Deputy Mary Lou McDonald: Those who have kept-----

Deputy David Cullinane: Was that a brown envelope-----

An Leas-Cheann Comhairle: The Deputy, without interruption from any side.

Deputy Mary Lou McDonald: I thank the Leas-Cheann Comhairle. I shall begin arís and with feeling, if the Fianna Fáilers can contain themselves. The Minister does not have to convince me of the value of that relationship. Irish America has kept faith with this country and has been a valuable advocate, not least in respect of the Irish peace process. I am glad to hear the issue of the undocumented is high on the list of political priorities. Efforts and supports for emigrants in the United States need to be stepped up. This issue must be raised with President Trump. I refer to the 50,000 people for whom a return journey home for any family occasion such as funerals or births is impossible. We know their plight is very serious. I will reiterate, with absolute respect to the American electorate who have exercised their democratic right, it is very important that the Taoiseach is explicit in expressing the values that we, as Irish people, hold.

The reason I am running over time is because those in the Fianna Fáil benches-----

An Leas-Cheann Comhairle: I have allowed for that.

Deputy Mary Lou McDonald: -----were so ignorant and disruptive.

An Leas-Cheann Comhairle: I have allowed for that.

Deputy Mary Lou McDonald: I thank the Leas-Cheann Comhairle for that.

Deputy Richard Bruton: I assure the Deputy the Government will take every opportunity to present that case. The Minister, Deputy Flanagan, will be in Washington at the end of the month. The ambassador, Anne Anderson, has already convened a stakeholder meeting in respect of the concerns that Ireland has in respect of Irish immigrants. The President has extended an invitation to the Taoiseach, and the Vice President will be hosting the traditional St. Patrick's Day events. This is an opportunity for Ireland to exercise influence on the incoming Administration, as well as continuing to maintain the important contacts that have been a very important element of the Irish-US relationship over many years. New directions present challenges for us but we have seen that Ireland has been able and resilient in adapting to changes. We will prove again that in this situation we will adapt to the new environment and protect our citizens effectively though diplomatic and direct political channels.

Deputy Richard Boyd Barrett: Is it not time to simply admit that the Minister, Deputy Coveney's Rebuilding Ireland plan is a total and abject failure that has failed utterly to deal with

the escalating housing and homeless emergency? For over a year now, the Government has been talking about this plan as a panacea for the crisis yet day by day, the situation gets worse not better. Today we have highlighted that we have reached a shocking and unprecedented level of 7,100 people in emergency accommodation, including 2,500 children. The housing assistance payment limits, which the Government has put in place and which are a central pillar of its entire so-called solution to the housing crisis, are grossly inadequate for the extortionate rents that are now being charged. In my area and in the whole of south Dublin, there is one one-bedroom apartment within the limits. There are two two-bedroom residential units within the limits today. That comes against the background of an absolutely disastrous crisis.

To add further insult to all of that, the Government has flogged or allowed to be sold via NAMA and the banks we bailed out vast amounts of property and building land where these companies, which make extortionate profits and pay no tax on them, can jack up rents and make people homeless. In my own area, just before Christmas, on 23 December, a vulture fund that bought an apartment block put up rents in the entire block by up to 175%. That was on the day the legislation was supposed to come into force. The vulture funds doing this are paying no tax. Last year, Cerberus had €77 million in profits but paid €1,900 in tax. Lone Star paid $34.6 million in dividends to shareholders abroad.

The Government has allowed that to happen and its policy has actively facilitated it but now it plans to worsen the issue by selling two thirds of public land in key sites such as Shanganagh Castle in Shankill in my own area, the Oscar Traynor Road site and other publicly owned sites. It will sell virtually the whole of the Irish Glass Bottle site or Cherrywood via NAMA and we will only get 10% back on sites. Will the Minister stop this? Will he stop digging the hole that is causing such misery for people suffering from the housing crisis?

An Leas-Cheann Comhairle: I call the Minister.

Deputy Richard Boyd Barrett: Will the Government change tack?

Deputy Richard Bruton: As I indicated to Deputy Lisa Chambers, this problem requires a short, medium and long-term solution. The Minister has introduced a strategy that is barely six months old and it is already having an impact. The first step was to increase emergency accommodation. There are 250 extra beds and 2,000 emergency beds in Dublin. We have had to step up the provision for emergency accommodation but it is very much an interim measure. The Deputy knows that the programme commits that by the middle of this year, there will no longer be families in bed and breakfast-type accommodation. There is a very clear commitment and although there is a transition, we are moving on.

The Minister has also dealt with the point of rent certainty. We now have in place caps on rents in Dublin and Cork that will later extend to additional areas. Most important, the Minister has committed to a supply line that we have not had for public housing. As I indicated to Deputy Chambers, there will be 47,000 social homes. We are also extending the housing assistance payment, HAP, which despite the suggestions from one source today accommodated 12,000 families last year. This is working and the HAP homeless element accommodated 550 families in Dublin. This is working but we must continually roll it out. It will be extended, as the Deputy knows, in March.

With sites such as the one at Oscar Traynor Road in my constituency, under the Minister's plan, that site, which has been derelict for 40 years in public ownership, will be built upon. We

will have affordable rental homes, social homes, starter homes and a variety of houses supplied to the market to meet the huge needs we all know about. The alternative strategy of sitting on our hands, as we have done for 40 years, and the site has been derelict for that time, is not a solution to the housing crisis. We are moving to get building happening. There is a welcome rise in housing starts in Dublin and we need to build on that. The Minister's strategy is committed to that approach.

Deputy Richard Boyd Barrett: The facts speak for themselves. The number of people in homeless accommodation has increased by 91% in the past two years and 34% in the past year since this Government came to office. How the Minister can possibly claim it is working is beyond me.

There is the issue of the disposal of sites like those on Oscar Traynor Road, Shanganagh in Shankill or the NAMA sites in Cherrywood and so on. If these are given to private developers, how will they be affordable? They will not. The Government has not defined affordable housing. Public housing is affordable but sites that previously would have seen 100% public housing will now only have one third with public housing, with the rest controlled by the private sector. They will control the rents or property prices, which will not be affordable.

Deputy Simon Coveney: That is not true.

Deputy Richard Boyd Barrett: It is true. It is a fact. What does the Minister say about the Irish Glass Bottle site? Only 10% of that site - a NAMA site for which this country paid a bitter price - will be social housing. Why is it not 100% social housing?

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Richard Boyd Barrett: In my area there is talk about provision.

An Leas-Cheann Comhairle: I call the Minister.

Deputy Richard Boyd Barrett: We had 290 extra so-called social units but there were only 74 real new units while 560 extra people joined the list. That means twice as many people joined the list as units provided.

An Leas-Cheann Comhairle: Deputy, others will want an opportunity to speak later.

Deputy Richard Bruton: Deputy Boyd Barrett wants to cling to some ideological position about how we should solve the housing crisis. It will not be solved by 100% social building. That will not happen. Getting the 47,000 units will take time.

Deputy Richard Boyd Barrett: We have been hearing that for a long time.

Deputy Richard Bruton: Let us be absolutely honest.

Deputy Finian McGrath: It is a good policy. Mixed housing is good.

Deputy Richard Bruton: We need mixed housing and on those sites there will be social homes with a differential or traditional local authority rent and those with affordable rent of 70% of commercial market rate. That is designed to be affordable for families and not just those on housing lists. It will apply to another tranche of many families who are finding it increasingly difficult to get housing. The affordable rent is directly targeting a group that needs support and the remainder will be private housing. We need to see private housing develop

because many families aspire to home ownership and a starter home built on public lands will provide more affordable access for them than any of the alternatives. It is a creative solution to a challenge and I commend the Minister for it.

Deputy Bríd Smith: The Minister is clinging to a failure.

Deputy Danny Healy-Rae: I am again using my Leaders' Questions slot to emphasise the urgency of providing funding for the long-awaited Macroom bypass, which is of vital importance to all of Kerry and much of Cork in attracting investment and jobs to the counties and assisting all who travel to Cork and beyond daily to work and to receive medical care and attention in the primary care hospitals in Cork, especially cancer treatment. It is also anticipated that Fitzgerald Stadium will be one of the venues for the 2023 Rugby World Cup. This infrastructure will be of vital importance to strengthen Ireland's bid for the tournament and we must provide proper access to Fitzgerald Stadium in Killarney, which will have capacity for at least 50,000 people. It is arguably one of the most picturesque pitches in the country.

Many deputations from Kerry County Council have met representatives of Transport Infrastructure Ireland and the National Roads Authority about this project over many years and again recently but it is clear the project will not go ahead until the Government makes the funding available. When the review of the capital investment programme takes place in the next few months, I ask that the Macroom bypass be brought forward. The project is expected to cost approximately €230 million but more than a third of this will be recouped by the Government in repayments of VAT, taxes, licences and permits. It is anticipated the job will take at least three years to complete so if we work back from 2023, the latest the job can start if it is to be finished in time for the tournament is early 2019. A commitment to the project must be given by the Government to allow for the tendering process to proceed and the work to be carried out and finished in time.

Killarney and Fitzgerald Stadium would make a wonderful venue as the town is renowned as one of the best tourist attractions in the country, with wonderful hotels, restaurants, bed and breakfasts and the massive INEC event centre, and there are many hotels in nearby towns. I appeal to the Minister to have his Government play its part in providing proper access to Kerry and Killarney in particular. We do not want these fine big broad men getting stuck going around the back turns in Chúl a' Bhucaigh or when parked in traffic jams in Macroom. All Deputies need to pull together to bring the World Cup to the country and to showcase our country to the rest of the world. I believe this mighty event will be the next great opportunity to showcase our country to the world. I am asking the Government to play its part in doing just that.

Deputy Richard Bruton: I thank Deputy for raising this matter. The Government recognises that the road is an essential link between Cork and Kerry. It has been approved in principle in the plan, as Deputy Healy-Rae is aware. It already has full statutory approval and advance works have been carried out. There has been a solid commitment of funding since 2014 to undertake and deliver advance works.

Clearly, within the context of capital planning this is a high priority. It is one of possibly three top priorities in the Cork-Kerry region recognised by Government. It is a major project though, covering 22 km and requiring €160 million of investment. It is approved in principle. Clearly, as the project develops it will have high priority. The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, and the Minister for Agriculture, Food and the Marine, Deputy Creed, have emphasised this point and have met representatives of

Transport Infrastructure Ireland in that context.

It is good that the Deputy continues to raise the matter because it continues to emphasise the priority. Ultimately, however, we have to work with the capital plan to enable us to fund a balanced range of projects. Clearly this project will be considered high priority as we make our expenditure commitments in the context of the capital review.

Deputy Danny Healy-Rae: There appears to be a discrepancy. Transport Infrastructure Ireland has said it will cost €230 million. The Minister is saying it will cost €160 million. The lesser figures surely make it more attractive to get it going quicker.

IBEC said yesterday that we have the lowest capital investment programme in Europe, even though interest rates and money were never cheaper. We must work at something like this; it is vital.

This is a wonderful opportunity to get the project going and finished in time for the World Cup and indeed for all the people who have been looking for the bypass for over 35 years. It is 35 years since it was sought and approved by Kerry County Council. Surely, the people of Kerry are entitled to a proper road into our county. We are denied investment primarily because of this road, which is not of a proper standard.

An Leas-Cheann Comhairle: Go raibh maith agat. You have made your case.

Deputy Danny Healy-Rae: I am calling on the Government not to delay us any further and to bring it forward in the capital investment programme. That is what is needed to get the project going.

An Leas-Cheann Comhairle: Minister, the ball is thrown in and the game is on. You have one minute.

Deputy Richard Bruton: All Members appreciate that there has effectively been a lost decade in terms of investment in infrastructure. We can see that in many of the problems we are having to deal with in housing, health and other areas. That is equally true in this area.

However, it is encouraging that as the economy has recovered the Minister for Public Expenditure and Reform has been able to increase the capital budgets. He did this already last year. We are now approaching a capital review in the context of which, because of the progress we are making, we will be able to see additional capital programmes. We are in a position to start to repair the damage. We need to understand that our capacity to do that will be limited because we are in recovery mode. It is a question of using the money to the best effect.

I can assure Deputy Healy-Rae that, on the basis of everyone I have spoken to, this is regarded as a priority project. It is recognised as a priority for Kerry and Cork. There is broad Government belief that this project is high priority. I reckon that will colour decisions in future. Clearly, however, I cannot give an indication today on decisions that will be taken in future.

Questions on Promised Legislation

An Leas-Cheann Comhairle: Before I call anyone, I want to remind you that this is for questions on promised legislation. In addition to the groups, I have 17 requests. Some Mem-

bers are going to be disappointed. We will finish this in 15 minutes. I will call on the representative of Fianna Fáil first, Deputy Chambers. After that, I will call on those who indicated first to me – there is no priority.

Deputy Lisa Chambers: My question relates to the health (amendment) Bill. We read reports last night to the effect that the HSE has withdrawn its High Court appeal of an Employment Appeals Tribunal decision to give a pay rise to two consultants based on historical contracts. To put it mildly, this presents a potentially serious strain on public finances. I am keen to know the reason for the withdrawal. Can the Minister confirm what this Employment Appeals Tribunal decision will cost the State? How are we going to pay it?

Minister for Education and Skills (Deputy Richard Bruton): I am not going to comment on any specific legal case. Clearly, it is Government's intention that further cases will be vigorously defended. We have legal officers who will support the work on such cases. As Deputy Chambers has said, this is a major potential cost and it is right that we seek to protect the taxpayer in that respect.

Deputy Mary Lou McDonald: Commitments contained in the recent strategy for the private rental sector, published as per the programme for Government, aim to encourage banks and landlord borrowers to agree solutions to buy-to-let arrears. The latest figures show that 7,148 people, including over 2,500 children, were in emergency accommodation in the week before Christmas 2016. That is an increase of 36% year on year and a 91% hike on figures seen two years ago. It is out of control. We know that the single greatest cause of families losing their homes at present is the sale of buy-to-let properties in the rented sector.

At the end of last year, Focus Ireland proposed an amendment to the Planning and Development (Housing) and Residential Tenancies Bill that would have made it more difficult for professional landlords to evict tenants on those grounds. We supported the amendment, but it was blocked by Fine Gael and Fianna Fáil.

We do not believe that it will be possible to get agreement between landlords and banks on the basis of the current rental strategy.

An Leas-Cheann Comhairle: Deputy, allow the Minister, Deputy Coveney, to respond.

Deputy Mary Lou McDonald: Will the Minister introduce legislation in the coming term to give the necessary protection to these families, as per the amendment put forward by Focus Ireland and supported by Sinn Féin?

An Leas-Cheann Comhairle: You have to consider other Deputies. There are others in your group. We have to give backbenchers an opportunity. The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, will give a short answer.

Minister for Housing, Planning, Community and Local Government (Deputy Simon Coveney): Deputy McDonald referred to the figures for December. They are a stark reminder to the Government that a great deal of work remains to be done to solve the problem of homelessness. The family figures remained more or less the same. In fact, the number of dependants reduced by 44. That is understandable since in many cases children will stay with extended family during the Christmas period.

The Deputy raised the issue of protecting tenants. We introduced a new amendment to pre-

vent tenants from being evicted when one institutional investor sells a development property to another institutional investor. That is exactly what we did. There were limits to it on the basis of advice from the Attorney General's office. The Deputy is or should be familiar with that.

The Deputy referred to further protections for tenants in rental properties that may be in receivership. We have given a commitment that, by the end of the first quarter of this year, my Department and the Department of Justice and Equality would examine ways to transfer the kind of legal responsibilities that landlords have to receivers. That process is under way.

Deputy Brendan Howlin: In October 2015, we agreed a budget that included €10 million to fund the extension of free general practitioner care to all children under 12 years of age. The programme for Government extended that commitment to all children under 18 years. Last October, a full year after we budgeted for those under 12 years, the Minister for Health, Deputy Harris, confirmed that negotiations had not even begun on the issue. Extending free GP care to all those under 18 years will require further legislation, although there is no mention of that in the published programme.

Will the Minister indicate when we will see the legislation to provide for the extension of free GP care to all under 18 years, as set out in the programme for Government? When will the commitment, made in October 2015, to provide GP care to all children under 12 years be fulfilled?

Deputy Richard Bruton: It is not on the list as I understand it. The main legislation in this area is the immediate and urgent extension of medical card cover to children who have domiciliary care allowance. That legislation is being urgently prepared.

Deputy Brendan Howlin: I did not ask the Minister about that.

Deputy Richard Bruton: It reflects-----

Deputy Brendan Howlin: Is the free GP care being abandoned by Government?

Deputy Richard Bruton: No, by no means. It is clear from the programme for Government that we wish to continue the-----

Deputy Brendan Howlin: It is not in the legislative programme.

Deputy Richard Bruton: -----extension of primary care. I believe the approach of the Minister is to see a greater level of service being delivered within the primary care system. As the Deputy knows, that includes the construction of primary care centres and also the gradual extension-----

Deputy Brendan Howlin: That is not what I asked.

Deputy Richard Bruton: -----of primary care cover. The legislation is not on the list but it is obviously intended as a longer-term commitment of this Government.

Deputy Ruth Coppinger: What laws will the Government introduce to deal with what happened yesterday in Limerick where 12 workers face losing their jobs and 64 men who are living in a hotel as refugees have been evicted from their homes of long standing? On page 29 of A Programme for a Partnership Government, there is a commitment to provide greater protection for mortgage holders and tenants whose loans fall into the hands of vulture funds. Here we

have the most vulnerable tenants that one could possibly think about in this country: people in direct provision. They were being given refuge by one arm of the State and their loans were sold by another arm of the State, NAMA. It is a quite incredible situation. What is the Government going to do about these vulture funds getting their hands on, in this case, a State service for the most vulnerable? What happens to workers in these situations? The Government talks about protecting businesses but says nothing about workers whose loans fall into the lap of vulture funds as well. There are 12 people unemployed. Is this the great service the Minister, Deputy Noonan, was talking about the vultures doing?

Deputy Richard Bruton: The housing strategy includes a range of measures to increase housing supply. That includes supply to people who are moving from direct provision. That is an element of the housing strategy-----

Deputy Ruth Coppinger: That is not what I asked.

Deputy Richard Bruton: The legislative elements have already been outlined in that strategy. We have had numerous debates on this-----

Deputy Ruth Coppinger: I am not talking about the housing strategy.

Deputy Richard Bruton: The Minister has just replied to Deputy Mary Lou McDonald on the amendments in respect of the transfer of loans to other funds. I believe the Minister has just responded to that. The legislation is in the housing strategy. If there are new legislative initiatives, the Minister will obviously bring them forward.

Deputy Ruth Coppinger: With respect, that is not the question the Minister was asked.

An Leas-Cheann Comhairle: I cannot allow Deputy Coppinger to respond.

Deputy Ruth Coppinger: He was asked about a specific situation in Limerick-----

An Leas-Cheann Comhairle: I have a responsibility to look after the interests of all.

Deputy Ruth Coppinger: -----involving a vulture fund. It is not going to be dealt with by that legislation.

Deputy Richard Bruton: I was asked what legislation is being brought forward. I have indicated the legislation that is being brought forward.

Deputy Ruth Coppinger: Nine families can be evicted under that legislation.

An Leas-Cheann Comhairle: We are moving on to the Rural Independent Group and Deputy Mattie McGrath.

Deputy Richard Bruton: Deputy Coppinger asked me about legislation. We have just had an answer from the Minister on the precise legislation.

Deputy Ruth Coppinger: So the Minister has nothing to say to the refugees or the workers in Limerick. Great.

An Leas-Cheann Comhairle: Please, Deputy Coppinger. There are 17 other Members who wish to ask about legislation. I call Deputy McGrath.

Deputy Mattie McGrath: I want to ask the Minister for Education and Skills about the

DEIS status. Under the programme for Government, the Government said that it will support disadvantage in education and elsewhere. This issue is being dealt with by the Department of Education and Skills and the Department of Social Welfare. The four schools in Tipperary town, led by St. Joseph's, have co-operated and have come-----

An Leas-Cheann Comhairle: Which legislation is the Deputy asking about?

Deputy Mattie McGrath: I am asking about promised legislation on supports that are due announcement. The schools have co-operated in a wonderful spirit of unity. They have an application-----

An Leas-Cheann Comhairle: Promised legislation, Deputy.

Deputy Mattie McGrath: They missed out in Tipperary town years ago. When is it going to be announced that the schools-----

An Leas-Cheann Comhairle: Please have respect for the others who want to ask questions.

Deputy Mattie McGrath: I did not even get a half a minute. I am just asking-----

An Leas-Cheann Comhairle: The Deputy is not entitled to any more. It is a question.

Deputy Mattie McGrath: A question, yes. I want to finish my question. When is it going to be announced?

Deputy Richard Bruton: Work on this strategy is nearing completion. However, I think it will be of some reassurance to the Deputy that additional money was provided in this year's budget for DEIS, both from my Department and from the Minister for Social Protection in respect of the school meals programme. Additional resources are being made available. This plan will be published shortly. It is our intention that the new provision will start in the next school year, in other words, from September. New schools that are coming into the scheme will receive support from September coming.

Deputy Michael Moynihan: In the programme for Government and subsequent to it, many commitments have been given on the reform of the insurance industry. Is the Minister aware of the insurance crisis out there for businesses, home owners and personal insurance? A situation came to my attention during the week in which a company director whose company had a claim is now finding it nearly impossible to get personal insurance. Surely to God this goes against all regulations within the insurance industry. What plans has the Government in place to address immediately the crisis in the entire insurance industry?

Deputy Richard Bruton: The Minister of State at the Department of Finance, Deputy Eoghan Murphy has, as the Deputy knows, published a strategy to deal with the insurance sector. It includes 33 areas of recommendation. He has set an 18-month period during which it will be implemented. I understand that part of it involves a review of the declined cases arrangement that is in place to deal with situations in which people who are legally required to have insurance are not able to get it. I believe the Government recognises that this is an area of real challenge. However, I believe if the Deputy reads the report, he will see that the sources of this problem are very numerous. It will take systematic action across a number of headings, including by the industry itself. Part of that will be to make the way insurance costs are put together more transparent. Under the Minister of State, Deputy Eoghan Murphy, we will see a very determined pursuit of this issue.

Deputy Eoin Ó Broin: On page 26 of A Programme for a Partnership Government, there is a commitment to target new measures for survivors of domestic violence. The Government's Action Plan for Housing states that Tusla "will provide additional emergency refuge spaces so that victims forced to flee the family home often late at night or in the early hours of the morning do not find themselves homeless". Can the Minister tell me when Tusla's 2017 business plan will be published? What level of additional funding will be provided for domestic violence accommodation services and how many new emergency refuge spaces will be provided for those experiencing domestic violence?

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I have been engaged for the last month or so with Tusla on its business plan. I expect that it will be published shortly. There were additional funds that were provided to Tusla, particularly for the issues that the Deputy raised. The Deputy raised that last particular question with me before and I will be in contact with Tusla to ensure that part of that budget is devoted to that measure.

Deputy Joe Carey: What is the status of the greyhound industry Bill?

Deputy Richard Bruton: I understand that work is under way on that but-----

Deputy Brendan Howlin: Out of the traps.

Deputy Richard Bruton: -----it is not yet ready to be put on the legislative programme for this session.

Deputy Michael Fitzmaurice: Under the Haddington Road Agreement, staff officers and executive officers in the Department of Social Protection were to be put together. This was an agreement made in 2014. As and from 1 January of this year, it was to be completed. Unfortunately, I have written to the Minister, Deputy Donohoe, but seemingly for the last two or three weeks he has not been able to sign a letter. Is this going to be done in the Department of Social Protection or not? The Civil Public and Services Union, CPSU, is involved but seems to be dragging its feet on it. It seems to have other interests about union membership rather than in solving this problem for these people.

Minister for Social Protection (Deputy Leo Varadkar): I am happy to answer that. It is a matter that is still under negotiation between my Department, the relevant unions and the Department of Public Expenditure and Reform. We are confident that we will have the matter resolved in the near future.

Deputy Thomas Byrne: There is a ballot under way within the ASTI and I am not going to get into it. However, there an issue with junior certificate English, which is a part of that ballot. As things currently stand, Government policy is that if the ASTI membership rejects the offer that is on the table, junior certificate English students in ASTI schools this year will automatically lose 10% of their marks. That is not really putting the best interest of the children first. I know the Minister, Deputy Zappone, is present too. What is the fallback position for those students? What comfort can the Minister give those students that they will not be penalised in their junior certificate English this year?

Deputy Richard Bruton: As the Deputy recognised, in the course of very lengthy negotiations between all of the teacher unions, we have come forward with a set of proposals that include resolving the long-running dispute in the junior cycle. That vote is under way and I am not going to seek to influence it. We have indicated in the past the approach that could be taken

and that has been taken in respect of junior certificate English. Let us wait and see the result of the ASTI ballot. We will act on the back of that.

Deputy David Cullinane: Will the Minister give to the House a rationale for the Government's decision to not proceed with the High Court case regarding hospital consultants' pay? Will he also inform the House of the consequences of that decision in possible legislation and costs? We hear that this could be up to €700 million. When is the Minister for Health going to outline to the House exactly what are the consequences of not proceeding with this High Court case?

Deputy Richard Bruton: As I have indicated to Deputy Lisa Chambers, I cannot comment on an individual case and the conduct of that case, but as I have said, the Government will defend cases that would be taken to the courts by consultants and is determined to continue to do that. That is the position.

An Leas-Cheann Comhairle: Before Deputy Martin Kenny speaks I want to say that the Deputies on my list, who I took as they indicated, are Deputies Nolan, Burke, Durkan, Collins, Rabbitte, Fitzpatrick, O'Loughlin, Cassells and Burton. Unfortunately I cannot take them. We may have to review this but I have no control over it.

Deputy Martin Kenny: On page 48 of the programme for Government there is a section on protecting local services which specifically deals with post offices. Earlier this week the Minister for Communications, Climate Action and Environment, Deputy Naughten, went to Ballymahon and announced a whole lot of things to help rural Ireland. Yesterday, I discovered that the post office in my area, Aughavas in County Leitrim, is going to be closed because the pub and business there has been sold and An Post is saying that it may not renew the contract to have a post office in that area. If the Government is making such efforts to invest in rural Ireland, one of the first things it should be doing is to ensure the services that exist in rural Ireland are not withdrawn. That is the basic principle of it. This post office has been in the community for more than 150 years and to think that at the drop of a hat it can just go. We have a similar situation in Ballygawley. Yesterday, I brought up the issue of the regional veterinary services being withdrawn and centralised to Dublin-----

An Leas-Cheann Comhairle: The Deputy's time is up.

Deputy Martin Kenny: We have serious problems in rural Ireland. The Government is talking about investing money in it while at the same time it is withdrawing these services.

An Leas-Cheann Comhairle: Minister-----

Deputy Martin Kenny: It is outrageous. I want the Minister to indicate what he will do and do not tell me that An Post-----

An Leas-Cheann Comhairle: Deputy Kenny.

Deputy Martin Kenny: -----is a separate entity. It is in the programme for Government. It is the responsibility-----

An Leas-Cheann Comhairle: Deputy Kenny, allow a response, please.

Deputy Martin Kenny: -----of this Government to ensure services are maintained in rural Ireland.

Deputy Richard Bruton: The Deputy will recognise that for the first time in my memory, and I am in the House a long time, we have a coherent strategy for rural areas. It covers employment, service levels, tourism, homes and primary care. For the first time there is a genuine strategy seeking to support the delivery of local services.

Deputy Martin Kenny: Will the Government maintain what is there?

Deputy Richard Bruton: The Deputy raised the issue yesterday of veterinary services and the Minister provided a very categorical assurance that the approach he was taking was not assuming this service was going to be centralised to Dublin. The situation of An Post is, as the Deputy has recognised in his own question, that An Post has a responsibility in the operation of its own services.

Deputy Martin Kenny: So you are going with the Government.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Richard Bruton: As the Deputy knows, however, there has been considerable work done by Government and under Mr. Bobby Kerr on the proposal to develop initiatives that would see a long-term and strong future for our postal services. It is by implementing a strategy such as this that we deliver a future for local services.

Deputy Martin Kenny: The Government is withdrawing the services.

Deputy Richard Bruton: We must take a strategic view of these issues.

University College Galway (Amendment) Bill 2017: First Stage

Deputy Éamon Ó Cuív: Tairgim:

> Go gceadófar go dtabharfar isteach Bille dá ngairtear Acht do chealú Acht an Choláiste Ollscoile, Gaillimh (Leasú), 2006 agus do leasú Acht Choláiste Phríomh-Scoile na Gaillimhe, 1929.

Tá mé ag iarraidh cead Bille an Choláiste Ollscoile, Gaillimh (Leasú) 2017 a chur faoi bhráid an Tí. Is í aidhm an Bhille seo ná a chinntiú go mbeidh Gaeilge agus Béarla ag uachtarán Ollscoil na hÉireann, Gaillimh ionas go mbeidh sé nó sí in ann a chuid nó a cuid gnóthaí a dhéanamh sa dá theanga oifigiúil. Ó bhí 1929 ann, bhí stádas speisialta reachtúil ag Coláiste na hOllscoile, Gaillimh, mar a bhí sé ag an am, nó Ollscoil na hÉireann, Gaillimh, mar atá sé anois, i leith na Gaeilge agus múineadh ábhair trí Ghaeilge. Rinneadh athnuachan agus uasdátú ar an dlí sin sa bhliain 2006. Anois tá sé mar dhualgas reachtúil ar an ollscoil go mbeidh múineadh trí mheán na Gaeilge lárnach i bhfeidhmiú agus i bhforbairt na hollscoile. Chuige sin, tugtar cúnamh ar leith don ollscoil trí airgead ón Roinn Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta. Caithfidh mé a meabhrú don Aire go bhfuil ceithre ionad san ollscoil ag feidhmiú go hiomlán trí mheán na Gaeilge, trí cinn acu seo sa Ghaeltacht. Chomh maith leis sin, le gairid bhronn an tAire Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta stádas dátheangach ar chathair na Gaillimhe. Ó thaobh na heacnamaíochta áitiúil, is fiú na céadta milliúin an Ghaeilge don réigiún gach bliain.

Mar sin, tá sé réasúnach mar a bhí riamh ó 1929 go mbeadh Gaeilge agus Béarla ag uachtarán

an choláiste. Is mar sin a bhí sé ón bhliain 1929 agus bhí rath ar an gcoláiste ó shin i leith. Ba cheart dúinn cuimhneamh go bhfuil an coláiste seo istigh sa 250 ollscoil is fearr ar fud na cruinne. Is toradh iontach é sin nuair a smaoiníonn muid gur chathair an-bheag í Gaillimh le hais cathracha an domhain. Mar sin, iarraim cead an Bille seo a chur roimh Thithe an Oireachtais. Ba mhaith liom buíochas a ghabháil le mo chomhghleacaithe i bhFianna Fáil don tacaíocht atá tugtha acu dom leis an mBille seo. Tá súil agam go n-achtófar ina dlí é sula ndéanfar dochair do sheasamh na Gaillimhe mar chathair dhátheangach agus do sheasamh Ollscoil na hÉireann, Gaillimh mar ollscoil dhátheangach.

The aim of this Bill is to ensure that the president of the National University of Ireland, Galway, NUIG, - the college formerly known as University College Galway, UCG - will be capable of doing his or her business in the Irish and English language as has been the situation since 1929. We must remember that in 1929, under Cumann na nGaedhael, the college was given a special statutory responsibility in regard to the Irish language. This was updated in 2006 and it is a statutory obligation on the university to promote and to have as a core objective the teaching through Irish of a range of subjects. This was laid down in a special amendment to the Act passed by the Oireachtas in 2006. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs provides extra funding to the university to help it achieve this aim. The college has four centres that operate solely through Irish, three of which are in the Gaeltacht. The city of Galway was recently granted the status of a bilingual city. The Irish language is worth hundreds of millions of euro to the region.

I believe that in those circumstances it is reasonable that the president of the college would be capable of doing his or her business in both of the official languages. It has been that way since 1929 and it is fair to say that the college has progressed excellently well under this policy. It is now in the top 250 universities in the world and when one considers the size of Galway, which in world terms is a micro city, this is an amazing achievement. I ask the Members' permission to introduce the Bill. I thank my colleagues in Fianna Fáil for their support. I hope the Bill will be enacted into legislation before damage is done to the reputation of Galway as a bilingual city and to the university.

An Leas-Cheann Comhairle: An bhfuil éinne i gcoinne an Bhille seo?

Minister for Education and Skills (Deputy Richard Bruton): Níl.

Question put and agreed to.

An Leas-Cheann Comhairle: Beidh an Bille ag dul ar aghaidh go dtí an Dara Céim. Caithfear é a thógáil in am Comhaltaí Príobháideacha. An bhfuil an Teachta Ó Cuív sásta é sin a mholadh?

Deputy Éamon Ó Cuív: Tairgim: "Go dtógfar an Bille in am Comhaltaí Príobháideacha."

Question put and agreed to.

Visit of Welsh Delegation

An Leas-Cheann Comhairle: Sula mbogfaimid ar aghaidh go dtí an vótáil a cuireadh siar, on behalf of all Members of the House I extend a céad míle fáilte and most sincere welcome to the members of the Climate Change, Environment and Rural Affairs Committee of the Na-

tional Assembly of Wales. I offer a céad míle fáilte to Assembly Members Mark Reckless, Sián Gwenllian and Simon Thomas. I express the hope they will find their visit enjoyable, successful and to our mutual benefit - *croeso*.

1 o'clock

Communications Regulation (Postal Services) (Amendment) Bill 2016: Second Stage (Resumed)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Communications Regulation (Postal Services) (Amendment) Bill 2016, taken on Thursday, 19 January 2017. 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: "That the Bill be now read a Second Time."

The Dáil divided: Tá, 104; Staon, 1; Níl, 39.		
Tá	***Staon***	***Níl***
Aylward, Bobby.	***Ferris, Martin.***	***Adams, Gerry.***
Bailey, Maria.		***Barry, Mick.***
Barrett, Seán.		***Boyd Barrett, Richard.***
Brassil, John.		***Brady, John.***
Breathnach, Declan.		***Broughan, Thomas P.***
Breen, Pat.		***Buckley, Pat.***
Brophy, Colm.		***Collins, Michael.***
Browne, James.		***Coppinger, Ruth.***
Bruton, Richard.		***Crowe, Seán.***
Burke, Peter.		***Cullinane, David.***
Burton, Joan.		***Daly, Clare.***
Byrne, Catherine.		***Doherty, Pearse.***
Byrne, Thomas.		***Ellis, Dessie.***
Cahill, Jackie.		***Fitzmaurice, Michael.***
Calleary, Dara.		***Funchion, Kathleen.***
Canney, Seán.		***Healy-Rae, Danny.***
Cannon, Ciarán.		***Healy, Seamus.***
Carey, Joe.		***Kenny, Gino.***
Casey, Pat.		***Kenny, Martin.***
Cassells, Shane.		***McDonald, Mary Lou.***
Chambers, Lisa.		***McGrath, Mattie.***
Collins, Joan.		***Martin, Catherine.***
Collins, Niall.		***Mitchell, Denise.***
Connolly, Catherine.		***Munster, Imelda.***

Corcoran Kennedy, Marcella.		*Murphy, Paul.*
Coveney, Simon.		*Nolan, Carol.*
Creed, Michael.		*O'Brien, Jonathan.*
Curran, John.		*O'Reilly, Louise.*
D'Arcy, Michael.		*Ó Broin, Eoin.*
Daly, Jim.		*Ó Caoláin, Caoimhghín.*
Deering, Pat.		*Ó Laoghaire, Donnchadh.*
Doherty, Regina.		*Ó Snodaigh, Aengus.*
Donnelly, Stephen S.		*Quinlivan, Maurice.*
Donohoe, Paschal.		*Ryan, Eamon.*
Dooley, Timmy.		*Shortall, Róisín.*
Doyle, Andrew.		*Smith, Bríd.*
Durkan, Bernard J.		*Stanley, Brian.*
English, Damien.		*Tóibín, Peadar.*
Farrell, Alan.		*Wallace, Mick.*
Fitzpatrick, Peter.		
Flanagan, Charles.		
Fleming, Sean.		
Grealish, Noel.		
Griffin, Brendan.		
Halligan, John.		
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.		
Lowry, Michael.		
MacSharry, Marc.		
McConalogue, Charlie.		
McEntee, Helen.		
McGrath, Finian.		
McGrath, Michael.		
McGuinness, John.		
McHugh, Joe.		

McLoughlin, Tony.		
Madigan, Josepha.		
Martin, Micheál.		
Mitchell O'Connor, Mary.		
Moran, Kevin Boxer.		
Moynihan, Aindrias.		
Moynihan, Michael.		
Murphy O'Mahony, Margaret.		
Murphy, Dara.		
Murphy, Eoghan.		
Murphy, Eugene.		
Naughton, Hildegarde.		
Neville, Tom.		
O'Brien, Darragh.		
O'Callaghan, Jim.		
O'Connell, Kate.		
O'Dea, Willie.		
O'Donovan, Patrick.		
O'Dowd, Fergus.		
O'Loughlin, Fiona.		
O'Rourke, Frank.		
O'Sullivan, Jan.		
O'Sullivan, Maureen.		
Ó Cuív, Éamon.		
Penrose, Willie.		
Phelan, John Paul.		
Pringle, Thomas.		
Rabbitte, Anne.		
Ring, Michael.		
Rock, Noel.		
Ryan, Brendan.		
Scanlon, Eamon.		
Sherlock, Sean.		
Smith, Brendan.		
Smyth, Niamh.		
Stanton, David.		
Varadkar, Leo.		
Zappone, Katherine.		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Pat Buckley and Brian Stanley.

Question declared carried.

Communications Regulation (Postal Services) (Amendment) Bill 2016: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Communications, Climate Action and Environment pursuant to Standing Orders 84A(3)(*a*) and 149(1).

Question put and agreed to.

Fossil Fuel Divestment Bill 2016: Second Stage (Resumed) [Private Members]

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

Debate resumed on amendment No. 1:

To delete all words after "That" and substitute the following:

"Dáil Éireann:

noting that:

(*a*) the Ireland Strategic Investment Fund (ISIF) operates a Sustainable and Responsible Investment Policy, published in July 2016, and that this policy specifically focuses on climate change;

(*b*) ISIF has limited exposure to fossil fuels within its portfolio;

(*c*) the fund has an €800 million allocation to energy, the vast majority of which will be invested in renewables;

(*d*) there are significant opportunities in ISIF's potential investment pipeline;

(*e*) to date, the fund's renewable energy investments include:

- €44 million for the €500 million Dublin Waste to Energy project which will assist Ireland meet EU waste targets and the waste processed will be utilised for energy recovery and development of a district heating scheme;

- €35 million commitment to NTR's onshore wind fund;

- the BlueBay SME credit fund, and this fund has made loans to renewable energy developers and to a designer and manufacturer of high power density high efficiency power supplies headquartered in Ireland; and

- ISIF has also invested €85 million in forestry - also a net positive contributor to managing emissions; and

concludes that because of its progressive record in these matters ISIF's investment options do not need to be underpinned in statute and therefore declines to give the Fossil Fuel Divestment Bill 2016 a second reading."

- (Minister of State at the Department of Housing, Planning, Community and Local Government)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Fossil Fuel Divestment Bill 2016, which took place on Thursday, 19 January 2017. On the question, "That the amendment to the motion be made", a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 53; Staon, 0; Níl, 90.		
Tá	***Staon***	***Níl***
Bailey, Maria.		***Adams, Gerry.***
Barrett, Seán.		***Aylward, Bobby.***
Breen, Pat.		***Barry, Mick.***
Brophy, Colm.		***Boyd Barrett, Richard.***
Bruton, Richard.		***Brady, John.***
Burke, Peter.		***Brassil, John.***
Byrne, Catherine.		***Breathnach, Declan.***
Canney, Seán.		***Broughan, Thomas P.***
Cannon, Ciarán.		***Browne, James.***
Carey, Joe.		***Buckley, Pat.***
Corcoran Kennedy, Marcella.		***Burton, Joan.***
Coveney, Simon.		***Byrne, Thomas.***
Creed, Michael.		***Cahill, Jackie.***
Daly, Jim.		***Calleary, Dara.***
D'Arcy, Michael.		***Casey, Pat.***
Deering, Pat.		***Cassells, Shane.***
Doherty, Regina.		***Chambers, Lisa.***
Donohoe, Paschal.		***Collins, Joan.***
Doyle, Andrew.		***Collins, Michael.***
Durkan, Bernard J.		***Collins, Niall.***
English, Damien.		***Connolly, Catherine.***
Farrell, Alan.		***Coppinger, Ruth.***
Fitzpatrick, Peter.		***Crowe, Seán.***
Flanagan, Charles.		***Cullinane, David.***
Griffin, Brendan.		***Curran, John.***
Halligan, John.		***Daly, Clare.***
Harris, Simon.		***Doherty, Pearse.***
Heydon, Martin.		***Donnelly, Stephen S.***
Humphreys, Heather.		***Dooley, Timmy.***
Kehoe, Paul.		***Ellis, Dessie.***
Kenny, Enda.		***Fitzmaurice, Michael.***
Kyne, Seán.		***Fleming, Sean.***

Lowry, Michael.		***Funchion, Kathleen.***
McEntee, Helen.		***Grealish, Noel.***
McGrath, Finian.		***Harty, Michael.***
McHugh, Joe.		***Haughey, Seán.***
McLoughlin, Tony.		***Healy, Seamus.***
Madigan, Josepha.		***Healy-Rae, Danny.***
Mitchell O'Connor, Mary.		***Howlin, Brendan.***
Moran, Kevin Boxer.		***Kelleher, Billy.***
Murphy, Dara.		***Kelly, Alan.***
Murphy, Eoghan.		***Kenny, Gino.***
Naughton, Hildegarde.		***Kenny, Martin.***
Neville, Tom.		***Lahart, John.***
O'Connell, Kate.		***Lawless, James.***
O'Donovan, Patrick.		***MacSharry, Marc.***
O'Dowd, Fergus.		***McConalogue, Charlie.***
Phelan, John Paul.		***McDonald, Mary Lou.***
Ring, Michael.		***McGrath, Mattie.***
Rock, Noel.		***McGrath, Michael.***
Stanton, David.		***McGuinness, John.***
Varadkar, Leo.		***Martin, Catherine.***
Zappone, Katherine.		***Martin, Micheál.***
		Mitchell, Denise.
		Moynihan, Aindrias.
		Moynihan, Michael.
		Munster, Imelda.
		Murphy, Eugene.
		Murphy, Paul.
		Murphy O'Mahony, Margaret.
		Nolan, Carol.
		Ó Broin, Eoin.
		Ó Caoláin, Caoimhghín.
		Ó Cuív, Éamon.
		Ó Laoghaire, Donnchadh.
		Ó Snodaigh, Aengus.
		O'Brien, Darragh.
		O'Brien, Jonathan.
		O'Callaghan, Jim.
		O'Dea, Willie.
		O'Loughlin, Fiona.
		O'Reilly, Louise.
		O'Rourke, Frank.
		O'Sullivan, Jan.

		O'Sullivan, Maureen.
		Penrose, Willie.
		Pringle, Thomas.
		Quinlivan, Maurice.
		Rabbitte, Anne.
		Ryan, Brendan.
		Ryan, Eamon.
		Scanlon, Eamon.
		Sherlock, Sean.
		Shortall, Róisín.
		Smith, Brendan.
		Smith, Bríd.
		Smyth, Niamh.
		Stanley, Brian.
		Tóibín, Peadar.
		Wallace, Mick.

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Thomas Pringle and Maureen O'Sullivan.

Amendment declared lost.

Question, "That the Bill be now read a Second Time", put and declared carried.

Fossil Fuel Divestment Bill 2016: Referral to Select Committee [Private Members]

Deputy Thomas Pringle: I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(*a*) and 141.

Question put and agreed to.

Tracker Mortgages: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Pearse Doherty on Tuesday, 24 January 2017:

That Dáil Éireann:

notes that:

- the wrongful removal of tracker mortgage rates from mortgage holders, or a failure to restore mortgage holders to tracker mortgage rates they were entitled to, has affected thousands of families;

- the damage caused by the action of the banks involved goes far beyond a purely financial effect and that the effects it has had on the health and social well-being of

families, along with the accompanying social exclusion, must also be considered;

- the confirmed cases number at least 11,700 and that many more are still likely to emerge with the Governor of the Central Bank of Ireland stating that up to 15,000 is a reasonable estimate;

- the unique economic circumstances prevailing at the time this wrong doing was ongoing resulted in a more pronounced effect and impact on families affected throughout Ireland;

- the occurrence of this behaviour across the banking system suggests a co-ordinated and deliberate attempt by Irish banks to deprive thousands of families of their rights;

- the banks have admitted that dozens of families have lost their home as a result, with AIB admitting to 14 cases, Ulster Bank to 15 cases, Permanent TSB to 22 cases and other banks not yet disclosing the number;

- there are also the homes which were surrendered and were a voluntary or agreed sale, the numbers of which are not yet captured but should also be considered a loss of home;

- in October 2015 the Central Bank of Ireland finally launched an industry wide examination into this practice, years after evidence of its existence emerged; and

- former Central Bank of Ireland head of financial regulation, Matthew Elderfield, told the Committee of Public Accounts, in 2013, that he did not believe the current legislation on the Irish Statute Book was strong enough to bring people to account for white collar crime;

commends the families and advisers who have campaigned to bring this scandal to light and pledges its support to all those affected;

condemns the widespread and scandalous abuse of mortgage holders' rights carried out by multiple banks in which tracker mortgages and the applicable rates were denied to those who were entitled to them;

supports a comprehensive redress scheme that truly works for the customers affected, with a full right to access to tracker mortgages at the rate agreed as per the contract or at the rate applicable at the time the contract was entered into and compensation taking into account the financial and social impact of the bank's behaviour;

questions the delay in the Central Bank of Ireland's actions in carrying out an industry-wide examination and expresses concerns that no deadline is in place for the banks to conclude their investigations and to put in place a redress and compensation scheme;

calls for the Central Bank of Ireland investigation to uncover the grounds under which each lender decided or chose to carry out this level of wrongdoing;

believes that a major overhaul of existing law is required to ensure that individuals can be held responsible before the law for their actions in financial matters;

calls on the Government to bring forward legislation to ensure that individuals in financial institutions can be held accountable for white collar crime; and

calls on the Central Bank of Ireland, An Garda Síochána and the Office of the Director of Corporate Enforcement to co-operate, with a view to establishing if individuals, as well as corporate entities, can be held accountable for their part in this scandal.

Debate resumed on amendment No. 2:

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

notes that:

- the Central Bank of Ireland has a considerable range of supervisory, investigative and enforcement powers which have been enhanced in recent years across a wide range of areas to combat and punish wrongdoing;

- in October 2015, the Central Bank of Ireland embarked on a broader examination of tracker mortgage related issues and since then it has produced regular progress updates on the status of the examination;

- the wrongful removal of tracker mortgage rates from mortgage holders, or a failure to restore mortgage holders to tracker mortgage rates they were entitled to, has affected thousands of families;

- approximately 8,200 impacted accounts have been identified to date by the Central Bank of Ireland but that the total number of impacted accounts is likely to be higher;

- the responsibility for causing the problem, and therefore for rectifying the problem, rests in the first instance with the lenders which wrongly removed the right of their customers to a tracker mortgage rate; and

- the Central Bank of Ireland, utilising its powers, has already issued a reprimand and imposed a fine of €4.5 million on one mortgage lender, and also required the lender to provide redress and compensation to impacted customers, in respect of breaches of its obligations to tracker mortgage customers;

supports the Central Bank of Ireland's actions to initiate an industry wide examination and calls for the examination to be completed, with appropriate redress and compensation to impacted customers, as soon as possible;

recognising its independence, calls for the Central Bank of Ireland to investigate, and where pertinent, to apply appropriate sanctions to regulated entities and/or individuals for wrongdoing where supported by the evidence;

calls on the Central Bank of Ireland, An Garda Síochána and the Office of the Director of Corporate Enforcement to co-operate and act as necessary on matters arising from the examination of the tracker mortgage issue; and

calls on the Government to keep the legislation on financial regulation and white collar crime under review and to bring forward new proposals if necessary.

-(Minister for Finance).

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion on tracker mortgages. On Tuesday, 24 January 2017, on the question that the amendment to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 53; Staon, 0; Níl, 91.		
Tá	***Staon***	***Níl***
Bailey, Maria.		***Adams, Gerry.***
Barrett, Seán.		***Aylward, Bobby.***
Breen, Pat.		***Barry, Mick.***
Brophy, Colm.		***Boyd Barrett, Richard.***
Bruton, Richard.		***Brady, John.***
Burke, Peter.		***Brassil, John.***
Byrne, Catherine.		***Breathnach, Declan.***
Canney, Seán.		***Broughan, Thomas P.***
Cannon, Ciarán.		***Browne, James.***
Carey, Joe.		***Buckley, Pat.***
Corcoran Kennedy, Marcella.		***Burton, Joan.***
Coveney, Simon.		***Byrne, Thomas.***
Creed, Michael.		***Cahill, Jackie.***
Daly, Jim.		***Calleary, Dara.***
D'Arcy, Michael.		***Casey, Pat.***
Deering, Pat.		***Cassells, Shane.***
Doherty, Regina.		***Chambers, Lisa.***
Donohoe, Paschal.		***Collins, Joan.***
Doyle, Andrew.		***Collins, Michael.***
Durkan, Bernard J.		***Collins, Niall.***
English, Damien.		***Connolly, Catherine.***
Farrell, Alan.		***Coppinger, Ruth.***
Fitzpatrick, Peter.		***Crowe, Seán.***
Flanagan, Charles.		***Cullinane, David.***
Griffin, Brendan.		***Curran, John.***
Halligan, John.		***Daly, Clare.***
Harris, Simon.		***Doherty, Pearse.***
Heydon, Martin.		***Donnelly, Stephen S.***
Humphreys, Heather.		***Dooley, Timmy.***
Kehoe, Paul.		***Ellis, Dessie.***
Kenny, Enda.		***Fitzmaurice, Michael.***
Kyne, Seán.		***Fleming, Sean.***
McEntee, Helen.		***Funchion, Kathleen.***

McGrath, Finian.		***Grealish, Noel.***
McHugh, Joe.		***Harty, Michael.***
McLoughlin, Tony.		***Haughey, Seán.***
Madigan, Josepha.		***Healy, Seamus.***
Mitchell O'Connor, Mary.		***Healy-Rae, Danny.***
Moran, Kevin Boxer.		***Howlin, Brendan.***
Murphy, Dara.		***Kelleher, Billy.***
Murphy, Eoghan.		***Kelly, Alan.***
Naughton, Hildegarde.		***Kenny, Gino.***
Neville, Tom.		***Kenny, Martin.***
O'Connell, Kate.		***Lahart, John.***
O'Donovan, Patrick.		***Lawless, James.***
O'Dowd, Fergus.		***Lowry, Michael.***
Phelan, John Paul.		***MacSharry, Marc.***
Ring, Michael.		***McConalogue, Charlie.***
Rock, Noel.		***McDonald, Mary Lou.***
Ross, Shane.		***McGrath, Mattie.***
Stanton, David.		***McGrath, Michael.***
Varadkar, Leo.		***McGuinness, John.***
Zappone, Katherine.		***Martin, Catherine.***
		Martin, Micheál.
		Mitchell, Denise.
		Moynihan, Aindrias.
		Moynihan, Michael.
		Munster, Imelda.
		Murphy, Eugene.
		Murphy, Paul.
		Murphy O'Mahony, Margaret.
		Nolan, Carol.
		Ó Broin, Eoin.
		Ó Caoláin, Caoimhghín.
		Ó Cuív, Éamon.
		Ó Laoghaire, Donnchadh.
		Ó Snodaigh, Aengus.
		O'Brien, Darragh.
		O'Brien, Jonathan.
		O'Callaghan, Jim.
		O'Dea, Willie.
		O'Loughlin, Fiona.
		O'Reilly, Louise.
		O'Rourke, Frank.
		O'Sullivan, Jan.

		O'Sullivan, Maureen.
		Penrose, Willie.
		Pringle, Thomas.
		Quinlivan, Maurice.
		Rabbitte, Anne.
		Ryan, Brendan.
		Ryan, Eamon.
		Scanlon, Eamon.
		Sherlock, Sean.
		Shortall, Róisín.
		Smith, Brendan.
		Smith, Bríd.
		Smyth, Niamh.
		Stanley, Brian.
		Tóibín, Peadar.
		Wallace, Mick.

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

Amendment declared lost.

An Leas-Cheann Comhairle: Is Deputy Michael McGrath pressing amendment No. 1?

Deputy Michael McGrath: I move amendment No. 1:

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

"notes that:

— the wrongful denial of mortgage holders of their right to revert to a tracker rate following a period on a fixed interest rate, or the failure to restore mortgage holders to the correct tracker mortgage rate they were entitled to, has affected thousands of families;

— the damage caused by the action of the banks involved goes far beyond a purely financial effect and that the effects it has had on the health and social wellbeing of families, along with the accompanying social exclusion, must also be considered;

— the confirmed cases number at least 11,700 and that many more may still possibly emerge with the Governor of the Central Bank of Ireland stating that up to 15,000 is a reasonable estimate;

— the exceptional economic circumstances prevailing at the time this wrong doing was ongoing may well have resulted in a more pronounced effect and impact on families affected throughout Ireland;

— the occurrence of this practice across the banking system was widespread and systemic and resulted in thousands of families being denied their contractual rights;

— the banks have admitted that dozens of families have lost their home as a result with AIB admitting to 14 cases, Ulster Bank to 15 cases, Permanent TSB to 22 and other banks not yet disclosing the number;

— it seems certain that there are also homes which were surrendered and were a voluntary or agreed sale, the numbers of which are not yet captured but should also be considered a loss of home;

— in October 2015, the Central Bank of Ireland launched an industry wide examination into this practice, and this remains ongoing; and

— the Joint Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach, is currently examining this issue and has agreed to invite the Central Bank of Ireland to attend before the Committee on a quarterly basis, and it remains open to the Committee to issue a report and make recommendations on any aspect of this scandal;

commends the families and advisors that have campaigned to bring this scandal to light and pledges its support to all those affected;

condemns the widespread and scandalous abuse of mortgage holders' rights carried out by multiple banks in which tracker mortgages and the applicable rates were denied to those who were entitled to them;

supports a comprehensive redress scheme that truly works for the customers affected, with a full right to access to tracker mortgages at the rate agreed as per the contract or at the rate applicable at the time the contract was entered into and compensation, taking into account the financial and social impact of the bank's behaviour;

calls on the Central Bank of Ireland to impose a deadline for the banks to conclude their investigations, to put in place a redress and compensation scheme, and to have as the overarching priority, looking after the customers who have been directly affected;

calls for the Central Bank of Ireland investigation to uncover the grounds under which each lender decided or chose to carry out this level of wrong doing;

calls for an independent review of existing law to ascertain if sufficient powers exist to hold individuals responsible for their actions in financial matters;

calls on the Government to bring forward any such legislation that is identified as being necessary as a result of this examination, to ensure that individuals in financial institutions can be held accountable for any white collar crime that may occur; and

calls on the Central Bank of Ireland to use all of the available statutory powers to establish the truth of what happened in this case, including a detailed account of how it happened, who was responsible and to be led by the evidence in bringing any matters to other statutory bodies as appropriate."

Amendment put:

The Dáil divided: Tá, 97; Staon, 0; Níl, 46.		
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.*
Breen, Pat.		*Buckley, Pat.*
Brophy, Colm.		*Burton, Joan.*
Browne, James.		*Collins, Joan.*
Bruton, Richard.		*Connolly, Catherine.*
Burke, Peter.		*Coppinger, Ruth.*
Byrne, Catherine.		*Crowe, Seán.*
Byrne, Thomas.		*Cullinane, David.*
Cahill, Jackie.		*Daly, Clare.*
Calleary, Dara.		*Doherty, Pearse.*
Canney, Seán.		*Ellis, Dessie.*
Cannon, Ciarán.		*Funchion, Kathleen.*
Carey, Joe.		*Healy, Seamus.*
Casey, Pat.		*Howlin, Brendan.*
Cassells, Shane.		*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, Paul.*
D'Arcy, Michael.		*Nolan, Carol.*
Daly, Jim.		*Ó Broin, Eoin.*
Deering, Pat.		*Ó Caoláin, Caoimhghín.*
Doherty, Regina.		*Ó Laoghaire, Donnchadh.*
Donnelly, Stephen S.		*Ó Snodaigh, Aengus.*
Donohoe, Paschal.		*O'Brien, Jonathan.*
Dooley, Timmy.		*O'Reilly, Louise.*
Doyle, Andrew.		*O'Sullivan, Jan.*
Durkan, Bernard J.		*O'Sullivan, Maureen.*
English, Damien.		*Penrose, Willie.*
Farrell, Alan.		*Pringle, Thomas.*
Fitzmaurice, Michael.		*Quinlivan, Maurice.*
Fitzpatrick, Peter.		*Ryan, Brendan.*
Flanagan, Charles.		*Ryan, Eamon.*
Fleming, Sean.		*Sherlock, Sean.*
Griffin, Brendan.		*Shortall, Róisín.*

Halligan, John.		***Smith, Bríd.***
Harris, Simon.		***Stanley, Brian.***
Harty, Michael.		***Tóibín, Peadar.***
Haughey, Seán.		***Wallace, Mick.***
Healy-Rae, Danny.		
Heydon, Martin.		
Humphreys, Heather.		
Kehoe, Paul.		
Kelleher, Billy.		
Kenny, Enda.		
Kyne, Seán.		
Lahart, John.		
Lawless, James.		
Lowry, Michael.		
MacSharry, Marc.		
McConalogue, Charlie.		
McEntee, Helen.		
McGrath, Finian.		
McGrath, Mattie.		
McGrath, Michael.		
McGuinness, John.		
McHugh, Joe.		
McLoughlin, Tony.		
Madigan, Josepha.		
Martin, Micheál.		
Mitchell O'Connor, Mary.		
Moran, Kevin Boxer.		
Moynihan, Aindrias.		
Moynihan, Michael.		
Murphy O'Mahony, Margaret.		
Murphy, Dara.		
Murphy, Eoghan.		
Murphy, Eugene.		
Naughton, Hildegarde.		
Neville, Tom.		
Ó Cuív, Éamon.		
O'Brien, Darragh.		
O'Callaghan, Jim.		
O'Connell, Kate.		
O'Dea, Willie.		
O'Donovan, Patrick.		
O'Dowd, Fergus.		

O'Loughlin, Fiona.		
O'Rourke, Frank.		
Phelan, John Paul.		
Rabbitte, Anne.		
Ring, Michael.		
Rock, Noel.		
Ross, Shane.		
Scanlon, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Stanton, David.		
Varadkar, Leo.		
Zappone, Katherine.		

Tellers: Tá, Deputies Michael Moynihan and John Lahart; Níl, Deputies Aengus Ó Snodaigh and Pearse Doherty.

Amendment declared carried.

Motion, as amended, put and agreed to.

Establishment of Commission of Investigation into the Stardust Tragedy: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Thomas P. Broughan on Wednesday, 25 January 2017:

That Dáil Éireann:

notes that, 35 years following the Stardust tragedy in which 48 people died and 214 people were injured, families, relatives and victims of the tragedy have never received full and complete answers as to what occurred on the night of 14th February, 1981;

further notes that:

— the Stardust Relatives' and Victims Committee have continually attempted to liaise with the Department of Justice and Equality and the Taoiseach regarding misgivings around previous investigations; and

— the Government have repeatedly called for new evidence yet have refused to meet with the Stardust Relatives' and Victims Committee regarding the new and updated evidence they have uncovered since reviewing Judge Keane's *Report of the Tribunal of Inquiry on the fire at the Stardust, Artane, Dublin* in 2006; and

calls on the Government to immediately establish a Commission of Investigation into the Stardust Tragedy of 1981.

Debate resumed on amendment No. 1:

To delete all words after "misgivings around previous investigations" and substitute the following:

"- there has been important work conducted by individual researchers on a voluntary basis over many years into the causes of the tragedy; and

- the Programme for a Partnership Government specifically states that 'full regard will be had to any new evidence which emerges which would be likely to definitely establish the cause of the fire at Stardust';

calls on the Government to meet with the Stardust Relatives' and Victims Committee regarding the new and updated evidence they have uncovered since reviewing Judge Keane's Report of the Tribunal of Inquiry on the fire at the Stardust, Artane, Dublin in 2006, to have that new and updated evidence assessed urgently by an independent person who has the trust of the families; and

if the independent assessment confirms the existence of new evidence, calls on the Government to immediately establish a Commission of Investigation into the Stardust Tragedy of 1981."

- (Tánaiste and Minister for Justice and Equality)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding the establishment of a commission of investigation into the Stardust tragedy. On Wednesday, 25 January 2017, on the question that the amendment to the motion be agreed to, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

The Dáil divided: Tá, 94; Staon, 0; Níl, 50.		
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.***
Breen, Pat.		***Buckley, Pat.***
Brophy, Colm.		***Burton, Joan.***
Browne, James.		***Collins, Joan.***
Bruton, Richard.		***Collins, Michael.***
Burke, Peter.		***Connolly, Catherine.***
Byrne, Catherine.		***Coppinger, Ruth.***
Byrne, Thomas.		***Crowe, Seán.***
Cahill, Jackie.		***Cullinane, David.***
Calleary, Dara.		***Daly, Clare.***
Canney, Seán.		***Doherty, Pearse.***
Cannon, Ciarán.		***Ellis, Dessie.***

Carey, Joe.		*Fitzmaurice, Michael.*
Casey, Pat.		*Funchion, Kathleen.*
Cassells, Shane.		*Healy-Rae, Danny.*
Chambers, Lisa.		*Healy, Seamus.*
Collins, Niall.		*Howlin, Brendan.*
Corcoran Kennedy, Marcella.		*Kelly, Alan.*
Coveney, Simon.		*Kenny, Gino.*
Curran, John.		*Kenny, Martin.*
D'Arcy, Michael.		*McDonald, Mary Lou.*
Daly, Jim.		*McGrath, Mattie.*
Deering, Pat.		*Martin, Catherine.*
Doherty, Regina.		*Mitchell, Denise.*
Donnelly, Stephen S.		*Munster, Imelda.*
Donohoe, Paschal.		*Murphy, Paul.*
Dooley, Timmy.		*Nolan, Carol.*
Doyle, Andrew.		*Ó Broin, Eoin.*
Durkan, Bernard J.		*Ó Caoláin, Caoimhghín.*
English, Damien.		*Ó Laoghaire, Donnchadh.*
Farrell, Alan.		*Ó Snodaigh, Aengus.*
Fitzpatrick, Peter.		*O'Brien, Jonathan.*
Flanagan, Charles.		*O'Reilly, Louise.*
Fleming, Sean.		*O'Sullivan, Jan.*
Gallagher, Pat The Cope.		*O'Sullivan, Maureen.*
Grealish, Noel.		*Penrose, Willie.*
Griffin, Brendan.		*Pringle, Thomas.*
Halligan, John.		*Quinlivan, Maurice.*
Harris, Simon.		*Ryan, Brendan.*
Harty, Michael.		*Ryan, Eamon.*
Haughey, Seán.		*Sherlock, Sean.*
Heydon, Martin.		*Shortall, Róisín.*
Humphreys, Heather.		*Smith, Bríd.*
Kehoe, Paul.		*Stanley, Brian.*
Kelleher, Billy.		*Tóibín, Peadar.*
Kenny, Enda.		*Wallace, Mick.*
Kyne, Seán.		
Lahart, John.		
Lawless, James.		
Lowry, Michael.		
MacSharry, Marc.		
McConalogue, Charlie.		
McEntee, Helen.		
McGrath, Finian.		

McGrath, Michael.		
McGuinness, John.		
McHugh, Joe.		
McLoughlin, Tony.		
Madigan, Josepha.		
Martin, Micheál.		
Mitchell O'Connor, Mary.		
Moran, Kevin Boxer.		
Moynihan, Aindrias.		
Moynihan, Michael.		
Murphy O'Mahony, Margaret.		
Murphy, Dara.		
Murphy, Eoghan.		
Murphy, Eugene.		
Naughton, Hildegarde.		
Neville, Tom.		
Ó Cuív, Éamon.		
O'Brien, Darragh.		
O'Callaghan, Jim.		
O'Connell, Kate.		
O'Dea, Willie.		
O'Donovan, Patrick.		
O'Dowd, Fergus.		
O'Loughlin, Fiona.		
O'Rourke, Frank.		
Phelan, John Paul.		
Rabbitte, Anne.		
Ring, Michael.		
Rock, Noel.		
Ross, Shane.		
Scanlon, Eamon.		
Smith, Brendan.		
Smyth, Niamh.		
Stanton, David.		
Varadkar, Leo.		
Zappone, Katherine.		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Thomas P. Broughan and Joan Collins.

Amendment declared carried.

Motion, as amended, put and declared carried.

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 Pat The Cope Gallagher - resourcing concerns at Letterkenny University Hospital; (2) Deputy Michael D'Arcy - the reinstatement of the Gorey Garda district; (3) Deputy John Curran - HSE funding of the north Dublin Tiglin rehabilitation service; (4) Deputy Tom Neville - the additional beds needed at University Hospital Limerick; (5) Deputy Noel Rock - the withdrawal of funding for DCU's intergenerational learning programme; (6) Deputies Brendan Smith, Shane Cassells and Thomas Byrne - concerns with EirGrid plans for the North-South interconnector; (7) Deputy Jonathan O'Brien - concerns for local authorities selling homes under the Tenant (Incremental) Purchase Scheme 2016; (8) Deputy Bernard J. Durkan - delays in development at the town centre, Naas, County Kildare; (9) Deputy Imelda Munster - funding for preservation works at the 13th century barbican, St. Laurence's Gate, in Drogheda town; (10) Deputy Fiona O'Loughlin - water and sewerage services at Oak Park, Narraghmore, County Kildare; (11) Deputy Éamon Ó Cuív - consideration of the action plan for rural development; (12) Deputy Clare Daly - the administration of defined benefit pension schemes; (13) Deputy Mick Wallace - to discuss the need for a full independent commission of investigation into the workings of NAMA; (14) Deputy Bríd Smith - the HSE withdrawal of its appeal on consultants' pay; (15) Deputy Richard Boyd Barrett - the future of Ardmore Studios; and (16) Deputy Joan Burton - to ask the Minister for Education and Skills if he will state how, under the new model for allocation of resource teaching hours in primary and secondary schools, children who received diagnoses in the school year 2016/2017 will receive resource teaching hours from September 2017, and if he will make a statement on the matter.

The matters raised by Deputies Michael D'Arcy, John Curran, Éamon Ó Cuív and Richard Boyd Barrett have been selected for discussion.

Ceisteanna - Questions

Priority Questions

Public Sector Pay

1. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the source of the extra funding to pay for the Labour Relations Commission's decision regarding the Garda associations and for the recent deal with the Irish Congress of Trade Unions, ICTU; if he has had discussions with line Ministers regarding the potential impact of the revised allocation on their departmental budgets; and if he will make a statement on the matter. [3597/17]

Deputy Dara Calleary: I ask the Minister to outline where he intends to find the €120 million announced last week regarding an extension of the terms of the Lansdowne Road agree-

ment and the €25 million that is part of the Garda settlement that is being assigned to general expenditure.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): The requisite funding in respect of the recent Government decision for an additional payment to public servants with annualised salaries of up to €65,000, as provided for under section 6 of the Lansdowne Road agreement, will be met from available public resources, taking into account the scope for the reallocation of expenditure while ensuring that core public services are not adversely affected. Regarding the separate Labour Relations Commission decision in favour of increased Garda remuneration, the Government agreed in December to fund half of the estimated €50 million cost of this recommendation, with the balance to be met from savings within the Department of Justice and Equality group of Votes to be achieved during this year. The additional funding of €25 million from the Exchequer was provided in the Revised Estimates Volume, which was published before Christmas.

The extent to which Departments are in a position to meet the additional cost of the broader recommendation with unions will only be determined later in the year. The Government will monitor the position closely and consider how best to meet any additional funding requirements where the need arises. However, given that the additional cost represents 0.2% of total gross voted current expenditure, most Departments should be accordingly in a position to absorb the additional costs arising from this decision. As reported in the end-December Exchequer returns, savings of €168 million were achieved in 2016, which is less than the sum of money in consideration for this year.

It is important to note that this is effectively a once-off additional payment for 2017; it is not a recurring payment. This is because the payment will be replaced by the already scheduled and budgeted payment for public servants on similar terms of €1,000 to annualised salaries up to €65,000 from 1 September 2017. The carryover costs into 2018 of this payment have therefore already been provided for in respect of the Lansdowne Road agreement for 2018.

Deputy Dara Calleary: I will read to the Minister a comment by the Fiscal Advisory Council:

> For 2017, the ... fiscal space under the rules has already been allocated in budget 2017 for tax cuts and expenditure increases. As a consequence, any new increases in expenditure, such as to fund higher public sector pay, imply lower spending in other areas unless offset by compensatory tax changes.

Can the Minister give a guarantee that there will not be any impact on services delivered by any Department in this regard? I am concerned that we are now coming into the beginning of the second month of the year and that he has allocated €120 million worth of expenditure in respect of which he still does not know where it will come from.

Finally, I ask him to comment on the overnight development regarding the HSE's decision to withdraw its appeal to the Workplace Relations Commission regarding the payment of consultants and the potential this may have for a necessary increase in the Department of Health budget. Will he outline the Government's strategy for dealing with this position?

Deputy Paschal Donohoe: I will begin with the matter on which the Deputy concluded. I will not comment on the details of the two individual cases that were agreed overnight. However, I want to be very clear to the House that the Government will vigorously defend our case

regarding consultant contracts over the coming period. As we move into the period of defending our case in this regard, the Department of Health, the Department of Finance and my Department will be parties to that case and we will vigorously defend our views and our legal case regarding this matter.

Regarding the two other areas the Deputy has raised with me, I have outlined a process whereby throughout the year I will identify this funding and I will be accountable to him and to the House in that regard. The other challenge I face is that if I had not made this agreement, I could have faced far greater uncertainty in the public finances for 2016.

Deputy Dara Calleary: I will focus on the case because the Minister has left many unanswered questions about it. How can he say the Government is vigorously defending a case when it has withdrawn the appeal? I do not want him to comment on the two specific cases but I do want him to comment on the reports we are seeing across all the media today that this could cost up to €350 million.

Deputy David Cullinane: Yes.

Deputy Dara Calleary: The Government has lost the case. Given the fact that it has withdrawn the appeal against the case, the notion of vigorously defending its case seems rather hollow. I appreciate the Minister cannot comment on the two specific cases, but what are the overall implications of this decision not to proceed with the appeal? What are those implications for the health budget in 2017, 2018 and beyond? When will we have a strategy from the Government as to how it will deal with this? Will that strategy impact on services that are already in crisis in the health sector?

Deputy Paschal Donohoe: I have been very clear about what we will do in this regard. I have commented on two individual cases that reached agreement over the past 24 hours, but my comments refer to those cases that are to come, of which there are a significant number. The Government will make very clear that we will robustly defend our views regarding consultant contracts, which date back to 2009. This is an issue that has been going on for a number of years. I will not comment on the terms and settlements regarding those individual cases that were settled. That would not be appropriate. To deal with the question the Deputy has just asked me about the cost, it would be absolutely irresponsible of me to come into the Houses of the Oireachtas and outline a liability regarding cases which the State will defend and in respect of which we will make very clear our robust views. I am happy to confirm this to the House.

Public Private Partnerships

2. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform the detail of the review his Department will undertake regarding the role and use of public private partnerships in future capital projects, further to his comments before the Select Committee on Budgetary Oversight; the lessons learnt in this regard; and if he will make a statement on the matter. [3599/17]

Deputy David Cullinane: In response to a question asked at a sectoral committee hearing regarding the greater use of flexibilities in terms of the fiscal space for capital investment, the Minister said he and his Department were looking at "a greater use of public private partnerships". I ask him to outline the detail of any review that his Department will undertake regard-

ing the role and the use of public private partnerships in future capital projects.

(Deputy Paschal Donohoe): As I announced in my speech on budget day last year, this spending review will be carried out in advance of budget 2018. The economic and political landscape in Ireland has changed very considerably since this work was last done in 2014. There are now increasing and competing public service demands across a period in which expenditure growth is planned at a moderate pace. The approach taken to this review will therefore be tailored to reflect the changed context and lessons from previous reviews. We will systematically identify the cost of existing projects and, as part of doing this work, we will look at the role of PPPs.

PPPs offer an alternative model for delivering infrastructure that can be effective in particular circumstances. Under the comprehensive policy framework for PPPs that has been put in place, there is detailed guidance on the value-for-money tests that must be applied at different points in the procurement cycle to determine a project's appropriateness for procurement as a PPP.

While I am open to considering, on the basis of this review, the role they may play in priority public capital infrastructure, as I said to the Deputy in the meeting of the Committee on Budgetary Oversight, the complexity of determining the off-balance-sheet status of a project can, in certain circumstances, introduce a level of uncertainty into capital planning. Consequently, at a point in the future the Government can find itself facing difficult choices over commitments made if it turns out that the planned level of off-balance-sheet funding simply is not feasible.

The affordability and fiscal sustainability of PPPs are particularly important considerations for the review in light of the higher cost of private finance and the long-term nature of the financial commitments arising from PPPs.

2 o'clock

Deputy David Cullinane: Of course, PPPs can be presented as an alternative model. The question is whether they are viable and represent value for money. Even conservative economists such as Colm McCarthy have raised concerns about their use. There are significant oversight issues that need to be addressed but nothing in the Minister's response indicates this will be the case. The Comptroller and Auditor General says he does not have the resources to give the Committee on Public Accounts the reassurance it wants about value for money. He said there is a need for post-project reviews to be carried out. Very few of these reviews were carried out and presented to the Committee on Public Accounts for proper scrutiny. There are no real checks and balances and no opportunity, despite the Government's talk of reform, for us to assess the value for money of PPPs. Unless the Minister is prepared to present us with a value-for-money report and a review of the existing use of PPPs, it is unlikely that he will get support for further PPPs.

Deputy Paschal Donohoe: In the comprehensive spending review, we want to focus on the role of PPPs and to examine the benefits and costs relating to them. I am well aware of their operation from their extensive use in the provision of public transport. The Deputy continually presses me on the need for increased capital investment. He points to the projects that need to be delivered. Surely, therefore, it is appropriate that we consider the role PPPs may play in the future in delivering very important transport infrastructure projects. PPPs have enabled the delivery of five bundles of schools and a variety of road projects across the country, including

those relating to the M11 and N25. We will deal with the benefits and costs of that approach in the capital review.

Deputy David Cullinane: The Minister has not answered my questions on the viability of PPPs and value for money. There is already flexibility in capital spending whereby any investment can be spread over four years, which is why Sinn Féin provided for €1.2 billion of additional capital investment in our alternative budget. The Minister flunked that and missed an opportunity to have significant capital investment this year when it is most needed. According to a response to a query to the Minister's Department, only 11 post-project reviews of PPPs were carried out. The reports were never published or laid before the Committee of Public Accounts despite requests for them. In other jurisdictions, it is the norm to have pre and post-project reports. The level of monitoring and oversight in respect of PPPs in this State is very poor and lax. That is why we do not have the confidence that we are getting value for money because even the post-project reports are not being properly scrutinised by the Oireachtas.

Deputy Paschal Donohoe: The only one missing an opportunity here is Sinn Féin by the Deputy's not taking the opportunity to listen to the answer I gave. I made very clear that the capital spending review will consider the options, benefits and costs that such PPPs offer. Many projects have already been built but because they were pursued under the PPP model, there are payments the State will have to honour in coming years in respect of their maintenance. As the Deputy knows, many documents are not made public because they are commercially sensitive and because of the agreements we have made with Irish and international companies that have been paid to deliver significant infrastructure projects. I am not committing to more PPPs because I want to do the work to ensure I do the right thing for the infrastructure projects the State needs.

Expenditure Reviews

3. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform his Department's plan to undertake an expenditure review in 2017; the timelines involved; if the review will include a comprehensive review of departmental expenditure ceilings; and if he will make a statement on the matter. [3598/17]

Deputy Dara Calleary: The Minister announced on budget day that there would be an expenditure review in 2017. We are three months on from budget day and I want the Minister to outline the detail of that review, the timescale involved and what impact it will have on preparations for budget 2018.

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): Preliminary work began on this at official level at the start of this year. I will be bringing to Cabinet in the next two weeks papers and proposals further laying out the process and the manner in which I aim to deliver this work.

This review will systematically examine the costs of existing policies to identify scope for funding of new initiatives from existing resources. This represents a change from the approach taken in previous spending review rounds, with a focus on the need to prioritise between competing demands, rather than a need to reduce overall expenditure. This review will also see a move away from the comprehensive approach taken in previous years to a system of rolling selective reviews. All current departmental expenditure - with the exception of pay rates - will

be examined over a three-year period.

The expenditure report for 2017 details the expenditure ceilings from 2017 to 2019 for each of the ministerial Vote groups, which are within the allocations allowed by the latest forecasts of available funds. The aim of this process is not to review or reduce expenditure ceilings, rather to examine existing spending within those ceilings to identify less efficient or effective areas and thereby create space for new, higher priority, more effective and efficient initiatives. This process operates within the wider budgetary architecture and the medium-term expenditure framework, which supports sustainable expenditure policy, anchored by adherence to the fiscal rules. This reprioritisation and focus on totality of spend, rather than on incremental increases in expenditure, is something I have repeatedly emphasised.

The spending review will operate as a separate but parallel process to the budget. This year, the spending review process is beginning earlier than would have been the case previously.

Deputy Dara Calleary: I am still in the dark as to the practical steps of the review. There will be rolling selective reviews and new processes. When will Departments be informed of the process? Does the notion of a rolling selective review mean that some Departments will not be involved in the process this year or will they all be involved? Will this process be completed ahead of the summer when Departments submit their various budget priorities for 2018? What will be the consequences? The Irish Fiscal Advisory Council said previous expenditure reviews and ceilings were consistently breached and raised. What will the consequences be or will there be discussions about consequences for a Department that does adhere to its expenditure ceilings? Will the new controls arising from the fiscal rules be part of this review?

Deputy Paschal Donohoe: Yes, all Departments will participate. We have selected, at official level, specific subheads within each Department that are equivalent to approximately one third of the expenditure under which this approach will be used, setting out the objectives for those expenditure subheads and using cost-benefit analysis and other economic techniques to determine whether they are delivering the objectives set in respect of them. I would expect the work to be completed in the second half of this year rather than the first half. It will be exceptionally serious if a Department breaches its expenditure ceiling. All our efforts go in month after month to making sure it does not.

Deputy Dara Calleary: The spending review will be complete in the second half of this year. Can the Minister confirm that it will not have any impact on budget 2018? He has identified a third of the expenditure in the various Departments. How were those budget votes identified? If they are excluded will they not be limited or subject to scrutiny? Does that mean that certain areas of expenditure will get away with not being scrutinised? How were the various Votes selected?

Deputy Paschal Donohoe: I answered the Deputy's question about the timing of the review when I said it will be completed in the second half of 2017. Clearly, my objective is to get this work done as early as possible in the second half of 2017. That would facilitate the redeployment of existing expenditure in the hope of delivering new initiatives next year, or delivering existing objectives in a better way. Areas of expenditure were selected on the basis of policy relevance and discussions between officials in my Department and the Department that is responsible for the relevant subhead. The answer to the Deputy's question about whether other areas of expenditure will get away with it is "No". We have outlined a rolling process. The objective is that we will cover a third of Government expenditure every year. This means we

are aiming to cover all Government expenditure over a period of approximately three years.

Visit of Bosnia and Herzegovina Delegation

An Ceann Comhairle: Before proceeding to the next question, I wish on my own behalf and on behalf of the Members of the Dáil to offer a céad míle fáilte, a most sincere welcome to His Excellency, Mr. Igor Crnadak, Minister of Foreign Affairs of Bosnia and Herzegovina. I express the hope that he will find his visit here enjoyable, successful and to our mutual benefit. He is focusing on his country's future membership of the European Union. We wish him well in that regard.

Ceisteanna - Questions (Resumed)

Other Questions

An Ceann Comhairle: As Deputy Eamon Ryan is not present, we will move on to Question No. 5, in the name of Deputy Richard Boyd Barrett.

Question No. 4 replied to with Written Answers.

Public Sector Pay

5. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform if, in his deliberations on bringing forward pay restoration to April 2017, he considered dealing with the outstanding issue of pay levels for new entrants to the public sector; and if he will make a statement on the matter. [3417/17]

Deputy Richard Boyd Barrett: I am returning to the issue of equal pay for equal work. As the Minister knows, members of the Association of Secondary Teachers in Ireland are balloting this month. Quite rightly, the association's central executive is recommending the rejection of the Government's proposals. The Government is continuing to refuse to commit to the simple principle of equal pay for equal work for which workers have been fighting since the 19th century. There used to be a pay gap on gender grounds. We now consider it completely unacceptable for women to be paid less than men for doing the same job. It somehow seems acceptable to this Government that young workers should be paid less for doing the exact same job in the exact same school on the basis that they are younger and started work after 2012. What does the Minister intend to do about it?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): On 29 November last, I announced a two-phase approach to securing the future of collective pay agreements. It was intended that the first phase would address anomalies arising from the recent Labour Court recommendations in respect of An Garda Síochána and the second phase would negotiate a successor to the Lansdowne Road agreement. My priorities for the first phase were to secure the continued implementation of the Lansdowne Road agreement, to maintain the productivity, industrial peace and stability provided by that agreement and to ensure issues of

mutual concern to the parties are addressed in a fair and reasonable way and, above all, in a manner that safeguards existing Government expenditure commitments and the broader fiscal position. Under the settlement that was reached last week, and in acknowledgement of the anomaly that has arisen, the Government in its capacity as the public service employer agreed to an increase in annualised salaries of €1,000 for the period from April to August of this year for those on salaries up to €65,000, those who are parties to the Lansdowne Road agreement and those who do not stand to benefit from the Labour Court recommendations issued in respect of the Garda associations.

The issue of addressing the difference in incremental salary scales between public servants who have entered public service employment since 2011 and those who entered before that date was addressed with the relevant union interests under the provisions of the Lansdowne Road agreement. In addition, flexibility provided for within the Lansdowne Road agreement has allowed the Government more recently to address particular sectoral issues such as the restoration of supervision and substitution payments, new entrant payments in the education sector and the restoration of rent allowances to new entrant firefighters. This shows the value of a collective approach. The Deputy will be aware that the Public Service Pay Commission intends to examine evidence on recruitment and retention of identifiable groups and to compare public service remuneration to prevailing private sector or market rates. It will include its findings in its report, which is to be published in the second quarter of this year and will form the basis of the second phase of our negotiations.

Deputy Richard Boyd Barrett: With respect, the Minister's waffle is not an answer to my question about equal pay for equal work. Under the new proposals, a person who started teaching after 2011 will earn €6,000 less in his or her first year of teaching than somebody doing the same job who happened to come in before 2011. That figure will be €5,800 in the second and third years of teaching and €6,000 in the fourth year. This pattern will continue until the ninth year, when the pay gap will be €8,500. Service officers and ushers in the Oireachtas are affected by this. Those who came in after 2012 get 10% less than those who came in previously. People who are working in this building are being paid €2,500 less for doing exactly the same job. Does the Minister think that is acceptable? I do not. Will he commit to equal pay for equal work? Does the Minister agree it is ironic that the actions of teachers and gardaí who took industrial action and refused to accept the Lansdowne Road agreement have forced him to give an extra €1,000 to those inside the agreement, but he will not give this payment to those who actually fought to achieve it? Essentially, he is putting the Sword of Damocles over their heads.

Deputy Paschal Donohoe: The Deputy does his case a disservice with his characterisation of my answer to Question No. 5. I responded to the various matters he raised in the question and I explained the process the Government is using as it seeks to deal with all of these matters. Unlike the Deputy, I am responsible for deciding how to allocate taxpayers' funds between competing demands. It is simply not possible to deal with this matter in isolation from all the areas in which improved public services are needed, not to mention the other pay issues that are being raised by the trade union movement and employees. I would respond to the Deputy's reference to the Sword of Damocles by expressing my belief that it is absolutely appropriate for the benefits of the agreements we reach with representatives of employees to be confined to those employees.

Deputy Richard Boyd Barrett: The message the Government is sending when it issues this threat is "it is our way or the highway". I remind the House that no trade unionist ever had a ballot on the system of pay apartheid that was unilaterally imposed by the Government

to deny young people equal pay for equal work. Given that new-entrant nurses are receiving 10% less pay than existing nurses, is the Minister surprised that the Government is unable to recruit nurses at a time when everybody acknowledges more nurses are needed? When that is considered alongside the mess in the health service, it is no wonder they do not want to work here. This problem is going to get worse as the need for public sector recruitment increases. Even more workers will join the teachers in being paid less when they come in. How are they supposed to afford a roof over their heads? The Minister is simply not addressing the issue of equality about which I asked him. The Government could make Apple pay its taxes to pay for this. That would be an alternative way of boosting the budget.

Deputy Paschal Donohoe: I am in favour of fairness. I want to ensure we have the right level of public services for those who need them. I want us to be in a position to build the homes that Deputy Boyd Barrett quite correctly referenced the need for, to invest in hospitals and universities and to deliver the transport infrastructure mentioned by Deputy Cullinane earlier. The challenge is that the same funding which would have to be used to deliver all of this is the same funding we have to use to pay public service workers. Any single change in the State's pay and pension bill of approximately €15 billion would have substantial consequences for our ability to improve our public services and pay every public service worker fairly, regardless of the point in time at which they entered the public service. It would be great if Deputy Boyd Barrett were to refer in his analysis of this issue to the fact that we concluded our negotiations with the INTO and the TUI with an agreement that seeks to deal with the issue of teachers' pay in a phased manner across 2017 and 2018.

Question No. 6 replied to with Written Answers

Public Sector Staff Remuneration

7. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform the savings and efficiencies his Department has highlighted in order to fund the decision to move forward to the earlier date of 1 April 2017 the partial pay restoration due to public sector workers earning less than €65,000; and if he will make a statement on the matter. [3273/17]

8. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on his recent decision to approve increases in annualised salaries in the public service for the period from 1 April 2017 to August 2017; the way in which he is providing for the reported €120 million cost of the increase; and if he will make a statement on the matter. [3280/17]

26. **Deputy John Curran** asked the Minister for Public Expenditure and Reform the estimated cost in 2017 to bring forward to April 2017 a €1,000 per annum pay increase for public servants; the proposed savings and efficiencies he plans to make to provide the funding for these increases; and if he will make a statement on the matter. [3266/17]

29. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform the source of the money to bring forward pay restoration for public sector workers earning below €65,000; and if he will make a statement on the matter. [3416/17]

32. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he expects to be in a position to meet the costs associated with all recent pay

agreements while maintaining the principles of the Lansdowne Road and other agreements and remain within budgetary targets; and if he will make a statement on the matter. [3419/17]

Deputy David Cullinane: The Minister has been asked repeatedly to outline to Members of this House where he will find the savings and efficiencies necessary to meet the €120 million cost of the partial pay restoration for public servants earning below €65,000. That restoration is welcome but we need to know the detail of how the moneys will be found. There is a concern that the Government will cut services to fund the cost of the pay restoration. When the Minister says the increase will be paid for through efficiencies and savings, he has a responsibility to spell out what exactly he means by that.

(Deputy Paschal Donohoe): I propose to take Questions Nos. 7, 8, 26, 29 and 32 together.

I have a responsibility, which I will discharge across the year, to put in place measures that bring certainty in respect of the public service pay bill for 2017. I am confident that if I had not taken this measure, Deputy Cullinane would be criticising me on that basis. I have adopted a particular measure and explained the process by which I will identify the funding for it, funding which is less than the amount of savings I identified in 2016. Across the year, through the reviews that are ongoing in my Department in the run-up to budget 2018 and in advance of the publication of the various papers that form part of the budgetary process, I will deal with this matter. Deputy Cullinane welcomed the progress we have made in this area. If I had not made this intervention, I would be subject to criticism today on that head.

Deputy Thomas P. Broughan: We had a lengthy discussion at the budgetary oversight committee about how the €120 million cost of the pay restoration will be met. I was not able to stay for the end of the Minister's contribution but there was grave dissatisfaction with his explanation in that regard. There was extensive discussion with Deputies Cullinane and Pearse Doherty about savings and efficiencies but the Minister did not shed much light on exactly how the moneys will be found. We welcome the restoration of the savage cuts in public sector pay since 2009. However, the Minister seems to be saying that if he had not taken this measure, he would have been facing even greater expenditure later in the year in the wake of the Labour Court finding on Garda pay. Did he seek any advice from the newly-established Public Service Pay Commission before coming to his decision?

Deputy Richard Boyd Barrett: The point is that we do not accept the Minister must rob Peter to pay Paul. Workers are entitled to pay restoration, even in excess of the proposed €1,000, but we do not accept that money should be taken from services to fund that. We are seeking a commitment that services which are starved of funding will not be hit as a result of this measure. The Minister likes to ask where else the money will come from. We are tired of telling him that his envelope is too small because he consistently resists our appeals to him to look elsewhere for additional revenue. Additional moneys could be found by making the vulture funds and companies like Apple pay their taxes, by introducing a financial transaction tax, and by obliging landlords and higher earners to pay more taxes. There is plenty of money to be had and it should be used to redistribute the wealth in this country in a fair way, which allows us both to fund public services and give public sector and other workers decent pay levels.

Deputy Paschal Donohoe: Deputy Broughan asked whether I sought input from the Public Service Pay Commission on this matter. I did not do so because the terms of reference of that body refer exclusively to the potential for and aftermath of a replacement to the Lansdowne Road agreement. It would not, therefore, have been appropriate to ask the commission's view

on this matter. Regarding the Deputy's analysis of why I chose to take this particular action, there is much truth in the point he makes. I had a very substantial concern that if the Government found itself in a position, in the course of the year, of having to deal with a set of competing sectoral pay claims, that would have completely undermined our plans for public pay for the second half of this year and the costs thereof, which would have had extremely serious consequences for service delivery.

In fairness to Deputy Boyd Barrett, he is unusual in always sketching out the ways in which he proposes to raise additional moneys. However, where he and I differ is in my view that all the revenue-raising measures he is suggesting would have negative consequences which would, in turn, affect the performance of our economy, security of jobs and our ability to pay for public services. The Deputy referred to Apple but made no mention of the fact that company employs thousands of people in this country. In referring to financial services he did not allude to the tens of thousands of Irish people employed in that sector and that multinational investment is a core part of how we provide employment throughout the State. There are alternative sources of income but implementing the measures the Deputy is proposing would undermine the kind of revenue and economic growth we need to pay for the public services improvements we wish to see.

Deputy David Cullinane: The Minister should act in the manner in which he would expect the Opposition to act. If I were to come into this House and put forward a proposal that cost €120 million, the Minister would ask how I proposed to pay for it. If I responded that it should be collected through general savings and efficiencies, I would be laughed out of the Chamber, as would any of my Opposition colleagues. We are obliged to line-item and cost every single proposal, down to the cent, that we suggest. The Minister seems to think he can operate in a different set of circumstances, merely having to waltz in and announce a cost of €120 million for this particular measure. I agree with the decision on pay restoration but this is about having a process and ensuring the Minister is accountable. He has not offered us one line item showing how a single cent in savings will be achieved apart from general broad-brush references to savings and efficiencies. That is not good enough. It is not appropriate to treat the Oireachtas and the committee which has responsibility for budget oversight in that way. I am asking the Minister to do what he asks us on this side of the House to do by offering a detailed outline of how the moneys will be found.

Deputy Thomas P. Broughan: The Minister is telling us he has a package of a quantum of savings and efficiencies that will enable him to implement the pay restoration. However, we have a responsibility to ask the questions we are asking. If the Minister were in our position - even if he agreed with our proposal, as we do with his - he would want to know how exactly it was proposed to do it. Does he intend, for example, to rely on tax buoyancy and the expectation the tax take will be ahead of target as the year develops? Has he factored in how this measure will impact on overall spending throughout the year and into the following years? We spoke at the committee about issues like inflation and increasing staff numbers in the public sector. Will the Minister give us concrete answers to the questions we have raised?

Deputy John Curran: Budget 2017 included a figure for efficiencies, counter-fraud, anti-fraud and so on. There was some discussion at the time about the fact the social welfare changes would only come into force in March. The cost to bring them all forward to the beginning of the year was stated as being in the region of €60 million. There were no additional savings or efficiencies achieved last October or November but now we are to accept they will suddenly become available during the course of this year. I support the principle of what the Minister is

doing but like my colleagues on the right-----

Deputy David Cullinane: On the left.

Deputy Richard Boyd Barrett: Is that literally or figuratively?

Deputy John Curran: I agree with what the Minister is trying to do but what I do not agree with and what is not fair to Members is the ambiguous way in which these figures are being produced. The savings involved are additional to those already identified in the budget for 2017 that was introduced last October. There was not €60 million available to bring forward social welfare payments to the beginning of January but now there is €120 million for this initiative. The issue is the identification of the detail and clarity on from where those funds are coming.

An Ceann Comhairle: I call Deputy Boyd Barrett.

Deputy John Curran: I am sorry; I had a lot of making up to do.

Deputy Richard Boyd Barrett: Let us be clear. I want to see pay restoration and a hell of a lot more of it. I was talking to some of the service officers in here and they are nearly crying as a result of some of the pay levels they have to put up with. They need this pay. What I do not like, which was implicit in what the Minister said, is that it is essentially one or the other - it is services that are cash starved or it is pay. We do not accept that. We want the details, which the Minister would expect of us, as Deputy Cullinane said. It is not just hypothetical. We have been laughed at and ridiculed by the Minister when we put forward other tax revenue-raising proposals. He said they were nonsense, that he wanted costings and that they would destroy the economy and so on. The Minister insists on detail and he is not prepared to provide any such detail. As a result, we are concerned that this is a case of robbing Peter to pay Paul. The Minister has an obligation to tell us from where the money is coming.

Deputy Paschal Donohoe: I will make three points. Since I made this announcement, I have outlined that I would put in place the measures and decisions to ensure that services are not affected as a result of doing this. I welcome that all Deputies have agreed with the decision I made and indicated that it was an appropriate response to the matter that developed in the aftermath of the Labour Court recommendation. In line with the commitments I have to the Oireachtas in 2017 on the publication of the work that is necessary in advance of budget 2018, I will identify the choices I will make to deliver this funding while not reducing service commitments to citizens.

I will conclude by responding to the point Deputy Curran made. I remind him that this issue developed in the aftermath of the budget in October. The Labour Court recommendation and the consequences of it for gardaí happened after the budget was presented to the House. If I had stood up in the House and presented higher figures for public pay than were agreed in the Lansdowne Road agreement, I would have been asked by the Deputy and other colleagues why we were changing assumptions on public pay under the Lansdowne Road agreement and why we were asking the House to sanction people being paid more. That would not have been the appropriate thing to do at that point. In 2017, as we move through the management of a budget of €58 billion, I will identify how I will deliver the commitments I have laid out.

Expenditure Reviews

9. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on the forthcoming comprehensive spending review; if that review includes the costing of current and possible future tax expenditures; if all current spending programmes are reviewed, including the input of special studies carried out by officials of the major spending Departments; and if he will make a statement on the matter. [3279/17]

Deputy Thomas P. Broughan: We had a discussion earlier on the comprehensive spending review, which is, perhaps, the third such review in our recent economic history. The Minister referred earlier to rolling selective reviews. What exactly do such reviews involve? A report from the Department of Social Protection on the free travel scheme that became public recently upset many of our constituents deeply. Is that the type of thing that will be happening under these rolling reviews?

Deputy Paschal Donohoe: I outlined earlier the way in which we conduct this work. It is a rolling review because it would not be possible to review all Government expenditure in the level of detail I want within a single year. The amount involved is over €58 billion. Second, we will identify a third of Government expenditure per year. That is why I refer to it as a rolling review. I anticipate that it will take three to three and a half years to complete this work. It differs very much from previous spending reviews in our recent economic history, which the Deputy has referred to, because the objective of those reviews was to reduce the amount of Government expenditure. That is not an explicit or implicit objective of this. Within agreed expenditure ceilings, I am looking to find out if there are better ways for policy objectives that Government Ministers are looking to deliver to be achieved. In that regard, it differs significantly from spending reviews that have been undertaken by the previous Governments.

Deputy Thomas P. Broughan: I am glad to hear that it is not a continuation of previous reviews and aimed at cutting expenditure on vital services, which, unfortunately, the Government has shamefully done since 2011. I mentioned the report in the Department of Social Protection. Are all Departments compiling reports on certain programmes? Does the Minister nominate which programmes he wants to hear back on, such as, for example, the free travel or the school clothing and footwear allowance schemes operated by the Department of Social Protection? Does the Minister decide that and then other Ministers have to have the reports compiled? Who actually makes the decision? How are inflationary pressures taken into account? We have spoken, both at the relevant committee and in this Chamber, about important new measures and innovative services that the Government could put in place. Are the latter built into the rolling review?

Deputy Paschal Donohoe: The Ministers, Deputies Varadkar and Ross, have made very clear that there will be no change to the availability of the free travel scheme. The report that gave rise to this debate was one that was put in place many years ago. We did not change that scheme at the very depth of the economic difficulty the country faced and it will not be changed now.

The Deputy asked me how the policy area will be agreed. It will be mutually agreed between me and the Minister leading the other Department. There has not been any dissent to date in terms of selection so we have not had to get to a point of enforcing the selection of a particular policy area. There has been a happy meeting of minds on selection. The Deputy asked about new policies and innovation. We are conducting this review to discover if there

are savings that are possible to identify and that will allow new services to be delivered. The Deputy made reference to the fact that expenditure on public services has been reduced. It was reduced in response to the horrific crisis the country faced. We exited a bailout programme and we are increasing public expenditure year on year but we are looking to do it in a way that delivers better public services.

An Ceann Comhairle: Is the Deputy happy enough with that response?

Deputy Thomas P. Broughan: When the rolling programme for expenditure reviews is being identified, do officials in the Minister's Department look at programmes where there are demographic or other pressures which cause massive increases in spending year on year?

Deputy Paschal Donohoe: The Deputy put that question to me earlier when he raised the issue of inflation and I did not answer it. That is related to demographics. We will not select a particular area based on the impact that demographics or inflation will have on it. With regard to public services, the growth of inflation has a particular effect on social welfare payments. It is the responsibility of the Government of the day to make a decision on the changing of either social welfare payments or public sector pay. I do not believe it is the right thing to commit to automatic indexation because we have to respect the ability of a Government to make a decision about how to best use taxpayers' money. The area in respect of which demographics is most important is that relating to primary and secondary schools. The expenditure ceilings we have for the coming years take account of that.

Departmental Information

10. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform if he can outline the arrangements, if any, for the provision of information by his Department to the Select Committee on Budgetary Oversight. [3274/17]

Deputy David Cullinane: This is a general question about how the Minister sees the relationship between his Department and the Select Committee on Budgetary Oversight. We have had two examples of where sufficient information was not given to the committee. The first is the issue of the €120 million, with which we have already dealt. I do not want the Minister to rehearse that because we have heard the response and it is still not satisfactory. The second was raised by a Teachta earlier, with regard to consultants' pay and contracts. The Minister did not answer the question to any satisfaction at all.

Deputy Paschal Donohoe: I listened to the Deputy state I have not answered the question to his satisfaction, but we should agree I should answer questions in such a way that reflects the interest of the taxpayers. In the answer I gave to Deputy Calleary, I made very clear that with regard to approaching cases, the State will robustly defend itself. The Deputy is asking me to come in here and identify a potential liability for the State that would then be the subject of court action. This runs counter to the interests of the taxpayers he purports to represent. He referred to the views he has on my not sharing information on how we will fund the agreement, which we debated earlier. I have answered this. As the Deputy outlined my participation in the committee, I hope he will take cognisance of the many information needs the committee has articulated to me and the Department which we have met and will continue to meet.

With regard to how we are looking to work in the coming year and beyond, as the Deputy

is aware, in advance of budget 2017 we furnished to the committee the mid-year expenditure report, which laid out the expenditure expectations of the Government for 2017, 2018 and beyond. Since then, the Department has shared a range of documents and information to assist members of the Dáil and committee in exchanging and discharging their work on the budgetary process. Our expenditure report of 2017, which was published on budget day in October, set out the Government's proposed voted expenditure allocations and our expenditure measures for 2017. A summary response to the committee's views in its report on budget 2017 on issues relating to my area of responsibility was also published alongside the Estimates documentation.

Additional information not given on the floor of the House.

The Revised Estimates Volume published in December provides additional details in respect of the total gross voted expenditure allocation of more than €58 billion, with the expenditure Estimates supplemented with key performance information regarding programme output and impacts.

On a monthly basis, my Department prepares voted expenditure reports that are published with the monthly Exchequer returns.

The Irish Government Economic and Evaluation Service publishes a range of documents that can inform budgetary discussions and these are available at *http://igees.gov.ie/*.

As part of the ongoing engagement between the Department and the committee I understand the committee is scheduling a meeting with the Secretary General of the Department. I am fully supportive of the work of the committee and welcome the opportunity for the Department to discuss with the committee a structured process for the provision of information.

Deputy David Cullinane: With respect, I am fully aware of the Minister's responsibilities and I am equally aware of my responsibilities. I am not asking the Minister to comment on a liability which does not exist. I am asking him to explain, as he has been asked previously, how he will defend the consultants' contracts he says the State will defend potentially to save the State money if the State has decided to drop a High Court case relating to two individuals.

An Ceann Comhairle: That is not the subject matter of Question No. 10.

Deputy David Cullinane: It is because-----

An Ceann Comhairle: It is not.

Deputy David Cullinane: -----there is a potential cost to the State. Information will have to be provided to the-----

An Ceann Comhairle: Question No. 10 is about the arrangements, if any, for the provision of information by the Department to the Select Committee on Budgetary Oversight.

Deputy David Cullinane: Yes, and this information will have to be provided because it is the committee that will scrutinise the potential liability and costs. The Minister must deal with the fears we have that there may be cost on this issue, and he has not done so. The issue was raised by another Teachta in the same context. It is a very important issue. It is the first time we have had an opportunity to put the question to the Minister with responsibility, and I hope he will be able to provide answers for us because until now he has not been able to do so.

Deputy Paschal Donohoe: I am glad to hear the Deputy acknowledge the dangers of his earlier line of approach, because he was asking me to comment on the magnitude of a cost the State does not believe it should incur. We will deal with the matter in court and make very clear, and in the strongest manner possible make known, the views of the Government on the contract for consultants and with regard to payments which they believe they are due which we will dispute.

With regard to my engagement with the Committee on Budgetary Oversight, as the matter develops, and where appropriate, of course I will be happy to deal with questions from Deputy Cullinane on the matter. It is a matter that will be dealt with in court and I reiterate I am not going to come into the House to quantify the level of costs which the State does not believe are due.

Deputy David Cullinane: The Minister is now stating there will not be any costs. I hope he will not be back in one, three or six months speaking about a cost and stating there will be a liability. In any event, I have dealt with the issue.

There is a real issue with regard to the ability of the Committee on Budgetary Oversight to do its job properly and fairly. I have given a number of examples where information will need to be given to allow us to scrutinise proper spending of public money. I appeal to the Minister because a number of Members in the House sit on the committee and we want it to work. We want to play a constructive part in holding to account the Government, which is our role and job, but we can only do so if we are given the information necessary for us to hold Ministers to account properly. Some on the committee fear that, until now, this has not happened and we are not being given the respect we deserve or the tools we need to do the job asked of us.

Deputy Dara Calleary: I was not happy with the answer the Minister gave on the consultants issue and I am not sure taxpayers would be happy either. Will the Minister provide the background material to the Committee on Budgetary Oversight? We do not need what is being used to fight the case. We want the material that is giving the Minister the confidence which he clearly has in the Chamber that no liability is likely to accrue because of this. How many more cases are pending? How many cases will potentially be pending? This is the type of information that needs to be provided to the Committee on Budgetary Oversight in order that it can adjudicate and its members can make up their minds, as is the responsibility conferred on them by the Oireachtas, on the potential severity of the issue. We cannot take the Minister's assurances. We need the information he has in order that the Oireachtas oversight committee can make a call on it.

Deputy Thomas P. Broughan: As an addendum to the question, has the Minister provided for funding for the budgetary oversight office itself in 2017?

Deputy Paschal Donohoe: To answer that particular question, if the office is established in 2017, and I hope it will be, I believe the money will come out of the Oireachtas Vote. This is funded. With regard to the issues raised by the Deputies regarding the number of potential cases and what might happen in the coming period, I am willing to supply this information to the Committee on Budgetary Oversight. They were not the subject of this particular question, which is why I will not do so now. I reiterate, as I have made clear throughout the discussion, that with regard to the approaching cases, the State will strongly defend its view on the consultants' contracts and defend the actions taken then, because it is in the long-term interest of taxpayers and reflects policy decisions correctly taken at each point in the process.

Public Sector Pay

11. **Deputy David Cullinane** asked the Minister for Public Expenditure and Reform his views on whether the industrial unrest in the public sector has to do with pay justice for post-2011 entrants and that his decision to bring forward to the earlier date of 1 April 2017 the pay restoration due under the Lansdowne Road agreement will not, in fact, address the substantive issue; and if he will make a statement on the matter. [3277/17]

Deputy David Cullinane: I have asked, possibly 100 times at this stage, as have other Members of the House, including today, the Minister to commit to the principle of equal pay for equal work and restore public sector pay to a single-tier pay structure to deal with the very real sore that affects so many workers who came into the system post 2011. I again put the question to the Minister. It is not going away and needs to be resolved. The Minister needs to give the commitment to address a very real sore which has been at the heart of so many industrial disputes in the State in the public sector.

Deputy Paschal Donohoe: It is not going away, but neither is the need for improved public services. I will read out to Deputy Cullinane the number of expenditure requests he has articulated in recent weeks. He has called for increased investment in University Hospital Waterford, increased investment for services for people with disabilities in his county, additional classrooms for a school in his constituency, the amalgamation of two grades in the Civil Service, increased investment in transport in his area, more people to be assigned to the Garda divisional unit, increased investment in Waterford Institute of Technology, funding for Institute of Technology, Carlow and funding for University Hospital Galway. Alongside these, he is asking for increased money and increased investment in public pay. I have made clear to the Deputy a number of times, indeed well over 100 times, that I am committed to doing so, but it has to be done in an affordable manner. As I have just demonstrated, Deputy Cullinane makes calls in the House for increased expenditure in area after area without taking account of the fact that the overall cost of those calls is not one that the taxpayer is capable of meeting. For these reasons I have said that where possible I will deal with questions of how to improve public pay, but that it must be done in a way that is affordable in the long run and allows many of the other initiatives for which the Deputy has called to happen.

Deputy David Cullinane: I am pleased that the Minister is aware of my hard work on behalf of the people of Waterford and that his Department is watching every move that I make. He could be my director of elections in some respects, given how he cited the long list of issues-----

Deputy Eugene Murphy: That would be some alliance.

Deputy David Cullinane: -----for which I have rightly campaigned. The people of Waterford deserve proper schools, hospitals and infrastructure, as every city and county does. Contrary to what the Minister said, though, we costed every proposal in our alternative budget to the cent.

When the Minister states that the issue of equal pay for equal work is not going away but that we need to focus on improved public services, what those who have entered the system since 2011 and are being treated differently and discriminated against hear is that the recovery of public services must be on their shoulders. That is not fair. I had this conversation with the Minister yesterday. Even now, his Department is unable to cost a return to a single-tier pay structure. If the Minister is not prepared to agree to the principle of equal pay for equal work,

will he give me a commitment to the effect that, by next year's budget, his Department will be able to cost for my party a restoration to a single-tier pay structure?

Deputy Paschal Donohoe: The Deputy is overstating the case a little to say that I am keeping a close eye on everything that he does. He works hard to represent the people of Waterford effectively, but they also deserve consistency from their public representatives. They deserve and need to know how, when he calls for particular matters to be addressed, those issues will be paid for.

The Deputy referred to the need for improved rates of public pay. Under the FEMPI legislation alone, the amount of unrestored earnings is €1.4 billion. The Deputy is asking me to deal with a particular matter - that of new entrants' starter salaries - in isolation, but it is vital that we demonstrate fairness for those who need public services as well as those who work within them. That is what I am doing.

Deputy David Cullinane: There is nothing fairer than the principle of equal pay for equal work. We have had several discussions on this issue, so it is on the record that my party is not asking for every FEMPI cut to be unwound in one go. We have called for a new collective agreement, one that is properly negotiated with the trade unions, in respect of 2019 to 2021, inclusive. In that context, it is appropriate that we once and for all put the issue of equal pay for equal work and the restoration of a single-tier pay structure on the table. The Minister asserts that I have a responsibility to account for such proposals, but how can I do so when even he, his Department and its Secretary General cannot provide one? When I met three of his departmental officials, they were unable to provide the cost. Provide the costings and then we can debate how to go about doing this, for example, in one year or over two or three years. Please, do not accuse us of being unable to do something that is impossible to do because the Department will not provide the costings.

Deputy Paschal Donohoe: The Deputy well knows that any change in respect of new entrants' pay or those who are at the start of a wage curve has consequences for everyone else. We cannot change wage curves for people who are joining the Civil Service, teaching or any other part of the public service without there being profound knock-on consequences for the entire wage bill. For this reason, the issues of retention and starting salaries must be examined in the context of the overall public service pay bill, which amounts to more than €13 billion. That is what the Public Service Pay Commission is doing. It will produce a report for the Government and the Oireachtas in the second quarter. In the aftermath of the Lansdowne Road agreement, we will begin negotiations, which I hope can be concluded, with unions to determine how we can make progress on these issues in an affordable way.

Question No. 12 replied to with Written Answers.

Community Employment Schemes Supervisors

13. **Deputy John Curran** asked the Minister for Public Expenditure and Reform if the community sector high level forum (details supplied) has met since its meetings in November 2015 and April 2016; the progress being made in addressing this pension issue; and if he will make a statement on the matter. [3267/17]

Deputy John Curran: The issue of community employment, CE, supervisors and the pen-

sions that they feel they are due has been around for a long time. The process went to the Labour Court in 2008. Since then, however, there has been no pathway to deal with the issue and it has not gone off the agenda. How can this matter be progressed?

Deputy Paschal Donohoe: It is the position that the community sector high level forum or working group, previously the informal forum, was convened in 2015 and 2016 to examine certain issues pertaining to the CE sector, having regard to the implications for costs and precedent. The issue includes community and employment supervisors and assistant supervisors who have been seeking, through their union representatives, the allocation of Exchequer funding to implement a 2008 Labour Court recommendation relating to the provision of a pension scheme. In light of the recent appointment of a new chair to the high level forum, a meeting is accordingly being arranged between the parties concerned with a view to scheduling a date in the first quarter of 2017.

It continues to be the position that State organisations are not the employers of the employees concerned and it is not possible for the State to provide funding for such a scheme. The employees are or were employees of private companies, notwithstanding the fact that the companies are or were reliant on State funding. In considering the matter, I must have regard to costs and the precedent that such an arrangement could create.

Deputy John Curran: I will not protract this debate. The issue is known to the Minister and departmental officials. I welcome the appointment of a chairperson. I noted in previous replies that the forum met in November 2015 and on 11 April 2016, so it is well and truly due to sit again.

The Minister explicitly stated that these supervisors were not direct employees of the State, but he also admitted that their employing organisations were primarily funded by the State. Following benchmarking, pay relativity and so on, these employees were closely aligned with public servants.

In all of the Minister's replies, he has indicated that this matter will be examined by the high level forum, which is welcome. However, the matter has dragged on for a long time. The forum has met twice but has not done so for some time. With the appointment of a chairperson, I hope that it will meet actively and address this issue with the requisite level of seriousness instead of allowing the matter to continue year after year.

Deputy Paschal Donohoe: The forum will meet under the chairmanship of an official from my Department. I expect the meeting to take place in the first quarter of this year, so it is imminent.

3 o'clock

The Deputy outlined the distinction of the case I have made but I would like to reiterate it. The State was not the employer of those raising this case. Their employer was the project in receipt of the funding. We are now being asked to provide pensions for people in respect of whom the State was not the employer and never purported to be the employer. There would be consequences in that regard for the State from an Exchequer and policy point of view. While the forum will meet, it is not an industrial relations forum, which I think is understood by all participants. The position in terms of the provision of pensions for people who were not employed by the State is not one that we will be able to substantially change but we are always willing to talk to those in the sector about their concerns on the matter, as we are in relation to

any other matter.

Deputy John Curran: The Minister specifically referred to what the Government is being asked to do now. The point I am making is that it is not the first time it has been asked to address this issue. This is not a new claim. It is a claim that has been awaiting address for a number of years, having been through the Labour Court in 2008.

Deputy Paschal Donohoe: This matter has been ongoing since 2008, the reason for which is the principle I have just outlined to the Deputy. The Deputy and I are talking here about principles but both us recognise that there are individuals who worked in this sector who are affected by this matter and are hoping to benefit. I acknowledge this matter has caused a great deal of anxiety and worry but the challenge I face, which is the same challenge faced by the previous Government and the one before it, is the principle of contributing to a pension scheme or fund for people who did not work for the State. As in the case of Deputy Curran, there are many good projects located in my own constituency. Sometimes the great benefit of these projects is that they do not report to the State and that the people employed in them are not employed by the State such that they can bring to bear a voluntary ethos or the ethos of their own community. It is because people employed in the project concerned were not employed by the State that I cannot give the Deputy a response that would be more to his satisfaction or theirs.

Question No. 14 replied to with Written Answers.

Acting Chairman (Deputy Bernard J. Durkan): I understand that the Ceann Comhairle has authorised that Deputy Eugene Murphy may deal with Question No. 15.

Flood Relief Schemes Expenditure

15. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the overall expenditure in the Roscommon-Galway constituency on flood relief works for 2016, in tabular form, with a breakdown for counties Roscommon and Galway; and if he will make a statement on the matter. [3426/17]

Deputy Eugene Murphy: What is the overall expenditure for the Roscommon-Galway constituency in respect of flood relief works in 2016?

Minister of State at the Department of Public Expenditure and Reform (Deputy Seán Canney): The Office of Public Works, OPW, spent over €1.8 million on capital flood relief activities in the counties of Galway and Roscommon in 2016. Table 1 sets out the details of that expenditure.

Table 1

Project	County	Actual Expenditure 2016
Claregalway Flood Relief Scheme	Galway	€1,165,722
Dunkellin River Flood Relief Scheme	Galway	€427,188
Ballycolgan Minor Works (Direct OPW works)	Galway	€22,318

Deerpark, Ballinasloe Minor Works	Galway	€19,000
Ardacong, Tuam Minor Works	Galway	€9,000
Lakyle, Craughwell Minor Works	Galway	€9,000
Blackrock, Gort Minor Works	Galway	€18,000
Grannagh Minor Works	Galway	€5,400
Carrownamadra, Kinvarra Minor Works	Galway	€13,500
Beagh, Tuam Minor Works	Galway	€14,220
Parkacurry, Monivea Minor Works	Galway	€11,700
Manuslynn, Headford Minor Works	Galway	€10,350
Ballinasloe Town Minor Works	Galway	€96,849
River Jiggy Minor Works	Roscommon	€6,548

Aside from the Ballycolgan minor works, which were carried out directly by the OPW, all other minor works were funded by the OPW and carried out by the local authorities under the minor works scheme and coastal protection scheme. The works I have listed have been carried out.

In regard to the minor works in the above table, the amounts shown are what was actually drawn down in funding by the local authorities in 2016 in respect of each project. There were further amounts approved by the OPW in 2016 for other minor works projects, in respect of which the local authorities have not yet requested a drawdown. Details of all minor works projects are provided below in tabulated form.

In addition to the above capital expenditure, the OPW undertakes maintenance of its arterial drainage schemes throughout the country. The schemes where maintenance would have been undertaken in 2016 which affect counties Galway and Roscommon include the Corrib Clare, Corrib Headford, Boyle, Knockcroghery and Killimor drainage schemes. However, it is not possible to break down this expenditure on a county-by-county basis.

Additional information not given on the floor of the House

Minor Flood Mitigation Works and Coastal Protection Scheme

Galway and Roscommon County Councils - Funding Approved and Drawn-down in 2016

Local Authority	Project Location	Project Details	Approved Funding	Date of Approval	Funding Drawn-down
Galway-County Council	Manus Flynn	Construct a 600mm diameter piped road culvert, remove obstructions & associated works	€10,350	27/02/15	€10,350
	Deerpark,Ballinasloe	Carry out drainage works upstream of the main Deerpark River channel	€19,000	10/03/16	€19,000
	Ballinasloe,Town Centre	Purchase Temp Flood Defence- Aquadam to be deployed as required, to be available for Galway County also	€96,849	22/03/16	€96,849
	Ardacong,Tuam	Study	€9,000	28/04/16	€9,000
	Ardacong,Tuam	Construct a surface water pipe along the route of the Tuam bypass for a distance of 750m to a tributary of the River Clare	*€83,700 (allow in principle)	28/04/16	€0
	Lakyle,Craughwell	Study	€9,000	28/04/16	€9,000
	Blackrock,Gort.	Construct an earthen embankment- crest level is required to have a minimum of 500mm freeboard above the highest recorded flood level which occurred in 2015. A drainage system to cater for internal surface drainage will also be required.Relevant environmental criteria shall be complied with as the proposed works are adjacent to the Peterswell Turlough SAC	€18,000	28/04/16	€18,000
	Fahy's,Grannagh	Construct a 40m length of reinforced concrete retaining wall, 1.2m high around a section of the farmyard	€5,400	22/06/16	€5,400
	Whyte's,Carrownamadra, Kinvarra	Construct a 140m length of stone faced concrete block retaining wall, 750mm high around a section of the property & to install a sump & road crossing.	€13,500	22/06/16	€13,500
	Dark Road,Castletaylor North,Ardrahan	Study	€9,000	22/06/16	€0
	Beagh,Tuam	To extend a 900mm diameter pipe across the N83	€14,220	20/07/16	€14,220

Local Authority	Project Location	Project Details	Approved Funding	Date of Approval	Funding Drawn-down
	Parkacurry,Monivea	To clean & maintain overgrown sections of the open channel, up size 1 no. road crossing to a 900mm diameter pipe, install 100m of 225mm diameter surface water drainage pipe & road gullies and provide two new headwalls and trash screens to outfall to existing open channel	€11,700	20/07/16	€11,700
	Roo,Kinvara	Culvert upgrade, channel improvements & environmental reports.	€76,500	20/07/16	€0
	Kilcrevanty,Tuam	Construct a 1.2m high earthen embankment, install a flood gate barrier & associated works	€14,400	27/09/16	€0
	Kilcloghans,Tuam	Construction a flood defence wall and associated works	€19,845	27/09/16	€0
	Labane,Gort	Maintenance & improvements to existing swallow holes	€9,000	14/10/16	€0
Roscommon County Council	River Jiggy,Roscommon	Cleaning & maintenance works on the River Jiggy over a 3km stretch	€7,200	07/11/13	€6,548
	Killeglan Stream	Replace culvert at Onagh & remove growth from Killeglan Stream over distance of 5kms	€64,800	10/08/16	€0
	Beagh Brabazon,Ballinasloe	To install drain to divert surface water to open drain	€27,000	10/08/16	€0
	Fairhill,Dysart	Works to raise the ground level and install piping	€18,000	10/08/16	€0
	Moneymore	To install culvert drain & inspection chamber	€20,700	10/08/16	€0
	Curnalee	To install pipe The pipe size to be a minimum of 900mm in diameter	€18,000	10/08/16	€0
	Ogulla River	To carry out maintenance on channel, replace culverts & repair to existing weir structure	€54,000	10/08/16	€0
	Beagh Brabazon,Ballinasloe	To install 250m length of 900mm twinwall HOPE drainage pipe with 4 manholes	€36,000	31/08/16	€0

Local Authority	Project Location	Project Details	Approved Funding	Date of Approval	Funding Drawn-down
	Curnalee	To install pipe & construct 4 new manholes & a sluice valve The pipe size to be a minimum of 900mm in diameter	€1,800	31/08/16	€0
	Moore	Install 160m of 600mm diameter pipe with manholes & install culvert	€14,850	31/08/16	€0
	Rockland	Install new culvert under R357 (600mm diameter with collection chamber and connection to existing open drain)	€14,850	31/08/16	€0

Deputy Eugene Murphy: I thank the Minister of State for his detailed response. However, I must point out that Claregalway, Dunkellin, Craughwell, Gort, Kinvara and Monivea are not the Roscommon-Galway constituency. Those areas are in the Minister of State's constituency of east Galway. The question relates to the Roscommon-Galway constituency. The Minister is correct that money was provided for works on the Jiggy river in Roscommon and in Ballinasloe.

Roscommon County Council submitted an estimate to the Department last year for funding for repair of damage done by the appalling floods at that time. The estimate was €11 million, in respect of which €6.4 million was allocated by the Department. This means Roscommon County Council was short €5 million for repair works caused by the floods. To date, the remaining funding to carry out the extra work needed has not been forthcoming. It is essential that we get that funding in 2017. I was told yesterday by Roscommon County Council that it has no money available for houses threatened by flooding, some of which were flooded or almost flooded last year. It is essential that the Minister of State reflects on that and ensures the additional money is provided for works in the Roscommon-Galway constituency.

Deputy Seán Canney: The Deputy is correct that the information provided in the reply is in respect of counties Galway and Roscommon. However, the information provided in table 1 shows exactly where in each area the money was spent. I should also point out there are 15 other projects, which I have not listed, which have been approved but in respect of which Roscommon County Council has yet to draw down funding. I suspect that these works are ongoing.

Applications for minor works which meet the criteria and cost benefit will be processed and funded as a matter of course. I have written to the local authorities, including Roscommon County Council, instructing them to send in applications for funding because funding is available. Where a particular project is not approved for funding it may be because it does not meet the criteria laid down but the local authorities have been asked to reassess such applications to see what can be done to bring them within the criteria.

Deputy Eugene Murphy: I acknowledge the Minister of State's comment that the reply relates to projects in counties Galway and Roscommon but the constituency concerned is Roscommon-Galway. As I said, Dunkellin, Claregalway, Craughwell and Gort are outside of that area. However, I accept the point made by the Minister of State.

The Minister of State referred to 15 projects in respect of which Roscommon County Coun-

cil has not yet drawn down funding. We need to ensure that funding is drawn down as quickly as possible. I acknowledge that the Minister of State has visited, engaged with and listened to representatives of the constituency and that he has never refused to take my calls or to have a meeting with me on these issues. The cost of the damage done in the Roscommon-Galway constituency, particularly in Roscommon, was in excess of €11 million. To date, the council has received funding of only €6.4 million. I am told by the engineers in Roscommon that there is already a deficit of €5 million. The Government has had one good friend over the past eight or nine months, namely, good weather. If there had been further flooding last year or were there flooding this spring, we would be in dire straits. I appeal to the Minister of State to avail of every avenue open to him to get the money that is needed to repair damage that was done last year.

Deputy Seán Canney: In regard to the list of projects in respect of which funding has been sought by Roscommon County Council, they have been approved but the council has not requested that the funding be drawn down. That is the reply.

Deputy Eugene Murphy: Fair enough.

Deputy Seán Canney: Some of what the Deputy has said about damage being done may concern funding applied for not to my Department but perhaps to the Department of Transport, Tourism and Sport for road repairs, etc., or the Department of Housing, Planning, Community and Local Government for other repairs. It would not have related to my Department as anything going there is for flood relief works. They are being dealt with as quickly as possible. There are 12 schemes that have been approved but county councils have not drawn down the funding. The Deputy has that information.

Deputy Eugene Murphy: I thank the Minister of State.

Acting Chairman (Deputy Bernard J. Durkan): Deputies Brendan Smith and Mick Barry, who tabled Questions Nos. 16 and 17, respectively, are as láthair.

Questions Nos. 16 and 17 replied to with Written Answers.

Capital Expenditure Programme

18. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform if he will provide details on the capital review which is due in 2017; the timelines involved; if he will be inviting submissions on the capital review; and if he will make a statement on the matter. [3425/17]

19. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on his preparations to publish the capital review alongside the 2017 mid-year expenditure report; the level of capital expenditure necessary by 2021 to upgrade Ireland's infrastructure urgently; and if he will make a statement on the matter. [3281/17]

33. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he and his Department have undertaken any audit in respect of infrastructural requirements such as housing, water, roads and or sewerage treatment facilities requiring urgent investment with a view to determination as to the way such investment might be undertaken as a matter of urgency thereby facilitating the provision of vital infrastructure and economic progress notwithstanding compliance with public spending guidelines; and if he will make a

statement on the matter. [3420/17]

Deputy Dara Calleary: This morning the Central Bank issued its most recent report, reducing growth forecasts on account of Brexit. What work is under way in the Minister's Department on the impact of Brexit on expenditure plans or the likely impact of Brexit on the budgets for 2018 and 2019?

Deputy Paschal Donohoe: May I confirm that Question No. 18 relates to the capital review?

Deputy Dara Calleary: I apologise. I spoke to the wrong question.

Deputy Paschal Donohoe: I will answer on the capital review. The capital plan Building on Recovery is being reviewed to ensure capital spending is strictly aligned with national economic and social priorities, consistent with the programme for partnership Government objectives. A key goal for the review is to focus available capital resources on investment that can best underpin sustainable medium term economic growth and social progress and enhance Ireland's future growth potential. To answer the earlier question from the Deputy, the impact of Brexit is specifically included in the terms of reference I set for the capital review and the regional consequences for Brexit are recognised in the work that will happen across this year.

The review of the plan will be undertaken in two stages. The first phase will comprise a focused review of priorities aimed primarily at advising the Government in the context of budget 2018 on how the additional funding committed by Government for capital investment should be allocated over the remainder of the period of the plan. This will examine priority areas for investment, consistent with the objectives of the existing capital plan and also reflect the specific investment priorities set out in the programme for Government. The second phase of the review will assess and report on the framework required to underpin longer-term analysis of Ireland's infrastructure planning needs.

Submissions will be sought from Departments and key stakeholders and a public consultation will also be undertaken to inform the review. As part of the process, it is currently intended that my Department will publish output as part of the 2017 mid-year expenditure report, including a stock-take of progress to date on delivery of the capital plan; a macroeconomic analysis that will make reference to Brexit; and an infrastructure demand analysis, benchmarking existing infrastructure being supplied to assess its capability to meet demands as the economy continues to grow.

Deputy Dara Calleary: Will the Minister outline some of the dates for when the public consultation process will get under way and when there will be engagement with the Departments and various stakeholders, local authorities etc.? What role will the new national planning framework have in the context of the capital review? The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, has given an indication that the framework will be restricted to an area south of a line to Galway city and including that area: other areas north of Galway city will not necessarily be included in that national planning framework. In terms of Brexit - that is the subject of my next question - the area that will be most impacted is the Border region. What specific Brexit initiatives will be in the review of the capital plan to assist it?

I have asked the next question consistently. What engagement has the Minister had with the European Commission around state aid and expenditure rules or its commitment to allow for

capital expenditure beyond normal rules? President Juncker at the beginning of autumn stated that he wanted to see investment in infrastructure. This can be viewed particularly in the context of the pronouncements from the US relating to capital.

Deputy Paschal Donohoe: I anticipate we will begin public consultation in a few weeks and local authorities are welcome to make their views known. I have had a role with the European Commission relating to the classification of capital expenditure but the responsibility for what the Deputy seeks sits with the Minister for Finance, Deputy Noonan, in the division of responsibilities between the two Departments. The Minister, Deputy Noonan, has responsibility for engagement with the European Commission with regard to the split between current and capital expenditure and our compliance with fiscal rules.

With regard to regional impact, as I stated earlier I will particularly examine the economic consequences of Brexit on a regional basis. I am particularly aware the north west of our country and the Border counties will be particularly affected by the exit of the United Kingdom from the European Union.

Deputy Dara Calleary: On the capital plan, there was an earlier discussion on public private partnerships. There were 45 extra PPPs proposed for 2017 within the existing capital plan but how many will be met during the year?

Deputy Paschal Donohoe: I expect all of the PPP commitments we have under the capital plan we have up to 2022 will be met. With regard to those that are due to land across 2017, there is a bundle of primary schools - school bundle No. 5 - due in the education sector. In the transport sector we will see the M17 and M18 Gort to Tuam road. The other significant project is the Dublin City Council waste-to-energy incinerator.

Deputy Thomas P. Broughan: The Minister would agree that the Government has a deplorable record in the provision of capital so going forward with this capital review is urgent. We have heard time and again at the budget committee that we have not even been meeting normal depreciation targets. One only has to go around the country and look at the "R" roads, such as those of the Minister of State in east Cork. The Government has allowed infrastructure to go to rack and ruin so the matter is urgent. I am interested to hear the Government is consulting the European Commission. It is pretty annoying that the likes of Portugal or France are two of the various countries that are allowed to do things when we are not.

Deputy Paschal Donohoe: The investment in our local and regional road network was increased by 11% this year.

Deputy Thomas P. Broughan: They were in bits.

Deputy Paschal Donohoe: The Deputy made the charge that we allowed our capital infrastructure to go to rack and ruin. The Deputy clearly has not seen the Luas cross-city project now being built.

Deputy Thomas P. Broughan: That is one item. Has the Minister been on the N32?

Deputy Paschal Donohoe: I made reference to the Gort to Tuam road a moment ago. It is a magnificent transport project.

Deputy Dara Calleary: That started long before the Minister was around, in fairness.

Acting Chairman (Deputy Bernard J. Durkan): There should be one voice.

Deputy Paschal Donohoe: Of course we acknowledge that there are capital needs to be met but this is the reason we are reviewing the capital plan. It is the reason for the additional resources that will be available to the State, assuming a moderate degree of economic growth over the coming years. We have prioritised capital expenditure to benefit from that. We can consider what has been done in housing alone, where €2.4 billion has been committed to investment in public housing. A further €2 billion will be allocated to capital expenditure, assuming growth is inside the parameters we have set. That has been done precisely to address the fact that we need to invest more in maintaining infrastructure and delivering a select number of new projects.

Acting Chairman (Deputy Bernard J. Durkan): Unfortunately, the time has expired. I gave as much latitude as I could.

Deputy Thomas P. Broughan: May I ask a question on just one point?

Acting Chairman (Deputy Bernard J. Durkan): You will not be able to get the answer, Deputy.

Deputy Thomas P. Broughan: The Minister is going to answer it. We urgently need it. As Members are aware, 40% of our air connection is with the UK. In the context of Brexit, is the Minister going to deliver metro north under this programme?

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Deputy.

Deputy Thomas P. Broughan: The Minister wants to answer.

Acting Chairman (Deputy Bernard J. Durkan): The Minister will correspond with you, I have no doubt, in that context. Time has now expired. It will be a special note for northsiders.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Garda Districts

Deputy Michael D'Arcy: A decision was made in 2012 by the then Garda Commissioner with the consent of the Minister for Justice and Equality. At the time, I described it as the worst decision made in policing in County Wexford since independence. I will provide the Minister of State with some background.

The current Garda district of Gorey and Enniscorthy is now the Enniscorthy Garda district. I held a meeting at the time with the assistant commissioner, Jack Nolan. Our figures showed a population of 85,000. Let us put that in context. That is larger than the populations of counties Carlow, Longford, Westmeath, Leitrim, Monaghan, Roscommon, Sligo, Cavan, Offaly or Laois. Some of those counties have a single Garda district. Carlow has a population of 55,000, Leitrim has a population of 32,000 and Laois has 78,000. The Gorey Garda district has a population of 85,000. It is too large.

We have a problem with crime and with the area being the largest growth area in the county by a long way. We also have a problem with it being a significant tourist area. I will set out another statistic. In the 2011 census, the Courtown area registered a population of 5,500 and some 4,000 homes, 52% of which were unoccupied. There are difficulties and problems. The decision dating from 2012 on the part of the Minister for Justice and Equality at the time and the Garda Commissioner at the time was terrible.

All five Deputies and Senators at the time said that it was a bad idea. Moreover, today, all five sitting Deputies want to have the Gorey Garda district reinstated to the status it had prior to the decision in 2012. At the time there was one district in Gorey, one district in Enniscorthy, one superintendent and various ancillary staff.

The original decision in 2012 was to reduce all staff above the rank of sergeant. The civilian staff, four in number, along with the inspector were to go with the superintendent as well. It was correct that that did not happen and I believe that was a good decision. Now, what is badly required is to go the rest of the way, which means the full reinstatement of the district with a 24-hour station, a superintendent, inspectors, sergeants and the appropriate number of gardaí for a fast-growing area.

The population of the Gorey area increased at twice the national average in the period 2011 to 2016. It also increased at 2.5 times the rate of growth for County Wexford as a whole. We know that 52% of the population increase in County Wexford has been in the Gorey area alone. The area is growing fast and strongly.

It is now time to rescind the decision going back to 2012 made in line with the programme for Government. It is now time to reinstate the Gorey Garda district fully. We need one district, one superintendent and one or two inspectors, as appropriate, depending on the population base. We need to do this correctly. It was a bad mistake and now is the time to rectify it. The decision is now with the Garda authorities.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality I thank the Deputy for raising this important matter. The Tánaiste sends her apologies because, unfortunately, she cannot be here today.

The Deputy will be aware that following the completion by An Garda Síochána of a comprehensive review of its district and station network, the Garda district and station rationalisation programme gave rise to the closure of 139 Garda stations in 2012 and 2013 and the amalgamation of 32 districts into 16 larger districts. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. The review concluded that a revised district and station network commensurate with the organisation's resource base would best meet public demand.

The Tánaiste has been informed by the Garda authorities that the closures have allowed front-line gardaí to be managed and deployed with greater mobility and flexibility and in a more focused fashion, especially with regard to various targeted police operations.

In November 2013, the Gorey district was amalgamated with the Enniscorthy district, resulting in an enlarged Enniscorthy district. I understand that no station within the former Gorey district was closed. The Garda authorities have confirmed to the Tánaiste that the district officer

at Enniscorthy, in conjunction with the inspector at Gorey, ensures that the policing arrangements within the Gorey area are effectively managed on an ongoing basis and that there is no diminution in the policing service provided within the context of existing available resources in the area. Local Garda management continues to monitor the allocation of resources closely to ensure optimum use is made of Garda resources and to ensure the best possible policing service continues to be provided to the public. This situation will be kept under review.

Having said that, the Government has recognised in A Programme for a Partnership Government that community policing is the embodiment of An Garda Síochána. The Government envisages the force providing a means of recognising that every community, urban and rural, has its own concerns and expectations. The document commits the Government to ensuring visible, effective and responsive policing in every community, including through ensuring the most minimal response times possible.

In support of this objective, the Deputy will be aware that the Policing Authority has been asked to oversee a review of the dispersal of Garda stations in rural areas as well as in developing urban and suburban areas. The purpose is to ensure an efficient and optimum geographical distribution of stations and minimal response times. The review will take account of station closures since 2012. I note what the Deputy said about the growth of the area in question.

These measures cannot be viewed in isolation from the Government's overarching commitment to ensuring a strong and visible police presence throughout the country to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. In furtherance of these aims, in July 2016 the Government approved the proposal from the Tánaiste for an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Garda Reserve members and 4,000 civilians. In addition, the Government's capital plan for 2016-21 provides €205 million for investment in Garda information and communications infrastructure and €46 million for investment in the Garda fleet. Taken together, I believe the above measures reinforce the Government's commitment to enabling significant reform in An Garda Síochána and to allowing the force to provide a high-profile and visible policing service for our communities.

Deputy Michael D'Arcy: There was not much in that reply about Garda district amalgamations. That was what my question was about. That is an ongoing criticism I make about the quality of answers.

More than half the population of the county is in one district. Wexford is a big county. I will provide some statistics. There has been a 100% increase in drugs detected in the three years since the districts were merged. Theft is up by 25%.

The area is challenged. I see drug dealing on the streets in broad daylight. I see it outside my office on Main Street in Gorey. Ever since the decision was made I have campaigned vigorously to put one person in charge of this area. That someone is in charge of this area operating from another district means he does not do as good a job as a person from the area.

By all accounts, Operation Thor has turned out to be a success. There is high visibility and the Minister of State has touched on that. However, there is a more highly visible way in which to impact on criminality in the area where I live. It is to ensure a superintendent is in charge of the district. In that way, the district looks after itself. I do not mean to be disrespectful to anyone but someone from somewhere else will look after his primary area first. Gorey is now

the second largest town in Wexford. The population in Courtown is in the district too, and that area has the fifth largest population in Wexford. Enniscorthy town is in the larger district. The current district is too big and unwieldy. A mistake was made. I appeal to the Minister of State to bring my strongly held views back to the Tánaiste and Minister for Justice and Equality, the Garda authorities and others.

The joint policing committee in Wexford has met. It is fully supportive of the reinstatement of the Garda district. As I said, all of the five sitting Wexford Deputies fully support this. The closure of the district was a mistake. It is now time to rectify that mistake in line with the programme for Government, which promised to review the 2012 consolidation of Garda districts.

Deputy David Stanton: I again thank the Deputy for bringing this matter to the floor of the House. As I said in my initial response, the Garda district and station rationalisation programme took place. That followed the completion by the Garda of a comprehensive review of its district and station network. That gave rise to the amalgamation of 32 districts into 16 larger districts, as I said. That was done to ensure that the organisation's resource base would best meet public demand. The Tánaiste has been advised that the revised structures have allowed front-line gardaí to be managed and deployed with greater mobility and flexibility and in a more focused fashion, particularly with regard to various targeted operations. However, as I also said, the Policing Authority has been asked to oversee a review of, among other things, the dispersal of Garda stations in rural areas and in developing urban and suburban areas, as the Deputy has described. I certainly will bring this matter to the attention of the Tánaiste as the Deputy has requested.

The creation of an enlarged Enniscorthy district in November 2013 did not give rise to the closure of any station in the former Gorey district. The Tánaiste has been assured that there is diminution in the policing service provided within the context of its existing available resources in the area. In addition, local Garda management keeps under review the allocation of resources in the area as well. As I informed the Deputy, the Government is fully committed, in line with the programme for Government, to ensuring visible, effective and responsive policing in every community, including the most minimum response times possible. This commitment is underscored by the Government's accelerated recruitment programme and the ongoing major investment in the Garda fleet and the ICT infrastructure of An Garda Síochána, which will facilitate a provision of high visibility and mobile policing services to communities. Taken together with the ongoing Garda modernisation renewal programme, these measures will better equip An Garda Síochána and facilitate the provision of a 21st century policing service that fully meets the expectation of our communities. I will bring the matter to the attention of the Tánaiste. I am sure that the Policing Authority and the Garda Commissioner will also be taking note of what the Deputy has raised today.

With the indulgence of the Chairman, I welcome to the Visitors Gallery, from the area in which I live, a school group from St. Colman's community college, Midleton.

HSE Funding

Deputy John Curran: I raise the issue of funding for Tiglin rehabilitation centre in Ashford, County Wicklow. I know that the Minister of State is aware of this matter and has had the opportunity to visit Tiglin in the past. Tiglin was established in about 2008 in a fairly remote part of County Wicklow. For anybody who has had the opportunity to visit the facility,

there has been a transformation in the past seven, eight or nine years since its very humble and modest beginnings. The centre provides residential rehabilitation programmes for both males and females in addiction. Its programmes are very holistic and complete. It is not just about dealing with addiction but also about trying to equip people to go back into normal life, giving them skills - whether that is in terms of doing courses in manual handling, HACCP, first aid or parenting - and eventually helping them with housing and so forth. It takes a very rounded and holistic approach. I had the opportunity at one point to sit in the Minister of State's seat. From the visits I paid to Tiglin, I was really impressed with the work done there.

Like many organisations dealing with residential rehabilitation, Tiglin is working on a shoestring budget. Funding is insecure from year to year and is in most cases dependent on voluntary contributions and local fundraising efforts. Residential rehabilitation does not come cheap. On the other hand, the outcomes are very good. The cost of having somebody continuing in addiction is much higher than treating a person who can live a life free from it. I do not want to get into the details now - as they can be discussed later - but the outcomes arrived at in respect of those who access Tiglin have been proven to be extremely good. I have met people from my area who have gone through the process, having been in residential care in Tiglin for a year, and who have moved on with their lives, do not use any substances and are free of addiction. They now lead different lifestyles.

I am raising this issue today because, for the past couple of years, Tiglin has received funding from different HSE regions. The problem is that the services it provides cannot be turned on and off. A few weeks ago, right at the end of last year, the centre received a letter from the HSE Dublin north - I think it is in CHO area 9 - effectively advising it that no funding would be forthcoming this year. In my view, that is a very unreasonable thing to do with no advance warning and no preparation time given. From the point of view of the rehabilitation service, it is not in a position to close its doors and tell people to go home as it has no place for them. That would be unthinkable.

The amount of funding involved in recent years was €50,000. The underlying concern is that, because of where Tiglin is located, it is not a locally-based resource. In other words, it does not just pick people from its own immediate catchment area. People from all over Dublin are using the service. When I made inquiries - the Minister of State is probably aware of this - I discovered that one quarter of the people who are in residential care in Tiglin are from the HSE Dublin north catchment area. It has chosen this year to withdraw its entire funding, which is only €50,000. That money would not cover 20% of the cost of dealing with the cohort from the area in question who are using the service. However, the loss of that €50,000 has put an unbearable strain on Tiglin. What is worse is that HSE Dublin north has suggested to the organisers, the CEO and those running Tiglin that they should apply to a different HSE region for funding. That is not compatible. There needs to be joined-up thinking. The organisation does not have the wherewithal or the capability to apply to various parts of the HSE in order to seek funding. It is looking for a joined-up response from the Minister of State and the HSE regarding the provision of funding. The latter should - at a minimum - be provided at the same level as has been the case up to now, particularly as the demand for the services offered at the centre is increasing rather than decreasing.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank Deputy Curran for raising the issue of the provision of funding for Tiglin residential rehabilitation services. As the Deputy is acutely aware, problem drug use continues to be one of the most significant challenges facing our country and is becoming more complex, with a wider range of

drugs issues and abuse. I would like to emphasise this Government's commitment and ongoing support, in line with the national drugs strategy, for initiatives to tackle the drug problem. The overall objective of the strategy is to tackle the harm caused to individuals and society by the misuse of drugs. The strategy emphasises the need to provide opportunities for people to move on from illicit drug use to a drug-free life where that is achievable.

In the context of the Government's commitment to addressing the drugs issue, an additional €3 million in funding has been allocated to the HSE this year for addiction services. The increased budget includes funding for a pilot supervised injection facility, more detox places and improved access to treatment services for under eighteens and others.

With regard to the specific issue raised by the Deputy, I am advised that the HSE provided over €390,000 in funding to Tiglin in 2016. An additional grant of €50,000 was also provided by the HSE last year in respect of the provision of residential drug treatment episodes. This funding was issued by the HSE on a once-off basis and Tiglin was informed that it was not a recurring payment. I understand that the overall funding for residential drug treatment services currently provided by Tiglin is being examined by the HSE in the context of the national unit cost study. This study will highlight the funding required to maintain an appropriate level of service to individuals receiving residential treatment services funded by the HSE. This will involve an assessment of the needs of service users.

The HSE has assured me that the allocation of available resources to residential drug treatment services this year will be informed by the outcome of the unit cost study. Finally, I emphasise to the Deputy that the Government is committed to putting the national drugs strategy in place this year in order to provide leadership and a renewed response to address the drug problem in Ireland. It is expected that the drug strategy will build on the harm-reducing approach of previous policies.

I made some inquiries about the withdrawal of funding before I came down to the House. As I said, it was a once-off payment by the HSE CHO area 9. I emphasise to the Deputy that I have been to Tiglin a few times now. Nothing can describe the work that is done out there with people who find themselves trapped in drug addiction. I assure Deputy Curran that I will examine why the funding was withdrawn. The Deputy made a very good point about the fact that many of the people who are in Tiglin are actually from the CHO area so I will continue to follow up on that.

Deputy John Curran: I am glad the Minister of State replied to this matter because she understands the issue involved and there is no need for me to explain in detail. She has obviously looked into it and been given a note. Perhaps she can clarify one or two points for me.

The Minister of State indicated that an additional grant of €50,000 was also provided by the HSE in 2016. I am advised by Tiglin that it has received correspondence about its business request for additional funding for clients attending the centre and confirming that the €50,000 was approved. Tiglin was told that the delay in the money landing in its account was due to the setting up of the vendor code, which should have been sorted before Christmas. This was in 2015. The correspondence said that, in addition, the 2016 funding would be sorted and that Tiglin would receive a monthly cheque of €4,167 from the HSE. My point is that as far as Tiglin is concerned, there were two previous years. The centre received €50,000 in 2016 and €50,000 in 2015. I want the Minister of State to consider that particular point. Tiglin is saying that it was two years and that the funding has now been switched off. The correspondence from

the HSE, which is appalling, also suggests that Tiglin should engage with the HSE addiction services in CHO area 7. The HSE is saying that Tiglin should go to another area for funding. That is appalling, considering that the people CHO area 9 should be funding are from its own area. There is an anomaly in this regard.

I accept what the Minister of State says regarding the fact that there will be a review and that resources will be informed by outcomes, etc., but while the review is going on I ask her to please not turn off the funding. One cannot start and stop rehabilitation services. At the very least, last year's level of funding should be maintained until there is a review and until the Minister of State has decided to make a co-ordinated change. It would not be acceptable for Tiglin or other residential centres to be left in limbo or with reduced funding while such a review is ongoing.

These are the three main points I wish to make: Tiglin got funding of €50,000 in 2015 and 2016; it is not fair that it is being asked to go to CHO area 7 Dublin west to seek funding; and the Minister of State might consider maintaining funding to the centre until the review has been completed and new funding structures been put in place.

Deputy Catherine Byrne: I again thank the Deputy for raising this matter. He knows that the State has come through a very tough period. As a result of visiting different groups in recent months, I have become very much aware that many of them lost a great deal of funding and that services have been curtailed as a result. I hope that we may be able to reverse the position in this regard in the coming years.

I wish to emphasise that I cannot speak highly enough of Tiglin - I mean this most sincerely - and I have visited the centre on a few occasions. Deputy Curran made the point about the €50,000 being once-off funding. I will raise that issue. If Tiglin got this funding in 2015 and 2016 and there was no emphasis made that this was once-off funding, then this surely indicates that the opposite was the case. I agree with the Deputy about the tone of the letter, especially the part in which it is stated that Tiglin should go elsewhere to look for funding. I do not believe that is acceptable in any way. One of the things I have learnt in the past couple of months is that throughout all of the CHO areas, everybody is responsible for people coming in to a service from that particular area, so they should be able to fund the services to help those people in a place such as Tiglin. I will not say any more but I will certainly examine the matter further in the next day or two and revert to Deputy Curran in respect of it.

Rural Development Plan

Deputy Éamon Ó Cuív: Tá áthas orm go bhfuil an tAire Stáit anseo tráthnóna. Mar dhuine as Conamara agus atá ina chónaí i gConamara, tuigfidh sé cén fáth go bhfuil díomá orm maidir leis an bplean seo.

I feel sorry for the Minister of State, Deputy Kyne, in terms of the way in which he has been put in the position of trying to defend a plan that is literally just a reheated dinner. Not only is it a reheated dinner from yesterday, it is one from months and years ago. Basically, the Departments - including the Minister of State's own Department - have listed all their actions and said that, inevitably, every action they are taking or proposing to take is obviously going to have some effect in rural Ireland. When one analyses the plan, however, one discovers that it contains nothing new. If there is anything new in the plan, it is a promise to spend €20 mil-

lion a year in 600 towns, which is €33,000 per town. As someone who is involved in plenty of these schemes, I believe we should be putting money into them. An average community centre costs over €1 million. The Minister of State opened a community centre recently in Cong that cost over €1 million. That is the reality. Funding of €33,000 would not pay for the tarmacadam footpath outside a community centre. Some work is being done in the village nearest to where I live, Corr na Móna. This work is being done by the community. If it was being done by the local authority, we would be talking about funding of a few hundred thousand euro for one footpath. These are real costs.

When we look at the action plan for rural development, it is interesting that costings are not provided in respect of the extra measures to be delivered over the next three years. There is something that is even more chilling is the fact that it appears to be a case of "Thank you very much for the plan for rural towns and villages; now can we have a plan for rural Ireland?" I cannot see any significant strategic approach to some issues. For example, the first question one is asked at any meeting in a rural area relates to roads. All we get is a rehash of whatever major plans the Government has for the main routes. The Minister of State and I know that the reality is that our regional and county roads need upgrades if business is to be attracted. There is nothing in the plan about putting sewage systems into those towns and villages that do not have them. There is nothing about extending water supplies to those houses in the State that do not have a connection, either through a group water scheme or the main supply. The reality in respect of the rural broadband scheme is very simple. In the next two years, private companies - with no State assistance - will connect 300,000 properties to high-speed broadband and in many cases to e-fibre. I welcome that, even though in the newspapers this week the Minister of State with responsibility for the Office of Public Works somehow managed to criticise the moves. In the same period, we will be lucky if the Government manages to sign a contract in respect of the national broadband scheme.

The reality is that the network must be remapped. I have a question for the Minister of State in that regard. The Government must remap all the work for the umpteenth time, when everybody has known for five years that the answer to this problem is the running of a little hair-like line into every house and business in the State at a net cost to the Exchequer of about one fifth of the proposed cost of bringing water to Dublin from the Shannon. When I read the plan-----

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy.

Deputy Éamon Ó Cuív: There is a chilling statement in the plan regarding the promotion of town and village housing schemes as an alternative to one-off housing.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy.

Deputy Éamon Ó Cuív: As Professor Caulfield has pointed out, this State has a 4,000 year legacy of dispersed communities. Parishes are built on it, townlands are built on it and our entire geography is built on it.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy has gone way over time.

Deputy Éamon Ó Cuív: This Government is hell-bent on destroying the thing that gives us in the rural parishes of Ireland-----

Acting Chairman (Deputy Bernard J. Durkan): The Deputy is way over time.

Deputy Éamon Ó Cuív: Ask the hurlers from a County Clare parish of 300 people who are playing in an All Ireland final what makes them great. They will say that it is the structure of their communities. I thank the Acting Chair, I could not hear him.

Acting Chairman (Deputy Bernard J. Durkan): I am not surprised, but the Deputy will hear me the next time.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne): I thank Deputy Ó Cuív for his impassioned speech, although I will not respond to everything he said. I am speaking on behalf of the Minister, Deputy Humphreys, who, together with the Taoiseach, myself and several other Ministers, got a great welcome in the Ballymahon library from the cathaoirleach, councillors and staff there.

The action plan for rural development builds upon the model established by the successful Action Plan for Jobs, which has seen the unemployment rate come down from 15.1% to 7.2% between 2012 and 2017. It takes a whole-of-government approach to the economic and social development of rural Ireland and acts as an overarching structure for the co-ordination and implementation of initiatives across Departments and other public bodies. The action plan was developed following a comprehensive consultation process with key rural stakeholders. In particular, a series of meetings was held with sectoral interests in rural areas, including farming and fishing organisations, Teagasc, Macra na Feirme, Údarás na Gaeltachta, the IDA, Enterprise Ireland, Chambers Ireland, the Western Development Commission, the Association of Irish Local Government, Irish Rural Link and Waterways Ireland. These meetings were supplemented by six structured workshops held across the country with representatives from local community groups, local government, rural stakeholder groups and relevant State bodies and agencies.

The Minister also sought input to the action plan from our colleagues in the Oireachtas with the holding of an information session for Members during which we issued an open invitation to submit proposals for inclusion in the plan. I should point out that a number of Members and their groupings availed of this opportunity, as did the members of the Joint Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs, both collectively and individually. The Minister and I would like to put on record our thanks for the submissions provided, both by Oireachtas Members and those who took part in the wider consultation process. I can assure them that their points and observations were considered during the formulation of the plan and, ultimately, helped to improve it.

That is the basis of this whole plan. It is not that the Minister sat down at her desk one day and just decided to write it out. She has consulted widely with all the stakeholders and this is the plan they imagined, drew up and formulated. I and others have put forward a number of suggestions on some measures which, thankfully, were included in the plan. We want to communicate the aims and objectives of the plan as widely as possible. The Minister has already offered to meet the joint committee to discuss the plan further and she will also address Seanad Éireann on the plan in February.

Having launched and published the plan, our attention and that of the Department will now turn to monitoring its implementation. As the Deputy will appreciate, the implementation of such a comprehensive and wide-ranging action plan, encompassing more than 270 actions, will be challenging. The action plan sets out a clear roadmap for monitoring its implementation, a process which will be overseen in the first instance by a monitoring committee to be chaired by the Minister. The membership of the committee will be comprised of representatives from the

relevant Departments and State agencies, as well as representatives from key rural stakeholders and experts in the area. The Deputy will see progress reports on the website, *www.ruralireland.ie*.

In addition, it was announced by the Minister at the launch that she will appoint Mr. Pat Spillane to act as the ambassador for the action plan for rural development. Mr. Spillane's brief will be to encourage businesses, communities, sporting organisations and other organisations to engage with the plan. He also played a key role in the report of the Commission for the Economic Development of Rural Areas, CEDRA. The Department was resourced with additional staff for the new section when the original rural section was brought into the Department in the reconfiguration, and those staff will have key role in the implementation.

With regard to the Supplementary Estimate for the action plan, I should point out the action plan is intended to run for three years. The Minister, Deputy Humphreys, the Minister of State, Deputy Ring, and I will work with our colleagues across the Government as part of the larger Estimates process to ensure there is significant investment in rural communities over this period. I note the rural development division of our Department has increased its funding by 29% when compared with the 2016 baseline, that is, from €61.2 million to €79.2 million. The action plan is the first whole-of-government approach to rural communities. It is my view that the role of all in the House is to ensure this multifaceted, cross-agency, cross-departmental plan is implemented and resourced. We look forward to the Deputy's support in regard to ensuring we get additional resources in the years ahead.

Deputy Éamon Ó Cuív: I have heard scripts but I have never heard one as poor as the one the Minister of State was asked to read out today. This is so sad. If I had time, I would go through the 276 actions. The action plan states, for example, that €1.2 billion per annum will be paid out in single farm payments. I will not say what I would like to say about that in the Houses of the Oireachtas. This €1.2 billion has been paid out for the past ten years because that is what the Common Agricultural Policy, CAP, provides. The plan tells us that €4 billion will be spent on the CAP. First, the Government is not spending it and, second, that is an old commitment. The plan tells us the Government will spend €250 million on the Leader programme when it was €340 million the last time. It goes on and on. It is laughable. One of the great boasts is the Government will again roll out the RAPID programme, which it never should have stopped. However, we know this is primarily an urban programme, although provincial towns are involved.

Deputy Seán Kyne: Tuam and Ballinasloe.

Deputy Éamon Ó Cuív: I agreed it includes provincial towns. However, given we have the reheating of some actions for towns, will the Government give us the plan for rural Ireland? Does the Minister of State realise there is one town in the whole of Connemara, which he represents, with a population of more than 1,500 people, namely, Clifden? Does he realise there are 980 towns in the country with a population of more than 1,500? The Government will not even be able to give €33,000 a year to more than two thirds of those towns. What of all the towns and villages in Connemara, with which the Minister of State is well familiar? One town might qualify. This is not a plan.

Will the Minister of State answer one straight question? The Government is going to implement this plan and the Minister of State tells us this is something new and above what was already in all the Estimates that were provided for when Members voted through the budget.

Will he tell me how much of a Supplementary Estimate the Government will have to bring in this year to implement this plan? That is the acid test. If the answer is níl, it proves this plan is just an amalgam of reheated dinners, as I said at the beginning, and is a disgrace. If this is what the stakeholders want, the stakeholders are not serving the people. It is no excuse.

Deputy Seán Kyne: Clearly, no single silver bullet is going to save rural Ireland.

Deputy Éamon Ó Cuív: Roads, water and sewerage might.

Deputy Seán Kyne: This plan is a cross-departmental plan that encompasses nearly all Departments and State agencies that have a role in rural Ireland. For example, the roads budget is separate and has been announced. The investment in sewerage, which was mentioned by the Deputy, comes from Irish Water where there has been underfunding for years. Broadband is being rolled out, as the Deputy knows-----

Deputy Éamon Ó Cuív: It is not.

Deputy Seán Kyne: It certainly was not rolled out in 2005, when I was on the council and saw lovely bright maps coming from the Deputy's Government.

Deputy Fiona O'Loughlin: This is 12 years later.

Deputy Seán Kyne: As the Deputy knows, next June or July the signing will take place of a very complex contract of more than 2 million words that is future-proofed for future generations.

Deputy Éamon Ó Cuív: It will not be.

Deputy Seán Kyne: The capital plan for housing, which the Deputy welcomed yesterday-----

Deputy Éamon Ó Cuív: It is reheated dinner.

Acting Chairman (Deputy Bernard J. Durkan): Order, please.

Deputy Seán Kyne: In the last two years, during bad economic times, up to 24 social houses were provided in Letterfrack. I know the Deputy turned the sod there two years ago, so obviously he would welcome that. It is a clear investment in rural Ireland. Roads funding comes from the Department of Transport, Tourism and Sport and there is Enterprise Ireland funding. We have the IDA, the LEOs and the housing plan, and a range of other plans are coming from across various Departments.

Deputy Fiona O'Loughlin: *Déjà vu*.

Deputy Éamon Ó Cuív: There is nothing new.

Deputy Seán Kyne: No single thing will save rural Ireland. The Deputy talks about towns. Towns, villages and the rural hinterland are all interconnected, as they are connected to Galway city. We want to see all areas thriving. They are all working in conjunction-----

Deputy Éamon Ó Cuív: The Government wants to do away with one-off houses.

Deputy Seán Kyne: I welcome the Deputy's support to implement all the measures. As I said, we can work together to try to secure extra funding and I am sure the Deputy will be de-

bating that at the Oireachtas committee. This is a very welcome initiative for rural Ireland. We will continue to fight to ensure it is implemented across every Department that has any role or does any work within rural Ireland. I hope Deputy Ó Cuív will join us in that battle.

Film Industry

Deputy Richard Boyd Barrett: As the Minister, Deputy Mitchell O'Connor, is aware, Ardmore Studios is synonymous with the Irish film industry. It is, in effect, the birthplace of the Irish film industry as an industry. Since it opened in 1958, it has propelled Irish film making into the top flight of film making in the world.

*4 o'clock*I

t has played host to some of the greatest actors in the world - Richard Burton, Fred Astaire, Mel Gibson and Ralph Fiennes. Some amazing films have been produced at Ardmore, winning a total of 14 Oscars and numerous BAFTAs, Emmys, Golden Globes, etc.

From the point of view of the local area, Ardmore Studios are critical. They are responsible for 500 direct jobs and thousands of indirect jobs. I understand that 500 people attended a public meeting in Bray last night -unfortunately, I could not be present because the House was debating the Stardust tragedy - at which it was stated that the studios are responsible for up to 8,000 or 9,000 indirect jobs. The Minister will be aware, not only from the Wicklow and Bray area, that there are many tradespeople, creative individuals and those merely who only appear in productions as extras who are constantly working in Ardmore. Any threat or possibility that Ardmore Studios might cease to operate would simply be unacceptable. It would be the destruction of a central part of our film heritage and culture and, obviously, a massive economic blow to a large number of people and to a wide catchment area.

I talked to some of the trade unionists involved, who welcomed the fact the Minister had engaged with them. What everybody wants to hear is that there will be a commitment that, one way or another, Ardmore Studios will be kept as a going concern and that whatever is necessary will be done to ensure that happens. Under no circumstances should we allow a situation whereby Ardmore might be bought by property speculators or whatever. The facility should be maintained. We should use initiatives at local level to ensure that the whole complex is zoned for film production only. The Government should also step in and take whatever action is necessary. Enterprise Ireland already has an obligation to ensure that the jobs and the industry are retained. Whatever other initiatives are necessary should be taken.

A point made by the workers who spoke to me earlier is that in so far as subsidies are given to domestic film production companies, there is an absence of the obligations on such companies to use facilities such as Ardmore. If this were done, it might ensure that there is joined-up thinking across the film sector.

A proposal of which the Minister will be aware is that relating to a possible buy-out by the workers. I am of the view that this would be the optimum solution, particularly as it would involve those with all the fantastic skills necessary for film production. Everybody I talk to in the film sector states that the technical skill level at Ardmore is second to none. A workers' buy-out, facilitated by the Government, would be another solution.

I hope the Minister can give us words of comfort to the effect that Ardmore Studios will be retained in order that they might play a critical role in Ireland's film industry.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): I thank the Deputy for raising this matter.

I am conscious of the anxiety that the uncertainty around the sale of Ardmore Studios creates for the workers concerned, as well as for the local community. Ardmore Studios is a commercial entity, owned 68.33% by private interests and 31.67% by the State. The State's shareholding is managed by Enterprise Ireland. Enterprise Ireland inherited the stake from NADCORP, the former State investment agency, in 1986. As a passive investor, Enterprise Ireland has no enterprise development role in Ardmore or any involvement in its day-to-day operations. Furthermore, while Enterprise Ireland offers supports to exporting companies involved in film and the creative sector, policy responsibility for the development of the film industry rests with my colleague the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Humphreys.

The sale of the Ardmore Studios is a commercial decision by the majority owners of the studios. The facility is being placed on the market for sale as a going concern. Enterprise Ireland has not placed any pre-conditions on the pending sale of Ardmore Studios due to the existence of planning restrictions on the site, which safeguard its use as a film-making facility into the future. Wicklow County Council has confirmed this and it agrees to maintain the film-only zoning as a matter of policy. Enterprise Ireland's primary concern will be to maintain the business as a going concern, as well as ensuring the best economic and financial return for the State. Enterprise Ireland will make its decision in consultation with me and I, in turn, will consult the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

I assure the Deputy that both I and the Minister, Deputy Heather Humphreys, will do whatever we feel is best to support Ardmore continuing as a strong commercial proposition and a key piece of infrastructure for the development of the film industry in Ireland, not only to safeguard employment but to enhance employment prospects in the film sector.

Deputy Richard Boyd Barrett: At many levels, I welcome what the Minister says, but there are a few details I would like to hear to be more assured. First, there should be absolutely no consideration of the Government selling its stake in Ardmore. Critical to maintaining it is for the Government to retain that stake.

The zoning itself is not sufficient protection because the facility could be bought, somebody could sit on it for a couple of years and if it is left derelict, the zoning could be changed further down the line. What we need now is intervention of a level sufficient to ensure that it continues as a working studio, whether that is a viable film-making concern taking over the private share that is being sold by Mr. Ossie Kilkenny and Mr. Paul McGuinness, facilitating a workers' buy-out as has been suggested or even full-scale nationalisation if that is necessary in order to sustain the facility.

I would not want to put a figure on the facility's overall value but it was suggested at yesterday's meeting that the economic impact in one year of that studio - working at full capacity and in full production - is three or four times' the amount for which it might be sold. The value to the local area and the economy in terms of employment is several multiples of what we might have to pay for it if we decided to nationalise it, if that is necessary. What we need is a com-

mitment that no option will be considered that will lead to its closure and that whatever action is necessary to ensure its survival will be taken by the Government.

Deputy Mary Mitchell O'Connor: I have had three meetings: one with the workers and the unions; one with Oireachtas Members; and another with Oireachtas Members and the chief executive of and officials from Wicklow County Council.

I hear the Deputy talking about nationalising. In fairness, Enterprise Ireland is not a film production company. It is not a Disney. It will never be able to make films such as those to which the Deputy referred and which won Oscars. That is not Enterprise Ireland's area of expertise. Its expertise lies in ensuring the very best outcome.

Deputy Richard Boyd Barrett: The workers have the expertise.

Deputy Mary Mitchell O'Connor: Yes, absolutely, and not Enterprise Ireland. However, the workers-----

Deputy Richard Boyd Barrett: I am not asking for Enterprise Ireland.

Deputy Mary Mitchell O'Connor: May I finish? We had the meeting with Wicklow County Council and all of those people were in attendance. Bryan Doyle, the chief executive of Wicklow County Council, wrote to me. He welcomed my recognition of the importance of Ardmore Studios to County Wicklow and the mid-east region and my acknowledgement that the development of the film industry is a key pillar of the action plan for jobs for the region. That is what Enterprise Ireland is good at. He went on to point out that the audio-visual industry is one of the primary objectives set out in that action plan and that Wicklow is the lead authority in this action area. He said that the local enterprise office, LEO, in Wicklow, together with four other LEOs in the south east, has initiated the south-eastern creative corridor project aimed at creating a vibrant, viable and growing cluster in the region.

I emphasised at the meeting that the intention is that the studios be sold as a going concern - I have been saying that repeatedly - and that the final decision would be taken with me and the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs. All of the county councillors and the chief executive gave me a strong commitment that the zoning would not change. The Deputy was a county councillor so he knows about zoning. If the county councillors continue to be influenced by the local people and local representatives, the zoning will never change. Enterprise Ireland and I want it sold as a going concern. We are not in the business of film production and do not have that expertise, but we have the expertise to ensure we develop the action plan for film production in the area.

Nursing Home Support Scheme (Amendment) Bill 2016: Second Stage [Private Members]

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

When talking about nursing home care and home care, we are talking about more than the elderly. Given that the elderly comprise such a large component of the people in receipt of such care, however, I will outline some statistics which demonstrate the magnitude of the problem we face. Ten years hence, it is estimated that there will be 908,000 people over 65 years of age in this country. That is one in six of the population. In the 20 years between 2006 and 2026, the

number of people over the age of 75 years in the country will increase by a factor of 3.5. Every day for the next ten years, an additional seven older people in Ireland will require long-term residential care or care in the home.

The cost of caring for the elderly will increase exponentially. It will be up to approximately 2% of GDP by 2050. We are facing a spending tsunami in this regard, so it is incumbent on the Parliament and the Government to ensure the huge amount of money the taxpayer will be called upon to spend in this area is spent to best effect and that the taxpayer gets the best possible value for money, not to mention the individuals on whom the money will be spent. State policy, or at least State philosophy, is that elderly and infirm people should be cared for, in so far as possible, in the comfort and security of their own homes. However, as in so many other areas, philosophy and practice diverge. If somebody reaches a position where they are too old and infirm to take care of themselves or for their family to look after them without support, they have two choices - residential care or home care. We have legislated for residential care in nursing homes. Putting it on a statutory basis means that if somebody meets the criteria, the or she has a statutory entitlement to residential care. Of course, there is no such statutory entitlement to home care.

Another issue with home care is that it is geographically dependent, in that it depends on whether the various ingredients that comprise an appropriate home-care package are available in the locality where the patient resides. Local health officials may determine that if the necessary ingredients are not available in a locality the patient will have no choice but to opt for the fair deal scheme. Ironically, it costs the State more than three times as much, on average, to provide a fair deal package as it does to provide a home-care package. Existing home care services are sporadic and inconsistent. They are not patient driven and there are significant geographical disparities in the availability of services. In other words, it always depends on where a person happens to live. Somebody recently described it as a postcode lottery. There is no transparency in eligible criteria and decision making. It is entirely at the discretion of the health service. In view of this, many elderly, infirm people have little choice but to opt for nursing home care at far greater cost to the Exchequer.

The ultimate solution is to have a home care system which is statutorily based, which the Minister of State is attempting to do. However, it will take time and as I said previously the elderly do not have time in abundance. In the meantime, I am proposing this as a temporary, stopgap measure. It has the capacity to assist some of those people. It will not give a general legal right to home care to everybody. However, it will give it to some, specifically those who qualify for nursing home subvention but who could be cared for at home if it would cost the State less and would not compromise the safety of the person being cared for. It would start the process of giving a universal legal right to home care. I accept the Minister of State's argument that it will take time to put in place a statutory system. If, in the meantime, we can extend it to even a small category of the population, why not do so? It would be a far better solution for the person requiring care and it would certainly be far better for the taxpayer.

The average net cost of a home care package is less than one third of the average cost of residential care and yet the HSE allocates 58% of the budget for older people to the 5% of people in nursing home care. Studies done by the Alone organisation and others show that in a clear majority of cases, older people awaiting transfer from hospital to long-term nursing home care wished to remain in their own homes. Up to 15% of older people were not involved in this decision at all. In the case of older people suffering from dementia, this figure was 45%. Ireland has 40% more people in nursing homes than the EU average and the average stay in a nursing

home here, four years, is double the EU average of two years. A considerable number of these could be cared for at home.

Studies by a number of reputable organisations in this field show that 36% of people in long-stay nursing home beds have low to medium support needs. Low-dependency nursing home beds have increased by almost half in the 12 years since 2004. Medium dependency nursing home beds have increased by over one sixth in the past two years. The figure for low to medium dependency people in long-stay nursing home beds is increasing, while the figure for high to maximum dependency is decreasing. In other words, more of those in nursing homes could be adequately and more economically catered for in the home. Justin Moran of Age Action Ireland put it succinctly in a recent interview with the *Irish Independent* when he said there were more and more people in nursing homes in Ireland today who could be supported in the community.

When the recession kicked in, the resources for home care were slashed. Despite the fact that there has been a 25% increase in the population of over 65s since 2008, funding for community support has decreased. Expenditure is roughly at the level it was in 2008 and the number of home help hours has decreased by 18.5% or €2.3 million in the same period. While I realise home help is only one aspect of home care, the type of assistance the elderly can get from home helps has been pared back. Carers have been restricted from helping elderly people with domestic tasks such as taking out the bins, picking up shopping or cooking meals, not recognising that in many cases these domestic tasks are where the greatest need arises.

Interviewed by *The Sunday Times* recently, Dr. Sarah Donnelly, lecturer in social sciences at UCD, said the removal of these services was forcing people towards institutional care. "We can see there is a direct correlation between the removal of supervisory supports and the number of people with lower dependency having to go into nursing home care," she said. The Minister of State's predecessor, former Deputy Kathleen Lynch, said in a recent interview, "It appeared to me that people expected my job was to put older people into institutions." She went on to say, "That really bothered me," which I do not doubt. This is precisely how the 2009 Act is being administered and interpreted. For every individual we can direct towards home care as opposed to into a nursing home, the taxpayer benefits in the normal course of events.

In the Bill, we have provided specifically that the option will be given only if home care will cost less. It will release resources, not to mention give people the joy, satisfaction and dignity of living at home with their families who in my experience are prepared to contribute to the care and support of their elderly relatives if there is some sort of decent home care package. I support the Minister of State in what she is doing. We need a statutory home care system. I would propose it myself but for the fact that as a humble non-Minister the rules of the House do not permit me to propose legislation which would incur a cost to the Exchequer. I will support the Minister of State in every way I can in her efforts.

The point has been made to me about the legislation opening new areas of expenditure. It does not. It will save money. If instead of going into nursing home care a person goes into home care at a lower cost to the State I do not see how it opens up avenues of expenditure. If the Bill were going to be a burden on the Exchequer I have no doubt the very resourceful people in the Bills Office would prevent our bringing it forward. The Minister has estimated that it may take two, three or more years to put a proper statutory system in place. The Minister of State can clarify this. We will all be delighted when that happens and there is no longer a need for something like this Bill. While we are waiting for nirvana, people are applying for the fair deal scheme today and in the future who could be catered for at home and would prefer to be

at home. If we can bring something in which would facilitate this, would it not be the logical thing to do? I commend the Bill to the House.

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

> To delete all words after "That" and substitute the following:
>
> "Dáil Éireann resolves that the Nursing Home Support Scheme (Amendment) Bill 2016 be deemed to be read a second time on this day six months, to allow the Minister of State for Mental Health and Older People to consult with the public and other key stakeholders and to examine some important issues with the Bill having regard to the fact that the Minister of State is already preparing a set of policy options for the development of a regulatory regime for home care providers in tandem with a funding model for the provision of care in the home."

I thank Deputy Willie O'Dea for bringing forward the Bill. It allows us to open up a much wider discussion on the care of our elderly, an issue that affects many people. God willing, the one certain thing in life is that we will all get old. While statistics show we are living longer and healthier lives, we all want to ensure that if that care is needed, it is there.

As Minister of State with responsibility for older people, my priority is to ensure our older people get the best care possible. I too would be bothered if people thought my only role was to put people in residential care. For many people, care can be provided in their own homes and communities with the people they love. Home care is an increasingly important part of the supports we offer to older people and will continue to increase in importance into the future as our aging population grows.

The Deputy is correct. According to the figures, the number of people over the age of 65 will double in the coming years while the number of people over the age of 85 will treble. Currently, 11 people per day are diagnosed with dementia, and this number will only increase. It is estimated that approximately 20% of the over 65 population receive some form of community-based support service annually from the State. The HSE's national service plan sets a target to deliver 10.57 million home help hours, 16,750 home care packages and 190 intensive home care packages for clients with more complex needs. However, home care is not currently regulated by the State and not provided on a statutory basis. I know from discussing this topic with Members and people outside the House that we are in agreement on the need to consider carefully, as a matter of urgency, the future financing and regulation of home care.

It is the Government's policy, as well as that of other political parties, to help older people to stay in their own homes and communities for as long as possible, with long-term nursing care seen as a last resort only after home care and other community-based supports have been fully utilised. People themselves want to stay at home and to ensure this happens we need to invest further resources into this area. Home care services provided through the HSE are provided on the basis of assessed health care need and there is no means-testing or personal contribution towards the costs involved. However, people are cared for at home under a wide variety of arrangements, both formal and informal. The HSE provides services both directly and through service agreements with private and voluntary sector providers. Traditionally, home care was viewed as providing a lower level of support than residential care, and not as an alternative to it. Increasingly, however, it is considered possible to support many people at home who would

previously have gone into residential care. We have seen a decrease in the average length of stay in a nursing home from seven years to two years. To further support people remaining at home, we will require an increase in the amount and intensity of home care, as well as more effective integration with other supports, including nursing, therapies and other primary care services. We are working to provide a more viable alternative to nursing home care for a greater number of people.

Arrangements for home care provision have developed over the years with a significant local focus. While the HSE is incrementally developing a more consistent and coherent system, some legacy issues are still being worked through. Unlike the nursing homes support scheme, or the fair deal scheme as it is more commonly known, which is centrally managed in a unified way, there remains more variation than we would want to see in home care arrangements. For example, access to services can vary from place to place and at different times of the year, as Deputy O'Dea alluded to earlier.

The fair deal scheme is a coherent national system of financial support for those in need of long-term nursing home care. Participants contribute according to their means while the State pays the balance of the cost. Participants can contribute up to 75% while the overall budget for the scheme is €940 million. I believe what we need is a stand-alone statutory scheme designed for home care which recognises its particular characteristics. What we do not need is a scheme that pits home care against residential care. Both are necessary. A significant amount of detailed preparation needs to be done before final decisions are taken on the form of a home care scheme and the regulation of these services. We need to ensure this work is done as a matter of urgency.

This evening's debate accelerates our deliberations. I acknowledge and welcome Deputy O'Dea's intention to allow for home care services to be offered to people in place of long-term care in circumstances where these services are less costly on the State. This is my aim too but we need to ensure it is done in the correct manner and that the work I have already begun in this area is allowed to be completed.

I have discussed with Deputy O'Dea several concerns I have with this Bill, as it is currently worded and if it were to be introduced immediately. The Bill would have several unintended consequences for the operation of the national fair deal scheme and could actually jeopardise the efficient working of that scheme, in turn impacting on the wider health service. The Bill confers an entitlement to home care services. Funding made available for residential care under the fair deal scheme is not an entitlement. It is subject to available resources and a national placement list is in operation. Neither is there currently an entitlement to funding for home care which is provided on the basis of assessed need and also subject to available resources. A possible unintended consequence of the Bill is that the fair deal scheme could be overwhelmed. Inevitably, this could lead to delays in assessments and in granting approvals. Delays to the approval process have previously been shown to directly impact on the wider health services with knock-on effects of emergency presentations to acute hospitals and increased pressures in our emergency departments.

I am also concerned about one other area. Under the fair deal scheme, recipients pay 80% of their weekly income towards their care costs on the basis that they receive their food, heat and lighting. If this provision were applied to home care, older people could not survive on 20% of their income. Similarly, under the fair deal scheme, the value of a person's home is assessed as an asset and a contribution of 7.5% per annum applies up to a maximum of three years. While

this payment can be deferred, it assumes the person no longer lives in their house. Again, this is incompatible with the position of an older person who continues to live in their own house while receiving home care.

In saying that, however, let me reiterate that I agree wholeheartedly with Deputy O'Dea's wish that care be provided to as many older people as possible in their own homes, where they are surrounded by the people and communities that they love. I know from travelling around the country and speaking to older people that this is the aspiration of so many, an aspiration which we are all working to deliver. The development of a statutory home care scheme is a priority for me and my Department. Intense efforts are now under way to make this a reality and I will bring the House up to date on these efforts.

The Department of Health is currently engaged in a detailed process which will determine what type of home care scheme is best, regarding both regulation and funding. In 2016, the Department of Health commissioned the Health Research Board to carry out an evidence review of international approaches to the regulation and financing of home care services. The examples of Sweden, Germany, the Netherlands and Scotland were used because they fit the type of model we are examining. This will be published shortly.

The Department is engaged in a mapping exercise of current service provision around the country, taking into account the scale and diversity of services funded by the HSE. This exercise is being carried out alongside future demographic projections. This work will be used to identify major policy options for a new home care scheme around the areas of regulation, financing, assessment and eligibility. Once this is complete, a public consultation will be launched to allow stakeholders, including older people themselves, their families and health care workers to express their views regarding a new home care scheme. It is my hope and intention at this stage that the consultation can be launched in May.

This debate is welcome. All Members are aware of the inconsistencies across the country in accessing home care and the need for more home care to be provided. This issue was highlighted in a touching and thought-provoking manner recently by Brendan Courtney in his documentary "We Need To Talk About Dad", an important work on which I commend him as he is in the Gallery. All Members agree that we need more resources for home care. As I have outlined, I believe the way forward is developing a new scheme specifically designed for home care. It is important it is done as a matter of urgency. However, it is also important we recognise that the development of a funding model for home care services is a complex undertaking involving significant legislative, operational and financial resources. The Department's intention is that regulation of the home care sector will be done in parallel with the development of such a scheme.

We all want the same outcome, namely, an affordable and sustainable home care scheme. I appreciate and warmly welcome the spirit of co-operation shown by Deputy O'Dea. On that basis, I propose that Second Stage be read again in six months' time. This will allow the detailed work being carried out by the Department, including the consultation with stakeholders to take place. It will allow for further careful examination of several issues.

This is a priority for me and it is my intention to work with all Deputies, as well as other stakeholders, to an affordable and sustainable home care scheme for older people and future generations.

An Ceann Comhairle: I call Deputy Fiona O'Loughlin who is sharing time with Deputies John Curran and Anne Rabbitte.

Deputy Fiona O'Loughlin: Since the fair deal scheme was introduced in 2009, despite some flaws, it has helped and enhanced the lives of many who were able to avail of it to secure the necessary supports they needed in a nursing home. Good as it was, the scheme has to be altered at this point to cater for the needs and lifestyles of a growing older population, the citizens who have helped build our country. Many, however, were not just disappointed but devastated when they realised home help hours were not to be increased in the HSE's service plan for 2017 to help alleviate problems people have at home and overcrowding in hospitals. Due to this, thousands of older people right across the country have been left without the support they need. This policy contradicts the Fine Gael Party's manifesto pledge of an additional 2.2 million home help hours over five years. Therefore, in reality, there should have been an extra €400,000 this year. The upshot of this decision was that further pressure was put on the already stretched nursing home system and the hospital system.

In so far as possible, we all want to stay and live in our own homes, surrounded by our loved ones and by the familiar for as long as we can. I think for any of us, to be able to keep our parents, grandparents and family members with disabilities in our own homes for as long as possible is an absolute given. The Bill that my colleague, Deputy O'Dea, has put forward today has the possibility to dramatically change in a very positive way and improve the provision of care to older people and those with disabilities. I acknowledge that Government policy is that the elderly and the infirm should, in so far as possible, be able to live in their own homes. However, at present, this is not a realistic option for many. I know from listening to older people in south Kildare and those who care for them that all of them would far prefer older people to be able to stay at home. This needs to be put on a statutory basis. All health care professionals and all specialists in geriatric care say the outcomes are far better for older people if they can remain in their homes as long as possible, supported by family and home helps. In addition to adding pressure to the nursing home system, a lack of home help hours and support from the HSE at this point will ensure that older people and those with disabilities or chronic health issues will remain longer in the hospital system than is necessary.

I also make a plea for support for community care systems within this new system. We have many excellent day care systems within our communities around the country which need help and support. It is a joy to witness the terrific work Joan Kennedy does in the Rathangan Day Care Centre, providing help, support, solace, friendship and excellent food throughout the week from Nuala O'Connell and her team. This certainly helps elderly and infirm people to stay in their own homes. I have spoken here recently about the Alzheimer's group in Moore Abbey in Monasterevin and the impending decision in April as to what will happen to what is a vital service for people in south Kildare. I made the plea to the Minister of State that while we consider support for those in their homes, there needs to be support within the community as well.

I commend my colleague for bringing the Bill forward at this Stage and I plead with everybody involved to ensure this happens. It makes sense both on a financial level, since, as my colleague has pointed out, the cost would be one third of what it is for nursing home care, and it makes complete sense on a moral and supportive level.

Deputy John Curran: I support my colleague, Deputy O'Dea, in introducing this legislation. I wish to put on the record that it is not the first time we have discussed it as a party. Legislation does not just appear; Deputy O'Dea brought this to our parliamentary party for dis-

cussion before the Bill was produced. My recollection is that there was at the time widespread understanding of and support for the issue and that the legislation was brought forward with enthusiasm. Deputy O'Dea in his contribution set out clearly the issue of our ageing population. He then referred to the level of support in various nursing homes and the requirement involved. All of us in our constituencies and our families are well aware of the increased supports people require as they get older, and most of us strive in so far as possible to keep those family members in our own homes. For many people, the idea of going into residential care is a last resort. My own family is no different from many others to which I have spoken.

I am disappointed by the amendment to defer the Second Reading of the Bill by six months because, as Deputy O'Dea said, this is not a full solution but a step, and one step only. What the Bill does is afford an opportunity of choice for somebody who would qualify on medical needs and who would be assessed as being on the fair deal nursing home scheme to go into a nursing home. At that point, it gives them the option to get a level of support that would keep them in their own homes or go into residential care. I am disappointed that this cannot be progressed more rapidly. I fully support what the Minister of State said about the greater review regarding greater supports across the whole range of services but this is specific. I refer to the cohort of people whose particular aim is to go directly into the fair deal nursing home scheme. The Minister of State referred to a couple of reasons for her amendment. She said:

> The Bill confers an entitlement to home care services. Funding made available for residential care under the fair deal is not an entitlement. It is subject to available resources and a national placement list is in operation.

Effectively, what Deputy O'Dea is trying to get at is that these are the same people. It is merely proposed to give them a choice. At the moment, they end up having to go into residential care because the funding model, which is, as Deputy O'Dea said, to retain people in their own homes, would be one third of the cost of a residential place. That is the crux of what we are trying to engage with.

The Minister of State went on to say the fair deal scheme could be overwhelmed. My point is that we have an ageing population. This problem, this issue, must be dealt with. If we are being overwhelmed administratively, we need to resource it, but we need to be able to give people choices. As I said, at the moment, my concern is that if the cohort of people with which we are dealing qualify for the fair deal scheme and need that level of support, the only option available to them is to take the level of support in a residential rather than a domestic setting.

The Minister of State spoke, rightly, about the aspect of the scheme about which she has a concern. She said that under the fair deal scheme, the recipient pays 80% of his or her weekly income and so on and that 20% would not be enough to live on. She further made the point about the contribution of 7.5% of the value of the home, etc., and said the fair deal scheme was not envisaged in this regard. I take these points. The purpose of debating legislation such as this on Second Stage is to make the necessary arrangements or amendments, to which we are open. Then we will be able to make this happen and facilitate as quickly as possible a group of people which we believe are going into residential care and, with this legislation in place, would have a choice. The Minister of State has raised issues that we are prepared to address on Committee Stage and in respect of which we are prepared to accept Government amendments. However, to propose a deferral of Second Stage for three months and revisit the matter then is to engage in another, different programme.

The legislation Deputy O'Dea has introduced is quite narrow and specific and is nothing more than a first step. I ask the Government to reconsider the deferral for six months. I ask the Minister of State to table on Committee Stage the relevant amendments in respect of the issues she has identified to make this happen and to give these people, who at the moment face the choice between qualifying for the fair deal and residential care only, the option of residential or domestic care with the level of medical support required.

An Ceann Comhairle: Does Deputy Rabbitte wish to share her time with Deputy Calleary?

Deputy Anne Rabbitte: Please.

An Ceann Comhairle: The floor is hers.

Deputy Anne Rabbitte: I thought I would have to wait another 20 minutes or so. I thank my colleague, Deputy O'Dea, for bringing the Bill forward. Before I begin, I extend the apologies of Deputy Mary Butler, who is our spokesperson for older persons. She is in Scotland meeting with groups dealing with dementia.

I have met with the Minister of State more than once and we have had more than one discussion regarding the fair deal scheme. I very much support what Deputy O'Dea has done in bringing forward this legislation and I fully agree with what Deputy Curran has said. What we are looking for is very narrow. The Minister of State says she needs six months and that there are elements about which she has concern. At the coalface in my constituency, I have huge concerns about how home care packages are being delivered and the criteria for assessment. That is why I would very much welcome the opportunity of having it put on a statutory footing so that everybody would be treated equally and that when one reaches a certain age, one is not placed on a scoring system by which three points are awarded to those over the age of 85 and only two points to those over 65. That does not sit well with me and it should not sit well with anyone. If people are in need of home care help, they are in need of home care help. We should seek to give them that choice of support. It should not be a question of who gets care this week or who is entitled to it after a round-table discussion. If there is a need and requirement everybody should be treated equally. I thoroughly agree that everyone should have to contribute. People in my constituency are scrambling to get two or three hours because it is not on a statutory footing. People have the choice to say who gets what. We need to empower people to say it is a right and it should be on the same level as the fair deal scheme. The legislation governing the fair deal is a deterrent because after three years it is no longer only the house that is taken into consideration. Families whose loved one is sick in hospital and who are given the opportunity to apply for the fair deal but who do not understand its ramifications may not qualify for it. This is because their land will be over the threshold as it has not been transferred for three or five years. There are many similar issues and they get no financial gain from it. Moreover, when the five years have passed, they cannot apply for the fair deal scheme because they have applied already. They may never have drawn anything from the fair deal programme during those five years and the families may have supported and funded them throughout. The Minister of State at the Department of the Taoiseach, Deputy Regina Doherty, is looking at me. That is a fact. If a person applies for but does not qualify for fair deal that application sits on file. It is not possible to apply even if the land has been transferred for five years and the person's family has supported the person for those years. It is tied up in legislation and though the person had no financial benefit from the land, there is a case reference number attached to the person's personal public service number and that person cannot benefit from the scheme. There is a cohort of people who cannot gain from this. I endorse Deputy O'Dea's Bill and ask

the Minister of State at the Department of Health, Deputy McEntee, to look more favourably on the timeframe.

Deputy Dara Calleary: I commend Deputy O'Dea on this Bill, which took 18 months to prepare. Deputies are sick of me talking about silos in government. This is one area where they are most apparent. The Department of Health is the lead Department in this scheme but the Departments of Social Protection and Housing, Planning, Community and Local Government are also involved. I got very frustrated listening to the Minister of State read her script and it was a script because it is not how she feels. She wants a six-month delay but many of the fair deal cases I deal with involve people who get a call to be told their relative needs to be moved from a general hospital but because there are no step-down facilities or there is a shortage of beds in step-down facilities, they are being presented with the unachievable task of getting that person out and dealt with. They do not have six months. They are lucky to get six days in some cases and they are putting themselves in that situation to deal with the rules in the fair deal scheme for assets and income with very little independent advice and information available. That is why the Members of this House are so expert on the fair deal scheme because we are the port of call for dealing with it. Families do not have six months.

The home care packages are non-existent. Someone looking for home help, maybe in an emergency, will not get it from the middle of September on because the budget has been allocated to current hours. Last year we found that it took until the end of November until the extra allocation that was given last July filtered down into the system and we were in a position to get extra home help hours for new clients, never mind existing clients or an expansion of the existing clients. The Government cannot say we have a proper home care system when people are ringing and begging for 45 minutes of home help a day. That is not a proper home care system in any way. It is not structured or planned. It needs to be examined. Those people who are in a queue for home help and cannot get enough time do not have six months.

There are 21-week delays for considering a carer's application. Most initial applications are turned down and have to go into the appeals process which takes approximately 18 months. If we are serious about encouraging people to remain in their homes we will deal with that. The Department of Social Protection will face up to its responsibilities to carers and particularly to emergency carers. Where people need care at relatively short notice there should be a provision.

The rules around the fair deal urgently need to be reviewed because Deputy O'Loughlin is right; when it was introduced in 2009 and 2010 it made a substantial impact as we can see from the volume of our case work. In the past 18 months I have noticed blockages in the system that were not previously there.

The rules around assets and farmland do not reflect the way society is run. Farmland cannot be sold at a minute's notice. It cannot be sold if a family is told to move their relative to a nursing home within a week. It may go back generations and an older person will not get rid of that land. Some consideration has to be given to the value of farmland. Similarly, consideration has to be given to people who are self-employed and have spent their lives building up business and assets only to be asked to make that decision quickly for him or herself or a family member. As a country and a government, in the permanent sense, we do not understand or value home care or keeping people in their homes. We talk about it but we do not have the systems and procedures in place to allow people remain in their homes at short notice or at times of crisis.

As for the idea of a further six months to enable the Minister of State to review the scheme, I have no doubt of her personal commitment to this but the system does not get it and does not want to get it. I have been ten years in this House this year and in every one of those years we have been dealing with problems with home help and fair deal and these wonderful mysterious home care packages. There is more chance of seeing sun in Ireland in July than of a home care package because I have rarely if ever seen one. Let us take the opportunity Deputy O'Dea's Bill presents and say we will do this. I have only now noticed that Brendan Courtney is in the Public Gallery. He has articulated the frustration and desperation of thousands of families who were not in a position to do that. He has articulated what we deal with every day. Let not another year pass when home help will finish in September through a lack of resources, especially not in a year when the Minister of State will not be allowed to propose a Supplementary Estimate because of the new expenditure rules. Let us take this seriously for once and for all and say that in 2017 as a republic we initiated a care system based on families that is responsible and respectful.

Deputy Caoimhghín Ó Caoláin: Sinn Féin is committed to the provision of health care services and social care services as a right, with equal access for all based on need and to the greatest extent that resources allow. This right is especially relevant for older people and the provision of support for older people is becoming increasingly important as our population ages. Ireland's elderly population is set to reach 1.4 million over the next 30 years. This obviously poses great challenges. However, I believe this should be viewed as an opportunity, with older people contributing to our society.

The issue of how we care for our elderly has been a pressing one for some time. The national positive ageing strategy was published in 2013 and one of its four national goals was to "Enable people to age with confidence, security and dignity in their own homes and communities for as long as possible". However, this commitment and many others contained in the strategy have not been delivered on, much to the detriment of our older people and their families.

5 o'clock

The need for this issue to be addressed as a matter of urgency was heightened recently when RTE broadcast a documentary, "We Need To Talk About Dad", which has been mentioned by a number of Deputies during this debate. In the documentary, the presenter and fashion designer Brendan Courtney shared with viewers his struggle and that of his family to care for his father, who is unable to care for himself following a stroke. I have no doubt that this programme resonated with people all over the country. In the wake of the broadcast, a poll suggested that 85% of Irish people would prefer to be cared for at home in their old age. The reality of the situation is that sufficient resources have not been provided to allow all of those who would wish to be cared for in their own homes to enjoy such supports. This is a damning indictment of successive Governments, which have made it impossible for such an entitlement to be realised due to cutbacks in home help hours, home care packages, housing adaptation grants, carers' supports and other services. As a result of the austerity policies of successive Governments, more people than necessary have had to go into long-term residential care. If one qualifies for a nursing home place under the fair deal scheme, the State is legally obliged to ensure one gets a bed. However, this is not the case for those who require home care packages. There is no legal obligation for the State to ensure such people get what they require. The provision made for them depends on the resources available. As we are all too aware, the resources are miserly.

Sinn Féin has recognised the need for additional investment for many years. In each of

our alternative budgets, we have proposed costed measures that would increase home care packages and home help hours by 10%. We have committed that during a term of Government, this figure would increase by a further 10% on the baseline year in years two and three, with a resulting increase in spending of €93 million. This is the kind of investment that is needed. The system as it stands does nothing to support these people. Instead, a significant number of people are faced with no choice other than to go into residential care. I am speaking from personal experience in this regard. A greater emphasis on community-based care has the potential to reduce the number of older people requiring nursing home care, thereby drastically reducing the amount of money spent on long-term residential care. A critical element of this argument is that the provision of home care services on a statutory basis has the potential to generate huge savings and free up many valuable hospital beds. According to research conducted in Britain, when the Partnership for Older People Projects increased low-level supports to people aged 65 and over with low to moderate dependency, overnight hospital stays decreased by 47% and the use of accident and emergency departments decreased by 29%. For every extra £1 spent on the services provided by the Partnership for Older People Projects, additional savings of approximately £1.20 have been made on emergency bed days. This shows that investment in our home care services makes sense.

Ageing support is a human right. Older people have the right to choose how best they will be supported as they age. That is why we will be supporting this Bill, which gives people who have applied for the fair deal scheme a choice of home care package, as long as the cost is equal to or less than the cost of long-term residential care. We have concerns about the extension of the nursing home support scheme to include home supports. As I mentioned earlier, the nursing home support scheme was designed specifically for long-term residential care. Although home supports are inadequate and under-funded at present, they are provided free of charge to the end beneficiary based on an assessment of need. Sinn Féin believes they should continue to be provided on that basis. I understand that this Bill calls for home care services to be provided using State support from funds to be voted by the Oireachtas for the purposes of this legislation. I recognise that this Bill contributes to the debate on the need for a statutory entitlement to home care in Ireland. It merits a welcome on that basis alone. I believe family carers should be consulted on all of these matters. Their important role should be fully recognised and State supports for carers should be enhanced.

The amendment that has been proposed by the Minister of State, Deputy McEntee, calls for this Bill to "be deemed to be read a second time on this day six months, to allow the Minister of State for Mental Health and Older People to consult with the public and other key stakeholders". I would guess that this amendment has been tabled as a result of the Minister of State's announcement last week of a public consultation on the issues around home care for the elderly. I welcomed this initiative when it was announced, while noting that it has been a long time coming. We are willing to support the amendment because we believe it is important to consult the public and the key stakeholders. However, we will hold the Minister of State to the six-month deadline. There cannot be an open-ended delay. I will call for interim updates on the progress of the consultation process. Perhaps the Minister of State will indicate in her concluding remarks whether she is willing to accede to this request. Colleagues of all political views hardly need to be reminded that time is of the essence for the issue we are addressing. However, I am reminding the House of that now and I will do so again if necessary.

An Ceann Comhairle: There are eight more speakers on this Bill. If everybody takes the full ten minutes, we will have time pressure at the end. I ask Deputies to abbreviate their con-

tributions, if possible.

Deputy Noel Rock: I assure the House that I will try to speak for less than ten minutes to give everyone a say on this most important matter. As Deputies Calleary and Rabbitte have outlined, Deputies are often the first port of call for issues relating to home care and home help. We often bear the brunt of the frustrations of many people who are aggrieved that the resources that are allocated and the systems that are put in place do not match the needs and wants of our most vulnerable citizens. I welcome the outline of the Private Members' Bill that has been proposed by Deputy O'Dea. I believe this Bill goes in a positive direction and allows for a holistic and cohesive approach to this long-running problem. Deputy Calleary mentioned that this has been a problem throughout his ten years in this House.

As the Minister of State, Deputy McEntee, has said, the Government's aim is to promote care in the community for older people so that they can continue to live in their own homes for as long as possible. This is a natural ambition and a laudable aim. I believe in the Minister of State's commitment and in her dedication to achieving this goal in the shortest possible timeframe. She has not flippantly asked for the Second Reading of this Bill to be delayed for an additional six months. She has made that request as part of a cohesive and holistic plan to ensure the systems, the architecture and the framework are in place to ensure the ambitions outlined in this Bill can be achieved in an effective way. I think that laudable ambition is worth restating.

The current level of funding of home care services is €370 million per annum. This will be expanded in 2017 with the aims of allowing people to continue to live in their own homes, freeing up hospital beds and allowing older people to be discharged from hospitals with support and greater peace of mind. The HSE's national service plan for 2017 provides for higher targets than previously, including the provision of 10.57 million home help hours to support approximately 49,000 people. I appreciate that this is too few. I accept that more can be done and that additional supports are required. Deputy Anne Rabbitte is right to outline the commitments in our manifesto in this regard. We hope to achieve as many of these undertakings as possible and give the sector the fullest possible support. We have given a commitment to provide 16,750 home care packages under the HSE's national service plan for 2017, as well as 190 intensive home care packages for clients with complex needs. In addition, there are 1,918 short-stay beds in public residential care facilities. These provisions amount to a cohesive package, but I agree more can and must be done.

I welcome Deputy Caoimhghín Ó Caoláin's support for the Government's amendment which proposes a six-month timeframe to put the required framework and architecture in place. Everybody in the House is coming at the issue from the same angle of concern for the issues that affect older people. We can work together on a cross-party basis to achieve the objective laid out by Deputy Willie O'Dea in his Bill, but it must be done within the framework the Minister of State, Deputy Helen McEntee, has set out. The public consultation aspect is important, as there are many voices, both inside and outside this Chamber, that need to be heard. I join colleagues in welcoming Mr. Brendan Courtney to the Chamber and commending him on his documentary, "We Need to Talk About Dad". That programme represented public service broadcasting in its truest format and served to open people's eyes and minds to the issues around care of the elderly. It certainly resonated with me and many of my constituents. I support the proposal that the Private Members' Bill be given a Second Reading in six months time when the preparatory work needed to develop proposals for a statutory home care package, including appropriate regulatory provision, has been advanced. The Minister of State has emphasised that we all want the same outcome, namely, an affordable and sustainable home

care scheme for all. We must all work together to achieve it.

Minister for Health (Deputy Simon Harris): I thank Deputy Noel Rock for sharing time.

I welcome this timely debate which has shown there is a realistic view of the demographic challenge we are facing and the requirement for the Oireachtas and the Government to meet that challenge. My Department's latest "Health in Ireland - Key Trends" report highlights the growth in the number of people aged over 65 years. Each year the number in that age cohort increases by almost 20,000. Moreover, the largest proportional increases in population will be in the category of those aged 85 years and older. We all want the health needs of our older loved ones to be met in a way that supports them to enable them to stay for as long as possible in their homes and communities. It is Government policy that long-term nursing home care should be a last resort. We wish to develop home care services to provide a more viable alternative to nursing home care for a greater number of people.

We have made progress in this area. The overall funding for services for older people available to the HSE in 2017 has increased to €765 million. Home care accounts for almost 50% of this budget. Since my party returned to government in 2016, the budget for home care has increased by a further €65 million, including measures taken under the winter initiative. The number of people in receipt of home care packages will increase from 15,450 to 16,750 this year. Within hospitals, we are in the process of developing a special care pathway for older people who have to attend emergency departments. We must respect older people and treat them with dignity, not leave them waiting with everybody else. We have introduced a reduction in prescription charges for medical card holders aged over 70 years which will benefit 300,000 people. All of this is about supporting older family members, friends and neighbours, recognising the contribution they have made to our society and the generations coming after them and ensuring they receive care that is tailored to their needs.

I agree that it is unacceptable that we do not have a statutory scheme for home care, given the evidence that this is what most older people want and that it best suits the needs of a large number of people. This issue has been overlooked by all of us for many years, but that ends now. I welcome the high degree of consensus on the issue. The work my colleague, the Minister of State, Deputy Helen McEntee, is undertaking is vital. It is not enough to do this; we must do it right. We need to acknowledge the considerable differences between residential and home care. We must be careful not to pit one against the other or seek to impose arrangements for one or the other with unworkable consequences. We must respect the informal arrangements many people have made in their homes and recognise the difference between a private residence and a nursing home. We need a properly funded and organised system that will work for all older people, those who can be cared for at home and those who need and wish to receive nursing home care.

I thank Deputy Willie O'Dea for bringing forward the Bill and his constructive engagement with the Minister of State in the past week. It is about finding a way forward such that we, as an Oireachtas can say, regardless of party affiliation, that we will work together to get this done. We are all moving in the same direction, but there is frustration all around that we have not moved faster. However, we must proceed carefully on this matter. The Minister of State's step in launching a public consultation process is an important one. We need to hear older people's voices and ensure we will have a scheme that is not just designed by politicians or the Civil Service but one that will have older people at its very centre. Consulting stakeholders is not a stalling tactic. It is what one does when one wishes to treat people with dignity. We must ensure

older people and those who care for them are listened to as part of this process. The Minister of State has also commissioned a review by the Health Research Board which will look at best practice in three other countries and see how we can apply it in Ireland. That will be invaluable.

I pay tribute to Mr. Brendan Courtney for his courage and that of his family in helping to ignite this important debate. He is engaging with the Minister of State and many others in this House. We will let not his family and the many families like them down. I reiterate that we are determined to do this right. I look forward to seeing this considerable work being advanced on a cross-party basis, with continued co-operation across the House, in order to deliver the best possible outcome for older people.

Deputy Michael Collins: I welcome the Bill. Supporting older people to live and age at home is undoubtedly the best option. There is widespread evidence to indicate that older people prefer to stay in their homes and communities for as long as possible. Admission to long-term, residential care should be seen as a last resort and only be availed of when it is no longer feasible for people to remain in their own communities with appropriate support. Many older people can remain at home for longer if appropriate and adequate supports and services are made available to them. Having older people remain in their communities is not just beneficial for the individual but also for the community as a whole. I am hopeful we will see an increased provision of sheltered housing to bridge the gap between people living in their own home and the move to full-time residential care.

It has been Government policy since 1960 to support older people to stay at home for as long as possible. A commitment in this regard is included in the programme for Government, the national positive ageing strategy and the HSE service plan. Unfortunately, owing to a lack of funding, this vision does not reflect the reality. The HSE's national service plan for 2017 indicates a budget of €940 million for the nursing home support scheme. In a ministerial statement the budget for home help and home care packages was put at €394 million. Home care services, where they are available, are sporadic and inconsistent. This has led to many older people being left with no option but to avail of nursing home care prematurely and at far greater cost to the Exchequer. I fully support the Bill and hope it will result in older people's preference for receiving care and support in their homes and communities being realised.

Deputy Jackie Cahill: I commend my colleague, Deputy Willie O'Dea, on bringing forward the Bill. Deputy Anne Rabbitte referred to the inadequacies of the fair deal scheme, particularly for farmers. Many people of the older generation are nervous about transferring their assets to the younger generation for various social reasons. Cognisance must be taken of this and the fair deal scheme should be modified to ensure there is fairness for all and everybody can access it.

The thrust of the Minister's comments on home care packages and the desire to have as many people as possible looked after in their own homes is where we all want to get to. If we are going to get there, we have to put serious resources in place. This is one aspect of what is envisaged in the programme for Government. In a five-year period, 2.2 million extra hours need to be provided if we are going to provide any kind of a serious home care package. As Deputies, we are faced every day with families who look for a home care package and find the hours are not there for them. There are areas of the country where workers to work these packages are not available, especially in some rural areas. Proper resources have to be put in place if a proper home care package is to work. It is a hugely desirable objective for people to be kept in their own homes and minded by their own family with State support. Economically, it would

be far more advantageous for the Exchequer and it could be done far more cheaply than having people in nursing homes far sooner than they need to be.

I will make one point about home care. If home care is to work efficiently, it will need a proper GP service in all areas. This is an issue that raises its head more and more often. In my home town, a GP is retiring. The HSE has advertised his position three times and failed to get any applicants for it. In many rural areas in my county GPs are failing to take up rural practices. If a home care package is to work, the availability of a GP will be hugely important for the scheme to work efficiently. The payment of GPs by the HSE will have to be examined and talks are ongoing. Young graduates are deciding with their feet and emigrating. We have a huge shortage of young GPs going into practice. I had two GPs on the phone to me last night and they said it is no longer economically viable for them to operate. They are not performing minor operations in their surgery and this is exacerbating the accident and emergency department problem.

If a person is at home in a home care package, the availability of a GP will be hugely important. If we do not have that service, the home care package will unravel. It is essential that the ongoing talks with the HSE and the GPs come to a favourable conclusion and that a financial package is put in place to make it attractive for GPs to take up active service in this country. If this situation is not addressed it will become hugely problematic. I have had a case of a GP who was in practice for 15 years who decided to emigrate for the better financial rewards in other countries. If we are to keep these young graduates here, we have to have an economic package for GPs similar to that available in other countries. I would hate to see a proper home care package fail as a result of the lack of a GP service in urban and rural areas. This is something that needs to be addressed urgently.

As with other speakers, I fully support the home support scheme. It is an initiative that is long overdue. Unfortunately, up to now the support has not been there for families that want to care for people at home. If we can put the proper resources into this, at the end of the day the HSE's budget will benefit from it so it will be a win-win situation.

Deputy Michael Harty: I am very happy to speak on the Nursing Home Support Scheme (Amendment) Bill 2016. It is a matter close to my heart. We must keep the frail, elderly members of our community living in their and our community. It is essential that we look after our frail, elderly people. Frail is the important word. We are facing huge demographic changes in this country. I will not give the House the statistics but the number of people reaching the age of 65 has surpassed any previous decade. The number of people who are reaching the age of 85 has surpassed any previous decade. Today we have children born who will live to be 100 such are the advances of medicine. We have a huge demographic deficit to deal with and make up. There are huge numbers of single, isolated elderly people living in our communities in both our rural and urban areas. They have to be supported to stay within their communities either in their own home or in supported accommodation within their communities. We must support day services and dementia services to keep people in their home. We must support the Alzheimer Society and give it funds and support home help and home care packages to keep our people at home. Our health service cannot afford to have people in hospital beds or nursing home beds who do not have to be there and who could, with support, live in their community. We have heard about delayed discharges and there are many people in nursing homes and hospitals today who could, with support, return to their community. That is exactly what they, their relatives and society wants. We must give our elderly people the quality of life, dignity and confidence to survive within their own community.

I have spoken about the difficulties in acute services in our accident and emergency departments in the Committee on the Future of Healthcare and the Joint Committee on Health. We have been grappling with these problems for the past number of months and we can see that the only future for our health service is to transfer hospital centred care to community centred care. We are not talking about transferring or taking away funds from our hospital service but we must put funds into our community-based services.

There are many options which we can engage in to look after our elderly. If people cannot be looked after in their own homes, they can be looked after in low-support housing. A former Member of this House, Dr. Jerry Cowley, has a fantastic community service in his home town of Mulranny in County Mayo where he takes people in isolated communities who cannot live on their own. I do not like to use the phrase "congregated setting"; he brings them into a community, low-support setting where they can live out their lives independently but with huge levels of support. When they lose their independence they can move into a higher support setting within the same community. They can live out the end of their lives in a very secure and supported fashion. These incentives and supports should be encouraged throughout the country.

Inspired by what Jerry Cowley did, we have a similar, but perhaps not as advanced system in our own village in Kilmihil in County Clare. We have taken people out of nursing homes and hospitals and we have brought in homeless people. People look after each other. There is a huge community spirit. Communities are very receptive to looking after their elderly people if they are given support. We must face up to the challenge of looking after our elderly people because it makes no common sense to warehouse people in nursing homes. People must go in if it is a last resort but placing people in them unnecessarily is unacceptable and is also very costly.

If we are going to support our elderly people within their community, we cannot simply just put them in the community and leave them without any services. There must be a primary care team who can look after them. There must be occupational therapists, physiotherapists, adaptation to their homes and an increase in public health nurses, community intervention teams and GP services. All these components go to supporting our elderly people in our communities. It is important that if home help is put on a statutory footing, which I hope it will be when the consultative process is finished, we resource primary care and provide the services to assist people to live in their own communities. That is what we want. Of course, people become acutely ill and there is no avoiding it. If somebody has a catastrophic illness and can be rehabilitated to a level of independence, they should be brought back into their communities and not be put into nursing homes.

In general terms there is a continuum of care and we must identify our frail elderly within the community to intervene very early. We cannot let them come to a stage where home help must be provided in an emergency. We must anticipate people becoming frail, giving them a limited amount of support and gradually increasing it to the maximum level to keep them living within their own communities. Early intervention in the decline of the frail elderly is very important. We must have more community geriatricians who can give expert advice on how people can be maintained medically in an independent fashion at home.

As I stated, part of the work of the Oireachtas Committee on Health and the Committee on the Future of Healthcare is to examine these issues. Yesterday we spent many hours examining how our accident and emergency departments are overcrowded, mainly with frail, elderly people who could be moved from those departments once their acute treatment is completed to bring them back to the community. The Committee on the Future of Healthcare hopes to pro-

duce a report at the end of April on a ten-year vision for our health service. The service needs to plan not year to year basis and from crisis to crisis but rather with a ten-year vision. There must be an apolitical plan that does not change every time a Government or Minister changes. It should be a framework for how we see a fair and equitable health service in future.

I commend the Minister of State on starting a consultative process on introducing a statutory home help scheme. I will certainly support her in that. However, that consultation must be finite and we must have a date for starting to trigger this change. It will be one of the fundamental changes in supporting our health service so it should not be put on the long finger or tied up in rationing or bureaucracy. The process must be fair and equitable. It is not common sense to do otherwise.

Deputy Mattie McGrath: I am also pleased to be able to speak to the Bill and I compliment an Teachta O'Dea on putting forward the Bill and the research he has done. The Minister, Deputy Harris, has just left but I thank him for earlier receiving a deputation of a powerful group of enablers in Tipperary, some of whom are recovering cancer survivors. They have put in much passion and energy into providing a new, state-of-the-art cancer care centre in Tipperary called Circle of Friends. I thank the Minister for engaging with them. Those people will show the way for the Health Service Executive, HSE, in many areas related to this issue. It is about community, what we can do and ní neart go chur le chéile. Not everything can be done by the HSE and the Department. That is why the Bill is very timely and understanding. Deputy O'Dea has demonstrated he is aware of the major logjams that exist. We must also thank Mr. Brendan Courtney and his family for giving oxygen to this major issue, which all of us, including the Minister of State and her backbenchers, face every day in our clinics.

We must support people and families in the home as long as we can. There is a right to homes, water and everything else, but surely a person has the right to be able to stay in his or her home for as long as possible. There is nurturing and bonding within a family with a sense of pride, love and satisfaction when somebody moves on, regardless of whether those involved are siblings, husbands, wives or grandchildren. It is very important that grandchildren can engage and everybody is involved with the care. Apart from the care aspect, these people will not be in rooms in nursing homes. I have nothing against nursing homes. I have seen stickers on the back of cars stating, "Be nice to your children, they choose your nursing homes." It is a nice, catchy slogan but I do not like it. Families in all communities like to be able to care and it is a much better experience. Outcomes are much better also and people often recover. People who are kept at home with supports often recover.

I salute from the bottom of my heart the legion of home help and home care people and the work they do. At times they have been diminished and they rush to and fro and from place to place. It may sound like there is no compassion in the administration but I know there is. The likes of the home help co-ordinator, Ms Brigid Farrell, in Tipperary do their best but there are limited resources and time. These people are so unhappy to go in for 20 minutes or half an hour as they are hardly in the door when they have to go. They go beyond the call of duty by going back to the families in their own time. They stay longer and they work harder. They love the work and they should be supported.

Figures have been mentioned relating to home care packages. There is €940 million in the current budget run for the fair deal nursing home scheme but there is a third of that, less than €350 million, for home care packages. That balance must shift as it is the natural course of action and it would help everybody. Patients will recover and families will have extra help.

There are new groups like Home Instead Senior Care that must be brought into this area. I am not diminishing the work of home help workers but there are private companies that offer these services, and they should be allowed to be funded and paid by the State, albeit with a modicum of restraint.

I cannot say enough about family carers. I cannot say enough about Councillor Richie Molloy, who is a manager in south Tipperary, and his team. I should also mention the Alzheimer's disease and other support groups. Like the group I met today, these people come together on a voluntary basis. Some of the people have been sick themselves but they give much time and energy to sufferers and allow them to get involved with so many therapies and meeting other people. Whether it is knitting, reading, walking or the many counselling services they provide, it is done voluntarily. They want to help the HSE but we need more understanding from it and the Department. There is a six-month consultation promised and I hope these people will see serious engagement. They are the carers and groups helping sufferers of Alzheimer's and Parkinson's disease as well as others. I hope they will be consulted and treated with the respect they deserve as they have much to offer.

Deputy Harty spoke about a former Member, Dr. Jerry Cowley, and what he did in Mulranny, as well as what Deputy Harty did in Clare. In my village we have a wonderful voluntary housing scheme and although we have not yet got into the caring, the process could be expanded and the energy is there to do it so people could be treated when sick. If these people are sick now in my area, unfortunately, they must go to hospital. The accident and emergency department crisis could be eased considerably if people had a place to go to. There are not enough step-down beds and we know about the row we had about the hospital in Cashel that was closed some years. We spent €22.4 million on it but there is not a bed in it. Although it has no surgical equipment, we have the best facilities in the form of modern offices, tables, chairs, desks and computers. It is a scandal and I am delighted that Deputy Kelly and I agreed for once and the Committee of Public Accounts will investigate it. Such issues should not exist. If small amounts of that money were put into enabling the enablers - those who do the caring, such as the Carers Association - we would have a great country and great care for people.

We must support our GPs, who are the front line for a sick person. If any of us get sick at night, a GP is the first person called. I have a GP in Cappawhite who is not in great health and he is weary from the cumbersome system. The Minister, Deputy Harris, was in Clonmel visiting two private doctor centres where the doctors have come together. They are Mary Street Medical and Western Road Medical Centre. They have the capacity, equipment and expertise, above all. They are linked with universities. They are offering diagnostic services that could reduce the numbers attending accident and emergency departments. We must think outside the box and support our GPs.

With Tipperary GPs, I might be part of the last group standing that is opposed to free medical care for children under six. What has it done but clog up surgeries even more? If the care is rolled out for those under 16, it will do the same. We will all be nursing home candidates some day, some perhaps sooner than others, but we need a bit of imagination to support community-based services. This Bill is excellent and timely. It is great for the communities. The sense of satisfaction and pride they get is extraordinary. I see them at Christmas. I visit many nursing homes and day care centres. I see the satisfaction not only from the clients but from the family members, providers, volunteers and staff who work there. It is good for everyone psychologically; there is a feel good factor for everyone. We must look after step-down facilities and we must put money into them.

Farmers are self-employed. I am not suggesting that it only applies to farmers, it applies to the self-employed as well. They are seriously discriminated against by the fair deal scheme. These people want to pay. As Deputy Cahill noted earlier, major issues arise with transferable land and changes of ownership. I am dealing with such situations in my constituency as well. There is considerable room for recovery.

This Bill is timely. I hope that meaningful consultation will take place. I also hope the Government will listen and engage with all the providers to ensure they are facilitated. I met representatives of a cancer support service today. We see such people in every county. There is a vast amount of voluntary energy. This group has raised €600,000. It needs €800,000 to build new premises. That model can be transferred to this context in order to develop community care centres and supports for various initiatives already in the community. I have in mind Sr. Celestine from north Cork, the area from which the Minister for Agriculture, Food and the Marine, Deputy Creed, comes. Sr. Celestine is doing great work providing sheltered housing and step-down facilities. Many groups throughout the country do similar work. There is a wonderful place in the old convent in Naas. The Minister of State should visit it to see what goes on there. Similar work is going on in other constituencies. Although the name eludes me, the facility is a powerful hub of community endeavour.

All we want is a little support from the Government - "a little help from our friends", to use the phrase from the advertisement on television. Moreover, we need less red tape and bureaucracy. I mean no disrespect to the officials in the Chamber but we have to get rid of half of the officialdom in the HSE. We need to get common sense back. Unfortunately, there is a major imbalance and a lack of common sense. That is why I have said balance is important.

There is a need for balance with home care. Some people need nursing home care and they cannot manage anywhere else, but it is not necessary for many others and these people should not be in nursing homes. We must allow the enablers, families and communities a little help to care for these people by providing more home help hours and allowing more home care packages. We should cut out the bureaucracy and the serious delays and the frustrations therein. We need to support general practitioners as well.

Deputy Alan Kelly: I welcome the Bill and I thank Deputy O'Dea for putting it forward. It is timely. I had a brief opportunity to speak to Deputy O'Dea about the Bill yesterday. In fairness, I thank the Minister of State as well for the time she gave me this week to discuss the matter.

The legislation is timely because of the situation in which we find ourselves. We need a comprehensive plan. I am rather taken by what everyone else has said. There is unanimity on the need for a plan, something that does not happen often in this House. We are heading over the cliff in a demographic sense. We are going to have 1.5 million in the elderly bracket in the not-too-distant future. There is going to be a serious bubble in our demographics. We need to prepare for this and quickly. Whatever the duration of this Dáil, I believe this is something the Minister of State can put her stamp on and put in place a plan. That is why I am pleased we have reached some consensus on a way forward. That is what we need.

A statutory scheme for home care is necessary. Once we agree that, we can have a debate afterwards on the terms of the scheme and how it should work. A considerable amount of nitty-gritty needs to be sorted out. Considerable legal issues arise. Certainly, comprehensive regulatory issues arise and I have particular views and concerns on these. They are not eas-

ily addressed; they are particularly tricky. We cannot have the same regulatory processes for a home, which is a completely different setting to a nursing home. This is virgin territory; we have not been here before. We need to work this through. That is why I am glad we will have time to consult the relevant people. During the consultation period, perhaps we should work in parallel with some of the very capable individuals on the regulatory side within the Department to determine how it would work. I know that people will, through the consultation process, express their views on how the scheme should work and emphasise a need for the scheme. Perhaps the last aspect will not get as much focus. I call on the Minister of State to focus on this element because it might trip us up when we make decisions. I am referring to the status of the home, which is not just a normal building. I wonder what status the home will have and how it will be managed, how the regulatory framework will work, the type of regulatory framework and what standards will pertain. I do not think we can be definitive about this matter. We will have to customise some rules to make a statutory scheme work.

I have been very much taken by the comments made by many of my colleagues. Let us suppose that in six months' time we reach the point of making a decision on this initiative. I genuinely hope that we reach that point. We need a plan to ensure that we have community capacity to support the initiative. Without such support, the initiative will have been a waste of time.

Like Deputy Harty, I am a member of the excellent Committee on the Future of Healthcare. We have made significant progress because everyone has left their political baggage outside of the committee room door. The work is not easy. It is tough and we need to be thorough, but we will get there. I was very much taken by a submission made by Professor Colette Cowan. She is the regional chief executive of the University of Limerick hospitals group and the network of hospitals in the mid-west. She is under severe pressure working in one of the most difficult working environments that I have ever seen. When she made her presentation to the committee, she told us that the best way to prevent her having to tackle the current crisis in emergency care is to take a whole block of her funding and, over a period, invest it in the community to prevent people ending up in hospital in the first instance. I know this lady for some time. She started off as a normal nurse and worked her way up through the HSE. Therefore, she knows all strands and knows what is needed at every level of the hospitals of which he is in charge. I take what she says very seriously. In parallel with this plan, we need to ensure that the community intervention teams, primary care centres, geriatricians, occupational therapists and physiotherapists are all in place.

We all have constituencies. By way of example, what operates in north Tipperary is very different from what operates in the south of the county and there is no standard or commonality. Community intervention teams work different hours. Beyond Thurles, the teams work different hours. There are major gaps in service. All of this relates to the issue of GPs and the new GP contract. In rural areas, in particular, the new GP contract has become a major problem. Deputy Harty and I are trying to deal with GP issues in east Clare. I take an interest in east Clare because I live close by. There are significant problems with the GP issue in the area. If we do not have GPs working in these areas, then we will not be able to implement this plan. Certainly, we need a variation of what Deputy O'Dea has proposed, and it must be supported by the Minister of State and this House. All of the issues that I have outlined are interlinked. We need to sort out the GP issue. We need to ensure that we have community funding. We need to ensure that all positions are filled. If the services are not interlinked, we will not solve this critical issue.

Where are we going with this? I believe the proposal made by Deputy O'Dea is sincere. I

also believe that the views of the Minister of State should be taken into account and that she has made sincere statements. She will have the energy to push this initiative. However, in six months' time we should revisit this matter. On the basis of what I have said, the Bill proposed by the Deputy is a good starting point. However, it needs tweaking. Having said that, we can get there.

I believe that the process by which we will put this in place needs a huge volume of consideration. In the intervening time, I ask that we not alone open up and take on board all the consultations but also that we tease it out with the Minister of State's office, the Department of Health and, in particular, the HSE in order that in six months' time we are not then starting at the base line of teasing out the community requirements. Hopefully we will have made progress on the GP contract and on the issue of how we are going to manage the regulatory process. If we have done all that in six months' time, I will be delighted and this House will have done a service. On that basis, the Labour Party and I will be supporting the compromise that has been reached. We will review it in six months' time on the condition that all that happens. I will certainly play my part in supporting that in any way I can.

Minister of State at the Department of Health (Deputy Helen McEntee): I thank all the Deputies who have contributed to this debate, in particular Deputy O'Dea for bringing forward this Bill and not simply allowing for this debate to take place, but for helping to move things on as well. On Deputy Calleary's reference that I have a script, we all have our notes and everything else, but these are my words, sentiments and intentions. This is very much my commitment to the House. We all want a scheme and system for home help that is fair, equitable and sustainable, but also affordable.

I would stress that it cannot be to the detriment or at the expense of the nursing home support scheme. I would agree that it is not perfect. I know that Deputies have made reference to the scheme needing to be changed. We had a review that was finalised last year that recommended a number of changes, many of which have been made or are in the process of being made, some of which require legislative change and some of which we have decided are not needed. That is ongoing and will be an ongoing process. It is a scheme that supports 26,000 people. It has a budget of €940 million. It is a very sensitive scheme. We have seen in recent times, when funding was taken away, that our waiting lists went from four weeks to up to 20 weeks. We know the effect that has on our emergency departments, our respites and on everything else and the knock-on effect that has. However, it is also a very highly-regulated scheme and I believe that is extremely important. While I support the spirit of this Bill and what it is proposing, I would have concerns that it will have a knock-on effect on a scheme that has taken seven years to put in place.

I wish to make it clear that we are not going to spend seven years on my watch putting together a home care scheme. This is something that is of vital importance. There certainly needs to be a timescale put on this. However, we need to make sure that the voices, not just of ourselves, but of our older people and of the representative groups that look after them are heard. That is why I am proposing that we have the next step, which is our consultative forum or engagement. There will, I hope, be a set time of six weeks to it. I envisage that many of the organisations have an idea at this stage what they want to say and what they will be proposing.

I agree with Deputy Kelly that it is not just about home help and putting forward a scheme for that. This needs to be an approach that we take across the board. Our national strategy on positive ageing in Ireland looks at not just the Department of Health. I suppose that is a diffi-

culty that I have as a Minister of State at the Department of Health in that I do not have charge of anybody else's budget. The national positive ageing strategy takes a whole-of-Government approach to how we can support people to remain within their homes and communities for as long as possible by looking at transport, their environment and their financial situations. All this work needs to be done.

All that work is in conjunction with The Irish Longitudinal Study on Ageing, TILDA, which took ten years to complete and takes on the views, expertise and knowledge of the older people in our society. It is also in conjunction with the Healthy and Positive Ageing Initiative, HaPAI, which again takes on board the views of our older people. This is what I am asking for. I again thank Deputy O'Dea for his co-operation. We must allow the older people and those who want to have a say in this have their say. We must progress this scheme and ensure it is successful, affordable and sustainable. I reiterate that I look forward to working with all Deputies in the House on progressing this scheme. I look forward to coming back in six months' time and hopefully having a significant amount of work done on this, having taking into account the views and voices of the older people and every person in this country.

Deputy Willie O'Dea: I thank all the Deputies who contributed today. It was remiss of me not to welcome Mr. Brendan Courtney to the Visitors Gallery and to compliment him on his outstanding documentary. Rarely have I seen a television programme that engendered such a public reaction, particularly in the Limerick area that I am familiar with. I am sure that has been replicated all over the country. He has certainly done us all an enormous service. I want to thank Deputies Caoimhghín Ó Caoláin, Michael Collins, Mattie McGrath, Alan Kelly, Noel Rock and all the other speakers who supported the principle of this Bill.

The elderly people of this country are not bed blockers or demographic time bombs. They are the people who worked, paid their way, made sacrifices and built up this country. It is incumbent on us as a Parliament and on any Government that is democratically elected by the Irish people to look after them and do all that is necessary to ensure that they can live out their declining years with dignity.

In her initial response, the Minister of State made three arguments against the Bill as currently drafted. She said that the Bill confers an entitlement to home care services and that there is no such entitlement under the fair deal scheme. I appreciate that the Minister of State used her own words, but I have been in her position in the past. Sometimes a Minister gets a script from the Department. I felt when I was in government as well as now that people put across arguments just as fillers to say that they have arguments 1, 2, 3 and 4. The fact of the matter is that there is a statutory entitlement to the fair deal scheme. It is demand-led. If one satisfies the criteria, one has an entitlement. One might not be able to get it because the money is not there, but ultimately one will get it if one lives long enough. The same applies if one substitutes home care for the fair deal scheme. Therefore, that is really a non-argument.

The Minister of State mentioned that an unintended consequence of the Bill was that the fair deal scheme could be overwhelmed. I cannot see why. There is a team of experts who assess a person's eligibility for residential care. They are people who know the situation of the patient; they will have just assessed him or her under the nursing home scheme. They will also have access to the home care services. They will know what home care services are available in the area. They have people to advise them on the cost. I cannot see for one moment how the extra consideration that would need to be given to offer a home care package would overwhelm the fair deal scheme. God help us if it could. I do not accept that.

The Minister of State made a point on cost. Under the residential care scheme and the nursing home scheme, people have to pay if they have assets. Their assets are assessed, etc. When a statutory home care scheme is introduced in this country, whether or not there will be a payment element in it is a matter for the Government that drafts the legislation. I will make the point that when I say that the residential scheme costs almost four times as much as a home care package, I am talking in net terms, exclusive of what the contribution is from the people who are availing of the fair deal scheme. The net cost to the State is still on average about three to four times what a home care package would cost. I take Deputy Ó Caoláin's point on this as I think he makes a good point. If we introduced a system of charging for home care, we would find almost invariably that when people are being cared for in their own homes among their own families and if there is a decent package in place, the families will be making their own contribution also. They will be contributing. It will lessen their capacity to contribute if they have to contribute in addition to the HSE.

6 o'clock

The Government amendment proposes the Bill be read a Second Time on this day six months. I am informed by people who are better at calendars than myself that this day six months is the 26 July. I thought the Ceann Comhairle would have to work that out but I have it worked out for him. I was wondering about it because I do not anticipate that the Dáil will be sitting on 26 July, so can I take it that if the Dáil has gone into recess before the 26 July Members will return here? I would be ready to come back.

An Ceann Comhairle: Or we could arrange that we would stay here.

Deputy Willie O'Dea: Well, that might be the Ceann Comhairle's preference but it would not be mine.

Deputy Alan Kelly: With reformed family friendly hours?

Deputy Willie O'Dea: We may very well still be sitting on the 26 July but if we have adjourned in the meantime we must come back. We will certainly be demanding that because it is part of what is contained in the amendment we are agreeing this evening.

I thank my Fianna Fáil colleagues for their outstanding contributions also, in case they thought I was forgetting about them. We have taken a first step today. I am not happy that we are waiting for six months to elapse. We are talking about elderly people and six months is a very long time when one is old or ill.

I wish the Minister of State well in her consultation process. Fianna Fáil will be making a contribution to it and I hope it gets underway as quickly as possible because time is something the elderly do not have in abundance. I am reassured, from what I have heard this evening from the Minister of State and the Minister that the Government is fully committed to introducing a full statutory scheme for home care and that they are in the process of putting that in place without delay. On that basis, and thanking people for the support for the Bill, we are prepared to accept the Government amendment.

Amendment agreed to.

Motion, as amended, agreed to.

An Ceann Comhairle: The Bill will be read a Second Time six months from this date.

The Dáil adjourned at 6.05 p.m. until 2 p.m. on Tuesday, 31 January 2017.