



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 24 Bealtaine 2017

Wednesday, 24 May 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The collapse of the longest running criminal trial in history, involving charges against Sean FitzPatrick, former chairman of Anglo Irish Bank, represents a damning indictment of the Office of the Director of Corporate Enforcement, ODCE, but also reflects poorly on the Garda and indeed on the office of the Director of Public Prosecutions. In essence, the State's capacity to investigate serious white-collar crime has been shown to be inept, negligible, wasteful and virtually redundant. It raises fundamental questions about the continued existence and effectiveness of the ODCE and makes it an imperative to consider alternative mechanisms to deal with white-collar crime in this country.

This has been, by any measure, a catastrophic systemic failure. The reputation of the ODCE is in shreds. There was a nine-year investigation that cost tens of millions of euro. Documents were shredded and the method of taking witness statements was fundamentally flawed. The judge described them as statements by committee. The ODCE was trying to build a case rather than investigating a case impartially and independently. There was a high degree of coaching and cross-contamination in the preparation of statements. The statement-making process involved negotiations between investigators and solicitors A&L Goodbody, and resulted in witness statements included in the book of evidence that had been drafted entirely by people other than the witnesses themselves. In the judge's words, the statements of Mr. Bergin and Mr. Kelly were scripted, coached, and contaminated by the views of others, including the ODCE. They were cross-contaminated in every significant detail from start to finish. Significantly, the ODCE accepts this criticism. There had been missing evidence, evidence of innocence had not been pursued and so on.

The handling of this case shatters public confidence in the prosecution of white-collar crime in this country. The jury never got to make the call because of the shambolic handling of the case. This raises fundamental questions. Given the gravity of the case and what it reveals, will the Taoiseach ensure that the Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor, comes before the Dáil to make a statement on the case and take questions? Can

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the Taoiseach confirm that the Minister has received a report from the Director of Corporate Enforcement in respect of this case or that she has sought such a report from him? Has the Government considered this? Let us be straight; there were indications of how this case might turn out for quite some time. All the issues have now been revealed in the public domain. It seems that the Government must have considered these matters at some stage. What is its response?

The Taoiseach: I agree with Deputy Micheál Martin. Despite all the criticism of and cynicism about politics, at least there is political answerability in the sense that a Minister in charge of something like this would face instant dismissal. The situation is that this person has been acquitted and is not guilty of any offence. As a result, the taxpayer takes up all the costs involved. The indications given by Judge Aylmer are very clear, as the Deputy has pointed out.

The ODCE is a statutory independent body. Its mother Department, the Department of Jobs, Enterprise and Innovation, has no responsibility or power of enforcement. The ODCE takes its own legal advice. There were gardaí attached to the ODCE in the beginning but they were not involved in the way this case was taken. The judge did point out that the most fundamental error was the way in which they went about taking evidence from the auditors of Anglo Irish Bank, who were both from the firm of accountants involved. He said that it was intended that their statements would be taken in the normal way by members of the Garda Síochána who were then attached to the ODCE. Instead, however, the statements were obtained through solicitors from a legal firm.

The ODCE pointed out that it has now undergone substantial organisational change and that it was simply not equipped to undertake parallel investigations on the scale involved. I want to say this: I have not spent the past six years as head of Government and making very difficult decisions only to hear again now the allegation in respect of white-collar crime that people can walk away, that nobody is guilty and that nothing is being done about it.

Deputy Thomas Pringle: It is not an allegation.

The Taoiseach: Let us, as a Parliament, decide what we must do with an organisation like the ODCE. I can confirm that when the Minister for Education and Skills, Deputy Bruton, had responsibility for jobs, requests by the ODCE to his then Department for resources were granted. Now I find that the ODCE says it was simply not equipped to take parallel investigations on the scale involved. I can confirm that the Minister has asked the Director of Corporate Enforcement for a full report, including on the role of all professionals involved in this case. That report will cover the issues involved since 2008 when this case commenced - almost ten years ago. Nothing is ruled out.

When Deputy Catherine Murphy had her full group, she put forward a proposition for a statutory standing body in the Dáil to deal with matters of corruption and so on. The Minister will bring this before Government in due course. The Government will consider it next week, but I want the Minister to carry out an absolute review of what happened. It is not good enough. I agree with Deputy Micheál Martin. We cannot have a situation where an independent statutory agency that does not take legal advice from the Office of the Attorney General proceeds on its own and seeks resources from the Department of Jobs, Enterprise and Innovation. Despite provision of the latter, this trial collapsed. We know why the first trial collapsed.

An Leas-Cheann Comhairle: We have a question from Deputy Micheál Martin.

The Taoiseach: We heard the condemnation of a judge yesterday who had said that this

case cannot proceed any further.

An Leas-Cheann Comhairle: The Taoiseach will have another opportunity. I know it is important, but he has exceeded his time.

The Taoiseach: The Government will consider the matter on Tuesday next. The Minister will bring her report in due course. I would expect representatives from the ODCE to go before the relevant Oireachtas committee as well.

Deputy Micheál Martin: Is the Taoiseach suggesting that the Government had not been forewarned about this catastrophe? Is he suggesting that the Minister, by means of an early warning system, would not have been alerted to the impending disaster? The dogs on the street knew about the impending disaster for some time. Indeed, the Director of Public Prosecutions was alerted to the issue as well as the manner and methodology of the collecting and making of statements as far back as 2010. Hence, I say there has been systemic failure across the system. People are operating in silos, apparently. Did the Minister received any report, any early warning or any notification whatsoever from her Department officials about this case or about the ODCE failures relating to it? Is the Taoiseach suggesting that it is only from now on that the Department and the Government are going to respond to this case? It is inconceivable that there would not have been early notification to the Minister about the impending disaster that was about to unfold in respect of the case.

The Taoiseach mentioned that it is a matter for the Oireachtas. It seems the Government does not yet have a policy response to this matter. I put it to the Taoiseach that the Commission on the Future of Policing in Ireland should be asked about the optimal structural, approach and methodology of dealing with and enhancing the State's capacity to combat white-collar crime. The public will be angry because the capacity of the State to pursue white-collar crime has been laid bare. Something has to happen as a result of this in terms of a properly considered policy response.

An Leas-Cheann Comhairle: A final response from the Taoiseach.

Deputy Micheál Martin: We cannot simply prolong it in terms of reports.

An Leas-Cheann Comhairle: Let us have the final response from the Taoiseach.

Deputy Micheál Martin: Will the Minister come before the Dáil this week?

An Leas-Cheann Comhairle: I am implementing the rules.

The Taoiseach: Yes, the Minister will come before the Dáil, make a full statement and answer all questions in so far as she can at this point.

Two things are important in this instance. First, the ODCE is an entirely independent statutory authority. Therefore, it is not subject to Government direction. Second, the trial was under way. While concerns were being raised, it would not have been possible to interfere with a trial that was under way in the courts.

The comments made by Judge Aylmer speak for themselves. They are an indictment of the ODCE. The ODCE had some success in 2014 and 2016. In April of this year, a person was arrested and charged with fraudulent trading based on an invoice relating to a fraud and entered a plea of guilty.

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I think that the ODCE looked for resources and expertise, in so far as I can understand this, and that those requests were granted. When the ODCE says that it was simply not equipped to undertake parallel investigations on the scale involved, one would have thought that there would have been a specific request for the capacity to take in necessary expertise or whatever, either through Government or from outside sources, to deal with parallel investigations. In any event, it was not possible for Government to intervene in any way in a pending court case and was not possible for Government to give directions to an independent statutory body.

Since the current director was appointed, quite a number of changes have taken place. That does not deal with the fact that this case has gone on for ten years and is one of the longest and most expensive in the history of the State. The taxpayer has to pick up the tab here because the person who was acquitted yesterday has already been declared bankrupt.

The Minister will come before the Dáil, make a statement, give a report and answer questions on this. She is to receive a full and detailed report from the Director of Corporate Enforcement-----

An Leas-Cheann Comhairle: Tá an t-am imithe. Teachta Gerry Adams.

The Taoiseach: -----and keep people fully informed -----

An Leas-Cheann Comhairle: I know this is an important issue.

The Taoiseach: -----as to the options that are open to us now.

An Leas-Cheann Comhairle: If there is going to be a decision to change Standing Orders, that is fine. While I am here, however, we have to adhere to the current rules. I know that Deputy Adams will adhere to his three minutes.

Deputy Gerry Adams: I have raised with the Taoiseach on a number of occasions the lack of accountability with the high rollers, with the elites, with the golden circles in this State. This blatant lack of accountability contrasts sharply with how people of few means and little power or influence are treated. This goes to the heart of public alienation from politics and disillusionment with the agencies of this State. The Taoiseach's answers today will not assuage people's concerns.

I have also raised with him the need for this State to get serious about white-collar crime, the need to develop a proper and credible approach to investigating and prosecuting such offences. Yesterday, the State's trial of the former chairman of the Anglo Irish Bank, Seán FitzPatrick, collapsed. My focus is not on that trial, it is on role of the ODCE in this sorry affair and the lack of will by the establishment to investigate white-collar crime. In 2016, there were 35 staff in the ODCE. They were assisted by five gardaí. This gives an insight into the State's attitude towards white-collar crime and corporate enforcement. Under the Taoiseach's watch the staff of this office has been cut from 42 to 35. The number of gardaí has been cut by half. In 2005, 2006 and 2007, the then Minister, Deputy Micheál Martin, refused requests from the office to increase its workforce by 20. The office at that time described its resources as wholly inadequate. The Taoiseach of the day, Bertie Ahern, dismissed this. That was when the bankers were running amok. They cost the people of this State billions of euro and yet there is still no law against reckless lending. In 2014, the lack of resources to which I refer was highlighted by a senior barrister who said, "It's enough to make the tin-pot dictator of a banana republic blush." It was not a Shinner who said that, it was an individual who is an expert in white-collar

crime and a senior barrister. Of course, if someone is accused of welfare fraud, the full weight of this Government will be visited on them. When it comes to wrecking the economy, reckless lending, fixers fees and complex interest relating to billions of euro, however, the State looks the other way. This Government spends €5 million on the ODCE. That is €5 million to investigate white-collar crime. As Deputy Pearse Doherty pointed out, by contrast it spends over €17 million on our membership of the European Space Agency. Is that where its priorities lie? It is little wonder that the judge in the Seán FitzPatrick trial pointed out the shortcomings of the investigation conducted by the ODCE.

Even at this late stage would the Taoiseach agree that we should draw on international best practice for tackling white-collar crime and that we should get rid of the ODCE and replace it with appropriate and properly-resourced agencies and strong, robust legislation?

The Taoiseach: Deputy Adams makes the point that there was not a seriousness about the investigation. The point is-----

Deputy Gerry Adams: The judge made the point.

The Taoiseach: -----that this office was set up to oversee companies and to deal with those that stepped out of line. It has its independence and statutory authority and therefore it was not subject, and is not subject, to direction by the Minister or the Government, although it was set up by the Government for a very specific purpose. When the current director was appointed with effect from August 2012, the ODCE's investigation on the FitzPatrick case had been completed and the file passed to the Director of Public Prosecutions. The scale and complexity of the investigation into the affairs of Anglo Irish Bank was unprecedented in the history of the State, as Deputy Micheál Martin pointed out.

In light of the complexities of modern corporate law enforcement, the current director has overseen a number of organisational improvements in the ODCE. Those improvements include reorganising the structures of the office, recruiting additional expertise, most notably five forensic accountants, because clearly in the determination of the case in the first place the forensic analysis was not strong enough. A digital forensic specialist is due to begin with the Office of the Director of Corporate Enforcement in the coming weeks. Fundamentally, it has amended the investigative procedures used by the office with members of the Garda Síochána now taking the lead on all criminal investigations. This is where there has clearly been a weakness in the system. While the ODCE may deal with civil cases at a lower level, when it comes to serious criminal law, we need to be able to deal with it with serious criminal forensic intent. That obviously was not what was followed here, as outlined by Judge Aylmer in his comments yesterday. There have been a number of successful prosecutions. Clearly, the judge has made a decision. The trial is over and Mr. FitzPatrick is a free man. The taxpayer takes up the tab here. The Minister has requested a full and detailed report from the director of the ODCE. The Minister will come before the Dáil, make her statement and answer questions. The director is prepared to go before the appropriate Oireachtas committee. The Government will reflect on this next week and when the report from the director becomes available to the Minister, it will be published and made available for everybody. We need to reflect on the fundamental question here.

A Deputy: Money.

The Taoiseach: Is the ODCE fit to deal with the situation that might arise here-----

Deputy Mattie McGrath: Hear, hear.

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The Taoiseach: -----or do we need far greater clarity and other expertise to be made available, either from Government level or elsewhere, to deal with complex criminal law?

I am informed the European Space Agency supports over 2,000 high-tech jobs in Ireland, with increasing employment and funding when it is necessary.

Deputy Gerry Adams: The Taoiseach claims every request was honoured yet in November 2015 the then Minister, Deputy Bruton, turned down requests and said the ODCE, other offices, and their respective management “have had to reconfigure their organisations and adapt to a constrained-resources environment in continuing to deliver their mandates” because of the moratorium. That is a complete, sharp contradiction of what the Taoiseach has just asserted. The fact is there is one law for the elites. This is deliberate and very conscious. There is another law for everyone else. That is endorsed by the successive policies and the historical attitude of the two larger parties here. The fact there is no appropriate and robust legislation dealing with these issues is another example of the way the State turns the other way. The Taoiseach has also acknowledged this principal law enforcement regulatory agency has not conducted its business properly. For example, the chief investigator has no previous experience. He has admitted in evidence he made many fundamental errors, including the destruction of documents. Who appointed him as chief investigator given his lack of experience? To whom was he accountable? Why were gardaí not involved in the taking of statements from the two key witnesses? It goes on and on. The Taoiseach is responsible.

An Leas-Cheann Comhairle: I call on the Taoiseach.

Deputy Gerry Adams: Tá mé críochnaithe anois. I go back to what I said previously.

An Leas-Cheann Comhairle: The Deputy has exceeded his time.

Deputy Gerry Adams: Does the Taoiseach agree we should draw on international best practice for tackling white collar crime with appropriate and properly resourced agencies and strong robust legislation and get rid of this agency?

An Leas-Cheann Comhairle: The Taoiseach has one minute and one minute only.

The Taoiseach: Judge Aylmer made the point the ODCE completely lost sight of the nature and extent of the evidence on guilt and innocence. It completely lost sight of what was involved. The Deputy said there is no robust legislation in place here. In 2014 two gentlemen were convicted for the giving of unlawful financial assistance by Anglo for the purchase of its own shares. In 2016 both of them were convicted for fraudulent trading on foot of a plea of guilty. The second conviction was for failing to maintain a bank register of loans to directors on foot of a plea of guilty. The law in those cases actually worked in respect of white-collar crime. The Deputy mentioned comments made by the then Minister in 2015. When the current director was appointed in 2012, the investigation of the FitzPatrick case had been completed. It is in the space before the current director was appointed that the judge made his damning comments in regard to the structure and management capacity of the Office of the Director of Corporate Enforcement, ODCE, at that time. I would expect that when Mr. Drennan appears before the Oireachtas committee, he will provide every detail necessary to point out the changes in structure that apply now. The question is whether the ODCE is now fit for purpose or whether we need to clarify where the criminal law kicks in.

Deputy Brendan Howlin: All citizens of the State stand before the courts innocent until

proved guilty and we depend on the courts to uphold this vital constitutional principle. However, we also depend on our investigating and prosecuting authorities to ensure that proper, thorough, accurate and convincing investigations of allegations of crime take place, particularly crimes that have rocked the nation. The manifest incompetence of the Office of the Director of Corporate Enforcement in the case brought against Mr. Seán FitzPatrick has not only caused a public outcry but it beggars belief. As to the notion that it is a matter of resources, coaching of witnesses and tampering with evidence are not matters of resources. The same issues arise when we talk about the Garda Síochána. There are fundamental ways in which proper conduct of business takes place.

This case brings to light that we need to tackle these matters. Some suggestions have been put forward. We need to ensure these fundamental questions result in fundamental answers being brought and discussed by the House. We will participate in this discussion. However, we must also acknowledge that much of the root cause of public anger relates to the cost to the people of bailing out the banks. The desire of the public to see convictions of those who gambled with the economic security of our State is absolutely understandable. Criminal convictions are not, however, the only way to tackle public anger over the bailout of the banks. As the banks return to stability and profitability, we should begin to use the funding they generate to repair the social damage done in the State. The investment made to bail out the banks came from the National Pensions Reserve Fund and people are entitled to see a result from that investment.

Last week, the House voted in favour of a Labour Party proposal to delay the sale of the State's shares in Allied Irish Banks until such time as we can invest the proceeds in vitally needed infrastructure. Disturbingly, the Minister for Finance, Deputy Noonan, has made known his intention to disregard this vote. If the Government disagrees with the vote of the House, it can try to rescind it, but that is not, I understand, the course to be taken. The Minister referred to a commitment in the programme for Government which has no more standing than a resolution of the House. Even if that were not the case, the programme for Government simply commits the State to use the banking shareholdings in the best interests of the people. Few would argue with the proposition that it is infinitely more in the interests of the Irish people to invest these moneys in vitally needed schools, hospitals and roads than in taking 1% off our national debt.

Before the Taoiseach vacates his office in the coming weeks, will he ensure the vote of the Dáil is respected and the policy adopted by the House last week is vindicated by his Government? Any other action would undermine the legitimacy of and public confidence in this people's assembly. Will he accept that proceeding with an initial public offering, IPO, in the face of the opposition of Dáil Éireann is an action that undermines the legitimacy of the House? Will he reconsider this bad proposal and work with my party and all other parties in the House to ensure the proceeds of this investment can benefit the people and that they get something back from the bailout of the banks?

The Taoiseach: The Deputy mentioned that the investigative procedure should be thorough, accurate and convincing and everybody supports that.

Deputy Brendan Howlin: It was none of those in this case.

The Taoiseach: Clearly, the position that applied with the investigation carried out by the ODCE in the FitzPatrick case was none of those. The judge himself made the point, which is a damning indictment of the procedure that was followed here, that the ODCE had completely lost sight of the nature and the extent of the evidence in respect of guilt and innocence. Every-

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body before the Irish courts is innocent until proven guilty. Now, the longest running trial in the history of the State has collapsed, the central individual is now free and acquitted and the taxpayer must take up the tab.

All of these issues - a lack of procedural capacity, lack of investigative capacity and lack of forensic analysis competence - were all evident in the structure of the ODCE prior to the current director being appointed in August 2012 where serious changes have taken place. The Minister will outline that to the Dáil and take questions on it. Director Drennan will be happy to go before the Oireachtas committee and have a serious discussion about it. The Government will reflect on this next week. The Minister will produce and publish the report when it is made available to her by the director.

The Minister, Deputy Noonan, and the Government have already commented on the IPO in respect of a portion of AIB being sold on and being applied to the reduction of debt. He has already made the point that it is a paper transfer in terms of whatever the value of the 25% being offered amounts to. The Government is not under any pressure to deal with this because the question of infrastructure is one it is now considering in terms of the capital review. All of the extent of the capital programme at the moment is up to €42 billion between State agencies, PPPs and the Exchequer. Yesterday, I pointed out the scale of what is available that is as yet unallocated, which is now the subject of a review here.

It is also important, as Deputy Howlin is well aware, that we do not want a situation where we apply so much money to infrastructure that all of the inflation costs then result and developers continue to make the rewards from all of that. It is much more important that the infrastructural needs are dealt with, and we are able to deal with these. Yesterday, both the Minister for Finance and the Minister for Public Expenditure and Reform were in Europe talking to the European Investment Bank about a number of major infrastructural projects, which can be accommodated through lending from the EIB at low interest rates long term. Issues have already been mentioned, like the development of the metro, like the development of the major motorway from Cork to Limerick and others where potentially there is a stream of income that can come from those to pay off those loans.

I respect the fact that the House made a decision last week in respect of a matter in regard to AIB, but Deputy Howlin will also respect the right and the responsibility of Government to make its decisions, and this decision has been publicly announced by Government for quite a long time and will stand in the context of what Government is doing.

Deputy Brendan Howlin: The decision is, frankly, wrong. The Taoiseach referred to having too much money but the capital review involves €2.6 billion, which is paltry in investment terms. There is no such thing as “too much money”. The additional €3 billion that we would get from the sale of AIB would increase that to €5.6 billion, which in itself is not enough. That is why we have also argued for the rainy-day sum to be deployed for this purpose.

The potential new Taoiseach, the Minister, Deputy Varadkar, has said that he will abandon the target set by the Minister for Finance, Deputy Noonan, of reducing our debt from 60% to 45%. He will have it at 55%. I welcome that, but we need to invest in our vital infrastructure now. The EIB being able to give us money that we can deploy through PPPs for profit is not the issue. Rather, it is the fiscal space that restricts how we spend it. The Taoiseach knows that we had money for social housing from the sale of the Bord Gáis Éireann facilities. That was €400 million that we could not spend because of the restrictions on the fiscal space. This is not

about the availability of money. It is about readjusting the fiscal space. I spent yesterday talking to the Germans, who are now well disposed towards accepting that adjustment. Will the Taoiseach put this on hold? Will he put the sale of AIB on hold until we get this agreement?

The Taoiseach: I am glad the Deputy is using his office as leader of his party to talk to others internationally. That is part of an important negotiation in which Ireland has always been involved in order that others fully understand our position. It is applied in the case of Brexit and the main priorities for our country. I hope the Germans have listened carefully to what the Deputy had to say. We voted for the fiscal stability treaty.

Deputy Brendan Howlin: They have already given adjustment to Greece.

The Taoiseach: We voted for the rules here in a referendum, the only country to do so in the middle of a recession, and we voted 60:40 for that. The Deputy is right that it is not about the question of money being available; it is about the extent of how much we can spend. That is a very valid point, and I take that point. In the context of setting out what it is we can do in terms of infrastructure development, we need to consider that.

Deputy Brendan Howlin: There is very little that can be done with €2.6 billion.

The Taoiseach: For example, the Government put €5 billion on the table in respect of social housing and we are struggling to get local authorities to measure up to the requirements. We gave them the money to buy houses, to reconstruct houses, to build houses and to have private enterprise come onto public lands to build social housing. It is a real challenge.

Deputy Dessie Ellis: It is all about the private sector.

Deputy Richard Boyd Barrett: It is privatisation.

An Leas-Cheann Comhairle: The Taoiseach to conclude.

The Taoiseach: Many of the developments, such as the Gort-Tuam project and the Rosslare bypass, are under way. These are major developments. The point the Deputy makes about the extent of fiscal space and the capacity to spend money is an issue we are considering and will continue to consider. The question about AIB is a decision we have already made as a Government and we will follow through on it. The question of flexibility is a matter the Minister, Deputy Noonan, is dealing with all of the time.

Deputy Gino Kenny: The issue of 11 beds being closed at Linn Dara in Cherry Orchard was raised in the Chamber yesterday. This is the tip of the iceberg when it comes to staff shortages. I want to list the theatres throughout the country where there have been closures because of staff shortages, as I believe this is a symptom of something else. Our Lady's Children's Hospital, Crumlin, had two full theatre closures over a six-week period due to staffing shortages, while Temple Street Children's University Hospital had one theatre closure for the same reason. Theatre closures were reported in all constituent hospitals at the Dublin Midlands Hospital Group. At St. James's Hospital, there were two to three theatres closed per day, depending on nursing shortages on the rota. In St. Luke's Hospital, Kilkenny, an elective theatre closed because of staffing shortages. A new theatre had not opened in Wexford General Hospital due to the difficulty in securing specialty theatre nursing staff. This is a symptom of something much bigger, and that something bigger is pay and conditions for nurses.

I want to move on to something equally crucial which nobody has picked up on in the

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Chamber this week. A report in *The Irish Times* this week on mental health assessments for children is quite damning. The report states:

There were 2,520 children and young people on waiting lists for an initial assessment for mental health services in February 2017, an increase of 44 per cent on the same period last year, according to the HSE. ... Barnardos has said these delays are having “long-term unnecessary consequences” on children and “affecting every aspect of their development”. ... It found almost 60 per cent have been waiting for more than a year while a quarter (26 per cent) have been waiting more than two years for an initial appointment.

I find this incredible. The reason Linn Dara has a shortage of nurses is that nurses are emigrating for better pay and conditions. The past year has seen systematic cuts to their conditions and pay. We are living not only with a two-tier health system but a two-tier pay system, whereby nurses and medical professionals are going to the private sector rather than the public sector.

The mantra of Fine Gael over the past six years has been to create the conditions for growth and prosperity. However, the Taoiseach and his party have created the conditions for this crisis. Fundamentally, I think the Taoiseach is a very decent man, but how can he, after six years, turn around, hold his head high and say that, in his tenure as Taoiseach, this was a success? I would actually find that embarrassing as a member of the party he is in and as a citizen of this country. How can the Taoiseach justify those cuts and that shortage in this country?

The Taoiseach: The Deputy is a decent man too. I respect his right to raise in the House any issues he feels strongly about. When the predecessor to this Government was elected, we were blocked out of all the international markets, bond yields were at 15%, the unemployment rate was 15.2%, we were haemorrhaging jobs by the ten thousands, and there was despair and disillusionment all over the place. Now, because of the sacrifice of the people, that has changed considerably. We are now able to borrow money for the State at less than 1%. The unemployment rate is down to 6.3% or 6.4% and is heading in the right direction. More than 225,000 jobs have been created since the Minister, Deputy Bruton, introduced the first Action Plan for Jobs.

The Deputy referred to the recruitment of nurses. The Minister, Deputy Harris, has addressed this on a number of occasions. There are now incentives for nurses. Permanent contracts are offered to all new nurses coming out of highly specialised training here in Ireland. There are opportunities for nurses to return home to work in the hospital service here in Ireland. Not everybody will do that. Young people in all walks of life tend to move to other countries for experience in travel and to develop their skills.

The Minister of State, Deputy McEntee, has been working very hard on the issue of mental health. Yesterday she went to the Linn Dara facility where only half of the 22 beds are occupied. During her visit she was given assurances that any patients discharged from the Linn Dara facility are children who are discharged for clinical reasons only. The HSE confirmed to the Minister of State that no young person will be discharged unless deemed clinically appropriate by their mental health team. Nobody is being discharged to allow a bed to be closed.

The HSE has also assured the Minister of State that for patients who are discharged for clinical reasons, dedicated follow-on support is available from the community-based child and adolescent mental health services, CAMHS. They will continue to be provided as required on a routine basis. The Health Service Executive will also increase the capacity of the child and adolescent mental health day services during the summer to enhance the level of support avail-

able for those children and their families.

The core issue facing the Linn Dara facility relates specifically to staff recruitment difficulties for mental health professionals, which unfortunately, as the Deputy has pointed out, reflects wider health system recruitment and retention issues. I assure the Deputy that the problem facing the Linn Dara facility does not relate to funding availability but to staffing availability. Intensive efforts are under way to increase staffing to allow more beds to be reallocated. The HSE is actively engaged in a recruitment process, with a number of staff due to support the service in the near future. I hope that will improve things.

An allocation of €15.5 billion is now going into the health services. All nurses coming out of Irish training institutions are offered permanent contracts giving them the opportunity to work at home here in our own hospitals.

Deputy Gino Kenny: While that all sounds well and good, there seems to be a perennial problem and we go from crisis to crisis in the health service. It is not rocket science. In a country where there is a lot of money sloshing around, we should have a health system that works for everybody, regardless of whether they are millionaires or unemployed. That is how it should work. Nobody should have to wait two years for any sort of assessment. It is a disgrace.

The closures at the Linn Dara facility and elsewhere come down to not paying nurses properly. The past seven or eight years have taken their toll on nurses and other public sector workers. They are demoralised and have to work an extra hour per week just to make ends meet. This is the fundamental problem. On Friday at 4 o'clock in Cherry Orchard there will be a protest over the cutbacks.

There is another point about public sector pay. I do not want to make it personal because I try to differentiate between the personal and political. However, the Taoiseach is going to walk away with a massive pension in two weeks' time. He will get a golden handshake and a pension of €150,000. Most people listening to these proceedings will be nauseated when they hear that. That is the two-tier system we have in this country, where politicians go off into the sunshine with golden handshakes and big money. Is the Taoiseach not ashamed of what he has left behind?

The Taoiseach: I am very proud of the people of this country for responding to an unprecedented economic crisis in a way that has made us the envy of many in Europe and has left us with the fastest growing economy in the European Union for the past four years running.

Deputy Gino Kenny: People are waiting two years for simple assessments.

An Leas-Cheann Comhairle: Deputy Gino Kenny got his opportunity.

The Taoiseach: I admit that we have many challenges ahead but the changes that have been brought about have put the country in a much safer position than was the case previously.

Deputy Richard Boyd Barrett: Not if one is trying to get a hospital bed.

The Taoiseach: No doubt Deputy Gino Kenny has spoken to many constituents who have been treated by the health service and who have nothing but praise for the doctors, nurses and attendants who looked after them. The problem has always been to get into the system and to have the capacity to deal with that. That is why the Government has treated the health service as a priority, why €14.5 billion has been allocated and why changes are constantly being made

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through primary care centres, home-care packages and the provision of community care teams to look after people.

In respect of the payment situation the Deputy made for nurses, the same arguments are made for gardaí, members of the Defence Forces, teachers, public servants and others. Those talks are now beginning in full with officials from the Department of Public Expenditure and Reform and the trade unions. The Minister hopes to engage intensively in those talks now with a view to concluding them by the end of June, and getting an extension of the Lansdowne Road agreement where benefits were won and agreed with the unions involved.

In respect of the matter relating to pensions, I will, when I leave this seat, continue to be paid as a backbench Deputy.

Deputy Gino Kenny: I know that.

Deputy Richard Boyd Barrett: But a big pension will follow.

An Leas-Cheann Comhairle: That completes Leaders' Questions. Deputy Boyd Barrett should remember that Deputy Gino Kenny is leader today.

Deputy Finian McGrath: If it is that easy lads, come into government.

Questions on Promised Legislation

An Leas-Cheann Comhairle: We will now move to questions on promised legislation. It is very clear that the questions must relate to promised legislation - the programme for Government. This is not an opportunity to raise other matters. After the leaders, I have indications from 12 Deputies and I am anxious to ensure that they will all get an opportunity to contribute.

Deputy Micheál Martin: Under the programme for Government, there are commitments on the national security and defence policy. In the context of the appalling terrorist attack on young children in Manchester - from the impact of which people are still reeling and on which they are reflecting - attention must be drawn to whether our own structures and systems, particularly those relating to intelligence, are adequate to deal with this international terrorist threat. The question is whether there is a need for a fundamental re-evaluation of the position in this regard. I read reports this morning which are quite critical of our position and the lack of an effective single agency to deal with security and intelligence in this country. Apparently, Ireland is the only EU state that does not have its own national security and intelligence agency. That is a matter which requires fairly urgent examination. I am sure the Taoiseach will agree that a national committee where different people come together every time there is a crisis is not the ideal response. The issue is whether responsibility for crime and security remains with An Garda Síochána, whether we have looked at an alternative to that or whether there is a more effective approach that enhances our capacity to prevent such atrocities from happening and to prevent extremism from developing within communities. It is very important to counter the growth of violent extremism. What is the Taoiseach's position on that?

The Taoiseach: It is a valid question. I read the reports to which Deputy Micheál Martin refers and, from what I understand, the perpetrator's family came from northern Africa in order to live in Manchester in England. That has been replicated in a number of other locations here. These savage acts of terrorism were carried out by people from local bases. When one consid-

ers any event, concert or major sporting occasion in any country or here, no matter where one puts the perimeter of security people must congregate and move to where the event actually takes place and this movement is always outside of that perimeter.

I have looked at the situation and have called a meeting for 7.30 a.m. tomorrow of all the agencies in defence, justice, transport and health. We will look at the situation in Ireland. I was very impressed with the immediate response to the tragedy of the first responders in Manchester.

Deputy Micheál Martin: We need to look at what can be done in advance.

The Taoiseach: The Deputy raised a couple of important points. When the O'Toole commission gets going it will look at security in policing. There is an issue as to whether or not we should have a security and intelligence unit as a separate structure and how it currently operates. We will reflect on that. It is important for the Government of the day to give assurance to people that everything humanly possible is being done and put in place to protect the innocent people and citizens of our country.

An Leas-Cheann Comhairle: I thank the Taoiseach.

The Taoiseach: We will do that and we will share the information as far as we can with the House because it is important to get this right.

An Leas-Cheann Comhairle: I thank the Taoiseach.

The Taoiseach: While we cannot proceed on the basis that everything is calm and rosy and that nothing could happen here, the levels of security are at moderate which means that it is possible but not likely.

Deputy Brendan Howlin: It was supposed to be four minutes only for the first question.

An Leas-Cheann Comhairle: The Taoiseach must conclude. We must give others an opportunity.

The Taoiseach: There is not any reason as to why that might change, but tomorrow I will meet with the agencies.

Deputy Gerry Adams: In the programme for Government, the Taoiseach committed to the State's honouring of recognition for the state of Palestine. Two and a half years ago the Dáil and the Seanad voted to do this but the Government, thus far, has refused to act. The Taoiseach still has time before he goes. The Government recognises the state of Israel, which is fair enough, but the failure to stand up for the rights of Palestinians has led to multiple acts of oppression and discrimination, including the stripping away of Palestinian land and water rights. This week there are more than 1,000 Palestinian prisoners on a mass hunger strike. The situation grows more desperate every single day. The Taoiseach has been to the area and he knows what it was like years ago, but it has got worse since then. Before the Taoiseach leaves office, he has the opportunity to honour the will of the Oireachtas and his own programme for Government. Will the Government agree to recognise formally the state of Palestine?

The Taoiseach: I have always favoured a two-state solution in this respect. The Government has always said that the recognition of Palestine would have to be in the context of that recognition contributing to a two-state solution. This has gone on since 1948-----

Deputy Gerry Adams: I wonder why.

Deputy Richard Boyd Barrett: Countries that continue to buy arms-----

The Taoiseach: -----and this country has tried its damndest on many occasions to bring about a situation where people can agree that there should be that two-state solution. Part of this is that Ireland has always said the recognition of Palestine is certainly quite possible, provided it leads or assists-----

Deputy Gerry Adams: The Oireachtas-----

An Leas-Cheann Comhairle: Without interruption please.

The Taoiseach: -----towards a two-state solution so that people can live normal lives and not have to put up with the constant barrage, either way, which is what they have to do at the moment.

Deputy Brendan Howlin: Last November, I tabled a Bill to tackle the issue of rogue crisis pregnancy agencies. These bodies abuse women who are in incredibly vulnerable positions. The agencies mislead, lie and frighten these women. The Bill passed Second Stage and is now stopped on Committee Stage because of a commitment by the Minister for Health, Deputy Harris, to regulate in this area before the summer recess. I fully accepted this commitment and the bona fides of the Minister when he explained it to me. Six months after the first debates on the legislation we still have not seen anything resembling draft regulations finally to tackle this area. Given the very firm commitment by the Taoiseach and his officials at the Oireachtas committee, and I believe the good faith of the Minister, when will we see and debate the regulations to give effect to the intentions of the House in this regard?

The Taoiseach: I thank Deputy Howlin. I am glad Deputy Howlin accepts the bona fides of the Minister in terms of the explanation he gave him. I will be meeting him after lunchtime and I will have that conversation with him and advise the Deputy further, later today.

Deputy Brendan Howlin: I thank the Taoiseach.

Deputy Catherine Connolly: A Vision for Change, which was a ten-year strategy, expired in January of last year. I, and other Deputies, have repeatedly been asking when the review in this regard will be published. When I raised this issue on 5 April, I was told that publication of the review was imminent, but it still has not been published. Equally important, I was told that the oversight committee was being re-established and it would be in place from 17 May. Has the review been published and is the oversight committee in place, given the importance of mental health issues and that issue has been raised by every Member of the Dáil, and in light of the front page headlines in Galway every week for the past three weeks in regard to suicidal patients being refused entry into the psychiatric services?

The Taoiseach: As I understand it, the Department of Health commenced its policy review of A Vision for Change, beginning with an evidence-based expert review of international evidence of best practice and of existing service development. This was completed in February of this year and will inform the next stage of the policy review process. A review of the Mental Health Act 2001 is also being progressed. I do not have the intended date of publication but I will advise the Deputy of it. She also asked about the oversight committee. I will come back to her on both of those issues, if I may.

Deputy Gino Kenny: I have previously raised on a number of occasions in this format the status of a Bill which I put forward last year, namely, the Medicinal Cannabis Bill. Thankfully, on 1 December the Bill received cross-party support in the Dáil. Since then the Bill has completed the pre-legislative scrutiny process and it is now with the Parliamentary Legal Adviser. I understand this stuff - scrutiny and so on - has to take place. However, there is no doubt in my mind that the Committee on Health is trying to frustrate passage of this Bill. I have no doubt that that is going to happen despite that Vera Twomey and many others could benefit from its enactment. Will the Taoiseach put pressure on the Committee on Health to bring the Bill forward to Committee Stage?

The Taoiseach: The Deputy referred to the scrutiny of Bills, which is right and proper. He also referred to the process as “stuff”. The pre-legislative scrutiny of Bills is very important and enables all Deputies elected to this House to have their say about what might, should or should not be in any particular Bill. The scrutiny to which the Deputy referred is very important. I have had a letter from the Ceann Comhairle requesting that I meet him and the chairpersons of the committees to discuss the question of the process for Private Members’ Bills, such as the Bill introduced by the Deputy, of which there are now 140 backed up.

Deputy Richard Boyd Barrett: There are not 140 Private Members’ Bills. That is not true.

An Leas-Cheann Comhairle: Deputy Boyd Barrett, allow the Taoiseach to continue without interruption or we will move on.

The Taoiseach: Whatever the number is, they are delayed. The question is how to prioritise these Bills, including Deputy Kenny’s Bill, in order that they can move through the process. I do not accept that there is an attempt to stymie the Bill, to delay it or not to have it put through. What happens is that a number of Private Members’ Bills are accepted but when they go through to the next Stage, the Department or the Minister has to do an extensive amount of work on them to make them suitable for purpose, taking into account the original intent of the Private Members’ Bill. The members of the committee are not subject to my direction.

An Leas-Cheann Comhairle: I must ask the Taoiseach to conclude as there are other Deputies who need to be given an opportunity to put their questions.

The Taoiseach: They are entitled to have their say and they should have their say. That is the reason they were elected. Bills must go through the process.

Deputy Michael Harty: I would like to ask the Taoiseach a specific question in regard to the Programme for a Partnership Government.

In that, there is a reference to the building of capacity in our emergency departments and, in particular, there is a reference to opening the new accident and emergency department in Limerick regional hospital. The accident and emergency department in that hospital is one of the busiest in the country. It is frequently overcrowded and is not fit for purpose. On *1 o’clock* many occasions, ambulances have queued outside the emergency department to take patients onto trolleys which are all occupied inside the hospital itself. The Minister, Deputy Harris, has given a commitment to open the accident and emergency department on 29 May, next Monday, and the hospital management has given a similar commitment. Will the Taoiseach confirm that all the preparations have been made relating to funding, staff and the operational structures which will govern the accident and emergency department?

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The Taoiseach: This is not a legislative matter.

Deputy Michael Harty: It is in the programme for Government.

The Taoiseach: Yes, but it is not a legislative matter. It is a management matter. If it is agreed by the HSE, the hospital, the Department and the Minister that the unit should open on 29 May, then the arrangements will have been made for that. I do not have the details of whether everything is in order, but if they all say it will open on 29 May, I expect it to happen.

Deputy Michael Harty: Will the Taoiseach make sure?

The Taoiseach: I will mention it to the Minister, Deputy Harris, with whom I have an engagement after lunch, and I will confirm the position for the Deputy afterwards.

Deputy Mary Butler: On page 41 of A Programme for a Partnership Government, there is a reference to leadership on jobs and rural development and it states that the ultimate goal of the new Government will be to deliver sustainable, full employment. Unfortunately, this morning we heard the extremely disappointing news that manufacturing will cease at Waterford Stanley in October with the loss of 33 jobs. There are 57 people employed in Waterford Stanley but the workforce will be reduced to 24. Waterford Stanley's first cooker was produced in Waterford in 1936 and the Stanley brand name is synonymous with Waterford, as is Waterford Crystal. I am delighted to see the Minister for Jobs, Enterprise and Innovation beside the Taoiseach. I call on the Department of Jobs, Enterprise and Innovation and on Enterprise Ireland to liaise immediately with the company and ensure the workers who will lose their jobs in October find new employment as a matter of urgency. We cannot allow these workers to become long-term unemployed

The Taoiseach: I have been in many kitchens where the Stanley was the centrepiece and raised many families. It is a wonderful product.

Minister for Jobs, Enterprise and Innovation (Deputy Mary Mitchell O'Connor): We have a commitment in the programme for Government to ensuring that there are jobs throughout the country. As Chair of the Committee on Jobs, Enterprise and Innovation, the Deputy will know that jobs are being created in all the regions. I am very disappointed that people are being let go at Waterford Stanley. We will get Enterprise Ireland and other agencies to make sure the people who are going to be made redundant will be able to find employment locally. I am very disappointed for the employees and their families.

Deputy Imelda Munster: The extension of the living city initiative is part of the programme for Government and I ask the Taoiseach to extend the initiative to Drogheda. Drogheda is the largest town in the country and has the population of a city without any of the perks. It has, like other large towns across the State, been neglected by successive Governments for decades, and many of the buildings that would benefit from inclusion in the living city initiative are in dire need of refurbishment and regeneration. The extension of the initiative would be of very little cost to the Government so I ask the Taoiseach to consider extending it to Drogheda.

The Taoiseach: Drogheda is a big town and is growing in size and population. The living city initiative is continually reviewed. We have tried different things in the past 30 or 40 years and have offered various incentives to different locations. There was tax relief, which entailed lines being drawn on different streets. That created its own problems as smart accountants were able to get around the legislation and build developments that were never thought of, while

areas outside the delineations suffered. Many premises which are derelict and in need of repair are left that way by owners expecting a payday when the economic situation improves. That question also needs to be looked at. In the first instance, the local authority should prepare a programme justifying why the living city initiative should be extended to Drogheda. It should also point out the initiatives it is taking to improve the lot, perspective and definition in the aforementioned town. There should also be discussions with those who own derelict buildings. The council have a responsibility in that regard and it is not good enough that such buildings in town centres are left for 20 years to rot, fall down and be a disgraceful aspect when they could be put to far better use.

An Leas-Cheann Comhairle: I thank the Taoiseach. I want to give other Members an opportunity to speak.

The Taoiseach: The council should prepare its programme to justify why the living city initiative should be extended to that region.

Deputy Imelda Munster: Would the Taoiseach support the extension of the living city initiative to Drogheda?

Deputy Danny Healy-Rae: Yesterday, I asked the Taoiseach about impediments and blockages to housing in terms of people being refused planning permission to build houses for themselves. Many people are now being blocked at a pre-planning stage because of designations in the county development plans. There are areas of intense urban pressure, stronger areas and weaker areas. There could be a young man in an area under intense urban pressure who would not be considered for planning permission if he wanted to buy a house next door to where he is currently living. That matter has to be addressed. The planning guidelines are currently discriminating against many people, especially local people who wish to build a house for themselves. In Europe, it has been found that such discrimination is unfair and illegal. Will the Government address the planning guidelines? It is acting illegally in terms of the planning guidelines which it has given the local authorities. That matter has to be addressed. It has been highlighted by many local media outlets in recent days. When will the Government address it?

The Taoiseach: Deputy Danny Healy-Rae is aware of the statutory responsibility of each local authority to produce its development plan. Councillors, who are the elected representatives of the people, have a direct say in that plan. If Deputy Danny Healy-Rae is telling me that the majority of planning applications in Kerry are being turned down at pre-planning stage-----

Deputy Danny Healy-Rae: Many of them are.

The Taoiseach: -----what is the nature of the buildings that are being proposed?

Deputy Danny Healy-Rae: Homes for people.

An Leas-Cheann Comhairle: The Taoiseach must be allowed to speak without interruption.

The Taoiseach: Are they on top of hills? Are they between the road and the sea? Are they too extensive? Are they too elaborate? Pre-planning discussions concern those issues. A person may say he or she wants to build a house which is completely out of order in the location they are proposing and it will be found at pre-planning stage that the house is unjustified but something else might be justified in that location. These discussions have been had in the past

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and there is an answer to every problem. Sometimes planning will not be allowed and-----

Deputy Danny Healy-Rae: Local authorities are reflecting the planning guidelines given to them by the Government.

An Leas-Cheann Comhairle: Deputies may ask only one question.

Deputy Danny Healy-Rae: Local authorities are acting illegally.

An Leas-Cheann Comhairle: I call on Deputy Darragh O'Brien.

Deputy Danny Healy-Rae: The Government must change the guidelines it is giving to the local authorities. That is where the Taoiseach is wrong.

An Leas-Cheann Comhairle: Perhaps Deputy Healy-Rae and the Taoiseach could meet on the margins.

Deputy Darragh O'Brien: Under section 39 of the Health Act 2004, many voluntary providers employ hundreds of home help workers who carry out a low-paid job on the front line of our health services. Since February 2013, I have raised with successive Ministers for Health, Senator James Reilly, Deputy Varadkar and Deputy Harris, the issue that the last Government and the current one are in breach of two Labour Court recommendations whereby these workers are due to be paid four and a half weeks pay per annum in lieu of pension entitlements. These are low-paid workers who are owed money by the State. I have raised the issue by way of parliamentary question on numerous occasions. The Minister for Health, Deputy Harris, recently said that the Government is unable to come to an arrangement for this payment under the Lansdowne Road agreement. These are the lowest paid workers in the health sector and they are owed a paltry sum of a few hundred euro. However, that sum is very important to them. I ask the Taoiseach, in his last weeks in office, to take the bull by the horns on this issue I have been raising for more than four years and to pay these low-paid, front-line home help workers in the health service money the State owes them in lieu of pension entitlements. I ask the Government to take Labour Court recommendations 19297 and 19299 very seriously. The previous Government and the current Government have been ignoring my calls for four years. Now is the time to do something about it and pay these workers what they are due.

The Taoiseach: I do not know the details in this regard but the Government made deliberate decisions in respect of lower-paid workers across all sectors on the issues of USC, of ensuring no payment of income tax at lower levels, in reversing cuts in the minimum wage and in following through with the Low Pay Commission's recommendations. I will get the details and will follow through.

Deputy Eamon Ryan: This day six months ago, we introduced legislation here for a directly-elected mayor of Dublin. Fianna Fáil had a similar Bill on the same issue but we reached agreement with the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, that we would defer the Bills for consultation. In the subsequent six months, there has been no consultation whatsoever. I have read the policy papers of Deputies Varadkar and Coveney. Deputy Varadkar's streets are full of frappé cappuccinos and cupcakes but contain precious little information on who is going to be taking Ireland forward other than Leo. Deputy Coveney similarly covers place-making and good green stuff but again, he does not provide the slightest indication as to what will be the political reform to make happen all this place-making, to bring us forward and get everyone into the cupcakes and frappé cappuccino territory.

Has the Government discussed the development of a directly elected mayor for Dublin and how do we progress this in a collaborative way? It was agreed six months ago but nothing has happened. Has it been discussed at Cabinet? Certainly nothing has been discussed with us in the interim.

The Taoiseach: No, there has been no discussion at the Cabinet table about the idea of a directly-elected mayor for Dublin. I see much value in the idea. Deputy Coveney is involved in other consultations at the moment but I will get back to Deputy Ryan to see if there is anything in the Department that is moving on this issue.

Deputy Dessie Ellis: The Government has deferred legislation on pay-by-weight for waste management. It is clear that waste management companies were abusing the proposed legislation and using it to jack up prices by including a standard charge on all bins, as well as a pay-by-weight charge. It is also clear that certain companies are now giving the Government the two fingers and are beginning to charge for black bins over a certain weight in spite of the agreement in place. The only way to have an environmentally sound and fair waste system is to put waste management back into the hands of the local authorities. Would the Taoiseach consider this when he is reviewing his promised legislation on waste management and when will that review happen?

The Taoiseach: I will advise Deputy Ellis of what is the current situation on this issue. This has not come before Cabinet in the recent past. I will revert to the Deputy.

Deputy Charlie McConalogue: I recently raised the issue of the tillage crisis fund on which this Dáil voted on 18 January this year. It mandated the Minister for Agriculture, Food and the Marine to recognise the plight of approximately 300 farmers who lost a large proportion of their crops last year and to put in place a compensation fund to address the severe financial pressure they were under. Is it still the Minister for Agriculture, Food and the Marine's commitment to follow through with that request and mandate from the Dáil? If so, why has it not been done? It is disgraceful that this fund has not yet been delivered. Can the Minister please update the Dáil today and can he ensure that the fund is put in place as soon as possible?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): As I have informed the Deputy on a number of occasions during Question Time on agriculture, this matter is the subject of ongoing negotiations between my Department's officials and representatives of farmers affected. I have also stated this is a complex issue and we are some distance removed from the time when losses were incurred. Where there is a way there is a will in my Department to deal with the matter.

Deputy Mattie McGrath: There is a commitment in the programme for Government to increase employment levels in the regions and in rural Ireland by more than 100,000 jobs. It took long enough to negotiate the programme. One of the greatest success stories in that regard has been the work of ConnectIreland, which works as part of the Succeed in Ireland programme. However, the draft terms of reference for an independent review of Succeed in Ireland on the departmental website today are deeply unsatisfactory. Why are the IDA and the Department so determined to undermine the huge success of ConnectIreland and its work in bringing jobs to rural Ireland? Is there a vendetta? Is it a battle for control with the IDA? ConnectIreland has had excellent success rates. The IDA should be reined in. The website is disgraceful.

The Taoiseach: I believe in ConnectIreland and engaged with it in a very detailed way to

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get it set up. The theory was that people working abroad for different companies, which were considering investing in Europe, would ask that the companies consider investing in Ireland. If they did decide to invest in Ireland there would be a reward fee for the director to the country here, provided that the jobs were sustainable and that they actually became a reality. It has worked reasonably well in small areas that would not be the focus of the IDA. While it might provide four, ten or 20 jobs in those areas, they had the potential to grow. There were discussions between ConnectIreland and the IDA. There was the question of re-tendering contracts. I cannot provide the up-to-date detail as of today but I will find out. The plan was worth following. It has produced a number of jobs, perhaps not as many as expected, but nonetheless it was important for rural Ireland.

Deputy Bobby Aylward: In the programme for Government, a commitment was given by the Government that CCTV cameras would be erected at all major junctions on our motorways. It was also in the Fianna Fáil manifesto that if we got into power we would do this. Is legislation in place for this and what is the timescale for the erection of these cameras? We have two motorways going through my constituency of Carlow-Kilkenny, the M9 and the M7, and organised gangs are coming from Dublin in particular and are targeting businesses and robbing them. In one case two weeks ago in Urlingford, a small village in north Kilkenny, a gang came from Dublin and robbed the safe. They took the lot and were in and out in 30 minutes. They got back onto the motorway and back to Dublin. What is the status of this legislation? The Garda needs all the help it can get and I ask the Government to take this on board as per the commitment it gave in the programme for Government.

The Taoiseach: A combination of assistance between the local authority, the Garda, the transport authorities, communities, etc. is required here. I will advise the Deputy of the progress this is making.

Deputy Bobby Aylward: What is the timeframe?

Deputy Bernard J. Durkan: Apropos of the issue raised earlier by Deputy Micheál Martin, the criminal justice (money laundering and terrorist financing) (amendment) Bill is on the list and it is still to be reviewed in pre-legislative scrutiny. In view of the recent horrendous events in Manchester, would it be possible to advance the cause of that Bill with some urgency, given the nature of its content?

The Taoiseach: Yes, it is on the priority list but I will have to advise the Deputy on the progress that is being made internally in the Department.

Deputy Eugene Murphy: I address this question to the Taoiseach and the Minister for Agriculture, Food and the Marine, Deputy Creed. Both know the knowledge transfer system for farmers is in absolute chaos. It was supposed to be up and running on 31 May. I welcome the fact that it has been put back to 31 July. The reality is that the system has crashed time and time again. I also understand that the online system for booking meetings with the Department has also crashed. This is not the first time that this has happened with a Department. The Department of Social Protection had the same issue with maternity benefit some weeks ago. I am not sure what the Taoiseach can do about it in his last two weeks or what the Minister for Agriculture, Food and the Marine can do about it but we must get to the bottom of this. What can be done to stop this happening? It is creating difficulty for the farming community at present.

Deputy Michael Creed: I thank Deputy Eugene Murphy for raising this matter. The clos-

ing date of the knowledge transfer scheme has been extended by two months. We do not anticipate that there will be any delay in payments associated with it.

Deputy John Brady: There is a commitment in the programme for Government, on page 135, to roll out a new working family payment to support low-income families. There has been very little talk of it since the general election, when it was a key pillar of the campaign. There seemed to be a lot of information given and it was indicated that the payment would be rolled out in 2018 at a cost of €60 million. There was a public consultation process which only finished at the end of March. There has been very little information since then. Can the Taoiseach commit to the roll-out of the new working family payment in 2018? Is it intended to use the payment as a replacement for the family income supplement, FIS? Can the Taoiseach indicate clearly what stage of the process this measure has reached?

The Taoiseach: The Cabinet committee on social infrastructure considered this yesterday. The working family payment is a priority for the Government. It will have benefits for many working families over and above what is there at present. I will advise the Deputy as to the intended dates for further progress.

Deputy Louise O'Reilly: The programme for Government is a lovely document. It could have been written by Dame Barbara Cartland such is the level of fiction it contains. The programme commits the Government to implementing new procedures to ensure more efficient and timely recruitment of nurses. To be fair, the Government has set itself a target of recruiting 100 nurses each month. It is failing to reach that target, however, and is lucky to get 34 nurses a month. We now have a competition to be our next Taoiseach between the Ministers, Deputies Varadkar and Coveney. Neither candidate has given any indication that he has a plan. In his last few weeks in the role, can the Taoiseach send a message to nurses and health care professionals in respect of recruitment? Is he in a position to say that the Government is going to do something different? Clearly, what it is doing is not working. Nurses do not want to work in the health service as it is currently constituted. Has the Taoiseach something to say to them about how it is going to be different? The two lads who are vying for his job have precious little to say to them.

The Taoiseach: A full-time contract is offered to every nurse who comes out of training. The opportunity is there for nurses to work in Irish hospitals and in the Irish health system. Hopefully, they will do so.

As the Deputy is aware, discussions are now under way at official level - to be followed by ministerial discussions - on the extension of the Lansdowne Road Agreement. I hope that a conclusion can be brought to those discussions before the end of June.

Deputy Martin Kenny: In the programme for Government, there is a commitment regarding the protection of children and the most vulnerable people in our society. Part of this is a process which all Deputies come across, namely Garda vetting, which individuals who work with children through employment, sports organisations or whatever have to undergo. There are huge delays in Garda vetting. I spoke to the people in the bureau who do it and one of the reasons for the delay is duplication. A person who goes to a school to teach music has to get Garda vetting. If he goes to another school to teach the same music to similar children, he has to be vetted again. If he also goes to a GAA club to train children, he has to be vetted yet again. This continuous duplication of the process is a complete mess. The people in the bureau say there is not a complete system or database and that is what is needed. Will the Taoiseach com-

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mit to getting this situation resolved? It is very frustrating for people, particularly those who are trying to get employment in the sector.

The Taoiseach: The Deputy will agree that vetting of those who work with young people is incredibly important, particularly in view of what we went through here for 50 or 60 years and all of that. I could never really understand why a passport system is not available for those who, as the Deputy says, train children in one club and coach in another.

Deputy Brendan Howlin: Exactly.

The Taoiseach: If a person is properly vetted and deemed appropriate to work with children in school X, the same should apply in school Y, whether it is for music, sport or whatever. That is being worked on and I hope we can arrive at an agreement as to how it can happen. We do not want a situation, however, in which somebody could fall through a crack in the system. It has got to stand up and be effective.

Deputy Tony McLoughlin: The programme for Government commits to attracting new jobs to Ireland's more rural areas, along with increased investment in the development of towns and villages throughout the country. The Taoiseach, fair play to him, was instrumental in ensuring that IDA Ireland developed new advanced factories in both Sligo and Mayo. On that basis, can he advise me as to the progress being made to promote the new advanced IDA Ireland factory in Sligo to potential foreign clients, given that it is now complete and awaiting a company?

The Taoiseach: These measures have been a success, as Deputy McLoughlin is aware. I hope the facilities that have been committed to from Tralee to the Athlone and in the western region will be marketed by IDA Ireland and will attract interest from direct investors into the country. Approximately 1,500 jobs are being created each week. As broadband capacity and the infrastructure opportunity are rolled out, it makes it much more attractive for jobs to be created outside the greater Dublin region. As the Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor has pointed out on a number of occasions, the Government's decision has been to invest in creating the vast majority of jobs outside the greater Dublin region in terms of IDA Ireland. That approach is backed up by Enterprise Ireland's being able to expand many of the firms that export at the moment. Deputy McLoughlin's local facility in Sligo is being presented and promoted by IDA Ireland and I hope that process will be successful soon.

An Leas-Cheann Comhairle: Before we move on, I want to apologise for the overrun. It is the responsibility of leaders and others to keep within time.

Deputy Gerry Adams: The Leas-Cheann Comhairle should name names.

Deputy Brendan Howlin: The Leas-Cheann Comhairle should have said the leader of Fianna Fáil.

An Leas-Cheann Comhairle: In future, we have to be more focused. It is up to the leaders - the Taoiseach and others.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in

each case: (1) Deputy Maureen O’Sullivan - proposed new national drugs strategy; (2) Deputy Eamon Scanlon - decentralisation of public service jobs to the north west; (3) Deputy Joan Collins - closure of beds at the Linn Dara mental health service for children and adolescents; (4) Deputy Dessie Ellis - the provision of a direct bus link between Broombridge in Cabra and Finglas; (5) Deputy Mary Butler - the financial situation of St. Carthage’s rest home Lismore, County Waterford; (6) Deputy Éamon Ó Cuív - eligibility status of farmland affected by wild-fires; (7) Deputy Bobby Aylward - the closure of the Camphill Community, Callan, County Kilkenny; (8) Deputy Carol Nolan - the cost of private ambulance transport by the HSE in the midlands; (9) Deputies Martin Heydon and Fiona O’Loughlin - shortage of second level places in Newbridge, County Kildare; (10) Deputies Danny Healy-Rae and Mattie McGrath - delays in processing various farm payments; (11) Deputy Fergus O’Dowd - the cost of removing the M1 toll at Drogheda; (12) Deputy Martin Kenny - backlog and duplication in the Garda vetting system; (13) Deputies Niall Collins and James Lawless - the need for the Minister for Jobs, Enterprise and Innovation to make a statement in the aftermath of the collapse of the Seán Fitz-Patrick trial today following the judge’s comments regarding the conduct of the investigation by the Office of the Director of Corporate Enforcement and to ask the Minister whether her Department will conduct a review of the Office of Director of Corporate Enforcement in respect of the acquittal of the former chairman of Irish Anglo Bank; (14) Deputy Jackie Cahill - for the Minister for Agriculture, Food and the Marine to comment on the banks using the agriculture cash flow support loan scheme for stocking loans to farmers in 2017; (15) Deputy Martin Ferris - damage to fish stocks by seals (16) Deputy Aindrias Moynihan - naming the N40 route in Cork; and (17) Deputies Clare Daly and Mick Wallace - the need to search military aircraft at Shannon Airport.

The matters raised by Deputy Maureen O’Sullivan, Deputy Carol Nolan, and Deputy Éamon Ó Cuív have been selected for discussion.

Ceisteanna - Questions

Taoiseach’s Meetings and Engagements

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the Canadian Prime Minister and events during his trip to Canada. [24722/17]

The Taoiseach: I travelled to Canada between 3 and 6 May. This was the first visit to Canada by a serving Taoiseach in more than a decade and it provided an opportunity to develop and strengthen the important bilateral relationship between our two nations, which share deep historic ties and enjoy strong trading relations. Over the centuries, Canada has been an important destination for Irish immigrants. Today, over 4.5 half million Canadians - more than 14% of the country’s population – claim direct Irish ancestry.

During my visit I had a series of engagements with political, business and civic society representatives in Montreal and Toronto and met a number of existing and potential new IDA Ireland and Enterprise Ireland client companies. These engagements provided very useful opportunities for me to promote Ireland as a location for trade and investment, as well as to emphasise our commitment to the EU and outline Ireland’s priorities in the context of Brexit.

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While in Montreal, I met Prime Minister Trudeau. We discussed the trade relationship between Ireland and Canada and Ireland's strengths as a location for trade and investment into Europe. We also considered ways to further strengthen the economic and trade relationship between our two countries, and agreed to prioritise the opportunities offered by the Comprehensive Economic and Trade Agreement, CETA. I also updated the Prime Minister on Ireland's Brexit priorities and outlined to him the current position in Northern Ireland. The Prime Minister reiterated to me the Canadian Government's continued support for the Northern Ireland peace process. Members will be aware of the part played by John de Chastelain in decommissioning terrorist arms in that process.

Also in Montreal, I attended a business lunch with senior members of the Montreal business community at which I met potential and current investors in Ireland. I also visited the school of Irish studies at Concordia University where I met members of the Irish diaspora.

In Toronto, I addressed an Enterprise Ireland event and an event hosted by the Ireland Canada Chamber of Commerce, both of which provided me with opportunities to meet current and potential investors in Ireland. I addressed a Tourism Ireland event and visited Ireland Park, the Irish Famine memorial in Toronto, which is a magnificent site. I also paid a courtesy call on the Lieutenant Governor of Ontario, Elizabeth Dowdeswell.

My programme concluded with a meeting with members of the board of the Irish Canada Immigration Centre and other representatives of the Irish diaspora and an event with representatives of the Ireland Fund in Canada.

This was a very successful visit which I believe will provide a platform to further strengthen the bilateral relations between Ireland and Canada. I expect relations will be further enhanced during the trade mission to Canada that will be led by the Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor, from 30 May to 2 June.

Deputy Brendan Howlin: Clearly, as in the case of all his foreign excursions, the Taoiseach was certainly not idle; he had a full programme.

I want to ask the Taoiseach about two issues. First, he has acknowledged that he discussed with the Canadian Prime Minister, Mr. Trudeau, the EU-Canada Comprehensive Economic and Trade Agreement, which we now call CETA. The Minister for Jobs, Enterprise and Innovation, Deputy Mitchell O'Connor, answered a parliamentary question on 9 May about the parliamentary ratification of CETA. She said that progress on ratification has commenced in 43 national parliaments and regional assemblies throughout the EU and that it would commence in Ireland shortly. When will those of us in this House have a chance to debate fully and determine assent or otherwise to CETA?

It is agreed at EU level that the agreement would have provisional application until such time as it is formally ratified. That is not a position that I object to but it would be useful to have formal approval or at least a debate in the House on the provisional impact of CETA in advance of formal ratification. I am keen to know whether the Taoiseach agrees that we should have useful discussions on the matter.

During the Taoiseach's visit the Canadian Prime Minister warmly praised the accepting of Syrian refugees. Canada has been very good at that. Unfortunately, our record is not so sterling. Let us consider the situation. Ireland committed to taking 700 asylum seekers from the resettlement camps in Italy last year and a further 459 from Greece. I understand that the

Greek migrants have been accepted but that none have come from Italy because of the ongoing difficulty relating to accepting the vetting systems from the Italian authorities. The European Commission has urged Ireland to resolve this matter. How close are we to resolving it? How many of the 2,600 people that we pledged to take have actually arrived in the country to date?

The Taoiseach: I discussed CETA with the Canadian Prime Minister, Mr. Trudeau. Actually, as Deputy Howlin is aware, Canadian views are very much in line with Irish views on the benefits of trade agreements and the benefits of properly used globalisation for jobs. They are keen to have the agreement operate in the interests of both countries.

Some 50% of foreign direct investment from Canada goes directly to Britain. Since the United Kingdom is moving out of the European Union and the Single Market, this is clearly an opportunity for this business to thrive.

I gather there are now flights from Montreal, Toronto and St. John's to Ireland on a weekly, if not daily, basis. I think four airlines are coming in. They are keen on that.

The agreements provide a range of sectoral opportunities for Irish companies in Canada in financial software, telecommunications, digital technology, agricultural machinery, life sciences and medical devices.

CETA was signed on 30 October 2016 in Brussels by representatives from Canada, EU and member states. The EU and Canada have also agreed a legally binding agreement, a joint interpretative instrument, which has been added to CETA to provide further assurances in respect of public services, labour rights, environmental protection and investment.

A number of steps remain to be taken on both sides before this becomes fully operational. Meanwhile, aspects of CETA will be provisionally applied by both sides beginning, I hope, this summer. The provisional application of the trade agreement is a standard process in agreements of this sort. It allows those parts of the agreement for which the EU has competence to come into force, including reductions in tariffs on our exports, which will apply to 99% of exports. However, the provisions of CETA relating to investment protection will be excluded from provisional application.

The European Parliament voted in favour of the provisional application of CETA in February. The process of ratification is now commencing in member states. Canada is now finalising its internal implementation procedures to allow for ratification. I understand that Canadian Senate approval was secured on 11 May and the Bill now awaits royal assent.

I spoke to Canadians about beef, which was an issue here with the Irish Farmers Association. Canada is allowed 15,000 tonnes under the original agreement. Canada finds this difficult to meet because most beef from Canada goes the other way – it goes west to Asia. CETA increases that but it will be difficult for Canadians to meet that level.

An Leas-Cheann Comhairle: You are well over time, Taoiseach. You have used three minutes.

The Taoiseach: There will be a Dáil debate, obviously. We will have it as soon as possible.

Deputy Brendan Howlin: Will it be this side of the summer break?

The Taoiseach: I hope so; there is no reason why not.

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An Leas-Cheann Comhairle: Thank you.

The Taoiseach: The Canadian Prime Minister, Mr. Trudeau, is keen to get this moving. Under the provisional agreement those of us on the EU side can move on it. Let us have this debate as quickly as we can.

An Leas-Cheann Comhairle: You will have another opportunity.

The Taoiseach: In respect of refugees-----

Deputy Brendan Howlin: I only asked one question.

An Leas-Cheann Comhairle: You are right.

The Taoiseach: The question of refugees was raised. Canada is looking for more people. Those who cross the border from the United States, other than at formal crossings, are received with open arms and are being housed. They include 40,000 Syrians. The community in Bal-laghaderreen has responded. They are making wonderful efforts to integrate our Syrian refugee people.

Deputy Brendan Howlin: Are we close to resolving the issue with Italy?

The Taoiseach: The reason that erupted was that the Italian people were suggesting that we should take refugees or people without any vetting. Ireland refuses to do that because we need to know where they are from and, in so far as we can determine it, who they are.

An Leas-Cheann Comhairle: Deputy Micheál Martin is next.

The Taoiseach: I am unsure whether we are close to resolving it but our people went down there on several occasions.

An Leas-Cheann Comhairle: We have to be more focused. I realise it was only one question, Deputy Howlin, but there is precedent.

Deputy Micheál Martin: The same applies but it is always in different circumstances. Ireland's relations with Canada have always been excellent, although this is often over-looked due to the importance of our relationship with the United States. Given the new links between Ireland and "Star Wars" movies, it was a pity the Taoiseach did not match the Prime Minister's celebration of 4 May.

The Taoiseach: May the force be with you.

Deputy Micheál Martin: I have no doubt that when the leadership context is over between the Taoiseach's colleagues, both will be promising to make 4 May a national holiday.

I wish to focus on CETA. In particular, six months ago I asked for a debate on CETA because the issue of free trade is central to our economic development. There have been many loud noises here. We have heard that the loudest vessels make the emptiest noises, but I do not want to be that-----

Deputy Michael Creed: Empty vessels make the loudest noises.

Deputy Micheál Martin: The point I am making is that there has been a certain narrative abroad suggesting that any free trade agreement is anathema to Ireland's interests, and that they

are evil and should be condemned. CETA has been condemned even before it has been debated here.

I remember when I was Minister for Enterprise, Trade and Employment I opened an Enterprise Ireland office in Toronto. Why did we open an office there? It was to get access and provide information and networking for Irish companies to sell their goods and services.

The economy of Ireland depends on selling its goods and services abroad. There are people in this House who believe that we should stop all of that and cut it at the knees. That is the view from the anti-austerity people. Sinn Féin has a negative view of free trade agreements too. We seldom hear positive affirmation of the idea of free trade in this House or of the idea that, as a small island economy, we need to sell our goods and services abroad, including food, intellectual property, project management services and so on. We are fantastic at software. Many countries throughout the world are keen to access our software. The same applies to pharmaceutical technology and so on. If we go down the road of protectionism and try to put up shutters, then we will ruin the Irish economy in future. There must be some resistance or balance in the debate in this House.

That is why I am critical of the fact that a debate has not been scheduled. It need not be a debate for approval; it could simply be an open debate on the merits of a free trade agreement with Canada, which shares the same standards, by and large, environmentally and in the food industry. Across the board Canada has the same type of liberal open democratic economy and society that we enjoy. Of course there is toing and froing and give and take in such agreements. For God's sake, we should be urging the conclusion of this agreement between the European Union and Canada. It will be to the betterment of Irish companies, including small and medium-sized enterprises, but we never hear that.

An Leas-Cheann Comhairle: Time is up.

Deputy Micheál Martin: We hear the opposite. We here a torrent of negativity about the whole concept of free trade. I put it to the Taoiseach that we need that sorted with a debate. I call on the Taoiseach to indicate what measures Irish firms are taking to benefit directly from this agreement.

Deputy Gerry Adams: I agree with all the positive remarks about Canada. I have been there many times and I have family there. There are very deep links with people here, particularly among people in the North and particularly those who live in Toronto. However, notwithstanding the Fianna Fáil leader's protestations, there are concerns about the implications of CETA, especially among farmers, workers and small and medium indigenous companies. The Government has ignored those and there has been no debate on these issues. This is the place where we should have had this debate and I have been asking for one for some time. The only vote in these Houses was in the Seanad, which called on the Government not to ratify the deal. The European Court of Justice, which took the EU-Singapore free trade agreement, FTA, as a test case determined that these new agreements can only be concluded by the EU and member states acting together and by the state parliaments having a vote on them.

There needs to be a debate. The Government has signed up to this provisional application of the deal at EU level without any deference to the Dáil. We have been given legal opinion to the effect that a referendum would be required before the Government can sign the final agreement on CETA. Does the Government have advice? Has it sought a legal opinion from the Attorney

General and what is the Taoiseach's view of this issue?

The Taoiseach: I agree. We will have a debate on free trade with Canada in respect of the Deputy's request. I will see that it happens. It is a very good thing. For the Deputy's information, the provisional application is a standard part of trade agreements and allows those parts of the agreement on which the EU has competence to proceed. CETA provides for provisional application, as the process for ratification across all member states may take a number of years. In Ireland's case, the Dáil will be part of the final decision, which is not what the Deputy was talking about there but a debate on the benefits of free trade. The Minister for Agriculture, Food and the Marine has observed many times that we export Irish agricultural products to over 180 countries and that is where our strength is built, the Deputy rightly points out. The Department of Jobs, Enterprise and Innovation supports the provisional application as it allows for Irish medium-sized enterprises to export tariff-free to Canada.

Finally, I point out that 38,000 emigrants from Ireland - immigrants to Canada - went to Toronto in 1847, when the population of that city was only 20,000. They were welcomed with open arms. I want to commend Robert Kearns and his people on the wonderful memorial they have built on the shores of the lake there to those Irish emigrants. They are now moving to commemorate the medics who worked with people from the Irish community, many of whom died from diseases such as typhoid and cholera. This is an important debate which we will have.

Urban Renewal Schemes

2. **Deputy Seán Haughey** asked the Taoiseach the actions being taken to improve Dublin inner city; and if he has attended the forum meeting recently. [23280/17]

3. **Deputy Maureen O'Sullivan** asked the Taoiseach the status of the implementation of the Mulvey report. [24170/17]

4. **Deputy Gerry Adams** asked the Taoiseach if he still chairs the north inner city ministerial task force. [24273/17]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will provide a progress update on the recommendations of the Mulvey report on the north inner city; and when he will appoint an independent executive chair, as committed to in February 2017. [24368/17]

The Taoiseach: I propose to take Questions Nos. 2 to 5, inclusive, together.

Last July, the Government launched a major initiative for the Dublin north inner city with the establishment of a ministerial task force to oversee the long-term social and economic regeneration of the area. At the time of the launch a number of short-term measures were announced to help the community address some of the immediate challenges facing it and these are mostly completed, having been progressed by the responsible Departments and agencies.

This has resulted in €1 million invested in sports and youth projects in the area, €700,000 spent on local community projects targeting children and youth, including some drug projects. A further €3 million has been spent on improvement works to the area, including roads, housing areas, parks and lighting and refurbishment of the Sean McDermott swimming pool. Further investment will take place in response to the publication of Kieran Mulvey's independent report

in February and the Government's agreement to implement his recommendations in full. The first step has been the establishment in the local area of the programme implementation office with staff assigned from Dublin City Council. In addition, the Secretary General of my Department established an oversight group last month to oversee preparatory work across a number of Departments. The next step is for the ministerial task force, which I chair, to appoint an independent executive chairperson who will lead the work and engage with community structures and local residents. That person will be based in a premises and office in the north inner city.

Deputy Seán Haughey: In respect of the last debate, we should be told which socks Deputy Varadkar or Deputy Coveney propose to wear should either become Taoiseach, having regard to Justin Trudeau's fashion in that area.

The ministerial task force was set up as a result of the awful Kinahan-Hutch feud, which continues. There was a shooting in broad daylight in my local petrol station in Clonshaugh recently. There were 70 people in that garage at that time. In Clontarf, with which the Taoiseach will be familiar, there is a permanent armed checkpoint on Castle Avenue, I presume it is manned by the emergency response unit, which is very unnerving for local residents. Can the Taoiseach assure Members that the Garda is making progress in bringing the feud to an end?

The Taoiseach visited Scoil Uí Chonaill recently. His commitment to this project is well known and the work done by Kieran Mulvey is recognised as having been very productive but what will happen now? Who will drive this project? The Taoiseach will step down from his role in the next few weeks and while I wish him well in his retirement as Taoiseach, we need to drive this project. I am not sure that the proposed structures for the report's implementation are adequate. The Taoiseach should consider the establishment of a north inner city authority to address the challenges and champion the north inner city's social and economic regeneration. We have the report. Some progress has been made but we need to drive it forward and my fear is that when the Taoiseach retires, that will not happen.

Deputy Maureen O'Sullivan: I also acknowledge the Taoiseach's personal engagement, and particularly the occasions when he arrived in the north inner city and was not accompanied by the media. However, the report was launched on 16 February in the Sheriff Hall. Three months have elapsed in the meantime and we have to ask what we have seen in that time? We know that it is not only the current Government which is to blame; it is successive Governments and their indifference and neglect, not to mention the austerity budgets and their adverse effects. It is also fair to state that without the murders, violence and resulting headlines, we would not have had a Mulvey report and the indifference and neglect would have continued. There are glaring absences in the report, particularly with regard to housing, drugs, new communities and mental health issues. The North Inner City Community Coalition has produced its own report and there is a need to look at both and see how they might merge together. I am asking three things: first, when will the chairperson be announced? The second, which I have already brought to the Taoiseach's attention, is the need for community representation at all levels, not just one member on the highest level of the implementation team and we need to see the implementation structures at all levels. Money is welcome but we all made the point at the outset that there was no point in throwing money at the area in the short term but must consider long-term solutions. This is not merely about the north inner city, because drugs and violence are not common there. This is a question of national relevance and if we get it right in the north inner city, it can be rolled out elsewhere.

Deputy Gerry Adams: I welcome the Taoiseach's interest in the north inner city. The min-

isterial task force was launched with great fanfare and there was a lot of hope among citizens there that finally a Government was about to take their needs and concerns seriously. We all know, as the Taoiseach acknowledged in his remarks, that the north inner city, like other working class districts in Dublin and other urban areas, has been deliberately neglected by successive Governments and victimised over the past few decades by vicious criminal gangs. The report compiled by Kieran Mulvey, *Creating a Brighter Future*, has been ready since February but there has been no substantial progress or investment and no evidence of any meaningful effort by the Government to establish viable local structures to oversee the changes we all wish to see. The Taoiseach said last month that the Government would act on the advice of the report. Does that include the refurbishment of Rutland Street school as a community centre? In February, he stated he would shortly appoint an independent executive chair to head up a number of implementation bodies. As it is almost June and that still has not been done, when will this appointment be made? He also said he intended to visit the area again. The Minister, Deputy Donohoe, in response to Teachta McDonald, said the Taoiseach will meet with the North Inner City Community Coalition. Will the Taoiseach meet the North Inner City Community Coalition, which is the parent body that represents the people in the area? Will the Taoiseach say when he will do it? Will he bring with him some properly funded proposals for implementation?

Deputy Brendan Howlin: I raised this issue with the Taoiseach a number of weeks ago. I acknowledged at the time, and since the Taoiseach took the initiative in the summer of last year, that there was a consensus in the House that we could use a model over a number of Dáileanna to invest, improve and transform an area that needed that level of focus and maybe potentially use the model elsewhere if it worked. When I was back in the north inner city with Joe Costello two weeks ago, I met many of the local groups. One of the concerns they have, as I said to the Taoiseach, is that the Taoiseach moving out of the office of Taoiseach will mean the focus and momentum will be gone. The Taoiseach indicated to me the independent executive chair would be appointed. Are we very close to that now? Will it happen before the Taoiseach vacates his office? What role does he see for the Department of the Taoiseach in the future in ensuring the very detailed Mulvey recommendations are put into effect? Is there a commitment there? A number of local Deputies, including the Minister for Public Expenditure and Reform, have an interest in the issue and I presume the Minister will commit funding in the short term but in the longer term, can we have some device that ensures the entire programme is safeguarded against future change of Government or Minister and that we will achieve what the House wants, a model redevelopment in this part of our national capital?

The Taoiseach: A number of things are important here. The Mulvey recommendations said to set up a north inner city programme implementation board, a north inner city programme office, a new community consultative forum and a local programme working group. The programme implementation office has been established in the area and has commenced work on a number of actions. An independent executive chairperson, referred to by Deputy Howlin and others, will have the lead responsibility for the programme implementation board. I expect that person to be appointed very shortly and hopefully we can do it before I leave this seat.

Deputy Brendan Howlin: The Taoiseach really should try to do it.

The Taoiseach: The person will be based in the north inner city working closely with community groups, as Deputy Maureen O'Sullivan and Deputy Haughey said, and with Dublin City Council in making these arrangements. Once appointed, arrangements for the remaining board to include community representation will be finalised. A meeting of the community consulta-

tive forum will convene following appointment of the chair to ensure there is ongoing wider community participation and feedback on various aspects of the programme. The Secretary General of my Department has established an oversight group to support the work of the ministerial task force and to ensure these actions are monitored and implemented. That group held its first meeting on 6 April and discussed progress and a list of actions from the Mulvey report. It is expected to meet again today.

Some of the things that have happened are €1 million was invested in sports and youth projects, a multi-use games pitch in Sheriff Street community centre, a fit-out of the new premises for Ballybough boxing club, improvement works to pitches at Sheriff Street youth club and Larkin Community College. Small grants and equipment were distributed to about 40 local youth groups and sports clubs and a local GAA and soccer coaching programme was supported. I was glad to see the Deputies out at Scoil Uí Chonaill in Clontarf the other day. A full-time local sports co-ordinator was employed to make the most of the local facilities and get people involved. There was €700,000 spent on community projects targeting children, including the successful Bally Mac Sheriff Halloween festival, local library and school based projects targeting reading and digital skills, the Brighter Futures restorative practice projects across two age groups in the area and funding for third level access programmes. There were 15 local drugs projects supported and grants to support local arts projects and men's sheds community garden project, which were all very successful. There was €3 million spent on the physical improvement of Ballybough House and Courtney Place, Ballybough and road resurfacing works at Sean McDermott Street, Railway Street, Cumberland Street North, James Joyce Street, Beaver Street and Buckingham Street Upper to improve the physical aspect of the place. There were improvement works in Mountjoy Square and Portland Place park and internal and external refurbishing of the Sean McDermott Street pool.

I congratulate former chief superintendent Leahy who was appointed by the independent Policing Authority to be assistant commissioner. He was a superb policeman, really on top of his job and I hope his successor will do the same.

Deputy Haughey raised the issue of gangland crime and the checkpoint. It is unnerving but necessary, given the situation that has applied there for some time. The Garda Commissioner is overseeing the operation of the Garda special crime task force to enhance the response to organised crime. The task force has been in operation since July 2016, has made serious inroads and has a big success rate. Operation Hybrid was established to co-ordinate the response to violent crime in the area and address public concerns about community safety. Operations are reviewed on a weekly basis to maintain that kind of impetus. The Government has approved an extra €55 million for An Garda Síochána to assist in a number of initiatives including concentrated policing which targets gang-related crime. Obviously we will look at the question of Fitzgibbon Street Garda station being opened. It is an iconic building and there is work to be done there.

I will go down there on Monday with the Minister, Deputy Donohoe, to look at many of these projects. Joe Costello and others are all welcome to turn up in the afternoon.

Deputy Brendan Howlin: The Taoiseach could not keep him away.

The Taoiseach: I mentioned Scoil Uí Chonaill. Community involvement is very important. We will see it happens. Deputy Adams raised some of the issues I have read out. I will visit the area next Monday. Deputy Howlin mentioned local groups. The Secretary General of my De-

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partment is *in situ* now to oversee and monitor the implementation of the full programme. The point the Deputy makes is about where we should be here. This template should be transferable to other locations in this city and any other city so we can have all the community leadership come forward with their views and a response from a Government that listens. To make this point in the wider context, if the banlieues of Paris or other places were inhabited by people the Government had no interest in for 20 years, it could not expect model citizens to come out of them. That is where Government has to listen to all voices, including discordant ones, and deal with them. That is the way the centre can always and will always hold.

The points made by Deputy Haughey, O'Sullivan, Adams and Howlin are all valid in this case.

Cabinet Committee Meetings

6. **Deputy Micheál Martin** asked the Taoiseach when the Cabinet committee on economy, trade and jobs last met. [23333/17]

7. **Deputy Gerry Adams** asked the Taoiseach when the Cabinet committee on the economy, trade and jobs last met; and when it is scheduled to meet again. [24272/17]

8. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on economy, trade and jobs last met; and when it next intends to meet. [24723/17]

The Taoiseach: I propose to take Questions Nos. 6 to 8, inclusive, together. The Cabinet committee for the economy, trade and jobs last met on 10 April 2017. The next meeting will take place shortly.

Deputy Micheál Martin: Some of this was dealt with yesterday when the Taoiseach replied at length but he did not answer all of the questions. The disruption of Brexit will be profound and it is not yet clear what the scale of the response will be from the Government or the European Union in terms of the facilitation of solidarity mechanisms which might enable us to help industries under pressure or help industries to transition as a result of Brexit. In monetary terms, Brexit could be very significant for the country. The Taoiseach mentioned yesterday that an economic paper is being finalised. I accept there is a balance here and the Government wants to promote the country and its well-being but we cannot understate the scale of the challenge. There is no point in telling people not to be so negative about Brexit and not to talk down the economy. The reality is Brexit is a fundamental change to our economic model. It is a once in a generation change that changes how we have been operating for 50 years. It obviously depends on the trade component of the Brexit deal between the European Union and the United Kingdom. It is about damage limitation. Can the Taoiseach indicate what the current estimate is of how much trade may be undermined by Brexit? Will he confirm which sectors will be worst hit? There is ongoing coverage of Ireland bidding for EU agencies to locate here. Is there any update on these bids? Are the reports today true that the State may have to cover rent to land EU agencies? Will the Taoiseach outline where we are in terms of that competitive bid?

Deputy Gerry Adams: We all recognise that Brexit is the greatest threat facing the economies of this island and particularly the imposition of an economic border.

There was confirmation by Revenue at last week's meeting of the joint Oireachtas com-

mittee on finance that there will be significant customs checks, which flatly contradicts the Taoiseach's denial that it will happen. Revenue told the committee at least 8% of the 2 million heavy goods vehicle journeys between North and South each year will need to be checked, including physical inspections. This means that approximately 160,000 heavy goods vehicles will be subject to customs checks each year. Will the Taoiseach update the Dáil on the work taking place to prepare for customs checks and, in light of his denials that Border checkpoints or customs checks were being planned, perhaps set the record straight? How many customs officials is it anticipated will be needed? Has the Government estimated the likely cost of implementing European Union law in respect of border customs security?

At the same meeting, an official from the Department of the Taoiseach confirmed that the Government has never raised designated status for the North with the European Union. I have been asking the Taoiseach questions on this matter for a long time and he has always avoided confirming this. The Dáil, Seanad and Joint Committee on Jobs, Enterprise and Innovation have all endorsed the need for special designated status for the North. The vast majority of people in the North voted for this status, or at least they voted to remain in the EU, and the majority of MLAs support it. The Taoiseach's responsibility should be to defend this vote. Will he start to do so? Will he indicate when the Government's additional paper on the economic implications of Brexit will be published?

Deputy Brendan Howlin: I raise a different issue, which is of great concern. It is my understanding that, in determining the fiscal space available to the State, the Government decided to disregard the 2015 figures on gross domestic product, GDP. While we happily took the additional corporate taxes generated in this period from the relocation of corporate profits to the island of Ireland, for some very odd reason that I genuinely do not understand the Department of Finance decided not to take advantage of the 2015 growth rate. I understand the European Commission was happy to accept the 2015 figure, which would have given the State an additional €7 billion of fiscal space. This money is needed to invest in infrastructure. Why arbitrarily reduce by €7 billion the fiscal space available between now and 2021 by ignoring the 2015 growth figure? This was a political choice that will impact on our capacity to invest in infrastructure at a time when, as the Taoiseach noted, money is cheap and available.

The leader of the Fianna Fáil Party is pushing for more public private partnerships, PPPs. I argue for a cap on PPPs because they are the most expensive approach. When the State can borrow money at very low interest rates, it does not make sense to have PPPs rather than direct investment, although PPPs make sense in some areas. We must have a debate on the infrastructural needs of the country and how they should be funded. I am puzzled by the arbitrary political decision, despite the views of the Commission, to lessen the capacity of the State to invest in infrastructure.

The Taoiseach: Deputy Micheál Martin is right that the outcome of Brexit will have profound implications. There is no denying that as this is a totally new situation. When Article 50 was written, no one envisaged that a country would decide to leave the European Union. This has happened, however. In addition, the British Government, in respecting the wish of the electorate, has decided to remove the UK from the Single Market. A changed situation arises in respect of the trading negotiations.

It is true that we export 90% of what we produce. Some elements involved in addressing this will be to have a much stronger concentration on the eurozone and arrange trade missions

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to sell the agricultural and food products we produce. The agriculture sector is already under pressure. As Deputy Micheál Martin is aware, currency fluctuations mean we are down €500 million in six months. Our response has been to provide low interest, longer-term loans and increase the capacity of Enterprise Ireland to further assist exporting companies.

Deputy Micheál Martin: Did the Government provide €500 million?

The Taoiseach: No, €500 million was lost as a result of fluctuations in the value of sterling.

In respect of the European Medicines Agency and European Banking Authority, we have applied to have both agencies relocate here and we are obviously in competition with other countries. The matter will go through the normal process and will come before the European Council for final decision in the autumn. There are major implications and opportunities for whichever location is chosen. Ireland has made a case for hosting both organisations and we will compete with many other countries.

Deputy Adams referred to customs controls. The official who spoke at the joint committee last week was referring to hypothetical scenarios. We have an agreement politically that there will be no return to the Border of the past. Nobody wants to have a situation such as that which applied at the Killeen crossing and right along the Border for years and which brought with it, as Deputy Adams is aware, sectarian violence and militarisation. As I stated previously, if, arising from the Brexit discussions, tariffs are not applied to goods moving between the Republic and Britain or Britain and the rest of Europe, we will still have two different jurisdictions and a way will have to be found to deal with that. What we agreed with the British Government and Mr. Michel Barnier, who addressed the Dáil only a short time ago while standing next to where Deputy Adams is seated, was that the solution will have to be creative and imaginative. The independent members of the Revenue Commissioners will say that they may well have a job to do here and will look at the different options. However, the committee also agreed that it is not clear what will be the outcome. What is clear is that there is a political *imprimatur* of no return to what we had in the past. Deputy Adams knows the importance of that as well as I do.

Designated status is an issue I have always referred to in the sense of our particular and unique circumstances, which were outlined to the House by the chief negotiator on behalf of the European Union when he referred to our citizens, economy, jobs and relations with the United Kingdom, the protection of the common travel area, our place in Europe and the fact that we do not want to return to what we had before. We unreservedly condemn the latest atrocity in Manchester. I was glad to hear the First Minister, Ms Arlene Foster, express the hope the other day that an Executive would be formed. While there are political differences, it is important that the Executive faces in the direction of the future and we will be able to have the North-South Ministerial Council, the cross-Border agencies and the development of infrastructure into the North, which are very important for the future.

I will have to revert to Deputy Howlin with some detail on the matter he raised. I do not want to lead him astray but I think the issue is related to the arrival in Ireland of a great deal of intellectual property from corporate firms, which caused a spike in the figures.

Deputy Brendan Howlin: Will the growth figures be accepted?

The Taoiseach: I will provide the Deputy with detail on the position if I may.

An Leas-Cheann Comhairle: I apologise to Deputy Burton who indicated she wished to

ask a question on the inner city of Dublin but we must move on.

Priority Questions

Appointments to State Boards

26. **Deputy Carol Nolan** asked the Minister for Education and Skills his role in the appointment of the CEO of the Teaching Council. [24780/17]

Deputy Carol Nolan: Given that this has become a contentious issue, what was the Minister's role?

Minister for Education and Skills (Deputy Richard Bruton): Under the Teaching Council Acts 2001 to 2015, the Teaching Council appoints the director. The legislation requires the council to obtain the consent of the Minister for the procedures the council proposes to apply. In addition, the Ministers for Education and Skills and Public Expenditure and Reform must give their consent to the contractual terms and conditions of the director.

The Teaching Council, in advance of the expiry of the five-year term of office of the director, communicated to my Department in December its intention to reappoint the incumbent director and sought my consent for the procedures it proposed to use to make the appointment. The council later brought to the attention of my Department an issue regarding the contractual arrangements and at one point rescinded its original decision to reappoint the director due to perceived potential contractual difficulties. However, I consented to the procedures and my Department clarified the contractual terms, which provide for a fixed-term contract in the context of the continuation of a secondment arrangement. Following its meeting on 8 May, the council offered a new contract to the director, the terms of which were agreed by my Department with the Department of Public Expenditure and Reform.

The Deputy may wish to note that the reappointment of a chief executive or director of a public body for a second term is consistent with Government policy applying to public bodies generally.

Deputy Carol Nolan: The Minister is aware that the salary of the CEO is believed to be in the region of €120,000. Many newly qualified teachers will find it very difficult to comprehend how such a highly paid role can be automatically renewed without any public competition. Newly qualified teachers are put through a rigorous interview process, so how can this be right? Is it one law for some and another for others?

The Teaching Council has been tasked with the carrying out of important initiatives, such as the implementation of the fitness to teach legislation. It requires the confidence, support and respect of its members. Surely an act like this undermines all of that. The Minister stated that he had given his consent, but does he approve of the automatic reappointment without a public competition?

Deputy Richard Bruton: I should point out that the appointment of the director in 2012 followed a public selection process. This individual was chosen following an open and fair competition process. There was not an automatic reappointment. The board of the Teaching

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Council decided that it was its preference that this individual would continue to do the work that he was undertaking, and for good reason. The director has undertaken a great deal of reforming work that is in train.

The board's concern related to a legal question as to whether the appointment for a second term would give rise to a contract of indefinite duration, in other words, the individual would become permanent for all time. That issue was required to be resolved. The individual has been appointed for a second term, but that does not contain a commitment to continue his service beyond that term.

It is often the case that when the board of a State body has confidence in a particularly good individual, it will reappoint him or her for fear of losing the individual. That is the situation in this case. The board recommended and we resolved the issue.

Deputy Carol Nolan: The chair of the Teaching Council stood down because he felt that this position should have been open to public competition. Surely to God that is a serious enough issue for the Minister to take into consideration. It is also my understanding that several members of the board wanted the appointment to be open to public competition, yet it was not.

I am not aware of any difficulty in terms of the CEO's performance, but the process that was followed was not fair. It does not seem right that such a process was in place and that someone could be reappointed automatically.

Will the Minister investigate this matter and ensure the position is subject to public competition in future? The chair stepped down and several members of the board expressed concerns about this issue.

Deputy Richard Bruton: I am not privy to the deliberations of the board. It must make up its own mind about any office. The board recommended in December that this individual be reappointed. The concern that was brought to my attention did not relate to the board's wish to have an open competition, but its fear that a legal question would arise whereby an individual who was given a second term could then have an indefinite contract. That was the issue that was sought to be resolved. Following its resolution by my Department using precedent from other circumstances and designing a contract that would protect against that eventuality, the Teaching Council decided in December to proceed with its original decision, namely, to reappoint the director. That was entirely fair and in accordance with proper procedure. It is not a requirement that every time a post comes up, a person in position would be required to enter a fresh competition. This individual was selected by competition in 2012 and the board wished to reappoint him. The issue that needed to be resolved was resolved and the board has confirmed that position.

Apprenticeship Programmes

25. **Deputy Thomas Byrne** asked the Minister for Education and Skills if he will address concerns about the current low rate of creating new apprenticeships and that the targets in the programme for Government will not be met; his views on whether there are significant barriers to creating new apprenticeships; and the steps he will take to address the slow rate of progress. [25041/17]

Deputy Thomas Byrne: I apologise to the Leas-Cheann Comhairle for being late. I assumed that I needed to be present at 2.17 p.m., so I was outside.

An Leas-Cheann Comhairle: Graciously accepted.

Deputy Thomas Byrne: Tá brón orm. This question goes to the heart of the Minister's apprenticeship strategy and asks if it is just a target or number that has been picked or whether real policy and money are behind it. Apprenticeships are badly needed, so we must open them up more than has been the case to date.

Minister of State at the Department of Education and Skills (Deputy John Halligan): The Deputy has a keen interest in apprenticeships. The programme for Government commits to providing 31,000 apprenticeship places by 2020, and the Action Plan for Education states that we will enrol 50,000 people on apprenticeship and traineeship programmes in the period to 2020. This represents more than a doubling of the 2016 activity.

The Apprenticeship Council is overseeing the expansion of the apprenticeship system into a range of new sectors of the economy. Following its first call for proposals in 2015, the council has been working closely with consortia to develop their proposals into sustainable apprenticeships. Last year, we saw the first of these new programmes with the insurance practitioner apprenticeship, which launched in September, and the industrial electrical engineer apprenticeship, which will get under way in November. Three further new programmes are registering apprentices and will commence in May and June of this year, two in the medical devices area and one in polymer processing. A further ten programmes are expected to get under way later this year in various sectors, including hospitality, financial services and accountancy.

As well as developments in new apprenticeships, registrations in the craft trades are increasing as the employment and economic situation improves. In 2016, there were 3,742 registrations, representing a significant recovery since the crash. The upward trend continues this year, with registrations at the end of April of 1,585, which is almost double the corresponding period in 2014. Registrations in the craft trades are predicted to grow to 5,587 over the period to 2020.

In January, we published the Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020, which sets out a series of detailed actions and annual targets on how the commitments set out in the programme for Government and the Action Plan for Education will be met.

Additional information not given on the floor of the House

The plan sets out a clear ten-step critical path for the development of an apprenticeship and an overall timeline of 12 to 15 months. One of the key commitments for this year was the issuing of a second call for proposals to refresh the pipeline of proposals already established through the first call. The second call issued earlier this month, and it is now open to industry and education and training providers to submit proposals for new apprenticeship programmes in their sectors. In conjunction with the second call, an information handbook has been produced for consortia that sets out in detail the ten-step critical path for the development of a new apprenticeship and also the key resources available to consortia to support them in the development process. The handbook, along with other supporting material, is available on the new apprenticeship website, www.apprenticeship.ie, which will be a key source of information for apprentices, employers and industry looking at the apprenticeship model as a means of meeting their skill needs.

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My Department, its agencies and the Apprenticeship Council are working in close collaboration with the combined aim of delivering these targets. Next month, curricula for five programmes will be considered for validation by Quality and Qualifications Ireland. The Apprenticeship Council continues to work with consortia from the first call on developing their proposals into sustainable apprenticeships. Recently, development funding has been approved for a further four programmes in the areas of retail practice, property services, engineering and ICT. A further ten proposals will shortly submit detailed development plans to the council and, subject to approval, will progress to development. Additional resources have been made available to agencies to support them in the expansion programme.

Arising from the first call, we have five programmes that are operational, 19 programmes that are at various stages of development and a further ten programmes that are about to move to development. Much has been learned in the expansion project and I am confident that we now have a clear process with strong governance to allow for the efficient development and approval of new apprenticeships. This will enable us to develop apprenticeships as an attractive and valued option for school leavers and other learners.

Deputy Thomas Byrne: One of the issues that we need to be conscious of is the perception of apprenticeships. They are not yet seen as an alternative to third level for people who might want to do them. Clearly, the new insurance practitioner apprenticeship is an alternative, given that it is a level 8 qualification - a degree, but one done in a different way.

I hope that the Minister of State will support a suggestion of mine. I do not see why he would not and I have referred the suggestion to the Ceann Comhairle. The House of Commons in London has a scheme under which it has developed new apprenticeship programmes, for example, in office administration or even political communications. I have suggested in a letter to the Ceann Comhairle that the Oireachtas would look at that, and I am grateful to the Ceann Comhairle for referring it to the Houses of the Oireachtas Commission. Not only would that help us here in the Oireachtas but it would also change the perception of apprenticeships as it shows it is the sort of education that we in the House would want to have available. It would also send out a wider message to employers. I hope the Minister of State will support this and add his weight to it. I believe it is a good idea. There is already a precedent for this in London and I believe it would definitely open doors for the whole programme, apart from opening doors for people into the Oireachtas.

Deputy John Halligan: I thank the Deputy and I would welcome a further meeting with him on that suggestion. I regularly meet companies that are interested in apprenticeships. If we look at the basic apprenticeships we usually would have spoken about, such as for plasterers, bricklayers, carpenters and so on, it is interesting that we are now moving into apprenticeships for industrial electrical engineers, manufacturing technicians, polymer processing manufacturing technicians, engineers up to level 7, OEM technicians, telecoms field technicians, ICT network engineers, HGV drivers and property services apprentices. There is a whole list that runs from commis chef to sous chef, craft butcher, executive chef, accounting technician and so on.

All the time we are looking for ideas and proposals, whether they come from Deputies in the House, whose opinions I value, or from outside bodies that have an interest in creating apprenticeships. The Deputy's proposal is certainly worth considering and I would value a meeting with him, perhaps next week, to discuss it further. If there is merit in it, which there appears to be, having listened to the Deputy, we may very well be able to take it on board.

Deputy Thomas Byrne: I would very much welcome that. As I said, the precedent is already there in the House of Commons, so it should be easily transferable. The Oireachtas already has a relationship with DIT, which I believe is being developed separately by the Ceann Comhairle.

I have one query. All the Government's targets for apprenticeships are national targets and they require money. Does the Minister of State believe he will have the money? Can he say that these targets will be met because the funding will be available for them, or is some more radical option needed to try to divert some of the resources from the Higher Education Authority into training and apprenticeships and to move the student bodies around? While I am not proposing that, it is an idea some people have and it is certainly a model of education in other countries in western Europe.

Deputy John Halligan: To take the second question, a new funding mechanism is being discussed with employers at present and I will keep the Deputy informed as to how that is progressing. On the first question, there is already a new call out for apprenticeships and perhaps the valuable proposal the Deputy makes will come into that. Given the previous position of apprenticeships, which had reduced in number to approximately 3,670, there has been phenomenal development across the spectrum in the past two to three years. As to whether we will reach the target and whether the money is available, as I said, a call is out. We have seen the value of investing in apprenticeships and the take-up has been phenomenal. There is no reason we would not want that to continue.

Third Level Fees

27. **Deputy Thomas Byrne** asked the Minister for Education and Skills if his attention has been drawn to the treatment of pharmacy students in Trinity College, Dublin, UCD and the Royal College of Surgeons in Ireland, RCSI, whose degree has been changed in order that they now have to pay masters degree level fees for their final year tuition and are having to undergo an unpaid placement rather than a paid placement in their final year; if he was consulted regarding this change; his views on whether it should be permissible; and his further views on engaging with the presidents of these institutions to reverse these unfair changes. [25042/17]

Deputy Thomas Byrne: This is a question that has arisen in regard to pharmacy students and it is also an issue of concern for the wider system. Degrees have been changed so that the student is not just doing a primary degree to qualify as a pharmacist but, effectively, has to do the final year as a master's degree. While it is laudable that people are as highly qualified as possible, what was previously done as part of a primary degree is now being done as part of a masters degree and there are fees associated with that. The worry is that this is a way of generating extra income for the universities because of the severe crisis in third level funding.

Deputy Richard Bruton: I thank the Deputy for raising this issue, which is a perfectly valid one. The education and training of pharmacists to first registration is specified in EU legislation, at Article 44 of Directive 2005/36/EC, and consists of a five-year education and training programme which must include a minimum of six months' practical training under the supervision of a pharmacist. In Ireland, the Pharmacy Act 2007 conferred responsibility on the Pharmaceutical Society of Ireland, the pharmacy regulator, with respect to pharmacy education and training. The Pharmaceutical Society of Ireland is an independent statutory body and is responsible for defining and ensuring the standards of education and training for pharmacists

qualifying in Ireland. This includes developing standards and policies and carrying out accreditation of pharmacy degree programmes.

The changes in the degree programme structure arise from the recommendations of the pharmacy education and accreditation reviews project, and implementation has been overseen by the National Forum for Pharmacy Education and Accreditation, which includes representatives of the Pharmaceutical Society of Ireland, the Department of Health, the Higher Education Authority, community, hospital and industry pharmacists, and patient, student and international expertise.

The Pharmaceutical Society of Ireland rules were signed by the Minister for Health in 2014. These rules underpin the implementation of the new five-year fully integrated masters degree programme in pharmacy, which evolved from significant review of the previous training pathway and international best practice assessment in this area. They also give effect to new accreditation standards that were developed by the Pharmaceutical Society of Ireland and place the core competency framework for pharmacists on a statutory footing. In that context, it would not be appropriate for me to intervene in the changes to the pharmacy programmes.

Deputy Thomas Byrne: Far be it from me to intervene in any way with pharmacy programmes, but the fact is a pharmacy degree was always five years, or it was when I was at college, and those who were studying it had to stay on longer than other students. The worry is that this and other examples are being used as a back door way of getting more money into the system. It is a severe worry because there is a severe shortage of money in the sector, although there are others who beg to differ and we look forward to watching RTE's "Prime Time Investigates" tomorrow night.

This is certainly a way to get more money into the system and that is one objective. However, is it acceptable to do that? The five-year requirement in the European directive was already being complied with. It is not as if there is an extra year. It was always five years, or it certainly was at Trinity College. Now, however, part of that is a masters year. Is it an unsanctioned fee increase through the back door? That is the question pharmacy students are asking us. It is simply adding to the cost and the debt burden they have and, most worryingly, it may be putting people off going into pharmacy who are from backgrounds where they are turned off by the cost. That is wrong and our education system should not be about that.

Deputy Richard Bruton: As the original reply explained, this was put together by a group which looked at international best practice and decided that the new programme structure should be different. It has set out dispersed shadow placement in year two and a practice-based approach in years three, four and five, rather than a focus on the final year. These are designed to be workplace-based learning experiences overseen by education providers through the mechanism of shared service facilities, the affiliation of pharmacy practice and experiential learning. This is based on an assessment of what is best practice in training and developing qualified pharmacists by those who are best placed to deal with the issue.

When the Deputy raised the question, I was surprised that, because of the limit of four years for free fees for the undergraduate piece, this five-year programme automatically resulted in a masters year. However, it was not put together as an income earning mechanism but was put together in good faith by those who were regulating the sector. I will ask my officials to look at the model whereby this particular type of qualification requires someone in their final year to pay fees. It would obviously raise wider issues in terms of student support and so on. I will ask

my officials to examine it in view of the concern the Deputy has raised.

Deputy Thomas Byrne: There should be a wide-scale review of professional qualifications. I know there are a small minority of teaching qualifications where one can qualify as part of the primary degree, and the student both studies the subject and does the teacher training at the same time. Most students traditionally did a higher diploma in education, although a masters degree is now required. While it is great that our young professionals are very highly educated, the truth is that this is adding massively to the cost of their education at a time when their wages are likely to be lower than the wages their predecessors could earn when they graduated. It is something we need to be conscious of because we are putting many burdens on the young people of this country and certain sectors are perhaps not willing to share the burden. We need to be careful. This is part of a wider debate on fees, student loans and so on, and we need to watch what burdens we are putting on young people. In my view, we are adding a heavy burden and it is certainly worth looking at again.

Deputy Richard Bruton: I take the Deputy's point. However, we feel we need to have professional regulatory bodies looking at the standards that we all reach - the Teaching Council in the case of education and, obviously, this pharmaceutical body in the case of pharmacists. When we get a recommendation from people in whose competence we place faith, we have to take that seriously. I understand that there is this unintended consequence for people participating, but that is something we need to consider rather than saying that we try to dilute what is thought to be best practice in these areas. We need to ensure that we are up to world practice.

DEIS Status

28. **Deputy Mattie McGrath** asked the Minister for Education and Skills the status of the assessment methodology in respect of all schools applying for DEIS status; and if he will make a statement on the matter. [24778/17]

Deputy Mattie McGrath: I wish to ask the Minister for Education and Skills the status of the assessment methodology relating to all schools applying for DEIS status.

Deputy Richard Bruton: I thank the Deputy for raising this matter.

Schools are not required to apply for inclusion in DEIS.

The new DEIS identification process uses centrally-held data available to my Department to independently assess all schools in the country.

The DEIS identification process uses data supplied by schools to my Department's primary and post-primary online databases and Central Statistics Office, CSO, small area of population statistics from the national census of population as represented by the Pobal HP deprivation index. Variables used in the compilation of the HP index include those related to demographic growth, dependency ratios, education levels of parents, single parent rate, overcrowding, social class, occupation and unemployment rates. These data are applied uniformly to all schools in a fair and objective way to identify the relative level of concentrated disadvantage present in each school.

An update of the DEIS identification process will take place later this year using 2016-2017 school data combined with small-area statistics based on the 2016 national census.

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A communication for issue to all schools is currently being prepared. This will provide information on the identification model, with details of how the datasets are used to determine a school's level of disadvantage, the importance of data quality to the process and the need for schools to provide detailed and up-to-date school information to my Department.

It is important to note that the fact that a school has not been included in the DEIS programme on this occasion does not preclude its inclusion at a later date, should its level of disadvantage warrant the allocation of additional resources.

Ongoing development work provided for in the DEIS plan 2017 includes consideration of a more tailored system of resource allocation, where levels of disadvantage identified and resources allocated match the identified needs of individual schools.

Deputy Mattie McGrath: I do not accept any of that. The Minister spoke about fairness; there is no element of fairness. I called on the Minister to conduct an immediate review of the criteria under which schools are assessed for inclusion in DEIS. I spoke after five schools in Tipperary town along with the Holy Trinity school in Fethard were ruled out. The Minister said that there would be another scheme, but we have waited too long for this scheme to come. The fact that there is no application or appeal process is a farce. There must be some guidelines in that area. We know the benefit. The Minister has named the criteria and the schools in Tipperary town meet all of them. The five schools came together, thinking they were doing the right thing, to make a joint approach not to discriminate one from the others and the whole lot were left out without any explanation.

The Minister's recent announcement is the clearest indication yet that the criteria used to select schools for DEIS status are bordering on useless and the Department of Education and Skills itself has acknowledged this. There is something very serious here. The fact that there is no application process means they are left in limbo. Will we have to wait another eight years for another review? There is no clarity in respect of this matter.

Deputy Richard Bruton: I assure the Deputy that this system was introduced following a careful review. A very detailed analysis of this was done before this system was introduced. The indicators that are being used, demographic growth, dependency ratios, education levels, single parent rate, overcrowding, social class, occupation and unemployment rates, are found to be very closely associated with educational disadvantage, which is why they were chosen. They are also the objective criteria used by the CSO in drawing up the HP deprivation index. This is a selection based on a robust analysis of how to identify schools with high concentrations of disadvantage. They have been applied uniformly in all cases.

I would be the first to acknowledge that many schools did not qualify on this occasion. Only 79 schools qualified for an uplift on this occasion and 30 had their status changed, giving 109 in total. That is out of 4,000 schools whose status we could change on this occasion. It would be my ambition over time to extend this. As I said in the reply, we are now reviewing all the schools using the new census data so that schools that might have seen a deterioration or a greater indication of deprivation will be reviewed later this year. Through that review process we continually look at schools and assess their need for support in this way.

Deputy Mattie McGrath: I do not accept that. In Fethard the Holy Trinity national school has been left out. However, in the same town with the same demographics and other indicators the Minister mentioned, the secondary school has it. The feeder school with the young children

does not. Therefore, that does not stand up. The five schools in Tipperary town came together. On all the indicators the Minister mentioned, unemployment, social class, single parent rate, Traveller children - you name it - we ticked all the boxes and yet the whole lot of them were totally excluded. I do not want to do down Tipperary town because it has very spirited people and great community activity. However, it has no industry and very few services. Successive Governments have forgotten about it. We clearly made a very passionate case.

How is the Minister saying this will continually be reviewed? How will the five schools in Tipperary town participate in that review? If there is no application process, how can they engage with the Department? Any Department inspector who might come in there to carry out a review would accept that the schools are doing a good job under the circumstances, but they badly need DEIS status. The same applies in Fethard where the secondary school has it and the only primary school in the town does not. Something is clearly rotten with that system. It is not functioning.

Deputy Richard Bruton: I do not accept that at all. The reality is that 2% of schools were selected for DEIS categorisation, meaning that 98% were not selected. Deputies can always point to some school in that 98% that could represent disadvantage and I have no doubt that they do so in good faith. Only 2% of schools were uplifted, but these were selected on the highest level of disadvantage based on the objective criteria I read out earlier. This was not a phoney operation; it was done very objectively-----

Deputy Mattie McGrath: It is all flawed.

Deputy Richard Bruton: -----against the criteria we are advised are best associated with education disadvantage.

Deputy Mattie McGrath: It is flawed.

Deputy Richard Bruton: The process looks at every pupil enrolled in each school. It goes right back to the origin of where they are living. It uses the indicators of disadvantage in those specific small areas to aggregate a picture of the level of concentrated disadvantage in the school. This is absolutely looking at the individual circumstances of each school. Every child is looked at under this review. Therefore, it is a fair and objective system.

Autism Support Services

29. **Deputy Róisín Shortall** asked the Minister for Education and Skills his views on the adequacy of the current provision of autism spectrum disorder, ASD, places at both primary and secondary level; the steps he is taking to ensure provision is adequate to meet demand; and if he will make a statement on the matter. [25048/17]

Deputy Róisín Shortall: Is the provision of special classes for those with ASD adequate in view of the fact that there are 889 ASD special classes, 525 of which are at primary level, but only 237 at post primary? I would be interested in the Minister's views on the adequacy of that provision at secondary level in particular.

Deputy Richard Bruton: I thank the Deputy for raising this matter, which is of concern to many Members.

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Almost 18,000 students in schools have been diagnosed with autism. My Department invests over €300 million annually in providing additional resources specifically to support students with autism in schools, enabling 63% of students to attend mainstream schools, 26% to attend special classes in mainstream primary and post-primary schools and 11% to attend special schools.

Enrolment in an ASD special class is only considered where it has been demonstrated that a student requires the support of a special class because he or she is unable to learn effectively in a mainstream class for most or all of the school day, even with appropriate supports.

Students enrolling in ASD special classes must have a report from a relevant professional or team of professionals, including, for example, a psychologist, a speech and language therapist or a psychiatrist, stating that the child has autism and has significant learning needs that require the support of a special class setting. The report should also set out the reasons this is the case.

The National Council for Special Education, NCSE, is responsible for establishing special classes to meet the needs of this cohort of students.

The NCSE has informed my Department that, in general, it is satisfied that there are sufficient ASD special class placements to meet demand. Since 2012 the NCSE has increased the number of ASD special classes by more than 100% from 413 in 2012 to 888 currently.

The NCSE has informed my Department that it intends to establish an additional 162 ASD special classes for the 2017-18 school year which will bring the total number available across the country to 1,050.

Deputy Róisín Shortall: I am not sure the Minister replied to the question I asked. I acknowledge that there has been a significant increase in the number of ASD special classes since 2011 but the ratio of primary to secondary has remained fairly constant. We know that when children transfer from primary to secondary school it can be quite a traumatic time as it is a difficult transition for many students to make. In the case of students on the autism spectrum, it is all the harder for them, and if students are moving from a special class in primary school to a mainstream class in secondary school it is hugely challenging. They are moving from a situation where there is a 6:1 ratio at primary level to perhaps 20:1 or greater than that at secondary level. There is a real mismatch between primary and secondary and for that reason will the Minister insist on the provision of additional classes at secondary level so that students can make that transition?

Deputy Richard Bruton: The NCSE is the body that advises me. I do not make the decision as to whether a special class is needed. The figures show that the number of ASD units is growing more rapidly at second level than at primary level, albeit as the Deputy said there are more units at primary level at present. There will be 281 units this coming September at second level. It is the NCSE that advises on the issue. I am told by it that in general it is satisfied that there are sufficient ASD special class placements to meet demand. As the Deputy is aware, the NCSE has published a review of policy in relation to autism generally and it has drawn attention to practice at second level, which needs to be followed. It is the advice of the NCSE that informs the choices that are made each year as to where and when ASD units are opened.

Deputy Róisín Shortall: It just does not add up. On the one hand the Minister is saying there is sufficient provision but on the other hand he is saying there will be an 18% increase next year. Either there is sufficient provision or there is not. It is quite clear that there is not at the

moment. While SENOs make recommendations, unfortunately, second level schools are not required to open ASD special classes. It is a voluntary arrangement. The Minister must tackle that problem because, for example, in Cork in the past two years every single secondary school was asked if it would consider opening an ASD special class and all bar one refused to do that. There a need to have some kind of system in place that requires second level schools to open special classes. It cannot be left as a voluntary arrangement because it is clear that students are then left with a situation where the provision is not adequate. Will the Minister consider taking a new approach to the issue?

Deputy Richard Bruton: It is very important to say the NCSE has been given the authority, because it is composed of the experts in this field, to decide what is best practice for the pupils involved. It reports that there is a good and improving range of placement options, including appropriate settings both at preschool, primary and second level. The NCSE is looking at the need to evolve each year. As the Deputy correctly said, it has recommended this year that 169 additional special classes would be provided. Relatively speaking, one is seeing stability in the mainstream in that approximately 63% remain in mainstream classes but more children are being accommodated in special classes, which in previous times might have been in special schools. The NCSE is seeing the evolution of a changed education environment and that is to be welcomed but it is for it to advise me not for me to decide that the solution is one thing or another. The NCSE has the experts in the field.

Deputy Shortall raised another issue as to whether the Dáil should consider giving the NCSE additional legislative authority. I am certainly open to considering that and it is an issue other Deputies have raised in the House, but that will have to be discussed at committee because there are issues around compulsion and the model has been based on working with schools. Sometimes schools say they do not have the infrastructure or this or that and the NCSE works with them to resolve those issues. We need to thrash that out at committee and I am happy to do so.

Other Questions

Schools Building Projects Status

30. **Deputy Shane Cassells** asked the Minister for Education and Skills the reason for the delay in the refurbishment of a location (details supplied) to enable it to accommodate a school (details supplied); and if he will make a statement on the matter. [24579/17]

Deputy Shane Cassells: I wish to ask the Minister for Education and Skills to outline the reasons for the delay in the refurbishment of the former St. Mary's national school in Patrick Street, Trim, so as to enable it to accommodate the new Trim Educate Together national school at this campus. The process has now been ongoing for some three years. The current enrolment for the school is going to rise to 60 pupils in September which is a very healthy start-up context. Could the Minister outline what is the hold-up in the refurbishment of the school?

Deputy Richard Bruton: I thank Deputy Cassells for raising this issue. I wish to advise him that it is my Department's intention to relocate the school in question to St. Mary's national school in Patrick Street, Trim, to meet the school's permanent accommodation needs.

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The property in question transferred to the Minister's ownership last year. This building is a listed structure that requires extensive refurbishment to make its facilities fit for modern school purposes. In that regard, a significant financial investment will be required and that has to be considered within the overall available capital envelope. I am not, therefore, in a position at this stage to indicate when the refurbishment works will be undertaken. My Department will be in further contact with the patron when any further update is available.

In the interim period, my Department will be making arrangements to extend the school's current lease on its temporary premises until June 2018.

Deputy Shane Cassells: When the school was initiated, the parents were told that their children would be in temporary accommodation for the first year only. The school community is now facing into its fourth school year at the Glebe golf club on the Kildalkey Road, where it is currently housed, despite the divestment process having been concluded last year. The parents were told the refurbishment would take 14 weeks but as the Minister outlined no work has been carried out and the board of management has exhausted all efforts in trying to seek clarification in respect of the situation.

The parents understand that the section of the Department that approves the funding is now refusing to provide the money for the refurbishment as it believes it is too costly and it is in an internal disagreement with the section in the Department which sanctioned the old convent school building. It would have made more sense to check the cost and feasibility of the location, which is beside three other schools, before sanctioning it as a new school.

The current location is hindering enrolment numbers, which is restricting staff growth because the golf club is located on a country road, the Kildalkey Road, and there are no footpaths or infrastructure. The situation is limiting the school choice for many parents in Trim, which as the Minister is aware is a growing town and people are looking for choices such as Educate Together. The school will reach its full capacity by next year. What the Minister has outlined is very disappointing given the context of what has been provided in information to the parents who were told it would be a 14-week refurbishment period.

Deputy Richard Bruton: It does seem that the issue at the heart of the matter relates to the complexity of the refurbishment of a listed structure. I understand the Deputy's concern if the current location is not satisfactory for parents. However, my Department will have to be satisfied that the investment represents the best value for money and is the best solution for parents and children in the longer term. I will bring the concern raised by the Deputy to the attention of the officials in terms of the school's progress being hampered in its current location. I know Trim well but I do not know the precise status of the individual buildings concerned and what the level of refurbishment is that is a cause of concern. However, I will ask that the situation be reviewed in light of what the Deputy has said.

Deputy Shane Cassells: The Minister is correct that the situation is not satisfactory. The school is in a golf club on the Kildalkey Road, which as he knows is a country road. There are no footpaths and the school is located a couple of miles from the town. The school will have 60 pupils this September.

I am pleased the Minister will bring the matter to the attention of the officials because one of the biggest bugbears has been the lack of communication between the Department and Trim Educate Together national school about what has been happening, especially as we were ad-

vised that it would be a 14-week refurbishment period.

My office was in contact with the principal, Karen Reilly, yesterday and she said that if a parent of a prospective pupil asks how long the school will be in the temporary accommodation and when it will be able to move into the new permanent school that she would not be able to answer the question. The school was under the impression as well that funding would be provided through the redress scheme for the development of the school site. The bottom line is that there is a campus available in the town that is ready to go and which provides the necessary campus facilities for a growing town centre. That is where the people are, that is where the town centre is, and that is where Trim Educate Together wants to be. Being out a country road a couple of miles in a golf club is not a satisfactory situation for the parents, the children and the staff who want to educate their children in the Trim Educate Together school.

Deputy Richard Bruton: There may be a bit of a misunderstanding with the redress scheme. This was offered by a religious order as part of its contribution to the general redress scheme. It does not mean that a redress fund is available to upgrade the school. It was a contribution by the order to meet some of the commitments it made to contribute to the cost of redress. The works involved in this particular location appear to be more complex than was first envisaged. I will, however, bring the concern to the attention of my officials and I can see the point the Deputy is making.

Student Retention Rates

31. **Deputy Carol Nolan** asked the Minister for Education and Skills his plans to address the non-progression rates in institutes of technology. [24756/17]

Deputy Carol Nolan: Will the Minister outline his plans to address the high non-progression rates in institutes of technology?

Deputy Richard Bruton: The Higher Education Authority, HEA, has recently published its latest study of progression in Irish higher education, which provides an analysis of data relating to non-progression in 2013-14 of full-time undergraduate new entrants to HEA funded institutions. The study shows that the proportion of new entrants who did not progress overall is 15% across all sectors and National Framework of Qualifications, NFQ, levels. This compares with 16% in 2012-13. That is a small improvement.

Below average progression rates continue in the fields of construction and related services, computer science and engineering, with variation between sectors and institutions. There is, however, some improvement reported in progression rates for computer science, with rates increasing from 80% to 84%. Institutes of technology rates have increased from 74% to 80% compared with universities from 85% to 88%. This would indicate that the funding made available for retention measures is having a positive impact.

One of the key objectives my Department has set for higher education is to improve equity of access and student pathways. The HEA works with the institutes to improve recruitment and to tackle early dropout. There are a wide range of initiatives that can contribute to better recruitment and retention. These include access programmes, surveys of student experiences, extra tuition in areas of known difficulty, and improvements in first year experience.

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The HEA is working to ensure good practice in this area is disseminated and implemented across all institutions and disciplines. The HEA has produced a discussion paper on the factors that contribute to student success. A working group has been established, which is chaired by the HEA, and it comprises representatives from across the higher education sector. The intention is to identify the type of strategies and measures that have been shown to be successful in different institutional contexts. The national forum for the enhancement of teaching and learning is facilitating a focused scoping exercise to inform the activities of the working group. The scoping exercise is being chaired by the Union of Students of Ireland. This will ensure the student voice is central to this process. It is expected that the working group will produce its report by the end of 2017.

Additional information not given on the floor of the House

The research shows that there are certain factors consistently associated with non-progression in courses. These include prior educational attainment and parental occupation. Colleges are encouraged to develop access and progress in their strategies. A role can also be played by broadening the choice of education and training paths available to students, and my ambition is that 20% of pupils would have the option of apprenticeships or traineeships in the coming years.

Deputy Carol Nolan: I thank the Minister for his response. It is important we address this issue as soon as possible. The fact the non-progression rate stands at 15% is extremely worrying. The Minister has pointed out that there was improvement in some courses, but there are courses such as construction and level 6 and level 7 courses that still have an unacceptably high rate of non-progression. The Minister is aware that we have had meetings of the Joint Committee on Education and Skills where many academics from the institutes of technology clearly outlined the impact of the lack of funding in the sector. Many of the academics spoke of how they were going out of their way to support students, disadvantaged students and students with disabilities and special needs and how they were finding it extremely difficult to do so. This issue needs urgent action. I would like to see concrete actions and timeframes. The Minister has said there will be a range of measures introduced, but we need a timeframe. Those academics are at the end of their tether in the institutes of technology and it is unfair to subject staff to that sort of pressure.

Deputy Richard Bruton: There are initiatives that are proving successful. This is about looking at the individual students, asking why they drop out and seeing what has gone wrong. Some of the access programmes have been very successful because they support students right through their transition and perhaps offer help with supplementary studies. Sometimes mathematics might be a problem, for example, for students whose maths preparation was not adequate for their chosen course.

It is not just a question of resources right across the sector; it is about policies being designed. Obviously, each institution is independent and the HEA, as I outlined in the reply, is looking to see what the best practice is and is seeking to mainstream that. From the overall framework we set targets for each institution, and reducing drop-out rates is a key target. We review the performance of institutions on this measure. This is why the HEA has taken this new initiative to try to improve the practice within each institution. It is hoped this will be crowned with success. It can be seen, across the various qualifications, that perhaps some people make mistakes in their choices. This goes back to Deputy Thomas Byrne's comments earlier that some students may pick a science subject when they may have been better off choosing an

apprenticeship route. That scenario might have been better for all concerned rather than high placement rates. We need to work across the spectrum to reduce the figures of non-progression.

Deputy Carol Nolan: I totally agree with the Minister's point that students may make mistakes or errors in choices. Would the Minister not agree, however, that this is due to the cuts in guidance counsellors and the impact of that measure? Those cuts were at second and third level. The Minister has rightly pointed this out and I am glad he has acknowledged it. That is the reason.

I know the HEA is trying to improve practice, but I believe that the Action Plan for Education is quite ambiguous on the issue. It commits to no more than establishing a working group and identifying measures for consideration. Perhaps the Minister could give an update on the progress of the working group. How many meetings has it had? Will there be a report and - a key point - when will it be published? It is not good enough to simply identify measures. We need a clear commitment that action will be taken. We all acknowledge that there are serious problems around non-progression. It may be a good start to commit to the establishment of apprenticeships as identified by the Apprenticeship Council. We know there are skills gaps, as the Joint Committee on Education and Skills heard last week. It is my understanding that only three proposals have been implemented from the 85 proposals that were identified in 2015. The Action Plan for Education promised us ten new apprenticeship programmes to commence at the end of 2016. Clearly this is not the case. Will the Minister commit to providing the funding that is so badly needed? Will the Minister commit to ensuring the new apprenticeships come on stream for September 2017?

Deputy Richard Bruton: The Deputy has raised a number of issues. With regard to guidance counselling, 66% of the guidance provision will be back in place by this coming September. It is hoped this will equip young people to make better choices. The Minister of State, Deputy Halligan, has outlined the ambition to treble the number of places on apprenticeships and traineeships over the next four years. This would represent about 20% of the cohort which would have the option of going to an apprenticeship or a traineeship. This would be a dramatic change in the range of options available to young people. Deputy Nolan is right that we also need to look at the role of industry as well as the role of the education sector, and this is why building links between education and industry is very important. We could bring to bear much more information about what jobs are really like in modern enterprise sectors today and we could give young people access to that information during transition year and at other opportunities. One of the things I am hoping to work through the regional fora is getting enterprise more actively involved in that practical guidance.

Back to School Costs

32. **Deputy Carol Nolan** asked the Minister for Education and Skills his plans to address school costs. [24755/17]

Deputy Carol Nolan: Will the Minister please outline how he intends to implement the recent circular on back-to-school costs? I would especially like to hear how the Minister will assess the implementation of the circular and the rate of premium capitation to be paid to schools as an incentive in reducing back-to-school costs.

Deputy Richard Bruton: My ambition is to make the education and training service the

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best within a decade. To deliver on my ambition to be the best, we have to improve information and complaint procedures for parents and students, particularly in relation to costs.

I want to give parents a strong voice in ensuring costs are always kept to a minimum. My Department recently published circular 32/2017, which details the measures to be adopted by schools to reduce the cost of school uniforms and other costs. The publication of this circular was one of the actions outlined in the Action Plan for Education 2016-2019.

Schools have to do everything possible to keep costs down for parents, including the use of generic items, sew-on or iron-on crests and making sure that various elements of the uniform can be purchased in multiple stores. In the Action Plan for Education I have committed to the restoration of capitation payments. In restoring capitation payments, where schools have introduced these cost-effective principles, they will receive a premium capitation payment.

Full transparency in the use of any voluntary contributions is important information for parents to have. The parent and student charter will require every school to set out a financial statement, which will include information on how voluntary contributions are used.

This is part of a suite of measures I am introducing, including the school admissions Bill, which will reform information and procedures around the process of school enrolment and the commencement of fitness to teach, which, for the first time, will allow a complaint to be made about a registered teacher to the Teaching Council.

3 o'clock **Deputy Carol Nolan:** I welcome that the Department is examining the issue of back-to-school costs, which, as consistently highlighted by Sinn Féin, puts a huge amount of pressure on families every year. I welcome that it is acknowledged. However, I am concerned about the lack of detail in the circular. I wonder whether the Minister's approach in this regard is the right one. For example, capitation in schools has been already cut by 11% and it is wrong to link capitation to schools' efforts to reduce back-to-school costs. It is critically important that capitation is restored to schools as soon as possible. I was disappointed that provision was not made for this in the last budget.

I am concerned that schools will have a different rate of capitation, which will cause confusion. This will also introduce an element of inconsistency in the funding model for schools. Will schools lose out on funding if school costs rise and what model will be used to allocate the funding? There are a lot of unanswered questions in respect of this circular. Can the Minister confirm that all schools will have their full capitation rates restored as a matter of priority - an issue I have also raised with the Minister on the education committee - and can he set out a timeframe for the restoration of capitation because schools are struggling to pay running costs?

Deputy Richard Bruton: I am glad the Deputy welcomes this measure. Each year, the Irish League of Credit Unions outlines the pressure on parents in terms of school costs. Surveys carried out by my Department have shown that the principles I have put into this keen cost approach are ones that parents generally support. The type of issues we will be looking at in terms of whether a school is compliant include whether a school is providing for generic choice for school uniforms and other items; whether the items are available in various stores; whether the school operates a book rental scheme and whether, if it has an exclusive agreement with a provider, it is tendered regularly. These are fairly clear issues on which we can make an assessment of whether a school is making a reasonable contribution towards keeping costs down for parents. It is perfectly reasonable that schools that are making the effort would be given a

premium in terms of support from the State. It is a partnership and that approach is one that not only asks everyone to do this, which is important, but also provides an incentive for schools that make a real effort.

Deputy Carol Nolan: I thank the Minister for his detailed response. I welcome the acknowledgement that back-to-school costs is an issue but I do not agree with his approach to link it to school capitation. I think that is very unfair. Schools have managed to do more with less money and this is not the right approach. I am still unclear as to how the Department will implement this proposal. Will schools be expected to report to the Department on an annual basis in respect of school costs? How will the Department collect data on school costs on an annual basis? In my view, the type of approach being taken will only create problems. What happens in cases where schools do not have the resources to implement a school book rental scheme, for example, due to cuts in middle management posts? Will these schools be penalised further?

Will the Minister accept that additional resources need to be provided to schools to enable them to meet the aspiration of a truly free education system and will he implement the full recommendations of the Oireachtas joint committee report on tackling back-to-school costs, which was published in 2013 and remains sitting on a shelf? Can the Minister set out a timeframe for the implementation of the Oireachtas report on tackling back-to-school costs?

Deputy Richard Bruton: What we are doing is introducing fairly practical measures to establish compliance with these principles. We are also introducing a parent and student charter and we are giving parents more say in the decisions that schools make. We are trying to reach a situation whereby everyone feels it is in the interests of the school and the parent group to ensure that costs are kept to a minimum in order that parents do not have this additional burden. We have yet to work out the details of how we assess compliance, how we measure contribution and the impact on capitation but the principle that we need to bring down costs is broadly supported across the House.

In regard to book rental, we provide support to schools in respect of book rental schemes. Most schools operate a book rental scheme but we want to ensure that every school does so. We are introducing practical measures that will bring about change. This will take time to reach its full benefit but it is a move in the right direction. I welcome the Deputy's support. I will look at the Oireachtas report to see if contains any additional initiatives that we should be considering.

Student Grant Scheme Eligibility

33. **Deputy Thomas Pringle** asked the Minister for Education and Skills his plans to allow access to SUSI grants to students from Ireland that are currently studying a level 5 equivalent course in a college (details supplied) in view of the fact that students on level 6 courses are currently entitled to the grant; and if he will make a statement on the matter. [24463/17]

Deputy Thomas Pringle: This question relates to the thousands of students from Donegal who are attending the North West Regional College in Derry city on level 5 QQI equivalency courses but are unable to access student supports in that regard from the State.

Deputy Richard Bruton: I thank Deputy Pringle for raising this issue. Under the terms of my Department's student grant scheme, grant assistance is available to eligible students attending approved third level courses in approved institutions. An approved course is a full-time

undergraduate course of not less than two years' duration or a full time postgraduate course of not less than one year's duration pursued in an approved institution. In addition, to qualify for grant assistance, an applicant must satisfy the prescribed conditions of the scheme, including those relating to residence, means, nationality and previous academic attainment.

Students from this State who are attending undergraduate courses in Northern Ireland can apply for maintenance grants in respect of approved courses at higher national diploma level or higher, which are pursued in colleges approved for the purpose of the student grant scheme. The student grant scheme is not available to students from this State who are attending PLC equivalent courses outside of the State, such as the specific programme referred to by the Deputy.

Deputy Thomas Pringle: The crux of the problem is that students attending PLC equivalent courses outside the State are not entitled to supports. This needs to be examined by the Department. Approximately 2,400 students from Donegal are taking courses in the North West Regional College in Derry. This access to third level education is important to them. While students undertaking a higher national diploma at the North West Regional College can access the student grant scheme, students on the level 5 courses cannot. The purpose of the question is to ask the Minister to put this matter on the Department's agenda, with a view to allowing students taking level 5 courses in the North West Regional College to access SUSI grant supports.

Deputy Richard Bruton: By way of background, there is an element of international consistency in the way we do this. I understand that all countries adopt a similar approach. Supports for higher education programmes, but not PLC-type programmes, is the consistent practice across most member states of the EU. If one introduces a scheme that extends support to one EU country, one is under obligation to provide a similar level of support to other EU countries. There are a number of problems in regard to what the Deputy is proposing, including what might be expected to be a small extension proving to be a much wider extension because the rules have to be applied consistently across all citizens who have the right to free movement and so on. That is the type of practical obstacle that would arise. Also, the range of PLC is pretty thoroughly covered within the colleges here such that there is a full range of choice available within this jurisdiction.

Deputy Thomas Pringle: The fact that the practice is the same across all countries is not sufficient justification to not do what I am proposing. A different situation pertains in Ireland, taking into account the island of Ireland, the peace process and the Good Friday Agreement. It is not sufficient to say that a range of courses is provided in the South because if that were the case, there would not be 2,400 students taking equivalency courses in the North West Regional College. These courses lead to QQI equivalency qualifications and there are particular circumstances pertaining to Border areas to which consideration should be given. I ask that the Minister give serious consideration to this matter in light of the serious difficulties being experienced by students in Border areas in accessing third level education and getting a start on the educational attainment route, which is evident from the number of students travelling to Derry to access courses because they cannot do so in Donegal.

Deputy Richard Bruton: There is an issue of reciprocity. If Ireland provides certain supports for participation in a college overseas there is an expectation that a citizen from overseas has the right of participation in an Irish college. There is a *quid pro quo* for any extension in this respect and it is not as simple as deciding to pick a country or college and extending support to that place because of its geographic convenience. This suggestion would need to be examined

carefully before we could consider it as it would raise an expectation under free movement rules in the EU. When one extends something to another national, one does not exclude others. I will, however, ask my officials to look at the matter afresh.

School Accommodation Provision

34. **Deputy Catherine Martin** asked the Minister for Education and Skills the communicative process, the system of review and the progressing and implementation strategy in place between himself and the forward planning section of the planning and building unit of his Department in relation to ministerial announcements of new schools and or major builds, especially in respect of the regularity, frequency, nature and duration of such meetings between him and the section; and if he will make a statement on the matter. [24726/17]

Deputy Catherine Martin: I seek clarity on the relationship between the Minister's office and the forward planning section of the Department in respect of the manner in which they communicate on the progress of announced new schools and major builds. This arises from the recent experiences of a number of schools in my constituency where the respective communicated experience with the Department has been immersed in uncertainty and confusion over future plans. The schools in question have found communications in respect of future plans and decisions to be erratic, indecisive, unreliable and ever-changing.

Deputy Richard Bruton: The original question does not include all those issues. The Deputy may find the reply a bit generic.

In the process leading to ministerial announcements of new schools, my Department carries out nationwide demographic exercises at primary and post-primary level to determine where additional school accommodation, including new schools, will be needed. When this process has been completed, I receive a detailed memorandum with recommendations for the establishment of new schools. Once I have approved the recommendations, an announcement is issued advising the details of where the new schools will be required.

In order to determine who will operate the school, a separate patronage process is subsequently commenced and I receive a memorandum advising on the details of the process, when it should commence and the closing date for applications. Once approved, a ministerial announcement is issued inviting patron bodies and prospective patrons to apply.

When the assessment of patronage applications has been completed by the forward planning section, a report is then sent to the independent new schools establishment group, NSEG, with detailed analysis of each area. The NSEG reviews the report and submits its observations and recommendations to me. On this basis, I make the final decision on patronage of the new schools. Depending on the issues to be addressed in the course of an overall process, I will seek updates or meet with the relevant section as required.

The process is similar for major building works. The demographic need is established using the various CSO, departmental and local authority input on demographic trends and projects are chosen to achieve the best fit for emerging needs in an economic manner. A list of major projects, covering a multi-annual programme, is then drawn up.

Deputy Catherine Martin: The nub of the question was on what happened following pa-

tronage and following the announcement. A concrete example of where there needs to be more oversight and communication between the Minister's office and the forward planning section is Ballinteer Educate Together national school, which was announced as a primary school in 2012. A deal was negotiated between the Department and St. Tiernan's community school to house the school temporarily until it received planning permission for a permanent home. St. Tiernan's agreed because it was promised a PE hall but, five years later, there is no permanent home for Ballinteer Educate Together and no PE hall for St. Tiernan's.

It is the manner in which Ballinteer Educate Together school is learning about its future which is of the greatest concern. In November last year the principal, staff and parents learned of the Department's plans to move the school to the Notre Dame campus via a tweet. That is unacceptable. Last month, parents from Ballinteer heard by word of mouth from other people that a Gaelscoil would now be moving into the junior school at Notre Dame. Despite the fact that only 27 school days are left until the summer break and despite repeatedly requesting the layout of classrooms, Ballinteer Educate Together has not been guided through exactly how the move will work or whether it will happen in June, July or August, and it has not been afforded a visit to the new campus by the Department. To compound the departmental communications fiasco, when the principal recently rang to seek clarity, she was told the forward planning section was under pressure planning for other schools. It is not good enough and I appeal to the Minister to communicate with the forward planning section so that clarity can be provided.

Deputy Joan Burton: Incredible confusion and stress arises when a school goes from, say, stage 2b and is waiting on the final go-ahead for the commencement of work on a project. It is very difficult for traditional parish schools because the budget for new school buildings for large primary schools with 1,000 pupils, or secondary schools with even more pupils, is between €5 million and €10 million. The task of managing the budget falls to a voluntary part-time board and although I find the attitude of many officials positive there is enormous confusion in the Department, causing stress to school boards, principals and parents. We are still recovering from the construction collapse because lots of schools have lost various technical teams or had to replace them. The Department, particularly the Minister's own office, does not seem to be able to address these issues.

Deputy Richard Bruton: A huge range of issues have been raised. I am not fully briefed on Ballinteer but my recollection of previous discussions in the House is that the site chosen was refused planning permission by the local authority, which was confirmed by An Bord Pleanála. Attempts to resolve it resulted in another refusal and an appeal to An Bord Pleanála. There has been particular difficulty in getting resolution to an access problem on the chosen site. I do not know why that occurred and any planning process can run into difficulties.

For managing these projects we have a patronage model and individual patrons run schools and bring forward proposals, for which there is a process within my Department. We are managing it pretty efficiently and we spend all the money we get. We built 22,000 school places last year but, with a budget of that scale with up to €20 million for individual projects, we have to plan our resources and release them in accordance with the budget schedules we have to meet with the Department of Public Expenditure and Reform. There can be hold-ups in the system, which ensure the spending flow is in accordance with the available resources, and the building unit has developed its approach over time. Nevertheless, I am open to looking at ways in which it can be improved.

Deputy Joan Burton: Traditional parish schools are getting a raw deal.

Deputy Catherine Martin: It is not acceptable for a school to learn of the plans for it by social media or word of mouth and that has to stop. I ask the Minister to keep schools informed of progress. Is he aware of the problems making progress with new builds? Is this lack of communication happening throughout the country? Is the forward planning department vastly underresourced and does the Minister need to prioritise funding for the section? Dublin Rathdown is a constituency which will soon not have enough schools to meet its needs. How is the Department planning for the future needs of schools and children? The lack of vision in the Department is worrying.

The issues also affect another school in my constituency, Our Lady's Grove, where a large portion of the land has been put up for sale. I appreciate that the land is private land being sold by private organisations but the Department should seek to protect the lands at whatever cost, whether that be through purchase or seeking a long-term lease. I ask the Minister to keep communication open with these schools and to do what he can to protect our schools, our open spaces and our children's education.

Deputy Richard Bruton: I do not pretend that the planning and building unit in the Department is perfect but when a site chosen with local input is refused planning permission on two occasions it slows down the anticipated progress. When a site unexpectedly becomes available the Department moves to acquire it, as happened in the case of Notre Dame, so that it would be in a position to facilitate schools in a new site. The Department is seeking to respond flexibly to a very rapidly changing environment. The construction of a school building does not automatically run on schedule every time, as Deputy Martin saw in regard to the Ballinteer Educate Together school. I am happy to consider any suggestions on this issue. The system is tried and tested and delivers high-quality buildings relatively cost-effectively. It is impressive that it is meeting the huge demand caused by the pressure of new pupils on the system. However, I am always open to improvements and will ask for an examination of the processes of the building unit to ascertain whether practical improvements can be made.

Skills Development

35. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which he is satisfied regarding the availability on an ongoing basis of sufficiently-qualified young persons with sufficient skill sets to meet the demands of the modern workplace, academically and technically; the degree to which corrective steps are needed to address deficiencies in this vital area in the future; and if he will make a statement on the matter. [24654/17]

Deputy Bernard J. Durkan: This question concerns the extent to which an adequately-skilled workforce is available to ensure the continued economic expansion and growth of the country.

Deputy John Halligan: I thank Deputy Durkan for this very important question.

The National Skills Council, which was established in April and had its first meeting on 15 May, will oversee research and provide advice on the prioritisation and delivery of identified skills needs. As part of the Action Plan for Education, €36.5 million has been committed to the expansion of higher education in 2017 and there is a commitment to grow further in the years ahead. The Department is also consulting on an employer-Exchequer mechanism to support the effort to meet skills gaps. To promote lifelong learning in the workplace and provide for

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employee development, the further education and training authority, SOLAS, is preparing an employee development policy framework due to be published in 2017.

The recently-published Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020 sets out targets to increase new enrolments on apprenticeships and traineeships from the current level of fewer than 6,500 to 14,000 by 2020. Following the first call for proposals, several new apprenticeships have begun and more are to be launched later in 2017. The good news is that a second call for proposals for new apprenticeships was issued on 8 May 2017.

The requirement to provide for Ireland's future skills needs is considered in the determination of funding allocations through the service level planning process in the further education and training sector and the system performance framework at higher education level. I, along with the Minister for Education and Skills, Deputy Bruton, this week launched Springboard 2017, which will provide 6,471 higher education places in areas of identified skills needs. This year, the eligibility criteria have been expanded to include homemakers and those in employment who wish to upskill or reskill in specific high-demand skills areas such as biopharma and med tech.

The Deputy's question is very relevant. We have identified relevant needs and meetings are taking place. Appropriate structures are in place for 2017.

Deputy Bernard J. Durkan: I thank the Minister of State for his comprehensive reply. To what degree do he and his Department continue to identify the likely skills requirements over the next five years? Which areas have been identified as most vulnerable in terms of our ability to meet employers' requirements for necessary skills? I ask that the skills considered include computer technology, which is becoming ever more important. The IT sector needs to be catered for in the area of skills likely to come available and in regard to job creation. The job creation efforts of all Departments will encounter great difficulty unless the skills are available. I seek clarification on those issues.

Deputy John Halligan: The regional skills fora, RSF, operate under the National Skills Council. To help foster stronger links between employers and the education and training sector, the Department of Education and Skills has established a network of nine regional skills fora, each with a forum manager. The fora have been established to align with wider Government policy initiatives on regional economic development, including the regional action plan for jobs. Indications are that the RSF are having a positive impact at regional level by bringing together key stakeholders to develop swift responses to emerging needs and to gather better data of the needs of enterprise and employers in the region.

On the Deputy's second question on computing skills, we have issued a second call for new apprenticeships. In my earlier reply to Question No. 25 tabled by Deputy Thomas Byrne, I detailed some skills and apprenticeships that we have at present such as ICT network engineer and ICT software developer at level 6 and manufacturing and ICT engineering, which is level 7, as well as engineering service management accounting technicians. There also is a level 6 apprenticeship in IFS financial services.

Deputy Bernard J. Durkan: To what extent is the Department of Education and Skills in contact with potential employers to monitor the issue from the employers' point of view and determine the degree to which they think particular skills are likely to be required in future or whether, on the basis of information available, the Department will be able to meet that skills

demand?

Deputy John Halligan: Employers are represented on the regional skills forecasting group. The Department is in constant contact with employers through the nine regional skills fora regarding skills development and the situation in terms of the call-out for skills. The Department has been kept up to date with the needs and development of skills throughout the country by the nine regional fora, each of which has a manager who reports to the Department every two to three months.

Schools Mental Health Strategies

36. **Deputy Thomas Byrne** asked the Minister for Education and Skills his views on whether the allocation of 300 classroom hours, rising to 400 hours, to the new wellness programme at junior cycle will reduce the number of hours schools can devote to science and language education in many schools that teach four classes per week in these subjects; and his further views on whether this is inconsistent with the ambition to improve science and language skills. [24667/17]

Deputy Thomas Byrne: This question asks the Minister about school hours to be devoted to well-being. He is allocating 300 classroom hours, rising to 400, to the wellness programme at junior cycle. However, this will replace many existing classes and will reduce the amount of time that can be devoted to science and languages. People are concerned by that. It was reported at Christmas time that these were to be hours devoted to mental health but the reality is somewhat different.

Deputy Richard Bruton: Well-being and mental health are major priorities for my Department and are set out in the Action Plan for Education. In the context of increasing concerns about suicide and mental health among young people, it is crucial that we place a major focus on this issue and that is what we are doing through the Action Plan for Education. The Deputy is aware it contains a number of actions in regard to both science and language education, which are also priority areas. An ambitious ten-year foreign languages strategy and a STEM education policy statement and implementation plan will shortly be published by the Department.

The allocation of up to 400 hours for well-being was agreed as part of the new framework for the junior cycle in 2015. I am satisfied that the time allocated for the well-being programme, which is a minimum of 300 hours over three years from 2017, increasing to 400 hours from 2020, will not negatively impact on the time available for other subjects such as science and languages. This is because well-being is built on a number of pillars, which include the currently-offered subjects of civic, social and political education, CSPE, physical education, PE, and social, personal and health education, SPHE. These three existing curriculum inputs contribute 275 hours of the 300 hours that schools will be required to allocate to well-being. The extra 25 hours amounts to about eight hours, or 12 40-minute classes, per year. It is important to note that well-being is an area of learning, not a subject, and students will learn about it through a wide range of curricular subjects and through the provision of whole-school activities. There therefore will be no requirement for schools to find an additional 100 hours from within the timetable. Most schools will reduce the number of subjects undertaken by students to reduce curriculum overload, as advised in the junior cycle framework and in Departmental circulars. This will also allow increased flexibility to schools with regard to time allocation.

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Deputy Thomas Byrne: Although a well-being programme has never been more necessary, I am worried that it has become a buzzword for the Government. Coding was a buzzword in 2016 and this year well-being is becoming a buzzword. The follow-up is not being provided. There has been extremely limited follow-up to coding provision. The Minister is dressing up PE and the old civic, social and political education, CSPE, and taking hours from other academic subjects to provide these well-being classes. They have never been more necessary. However, there is something slightly underhand in this. It is part of the solution to the severe mental health crisis that exists in society, but the Department is not being honest about it. A report at Christmas of an interview given by the Minister of State, Deputy McEntee, described the classes as mental health hours. That is not what it is. PE is a large part of this, and the Minister needs to come clean and explain what schools are supposed to do and when they are to do it.

Deputy Richard Bruton: The well-being programme is to become a whole-school activity and it is to go beyond those individual curricular areas of PE, social, personal and health education, SPHE, and civic, social and political education, CSPE, to integrate those into a whole-school package. There will be a plan developed in each school. Supports are being provided to principals to design this plan in an integrated way. I have met people from a number of schools in various parts of the country and there is a great belief that this is a vitally important programme. There is guidance on well-being workshops which will be delivered by guidance councillors. They are going to be a part of this process. There is the possibility of healthy eating weeks being provided in schools, which will be an integrated programme and involve not just those subject areas but perhaps home economics and other areas. The assessment is that developing student resilience and their capacity to cope in areas where they are much more challenged is important, and this well-being programme is going beyond the existing subject areas to provide a whole-school support to pupils. It is the right direction in which to go.

Deputy Thomas Byrne: I was happy to be involved in St. Kieran's community school in Kells. It brought in a first aid programme which is now going to be rolled out in the well-being programme. That illustrated to me that there was nothing really there for well-being and that they were actively looking for good ideas. They got a good idea in the first aid programme in St. Kieran's community school.

There are officials in the Department of Education and Skills who are working really hard, but I worry that the direction is not coming from the Minister. The direction changes with the wind. We have had coding, we have well-being and we will probably hear about modern languages in a few weeks or there will be a science, technology and mathematics, STEM, plan as the latest big idea. However, it is all being mashed into one because there is no extra space for this. Something is going to suffer, and I do not believe the Minister has been open and clear about that.

Deputy Richard Bruton: I do not agree. This was developed after much thought. Extensive consultation went into developing the well-being programme. It was identified by the stakeholders as an important element. Extensive planning has gone into this. Not only are we restoring guidance counselling and guidance teachers, who will be very important to this, we are also expanding the National Educational Psychological Service, NEPS, programme and we have developed supports and materials that will be part of this programme. There is continuing professional development, CPD, on well-being. There are modules on mental health, gender and sexual orientation, child protection and anti-bullying. Materials are being developed and workshops are being put in place in order that schools can integrate this into their whole-school approach. No one doubts that young people need this level of support in school. The school

cannot solve all the problems, but having that level of support within schools is a positive and beneficial thing for education. It impinges on all subjects. We are going in the right direction.

Third Level Institutions Governance

37. **Deputy Joan Burton** asked the Minister for Education and Skills if his attention has been drawn to reports in the media of audits into third level institutions that have revealed a range of governance issues, including additional payments to staff and non-compliance with procurement rules; and if he will make a statement on the matter. [24658/17]

Deputy Joan Burton: Several universities and institutes of higher education have tens of millions of euro in private trusts and foundations and alumni funds. These institutions are resisting declaring these moneys in their accounts despite pressure from regulators and from the Government. This is a scandal that is besetting the Department of Education and Skills, damaging third level education in Ireland. We do not know what is happening with these very significant resources.

Deputy Richard Bruton: This question is about general governance across higher education. The Higher Education Authority, HEA, oversees governance issues through a number of mechanisms, including the return of annual governance statements from each of the institutions, annual system funding reviews and meetings with the Comptroller and Auditor General concerning audits of accounts, and acting upon those. Indeed, it was as a result of acting upon one of these that the particular issue of the foundations came to light. These are now being integrated into the accounts of these institutions. That is progressing, and many of the colleges have already done so and others are in the course of doing so.

As part of my Department and the HEA's ongoing work to develop, in co-operation with the higher education sector, a robust system for good governance and accountability in the sector, it was agreed that a programme of rolling reviews would be set up which would cover specific elements of governance. This process involved setting a centralised procurement framework to deliver the reviews, the aim of which is to evaluate the effectiveness of governance in organisations against stated policy, best practice and national and international standards. My Department agreed with the HEA that the first rolling review of governance compliance would be on procurement. This review was undertaken in 2016. As a follow-up to the review and to increase awareness of the need to comply with national procurement guidelines, the HEA, together with Education Procurement Services, EPS, organised a higher education procurement summit.

It has been agreed that the next rolling review will be carried out on non-compliance of payments, including any payments to staff at higher education institutions. The process of tendering for this review is under way in the HEA.

The Department's overall intention is to standardise its approach to governance compliance across the education sector, taking into account the diverse nature of education sectoral bodies and having regard to the core standards of governance as articulated in the 2016 code. In developing this approach, the Department acknowledges governance codes do not override existing statutory requirements such as the Companies Act, ethics legislation and other obligations imposed by the specific statutory provisions relating to the body itself and any other relevant legislation.

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Deputy Joan Burton: Is the Minister saying that he is washing his hands of this problem and that because many of the third level institutions and universities are established under particular statutes, he, as Minister, is powerless to do much about it? The public are going to be genuinely scandalised when they find out the extent of what has been happening in terms of the money in these accounts, which are essentially off the balance sheets of their parent institution.

The Minister mentioned the question of salaries. Will he tell us if it is true that in some institutions numbers of staff are being paid over and above their public salaries and that in some cases these payments run into tens of thousands? It may be that the institutions have good arguments for this, but the fact is there is no accountability for it. At a time when educational resources are scarce, everyone is pleased to see universities fund-raising. However, they need to be accountable for the fund-raising. The Minister is being quite evasive about this.

Deputy Richard Bruton: My Department and the HEA are very alert to the need for effective governance. We have, as the Deputy knows, given institutions of education considerable autonomy. They have to use that autonomy carefully. They are subject to audit by the Comptroller and Auditor General who has, as he has done in other public institutions, revealed cases of bad practice. Those are being addressed. Going beyond that, we have outlined a specific programme of rolling reviews that are now in place to enhance the governance. Besides the annual reviews of governance which we receive, we are undertaking cross-institution reviews and focusing on areas where there have been particular concerns. Non-compliance of payments is a particular example where there is now a review in place. We are taking a very proactive approach to this.

On the specifics of the foundations and bringing them on balance sheet, we have been working with the Comptroller and Auditor General. Many of the institutions have now regularised their accounts and others are in the course of doing so to make sure these foundations are properly reported. Many institutions have funding sources other than just the State. That is how these developed. They have been commendable sources of funding, but they do need to be accounted for in a proper way in order that we can see transparency. This is an issue the Comptroller and Auditor General has identified and it is being addressed.

Written Answers are published on the Oireachtas website.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Justice and Equality has completed its consideration of the Parole Bill 2016 and has made amendments thereto.

Topical Issue Debate

National Drugs Strategy

Deputy Maureen O'Sullivan: I am glad to have the opportunity to discuss the proposed new national drugs strategy. It is disappointing that the Minister of State, Deputy Catherine Byrne, was not available today or tomorrow. There are to be meetings with the community and

voluntary sectors in respect of their concerns about the new strategy, which have been brought to her attention. As she is dealing with those concerns, it is opportune that I can highlight the issues today and put them on the Dáil record.

I acknowledge the commitment of the Minister of State, Deputy Catherine Byrne, in this area. There is a need for urgency on the part of the Government in respect of the new strategy. It must show that it is really committed when it comes to addiction. It was in Dublin Central, in the north inner city, that heroin appeared first in the late 1970s and the 1980s. The late Tony Gregory played a central role in the community response to its emergence. The north inner city led the way in taking an inter-agency approach to drugs through the local drugs task forces. Under that approach, statutory representatives from justice, including probation services and the Garda, the HSE, education, social protection including FÁS and community employment schemes and the local authority were all at the same table as community and voluntary sector representatives. The projects which work directly with those in addiction are in the voluntary sector.

When it works, that model is the best approach. It works when there is real commitment on the part of all the participants. The problem is that recent years have seen a slow erosion of State support and interest. For the new strategy, the Government must ensure that all the relevant Departments and agencies are active along with the voluntary and community sectors. Progress is being made at present, for example, in respect of medically supervised injecting rooms, tablet regulation - although that took a long time - the work of the Garda in tracking the proceeds of crime at local gang level and in opening the debate on decriminalisation. However, the new strategy has to prioritise actions targeting the communities most affected. The evidence and statistics identify those communities; they are the communities of poverty, educational disadvantage and unemployment, which suffer serious drug intimidation.

We need to re-examine the use of the terms “prevention” and “education”. I think the terms “intervention” and “awareness” are more relevant today, especially if the new strategy supports the programmes the community and youth organisations are carrying out in this area. Those programmes could be expanded into schools and into Youthreach. There is a need for programmes that will develop the critical thinking abilities of young people.

The young people’s facilities and services fund was a highly significant tool in the prevention and education arm of the strategy and it is illogical to discontinue it without a viable alternative. Its focus was those young people most affected in areas of economic and social disadvantage. For most of the years, the fund had regular monitoring to ensure the money went where it was supposed to go.

The new strategy also needs a clear implementation structure, timeframes for the various aims and objectives and clear roles for all of the players, statutory, voluntary and community. The necessary resources must be provided to really make a difference. Timely access to treatment for those in addiction is needed. The new strategy must also be clear and unequivocal in addressing alcohol. There are agreed recommendations in the substance misuse strategy. It needs to consider seriously specific communities such as the Traveller community, ethnic and new communities and the LGBT community. The voices of drug users must also be included in improving and supporting services.

Will the new strategy be brought to Cabinet before the summer recess? With the change in Taoiseach and a possible Cabinet reshuffle, where will the strategy stand?

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Minister of State at the Department of Health (Deputy Helen McEntee): I thank Deputy Maureen O’Sullivan for raising this important issue. I agree that we need to treat the matter with absolute urgency and assure the Deputy of the commitment of the Minister of State, Deputy Catherine Byrne, to it. As the Deputy is aware, a steering committee chaired by John Carr, former secretary general of the Irish National Teachers Organisation, was established in December 2015 to provide advice and guidance on the development of a new national drugs strategy, to take effect from 2017. The steering committee has spent almost 18 months developing the new policy. The process involved an extensive and comprehensive public consultation; a rapid review of the 2009 to 2016 strategy; the development of strategic actions through four key focus groups and a systematic review of international evidence on drugs interventions by the Health Research Board. I understand that a meeting to sign off on the final report of the steering committee will take place tomorrow, as the Deputy mentioned.

The Deputy will appreciate that it is a matter for the steering committee to deal with any outstanding issues in the context of finalising the report. However, I can outline in general terms the key issues which the Minister of State, Deputy Catherine Byrne, believes will be addressed at tomorrow’s meeting. Regarding alcohol, my understanding is that the new policy will provide an integrated public health approach to substance misuse, which includes alcohol and illegal drugs. I am advised that the new policy will incorporate key actions from the national substance misuse strategy and provide a range of new actions, which will take account of other Government policies and strategies that address the risk factors for substance misuse. It is also expected that the new strategy will build on work undertaken by drug and alcohol task forces to raise awareness of alcohol-related harm within the community.

I have been informed that the new strategy will contain a specific objective aimed at building the resilience of communities to respond to the drug problem. This objective will also focus on communities affected by gang-related crime and the menace of drug-related intimidation, which the Deputy has raised. I am aware that some people living in these communities may be afraid to report drug-related intimidation due to fears of reprisals. For this reason, encouraging people to report drug-related intimidation by strengthening the existing reporting frameworks will be an important aspect of the new strategy.

Maintaining the focus on services for at-risk young people will also be important in order that they can avail of opportunities to participate constructively in community life. Finally, robust national structures will be needed to provide leadership and direction to ensure the effective implementation of the new strategy. All sectors will need to play their part in making the new structures successful, as no single Department or agency can solve these problems on its own. Measuring the collective input of all concerned and improving the performance of the different partners over the lifetime of the strategy will be supported through a new performance measurement system.

I understand the steering committee is expected to submit its final report on the new strategy to the Minister of State, Deputy Catherine Byrne, shortly. The next stage will be to bring the Minister’s proposals on the new drugs strategy to Government, with a view to launching the policy before the end of the summer.

Deputy Maureen O’Sullivan: I thank the Minister of State. I note the response is very general. While we will need to see the specifics, the most important thing is that the community and voluntary sectors will be able to sign off on it tomorrow. The community drug projects play a vital role with some really innovative programmes. They respond to needs as they

are presented and were not getting the role they should have been given in the strategy. The evidence is that they are successful in supporting those continuing in addiction and those who are in recovery. Many of those projects are delivering in very difficult circumstances and are being swamped by paperwork. They are on the edge all the time when it comes to funding. I would be interested to learn what are the specific actions in respect of drug-related intimidation because the new strategy needs substantial actions to address this problem.

I have mentioned the Recovery Academy of Ireland to the Minister of State, Deputy Catherine Byrne, previously. It is innovative and encouraging and is keeping people in recovery. Its latest move is pop-up recovery cafés, which are a great idea. I met One Step Clinic recently. It is looking for a pilot programme into the naltrexone implant, which is non-addictive, cost effective and very useful in coping with addiction.

I think more than 3,000 submissions were made on the new strategy. I submitted one myself on prevention and education. I do not think anybody even got an acknowledgement that his or her submission had been received. I hope the submissions will be included in an annexe of the new strategy. The fact that so many people made submissions shows the level of concern, and they should have been acknowledged.

I am aware that the Minister of State, Deputy David Stanton, is working on the gambling aspect. I stress that we need to look at addiction in a holistic way and in its entirety. Alcohol had been left out of the drugs strategy for so long and the same is true of gambling.

Deputy Helen McEntee: It is my understanding that the submissions have been taken on board. I will check why they were not acknowledged. In respect of the community groups and in particular the drug and alcohol task forces, I know myself how important they are. In Meath and Louth we have a community group that works together and a drug and alcohol task force. I know some of the members personally and am aware of the sheer commitment that is there. They come from various strands of our society and that is why it works well. I have spoken to the Minister of State with responsibility for this. She is absolutely committed to ensuring that they are happy with the strategy, that they have their say and that there is no sign-off until everyone is satisfied. The only way this strategy will work is if there is co-operation, if people work together and if everyone who has done the work to date is happy with how things move forward.

Deputy Maureen O'Sullivan has made several suggestions. Work is ongoing and there will be a presentation tomorrow. Everything will be taken on board by the Minister of State.

Ambulance Service

An Ceann Comhairle: Is the Minister of State taking this matter?

Deputy Helen McEntee: Yes.

An Ceann Comhairle: She is the Minister for the Topical Issue debate today.

Deputy Carol Nolan: Gabhaim buíochas leis an gCeann Comhairle as ucht an deis chun labhairt ar an topaic fíor-thábhachtach seo. I wish to raise the issue of the cost of private ambulances being used to transport public patients in the midlands area. This is an issue of serious concern. I will outline why I believe it should be investigated.

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When we look at our health service, we can see clearly that it is failing miserably. Are we wasting resources in some areas? That is the overarching point I want to make. This issue has been brought to my attention and I am seeking clarity from the Minister of State. Recently, I submitted several parliamentary questions to the Minister. I have them before me. I was shocked by the figures, which are most concerning. They show that €4 million was spent by the Dublin Midlands hospital group for transportation by private ambulance operators in 2016 alone. The cost relating to the Midland Regional Hospital, Tullamore, at €1.91 million, accounts for almost half of the total amount paid in 2016.

According to correspondence from the HSE, the requirement for private ambulance use arises from the transfer of non-urgent public patients for various clinical reasons. The examples given include transfers between hospitals, transfers between residential and acute settings and transfers for diagnostic tests at other hospitals. The figures show that over €25 million has been spent on private ambulances to transport HSE patients since 2012. That is a matter of concern. For some reason, this figure increased dramatically during the period in question. In 2012, the figure was under €4 million, but it jumped to almost €6.5 million in 2015 and 2016. At a time when our health service is bursting at the seams, we need to question whether this is the best use of resources. We need to challenge the options being used and deployed.

Those of us who live in Offaly know only too well the impact of cuts to the health budget. The full capacity protocol was implemented 230 times last year at the Midland Regional Hospital, Tullamore. It is meant to be used only in cases of emergency. This was the third highest figure in the State. We continue to have ongoing problems with patients on trolleys and the cancellation of elective surgery as a result of the crisis in the accident and emergency department. One patient on a trolley is one too many.

Can the Minister of State explain why the figures for private ambulance operators have increased so significantly during the past four years? Can she explain in particular why the hospital in Tullamore accounts for such a high proportion of the spend? The figure is €1.91 million for Tullamore, the highest in the Dublin Midlands hospital group. Can the Minister of State outline any plans there are to reduce this spend and invest in the capacity of the public ambulance service?

Deputy Helen McEntee: I wish to pass on the apologies of the Minister for Health, Deputy Harris, who cannot be here. I thank Deputy Nolan for raising this matter and for giving me the opportunity to inform the House of the position relating to it.

The main role of the National Ambulance Service is to respond to emergency 999 or 112 calls, as the Deputy knows. On average, the National Ambulance Service responds to 21,500 emergency calls per month. There is, of course, a significant requirement for transfers of non-urgent patients for various clinical reasons outlined, including transfers between hospitals, transfers between residential and acute settings and transfers for diagnostic tests at other hospitals. The National Ambulance Service provides such inter-hospital transfers through the intermediate care service. By providing this service for lower acuity hospital transfers, emergency ambulances are freed up for the more urgent calls. On average, the National Ambulance Service undertakes 3,800 inter-hospital transfers per month.

In the context of the continued increase in demand for emergency ambulance services in recent years, there is a need to avail of private ambulance services to secure additional capacity for such patient transfers where required. To this end, the HSE has put in place arrangements

under a framework agreement that provides for the utilisation of private ambulance providers. In circumstances where providers included in the agreement are not in a position to provide the service required hospitals are permitted to seek patient transport services from other providers recognised by the Pre-Hospital Emergency Care Council. The reality is that there is ongoing need for hospitals to have the flexibility to be able to access private ambulance services where necessary and appropriate. However, the Deputy may be interested to note that the HSE has commissioned a review of public and private ambulance service provision. The purpose is to assess the costs of both services, ascertain the appropriate use of those services and clearly define the parameters for use of public and private providers.

Intermediate care services for the north Leinster area, which encompasses the former midlands area, operate from the Mullingar, Cavan, Cherry Orchard, Castleblayney and Ardee bases. On average, the service based at Mullingar undertakes 41 routine inter-hospital calls per month. Emergency ambulances in the midlands area undertake a similar number of journeys monthly. Where additional services are required, hospitals may directly request private ambulance services.

The National Ambulance Service has undergone a significant process of modernisation in recent years. This ambulance reform programme is taking place against the backdrop of the HIQA review of ambulance services and the National Ambulance Service capacity review, which was published last year. The review examined overall ambulance resource levels and distribution against demand and activity. Implementation of the recommendations of the capacity review will require a multi-annual programme of phased investment in ambulance manpower, vehicles and technology.

In 2017, an additional sum of €3.6 million has been made available to the National Ambulance Service. This includes €1 million for new fund developments. Development funding will be used to increase the number of paramedics and intermediate care operatives in line with the capacity review recommendations.

There is always a need for the public and private sectors to work together to be able to cater for gaps in the system and improvements we are trying to make. Again, the increased number of people accessing and in need of our services will automatically result in increased demand in the public and private sectors. That is possibly another reason why the numbers are increasing.

Deputy Carol Nolan: I thank the Minister of State for her response. I have a serious concern that the increased use of private ambulances for HSE patients is an outworking of the policy of dynamic deployment. That policy is failing miserably and is putting ambulance staff under pressure and patients at risk. Given the reduced availability of public ambulances, we are now in a position where we need to rely on the services of private ambulance operators. There are serious concerns in respect of the dynamic deployment policy. Ambulance drivers have outlined these clearly to me. They are concerned that patients are being put at risk. This is putting them in an awkward position and placing them under considerable stress.

Is the use of private ambulances an outworking of this policy? I believe it is. The Minister of State referenced a review of the system. When will this review of ambulance operations take place? As someone who is concerned about my constituency, I am calling for the review to take place as soon as possible. Will the Minister of State outline the procedure for tendering and procurement? What measures are in place to ensure value for money when private ambulances are used? That is the crucial point. We could have a situation whereby money is being wasted

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and whereby it could be put into another sector of the health service where it is badly needed.

Deputy Helen McEntee: I agree. The Deputy has raised some valid points. Patient safety should be first and foremost in everything we are doing. It is important to note the fact that the HSE has commissioned a review. I am afraid I do not have the exact details of when it will begin but I can certainly get them for the Deputy. It will look at the service provision, assess the costs of the services, examine the appropriate use of the services and clearly define the parameters for the use of public and private providers. It will look at all the areas of concern raised by Deputy Nolan. I will ask the Minister to come back to Deputy Nolan with the timeframe, an outline of when this will take place and how people can be part of it.

Land Issues

Deputy Éamon Ó Cuív: I am delighted that the Minister of State at the Department of Agriculture, Food and the Marine has come to the Chamber. Perhaps we can clarify this issue.

As the Minister of State will be aware, considerable lands have been burnt in recent months due to the dry season. A large part of this is on commonage. In the west, commonage comprises shares in the commonage, unlike the collops in the east, and part of this is on private land. Let us accept one thing at the beginning and we need go no further on it. Anyone who purposely burned their land is ineligible - end of story. However, where a farmer is a shareholder in a commonage and someone else started a fire which damaged that farmer's land, does the farmer have to take it out of his payment scheme application, despite him having no hand, act or part in the burning and not acting illegally in any way? If that farmer takes it out and then makes a case that he should have been allowed to leave it in, since it was a *force majeure* case, will the Department put it back in? On the other hand, if a farmer leaves it in, the Department decides the land should not have been left in because it did not become green enough, fast enough, the Department comes after the farmer on the basis the land was not eligible, and the farmer claims *force majeure* on the basis that he had no hand, act or part in it and it was beyond his or her control that the land was burned, will the Department not penalise the farmer?

The regulation states to the effect that an exception may arise where a farmer can clearly show that they had nothing to do with the burning of the land in question. It is generally much harder to prove that one did not do a thing than that one did do a thing, so it is very hard for a farmer to prove that he did not burn land or start a fire. I am asking a straight question because I think we need straight answers. In the event of a farmer submitting evidence to the Department that there is no ongoing investigation by An Garda Síochána into any allegation of him burning their land, that he has not been charged with such or convicted of such in the year 2017, is that sufficient evidence for the Department that, as stated in the regulation, the person had nothing to do with the burning of the land in question?

We need clarity because between now and whatever the last date is for amending maps, farmers are being asked to make an incredibly difficult decision in that they do not know how the Department will adjudicate this. Do farmers take the land out of the application and make a case to put it back in again, which is very unlikely because if farmers do that, the Department will tell them they took it out, or do they leave it in and say they will fight the Department on the grounds that they had nothing to do with the burning and an exception to this may arise? Since we are only talking about people who did not light fires, does it arise in these cases and are they

cleared when they can show, by producing evidence, that they had nothing to do with starting the fire? This is the clarity that farmers deserve because we cannot play hide-and-go-seek with them and leave them in a position where they do not know the correct decision to take. Do they take the land out of their applications and try to put it back in, which is a nonsense because I know if the land is out, the Department will tell farmers they will not get it in again because they took it out, or do farmers leave the land in and fight the Department on the basis that, according to the Department's own words, it will make an exception if the farmers have nothing to do with setting the fire? This is the burning questions in Connemara at the moment.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): That is indeed the burning question. After being in the Deputy's constituency in Connemara, Cloosh Valley in particular, the evidence of the extent of the burning is very graphic. I will try to deal with some of the specifics.

Deputy Éamon Ó Cuív: Can we throw away the script for this?

Deputy Andrew Doyle: I have to read this. The Deputy will know that from his experience in government.

Deputy Éamon Ó Cuív: I do not.

Deputy Andrew Doyle: As the House will be aware, there have been incidences recently of illegal burning on agricultural and eligible forestry land in the closed period that has led to the outbreak of serious fires in various counties throughout the country. These fires have resulted in significant damage to substantial areas of agricultural and forestry land, and significant expenditure has been incurred by the various authorities in firefighting and control efforts. I am deeply concerned about the impact of these illegal fires across a wide range of areas, including the damage to agricultural land and valuable forestry assets, the loss of important forestry and wildlife habitats, and the serious risk posed to life, homes and property. We cannot not tolerate such irresponsible acts. Under section 40 of the Wildlife Act 1976 it is an offence to burn, from 1 March to 31 August in any year, any vegetation growing on any land not then cultivated. Individuals who are found to have burned vegetation within that prohibited period are liable to prosecution by An Garda Síochána or by the National Parks and Wildlife Service, NPWS, which deals with one of the specific questions. My Department will provide any support required to these parties to ensure compliance with the requirements of this Act.

As I have stated, the burning of agricultural and forestry land during the closed period is illegal. This is clearly outlined in the terms and conditions for the basic payment scheme which issues to all applicants annually. The Department has commenced a comprehensive investigation of the recent incidences of illegal burning using all available technology, including satellite imagery. This investigation involves complex analysis of imagery from a range of resources worldwide to determine accurately the specific locations of lands subject to such illegal burning and also the extent of the area impacted by the burning. Where necessary and to assist the investigation process, such burnt land may be inspected by officials from my Department. The investigation is ongoing and will take some weeks to complete. It would be premature at this stage to speculate as to the actual area involved or the specific number of applicants under the area-based schemes affected. However, the House can be assured that the necessary resources within my Department will be deployed to complete this investigation as quickly as possible.

On the matter of illegally burnt agricultural and eligible forestry land being eligible under

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the basic payment scheme and other area-based schemes, the Department's guide to land eligibility clearly states that land which is burned is not eligible as it is not in a state suitable for grazing or cultivation and therefore not eligible for the basic payment and other area-based schemes. The EU regulations governing these schemes prescribe that land being submitted for payment must be in an eligible state. All applicants under the basic payment scheme and other area-based schemes who have submitted their 2017 applications to my Department should review their applications and identify if their application includes land which has been burned in the closed period and consider removing this land from their application. The withdrawal of such land from their application can be undertaken by using the Department's online facility or by downloading an amendment form from the Department's website and posting it to the Department's office in Portlaoise. There are specific issues around GLAS and cross-compliance which I can return to.

Deputy Éamon Ó Cuív: We are going around in circles. Unfortunately, most of the Minister of State's response could have been left out. In my question, I discounted those who illegally burnt land. They are ineligible; there is no question. The Minister of State read from a script, the first page and a half of which was irrelevant. The issue is where a farmer did not burn his land and had no hand, act or part in it, but where he is in a commonage, part of which was burnt. Let us throw away the script for a while and make decisions here. The Minister of State, as a hill farmer, knows that he has to make day-to-day practical decisions, and the kind of vague language here is not helping us.

The first question is if I take land out of the application now, do I take it that a case cannot be made to put it back in again because I have taken it out? From the Minister of State's knowledge of how the Department operates, am I correct in thinking that if a farmer takes the land out, the Department is not going to put it back in again? By going down that route, the farmer definitely loses. Route two is that the farmer leaves it in. If a farmer proves in the way I outlined earlier, through An Garda Síochána, the only people who can confirm his innocence, that the farmer is not in any way being investigated for any illegality and that he or she had no hand, act or part in the burning, will the Minister of State confirm if that is adequate proof, or will he suggest alternative adequate proof?

The second question is, if a farmer makes that case under *force majeure*, will he be paid? The third question is as follows. The Minister of State knows that when hill land burns, it becomes green very fast. If we give it a month or two in the summer, it could be green for a sufficient period to put stock on it.

An Ceann Comhairle: I thank the Deputy.

Deputy Éamon Ó Cuív: May I make a final brief point?

An Ceann Comhairle: The Deputy should be brief.

Deputy Éamon Ó Cuív: If the land becomes green very fast, will that also make it eligible? There are three parts to my question. We need "Yes" or "No" answers because it is not fair to the farmers. I know the Minister of State's heart is with us but it is time for him to take control of the Department instead of the Civil Service taking control of him.

Deputy Andrew Doyle: I will be very frank. Ongoing eligibility checks are carried out. I had a RAPID field inspection last year. One is just a random herd number and one is subjected to inspections on an ongoing basis. The inspectors will be here and because the issue is so high

profile, they will be all over it.

In many ways, the Garda or the NPWS determine guilt or innocence in the first instance. If an individual is subject to a follow-through and determined to not have been culpable, the first box is ticked and it is accepted that he or she was not responsible. There is a lot of investigation involved. In the context of the massive fire that occurred in the Deputy's part of the country, there is the question of where it started. It is obvious that, as it blazed through, people had no control over whether it affected their property, commonage or anything else. There were four houses under significant threat.

On the question of eligibility and fast regrowth, 31 May is the date that has to be considered. One must comfortably establish in one's own mind that one was not culpable in respect of starting the fire. These are taken on a case-by-case basis. Each individual must determine if it is green. I know the uplands. We are trying to put a vegetation management plan in place to manage uplands. It will be controlled and managed and will incorporate controlled burning on a managed basis every year, not just in one year. If a person is comfortable that the land will be eligible on 31 May, it might be subject to an on-site inspection. It probably will be subject to such an inspection in any event. If it is deemed to be grazing or forage land, it is taken on a case-by-case basis.

There was a third question.

Deputy Éamon Ó Cuív: The question I have is even if it is not eligible on that date, since there was *force majeure*-----

Deputy Andrew Doyle: In that case, the person must proceed with the *force majeure* appeal.

Deputy Éamon Ó Cuív: Once the Department comes after the person.

Deputy Andrew Doyle: Yes. In respect of individual herd numbers, farmers will be notified that it has come to the Department's attention-----

Deputy Éamon Ó Cuív: If the person takes the *force majeure* case, will he or she win in those circumstances? That is what we want to know.

Deputy Andrew Doyle: I cannot say that every one of them will win.

Deputy Éamon Ó Cuív: What if they fulfil certain conditions? If a person answers every question correctly on the maths paper in the leaving certificate, the or she will get 100%.

An Ceann Comhairle: We are wandering now.

Deputy Andrew Doyle: One other point to make is that if the land was eligible on the date of the application-----

Deputy Éamon Ó Cuív: It is not eligible in that it is burnt but-----

Deputy Andrew Doyle: -----and was subsequently burnt-----

An Ceann Comhairle: We might need to continue this afterwards.

Deputy Andrew Doyle: -----and the applicant can prove it-----

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An Ceann Comhairle: I ask the Minister of State to conclude.

Deputy Éamon Ó Cuív: There is a final question the Minister of State did not answer.

An Ceann Comhairle: The time is up.

Deputy Éamon Ó Cuív: If one takes it out, I take it there is no way of getting it back in again.

Deputy Andrew Doyle: I do not know why one would take it out if one was going to plead *force majeure*.

Deputy Éamon Ó Cuív: Exactly. If one takes it out, it will not go back in.

Deputy Andrew Doyle: I cannot answer that question but I can get clarification on it.

Deputy Éamon Ó Cuív: Will the Minister of State get his officials to have an answer tomorrow?

An Ceann Comhairle: Perhaps the Minister of State and the Deputy will correspond with each other afterwards. That concludes Topical Issues.

Sitting suspended at 4.15 p.m. and resumed at 4.55 p.m.

Residential Institutions Statutory Fund: Motion [Private Members]

Deputy Catherine Connolly: I move:

That Dáil Éireann:

recognises:

— that the statutory body Caranua has, to date, failed a large number of applicants in providing adequate access to the Residential Institutions Statutory Fund;

— the high number of complaints and reports of dissatisfaction and negative experiences from applicants to that fund;

— the poor delivery of service and information to survivors based in the United Kingdom;

— the poor delivery of service and information to survivors in the deaf community in the State;

— that inadequate strategic planning, lengthy delays in the application process and poor communication practices have severely impacted on the experience of survivors accessing the fund;

— that there has been an unacceptable level of turnover in staff personnel;

— that there have been a number of serious and unacceptable breaches of the legislation relating to the fund;

— that the failure of previous Ministers for Education and Skills to carry out an undertaking to review the operation of the fund two years after its establishment has added extra pain to survivors; and

— that there has been no operating board since March 2017; and

calls on the Minister for Education and Skills to:

— initiate a review of operations without further delay, to be concluded within a three month timeframe, and to consider the following recommendations:

- review of the eligibility criteria;

- review and expand the range of services available to applicants;

- review the inclusion of section 43 of the Residential Institutions Statutory Fund Act 2012 to set up a special account in the name of the Minister for Health;

- streamline the application process giving clear timescales for processing and communicating decisions; and

- provide face to face appointments with applicants who wish to avail of them in order to breakdown communications barriers and reconcile with survivors who have had a negative experience during the application process;

— open up negotiations between the Office of Public Works and the Department of Education and Skills to provide office facilities for the day-to-day functions of Caranua, with no cost to be incurred by the survivors' fund;

— draw up a new survivor-led customer charter to be adhered to, without exception, by all Caranua staff; and

— establish and clarify a system of appropriate oversight for the operations of Caranua and to provide immediate and appropriate oversight in the current absence of a sitting board.

I very much welcome the visitors in the Gallery. This is a straightforward motion which arose organically from the upset, heartbreak and anger that survivors and survivors' groups brought to our attention following their interaction with Caranua. That the Fianna Fáil Party proposes to undermine the importance and impact of the motion by tabling an amendment that upholds the *status quo* is disingenuous to say the least. I ask Fianna Fáil not to proceed with the amendment and instead stand in solidarity with survivors who are, to a person, asking for our support in dealing with an organisation that is simply not fit for purpose.

By way of background, Caranua was established in 2013 pursuant to the 2012 Act with a specific purpose for a specific period, namely, to disburse €110 million provided by a number of religious organisations for those who qualified for payments. Applicants were required to provide simple proof that they had been to the redress board or received a court award or settlement and show they were in need. The service provided by Caranua was intended to be straightforward and effective, with minimum bureaucracy. In the words of its chief executive officer, its purpose “was, and is, to put survivors at the heart of everything that we did”. She continued, “Our application process is values-based, needs-led and person-centred.” Unfortunately, noth-

ing could be further from the truth. This is a classic example in the 21st century of an institution becoming more important than the people it is meant to serve. Survivors have confirmed that Caranua's mode of service delivery has added to the abuse they have experienced.

The inaugural meeting of the Caranua board, which took place on 27 March 2013, was attended by a CEO-designate and the then Minister for Education and Skills. The Minister committed to holding a review of Caranua within two years of its establishment. Since then, we have had two more Ministers for Education and Skills and a review has still not been carried out of an organisation that has lurched from crisis to crisis.

Among the issues identified at the inaugural meeting was the need for smooth and uncomplicated access to the fund. The first chairwoman of Caranua expressed a desire to have the fund depleted and spent within the four-year term of the board. She also asked that a common-sense approach be taken. At that point, the well-respected Institute of Public Administration made a presentation on governance, authority, decision-making and accountability. The institute was never heard from or invited back again when Caranua opted to take the route of becoming a private company, an issue to which I will return.

The new board had nine months to get its house in order. However, during that time a number of members resigned. The chairwoman tendered her resignation towards the end of 2013 and two survivors also left. This, in itself, should have raised alarm bells, even if the individuals in question ostensibly left for health reasons.

It is worth highlighting that the first chairwoman of the board placed a premium on good governance, openness, accountability and a transparent decision-making process.

At the meeting of 9 July 2013, she stressed the importance of any action outlined in the policy being capable of implementation and that the rule of "what a reasonable person would think and do" would be followed. The board and the CEO have gone so far from that common rule that it is unbelievable. After the situation worsened that year and the next, we had the most serious breach of legislation. An apology was given after the Department made a complaint. Significantly, that apology was only given by a majority of the board.

In 2013, an insidious process of paying private companies out of the limited available funding began. The second chairperson took up his position in March 2014 and had no hesitation in telling the Committee of Public Accounts that the organisation was a shambles. Unfortunately, the shambles continued, worsened and intensified under his watch. Ironically, this happened at the same time that a communications and engagement person was employed.

Applications began arriving in January. This organisation, which had nine months to prepare, was overwhelmed by just 2,134 applications even though it knew from the start that the potential number of people would be 15,500. It is also worth highlighting that no appeals officer was appointed until March.

There were delays and complaints throughout 2014 and more private companies were paid out of the fund. Imagine a private company being paid for a corporate brand. Imagine employing companies to tell Caranua about governance and financial issues, case management and staff recruitment, to conduct an external review and to run a bonding exercise for staff in Carlingford at a cost of €1,967.

We have minutes that, to say the least, do not inspire confidence in their being a true reflec-

tion of decisions and discussions. The Minister might check an example - two sets of minutes for 22 April 2016 say different things. There are no minutes at all for 17 September 2015. In November of that year, a reference to a July meeting was seconded by a board member who was not even at the meeting. The minutes of 18 February 2016 were seconded on the very day that the meeting took place. To add to the mystery and confusion, there is a reference in those minutes to a special meeting on 17 December 2015, but there are no minutes of same because we were told on inquiring that it was a workshop.

Throughout the various meetings were constant references to the high rate of expenditure. Those references would be welcome if the expenditure in question was on the bonding exercises and private companies, but no. They were references to the payout to the survivors who were coming forward. The board was worried about the level of payout. It was also worried about the stress that staff were experiencing because of the rate of phone calls, the very reason for Caranua's establishment. Then there was the discussion on whether there would be money left to give to the children's hospital.

A board member distanced himself repeatedly from appallingly punitive language in documents. He has allowed me to say that, even though he reapplied to be on the board, he has not been accepted. It is significant that, throughout the minutes, he stood with a number of other survivors in attempting to say that what was happening was wrong.

Two years after the inaugural meeting, the minutes indicate that the case management system was still not complete and may contain inaccuracies. Rather than deal with the delays in consultation with survivor groups, Caranua changed the goalposts numerous times in flagrant breach of the legislation. It imposed a limit and a priority system. It built in inequity, injustice and inconsistency. It blamed survivors. It sent letters telling them that their cases had been completed but failed to tell them that they could appeal the decisions. In a Kafkaesque scenario, the appeals officer would not hear an appeal on the grounds that no determination had been made notwithstanding the fact that the survivor had received a letter asserting that the case had been completed.

There was no provision for interview facilities. There was a constant changing of staff. There was a memorandum of understanding with the Towards Healing service. In its own accounts, Towards Healing envisaged getting €800,000 from Caranua. To date, it has received €100,000 on the basis of a memorandum of understanding about which the Minister has no idea and seemingly has not approved.

Then there was the rent scenario. The Minister told the House yesterday that he had no say in the matter, but his Secretary General stated that the Minister did have a say. More importantly, under section 7(7) of the legislation, the Minister must give permission for a contract. He has not done that. At this point, €60 million remains in the fund and there is no chance of it running out. Will Members stand over this continuing abuse of survivors who have already been appallingly treated by the State? Now is our opportunity. We in this Chamber are the voice of the survivors. I say to Fianna Fáil, let us stand together and show solidarity.

Deputy Eugene Murphy: We are standing together.

Deputy Catherine Connolly: Let us not perpetuate abuse that this time is being carried out in our name.

Deputy Thomas Pringle: I congratulate Deputy Connolly on tabling this motion. It is im-

portant that we try to right some of the wrongs within the Caranua organisation.

We have a problem with the truth in this country, but we also have a problem with addressing the truth once it has been revealed. That is obvious in the way we deal with victims of abuse, in this case those who suffered gravely under religious institutions. From the outset, the Government's attempt to take responsibility for the abuse suffered by victims of institutions was woeful. The work carried out by Caranua, established under the Residential Institutions Statutory Fund Act 2012, has not only failed to deliver for survivors of abuse but has been the source of even more pain and abuse for them. Among the legitimate complaints made against the organisation, victims have experienced disrespectful and poor treatment. Of the total, 61% found their experiences with the organisation to be extremely negative while 21% had a negative experience. This faceless body has made people feel that the State has abandoned them yet again and left them to pick up the pieces of the past while trying desperately to defend their cases for retribution. These experiences resulted from the fact that so little attention was paid to the establishment of the organisation and how it could best represent and address victims of institutional abuse.

There was a litany of Government failures in the establishment of Caranua. For example, an inadequate strategic plan has resulted in progressive deterioration of the services over time. There is now a waiting time of more than seven months before new applicants to the scheme are allocated advisers. There have been cases where some applicants have had their applications rejected or put on hold for indefinite periods, many for more than two years. Applicants have had to go to court to force Caranua to make decisions on their cases.

There are no interview facilities, making it difficult for survivors to present their cases. Many survivors have poor levels of literacy, are older and are not computer literate. When interviews are carried out, some last for longer than three hours with no attention paid to preserving applicants' privacy and confidentiality.

Caranua's response to potential minor levels of fraud is an overreaction similarly seen in the so-called welfare cheats campaign of the Minister for Social Protection, Deputy Varadkar. It compromises the integrity and dignity of all other applicants, as each is held under suspicion and must prove to the organisation that he or she is compliant rather than Caranua showing accountability in its decision making on applications.

It became apparent that Caranua was an organisation hell bent on protecting the funds at the expense of the survivors. From 2015 on, Caranua refused to process outstanding applications. This meant that hundreds of applicants were cut off from the fund overnight. In July 2016, Caranua set the cap amount at €15,000 per applicant, meaning that applicants who legitimately and urgently needed assistance above this limit were refused outright. To add insult to injury, Caranua carried out this action without consulting survivor groups contrary to section 7(2)(c) of the Act and has refused to release a copy of the internal guidelines that it uses when making decisions. We still have not seen the review of Caranua's operations that was due in April 2015.

If I was cynical about this, and sometimes I am, I would think there was a reason behind Caranua's tight grip on access to these funds. Could it be that a cap was imposed so as to ensure that millions will be left behind by the time Caranua is wound down, which could then be diverted to the national children's hospital? Given the apathy presented by the Government towards the needs of survivors so far, I think this is likely to be the reason. However, it is completely hypocritical given the amount of funds put towards the salaries of agency staff. More

than €2 million was spent on agency staff after the Government only appointed ten people to divide the €110 million between tens of thousands of victims. According to documents supplied to the Committee of Public Accounts, Caranua also gave €94,000 from compensation paid by religious congregations to a counselling service run by the Catholic Church and unilaterally changed the terms under which people could apply for that funding. It will also spend over €10,000 a year from the fund on parking spaces for its staff.

Deputies across the House have been in contact with a number of survivors and know all too well of the experience of elderly survivors with severe health problems being obliged to validate past abuse in front of the faceless body that is Caranua, only to be treated with contempt and suspicion. This body has not become the needs-based organisation it was set up to be and has in fact compounded the already negative experience of survivors in a country that took nearly a century to accept responsibility for the abuse incurred by them. I want to end on what a survivor said to me recently, when he wrote to my office. He asked me to ask the Government today in the Dáil: why is it provided for some but not for all?

Deputy Maureen O’Sullivan: I must state that as my engagement and the engagement of my staff with the Caranua office was efficient and courteous, it was very disconcerting and disturbing to learn that was not the norm. Thanks to Deputy Connolly, Members have the opportunity to address those concerns here.

I want to focus on my engagement with a particular group, that is, the mixed race Irish and their involvement with Caranua. They tell me a number of them were not even made aware of the redress scheme because they were excluded from Irish networks in the UK and as a result did not hear of the scheme. A few of them consequently were denied access to Caranua. There is a fixed cap of £12,000 for UK survivors versus the €15,000 cap for Irish survivors. Allowance was never made for exchange rate to be built in so some of the UK survivors are at a disadvantage of more than £900.

On the cost of education, when Caranua was set up UK university fees were £5,000 but the majority of UK universities are now charging £9,000 in fees. I am told that Caranua will not pay the increased fees because it states the legislation does not permit this. The legislation was designed to be flexible to the needs of the survivors but it is being made difficult for survivors who want to pursue third level education.

Some of the other comments were that survivors find it difficult to deal with the many different advisers because each adviser is giving different advice. They found the organisation not consistent, particularly with regard to the category of outdoor work. For example, one member reported that she had received approval for outdoor work and due to the fact the contractor decided he was not going to go ahead with it, the cheque was returned to Caranua. When she contacted her adviser for a new cheque for a new contractor, she was told she might not get approval for the work again. Her comment was, “I was upset as I didn’t feel understood”. Agreed services were then postponed midway because of the changing priorities of Caranua. Another lady said that, suddenly, she could not get her dental treatment completed because Caranua decided it was time to allow services for other new applicants. Her comment was, “I am still waiting”.

There was also confusion as to when quotes from service providers were accepted. There was a push to get quotes in to Caranua, only for people then to be told that because the backlog of applicants awaiting assessment calls from Caranua, it was likely that these quotes would be

out of date. That was very hard and embarrassing for those clients in terms of going back for the exact same quotes or having to justify the quotes in the first place.

There was no knowledge of the UK business environment. For example, small businesses in the UK with a gross income of £83,000 do not have to be VAT registered. These are the small businesses that are likely to do the small jobs around the house, such as installing occupational therapist-recommended showers. However, Caranua insists that survivors get VAT-registered companies. The requested work is too small for VAT-registered companies and Caranua will not accept small business companies. Hence, the work is not done and the needs are unmet.

Another lady told me she received only £1,000 approximately from Caranua over two years. This lady does not own anything and she cannot afford to buy a property or a car or have a holiday. When she came back to Caranua on the second round application, she was told that somebody would get back to her but she is not a priority as she has already received money, although that was a paltry amount. She has also been given different information from different people within Caranua. This lady's educational attainment and language skills would be low, so accessing services and dealing with people is an issue. It is horrifying to learn that Caranua appears to be taking advantage of her.

These survivors have all found it very stressful to engage with Caranua. They have the sense that getting services is a fight. There is a feeling they are being treated like a 16-year-old leaving care, not as a grown adult. Again, it is appalling to learn about them receiving a frosty reception to their inquiries and being treated as a nuisance rather than as a client. These are people who have suffered psychological abuse already, so it is no wonder that some of them are turning to solicitors for help. Maidir leis an ainm "Caranua", ní dóigh liom go bhfuil na daoine atá ag obair i gCaranua róchairdiúil in aon chor. The point is that these clients have suffered enough already. They should not be suffering still.

Minister for Education and Skills (Deputy Richard Bruton): I move amendment No. 1:

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

"recognises that:

— many individuals suffered horrific abuse when, as children, they were placed in industrial schools and other residential settings;

— successive Governments have put strategies in place to support former residents, through the provision of services including counselling, educational supports, etc.;

— many former residents continue to have ongoing needs; and

— Caranua (the Residential Institutions Statutory Fund Board) is an independent statutory body, established for the purpose of utilising contributions totalling €110 million from religious congregations being made available to Caranua to enable it to meet the needs of former residents;

acknowledges:

— the work being undertaken by Caranua to support former residents;

— that, to date, some €60 million has been spent by Caranua on supports to former

residents and that some 4,000 individuals have received such support;

— that Caranua has expended some £8 million on supports to former residents residing in the United Kingdom;

— that decisions of Caranua may be appealed to the independent appeals officer appointed under section 21 of the Residential Institutions Statutory Fund Act 2012;

— that the outcome of a consultative process, inviting submissions on the draft terms of reference for a review of eligibility to apply to Caranua, will be published shortly;

— that in 2016 Caranua, in response to calls to do so from former residents, expanded the range of approved services it could support, simplified the applications process and introduced personal limits; and

— that under the provisions of section 30(1) of the Residential Institutions Statutory Fund Act 2012, Caranua's costs, including all administrative costs, are charged on the National Treasury Management Agency investment account into which funds contributed by religious congregations are placed;

notes that:

— the Government has recently noted the Minister for Education and Skills' intention to appoint a new board for Caranua, and that letters of appointment will be issuing this week;

— the provisions of section 43 of the Residential Institutions Statutory Fund Act 2012, which relate to the funding of the proposed National Children's Hospital, will only apply if the fund receives more funding over and above the €110 million which has been committed;

— to engage in negotiations between the Office of Public Works (OPW) and the Department of Education and Skills is not possible under current legislation; and

— the building previously occupied by Caranua and the building that will shortly be occupied by Caranua are not owned by the OPW, meaning that rent is payable and that Caranua, in accordance with its legislation, must meet these accommodation costs; and

calls on the Government to:

— complete the review of eligibility in summer 2017;

— require that Caranua provides regular statistics to the Department of Education and Skills and the public on waiting times for processing and communicating decisions;

— request Caranua to provide a greater level of face to face engagement with survivors-applicants, particularly after the organisation moves into new office accommodation which will be more suitable for this activity;

— require Caranua to review the current customer charter, in consultation with survivors, ensuring that the principles of equity, consistency and transparency are at the heart of its activities; and

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— endeavour to ensure that Caranua will have the full €110 million in funding made available to it at the earliest opportunity.”

I thank Deputies for raising this issue. I know it is an issue of continuing concern and that Deputy Clare Daly recently had a Bill before the House. There is no doubt the backdrop to how Caranua came to be established is the appalling experience of Irish citizens at the hands of residential institutions. The findings of the Ryan tribunal are chilling when one re-reads them in regard to some of the experiences, in particular the sexual abuse that was endemic in some institutions, as well as the physical and emotional abuse and the failures of the Department of Education itself. No one diminishes the hurt and damage that many people have experienced and which led to the establishment of Caranua.

That said, we have to recognise that Caranua was established by this House and the legislative framework under which it operates is one set by this House. I think it has been pursuing in good faith the efforts under that mandate to support people who had been made awards under the residential institutions procedures. That legislation obviously classified the areas within which services were to be provided, including mental health counselling, psychological support services, health and personal social services, educational services and housing support services. There is an obligation on Caranua to ensure that applications comply with the purposes for which the legislation was established and that it uses its resources in a fair way to try to accommodate all those who may yet apply to it. As Deputy Maureen O’Sullivan said, some people may still not have applied and it is important the resources are used in such a way that it meets all of those needs as best it can.

I am the first to recognise there have been many bad experiences among people who have gone to Caranua. When it was first established, there were a lot of teething problems given it was an organisation getting up and running. While Deputy Catherine Connolly said the number of applications, which was 2,500, should not have created problems, it did undoubtedly create problems as Caranua was trying to get itself established and get a team in place that could deal with those applications in an effective way. Nonetheless, while mistakes have been made, I think the board has continued to try to improve and it has tried to extend services. There is an appeals mechanism in place and being used and 165 appeals were received in 2016. That appeals mechanism has delivered good outcomes for some of those who made an appeal. There is also redress to the Ombudsman for those who are not satisfied with the treatment they received.

Like other Deputies, I have met some of the victims involved and I have heard the complaints that have been set out. In the process of deciding to have a review, we have had a response to the terms of reference and we will shortly initiate that review. There are genuine concerns that need to be addressed. We need to move to having a stronger charter. The support available to people needs to be clearer and the procedures need to be the best that they can be. Eligibility should be extended if that is deemed appropriate. It is right to continually look at this organisation to ensure it steps up to good practice.

The Deputies portrayed Caranua as if it was trying to protect its money for some selfish reason, to prevent money becoming available and to put obstacles in the way of people. I do not think that represents what it was trying to do. There have been individual experiences and undoubtedly the Deputies have heard of individual experiences where people came away very dissatisfied. Deputies have acknowledged that some people may not have the ease of dealing with bureaucracy and as a result of their experience they feel they have been abused again by the way in which a bureaucracy deals.

Nonetheless we have established requirements on how money is spent and that has to be observed by any board that is dealing with public money. For example, one of the Deputies adverted to the requirement to use tax-registered providers. That is a pretty general provision to ensure that where we are expending public money, those who would be providing the service would meet certain minimum requirements in terms of compliance with tax rules and so on.

A number of Deputies raised the question of rent. Yesterday in the House I made the point that Caranua's board is independent and has to arrange its own accommodation and it must meet the costs for that accommodation from its own resources. That is in accordance with the legislation that was established.

I apologise to Deputy Connolly if I inadvertently did not refer to the fact that if it enters into a contract, it will need ministerial approval. That is the case. Many people felt it was unfair that the board would meet its expenses for accommodation from within its own resources but that is what the House provided for. That is how the board must conduct its affairs. It has to provide that resource; it is not a separate resource. That is under the legislation.

A number of Deputies spoke about clients who applied from the UK. While there may be issues in this regard, Caranua has published guidelines for former residents living in the UK. It has had meetings and outreach events in the UK. In 2016 it held an outreach event in Manchester and two meetings with Irish welfare organisations and survivor support groups there. I recognise, as Deputy Maureen O'Sullivan said, that some groups may not have been reached. If there are access points that we should bring to the attention of Caranua, I am sure it will pursue those opportunities. I will draw Caranua's attention to the debate that we have had here and some of the issues that have been raised. I think there is a genuine attempt to improve and respond to these needs.

We opened applications for a new board back in January. It was organised under the Public Appointments Service, PAS. This week I received Government approval for the final appointment. There were some delays. Some of those offered positions did not accept them initially even though they had applied and that caused a delay. I am now in a position to appoint a full board. It is a mixture of people with experience on the board and new applicants who went through the PAS process, as Deputies would expect.

Clearly the legislation places a cap on the money. Based on the exchanges, it is clear that people felt it was unfair of Caranua to put a cap on amounts paid out to individuals at a stage when people had continuing needs. However, at this stage more than €60 million has been expended and more than 4,000 people have been supported. That is from a total application number of 5,800. There is an expectation that considerably more applications may yet come and will fall to be met from the funds. Caranua is making an effort to ensure that people who apply later than others will not be disadvantaged in getting support. That requires the board to try to balance the needs of those who have come forward already and made applications to it and those who may not yet have come forward to make their applications. The review will need to be mindful of that.

I thank the Deputies. I acknowledge this is an issue of continuing concern and always will be. The Deputies' motion, however, is unduly negative in its tone. I accept there is need for improvement and I will be demanding such improvement from the organisation as it sets out its new strategic plan for the years ahead. That is what will undoubtedly emerge from the review. There have been bad experiences and mistakes have been made. We want this organisation to

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support people. It needs to be recognised that it is providing very valuable support to many people.

Deputy Thomas Byrne: I propose to share my time with Deputies O'Loughlin and Eugene Murphy.

An Leas-Cheann Comhairle: Agreed.

Deputy Thomas Byrne: We welcome this opportunity to debate again what is a very important issue. I thank Deputy Connolly - despite her comments - for bringing this issue forward. It is welcome and needed. As the Minister said, it is being kept on the agenda by various Deputies. He is right that Deputy Clare Daly introduced a Bill and we had a useful debate then. Representatives of Caranua will appear before the Oireachtas Joint Committee on Education and Skills, which is chaired by Deputy O'Loughlin, to discuss the review. The issue is being addressed. I hope representatives of Caranua are listening to the dissatisfaction expressed here. Notwithstanding that we could not sign up to the Deputies' motion in its entirety, our amendment acknowledges there is dissatisfaction and calls on Caranua to address that and to deal with people fairly, expeditiously and efficiently. Clearly, that has not been happening in a large number of cases.

There are very serious issues, some of which are detailed in the text of the motion and have been outlined by speakers. In a debate such as this, it is important to stand by facts. Deputy Pringle's reference to money going to the national children's hospital is not helpful to the debate. As he said himself, it is not something he cannot back up. Sometimes in these debates there is a rush in to slag everybody off because it is seen as the right thing to do politically.

There is a recognition across the House that there is immense dissatisfaction with Caranua. We are all getting that from people dealing with that agency. As I think nearly every speaker has acknowledged and remembered, these are not simply "customers" as described by Caranua; these are victims of serious abuse. The system, the State and the church have failed them dramatically, devastatingly and disastrously over many years. This is part of the response of the State - mainly - and the church to compensating people and to making right a wrong, which I do not think could ever really be possible. Sometimes that is not the perception Caranua gives when dealing with people. It is not the perception even when it is dealing with Oireachtas Members, as we often do with State bodies. We do not get the perception from it that this is a different or a special type of organisation.

The Independents 4 Change motion mentions getting free office space from the Office of Public Works, OPW. I understand the intent behind that, which is obviously to preserve the fund for the residents, but there is no doubt that any fund of this type should be considered a project for a period to do a particular job given to it by the Oireachtas. There will be administrative costs. It is inevitable that there will be some administration. I assume everybody accepts that is the case. It is a question of, first, minimising those costs and, second, trying to make sure that the money is spent as expeditiously as possible.

We are prepared to wait a little longer for the review. We want to see it happen on schedule. A number of items concerning the Department of Education and Skills have not happened on schedule but this must happen because we are dealing with victims and we must keep repeating that. We are prepared to do that and to meet Caranua at the Joint Committee on Education and Skills. Anyone can attend the committee; it is not just for the members. We will examine

the review when it comes before the committee and ensure that the recommendations of the Oireachtas are implemented and there is some scrutiny by the Department in that regard. We are prepared to wait for July. Our counter-motion calls on the Oireachtas Joint Committee on Education and Skills to scrutinise the recommendations and engage with stakeholders including survivors. Deputy Fiona O'Loughlin can speak for herself but she has put that on the agenda of the committee recently and arrangements are being made in that regard. Our counter-motion calls on Caranua to address the operational failures that have been identified in some of its service provision and administration. We make an explicit commitment to facilitating the passage of any legislative changes that are required to implement changes to eligibility or Caranua functions that are recommended by the review and approved by the stakeholders.

We want to be as constructive as possible in recognition of the suffering that has been caused. The assumption is that, generally speaking, the people who work in State bodies want to do a good job and look after the citizens of the country. A law should be introduced to ban the word "customer" from State bodies, local authorities and other such bodies. The assumption is that when people are dealing with citizens that they will try to do a good job. If they fail in that it is up to us to hold them to account. That is what this motion should be about and that is what we should be doing while, first and foremost, remembering the victims and keeping their needs as the highest priority.

I am sure the people in Caranua are listening to this debate. They need to redouble their efforts to make sure the money is spent on the victims and to bring this project to an end when the money is spent. As a secondary matter, Caranua must redouble its efforts when dealing with Members of the Oireachtas who may be representing victims who might not be in a position to represent themselves fully or ably due to their circumstances or for whatever reason. Members of the Oireachtas are entitled to do that. Our counter-motion is not proposed out of any major disagreement with Independents 4 Change: we just felt that some of the emphasis in the motion was not supportable but we certainly welcome the opportunity to have the debate.

Deputy Fiona O'Loughlin: I commend the Deputy on tabling this motion and Deputy Clare Daly on her prior motion because we can never scrutinise such situations sufficiently. I say that despite the cynical comments of Deputy Connolly about my party, Fianna Fáil. I remind her and others that they do not have a monopoly on care and compassion. Fianna Fáil as a party is very compassionate and concerned about some of the unfolding stories in relation to Caranua.

This motion again sheds a light on a very shameful part of this country's history. The Ryan report of 2009 laid bare the full extent of the horrific treatment that was meted out to children who were placed in religious institutions. We cannot and should not ever forget that. The €110 million that was given to Caranua by religious congregations was supposed to enhance the lives of abuse survivors. The money was supposed to be spent on health and well-being, housing support, education, learning and development and in some small way to try to address the profound damage done to people who were placed in those institutions. We know that some 5,000 survivors of the possible 15,000, one third of eligible applicants, have applied to the scheme since January 2014.

I contend that issues became apparent as soon as clients began to make calls to avail of the support on offer. I and other Members have heard of significant communication issues, namely, calls unanswered and not responded to, application forms delayed for months, non-allocation of case managers and case managers being changed frequently and a lack of clarity on entitle-

ments. They are just some of the issues of concern that have been raised. It became apparent quite quickly that the organisation had commenced dealing with survivors without sufficient processes and procedures in place.

I have spoken to many survivors and heard that old feelings were then triggered such as not having a voice, not being worthy, not being deserving of help and respect and feeling fearful and intimidated. Caranua rightly provided counselling for survivors and one of the issues the counsellors are dealing with relate to the experiences of survivors with the agency that was established to support them. It is shocking to think that the fund established to support individuals has in many cases resulted in further trauma to an already vulnerable group of individuals.

Serious concerns have been raised regarding the administration of the fund. We know that some people have been left waiting up to 18 months for cheques to be paid. Survivors of institutional child abuse have rightfully queried why the administration costs are being paid out of the general compensation fund. They feel that money set aside for them is being unnecessarily squandered on administration costs. There are serious concerns that the increasing administrative costs will reduce the dwindling redress funds available to survivors. The introduction of new, complicated and confusing guidelines for survivors and the seemingly arbitrary €15,000 limit on payments have caused significant problems and that should be acknowledged. Survivors describe themselves as being re-traumatised by the body because of the issues I have outlined and many survivors feel that Caranua has failed in its core duty to assist them in living full and dignified lives.

Survivors have spoken to me about feeling intimidated, not respected, upset and traumatised. One of my constituents, a man whom I know for many years, is a survivor of an industrial school. He put his past behind him, worked hard and raised a family all the while keeping the trauma of his childhood to himself so as not to burden his family. He phoned a helpline having watched a documentary on the redress scheme and now considers it the worst thing he ever did. Engaging with the redress system felt like abuse all over again because of the manner in which he was treated and he felt re-traumatised by the whole experience.

The ongoing review of eligibility and of approved services for Caranua needs to be completed and then considered by the Joint Committee on Education and Skills, which I chair, together with the views of stakeholders. I cannot over-emphasise the importance of getting the views of the stakeholders. Full consultation with the survivors is required. The review must address the operational failure in its service provision and administration. Survivors should be consulted in a meaningful way and the process should be survivor-led and survivor-centred. Only in that way can we help to restore the dignity of survivors in a fair, compassionate and respectful way.

As my colleague, Deputy Thomas Byrne, outlined, Fianna Fáil's countermotion calls on the Joint Committee on Education and Skills to examine the recommendations of the review carefully and to engage with all stakeholders. Caranua must fairly and efficiently provide support and services to all survivors of institutional abuse and acknowledge and address the dissatisfaction with some of its operations. I will hand over to my colleague, Deputy Eugene Murphy.

Deputy Eugene Murphy: I want to acknowledge the motion that has been brought forward and the work of Deputies Connolly and Daly and of Deputy O'Loughlin from Fianna Fáil. I am not going to go bashing anybody but this issue is discussed quite a lot by our party and we have dealt with people who have been victims of such abuse. No Deputy in the House has a monopoly on these issues, so to portray Fianna Fáil as a party that does not care about this issue

or does not do any work in the area compared to others is just not fair.

While Fianna Fáil has submitted an amendment on this motion we also have our own counter motion, as Deputies O'Loughlin and Byrne have said. I believe there are elements of the motion that have real merit and there are many positives to it, especially the proposals to consider streamlining the process, to provide face-to-face appointments with applicants, to draw up a new survivor-led customer charter and to establish and clarify a system of appropriate oversight of the operations of Caranua. All of these recommendations are welcome, but it is important that we await the review of Caranua's eligibility criteria. This is ongoing and due in a very short time, hopefully in July. Yes, there may be a need to expand the eligibility criteria for Caranua and its services but we should wait to hear the recommendations of the statutory review, in conjunction with the stakeholders' views, before supporting specific proposals to expand eligibility.

We all know that reviews cost money and we should at least wait to see the outcome of the current review process before establishing another overlapping, duplicative review. It is very important in the process in which we are now engaged to get this right because there are situations and difficulties. I recall a recent article in *The Irish Times* about Caranua. The article specifically referred to what Caranua's guidelines said, "We will listen to you ... we will treat you courteously [and] fairly ... and [will] apologise if we get something wrong and do our best to put it right." These are the guidelines that are set out by Caranua.

Fianna Fáil's counter motion makes an explicit commitment to facilitate the passage of any legislative changes required to implement any reforms to eligibility and Caranua functions, which may be recommended by the review or as part of the stakeholder engagement. We must remember that the function of Caranua is to provide support to people who, as children, experienced abuse in residential institutions. Those institutions, many of which were run by religious orders, were funded and regulated by the State. Of the €110 million that has been pledged to the scheme €56 million has been expended in the support of more than 4,000 eligible former institution residents. It is imperative that we do nothing that could jeopardise or impact the 4,000 former residents who are in receipt of funding or services, or to deplete the funding pool for the approximately 15,000 people who are eligible.

Let us not forget that we are talking about not just numbers and figures. These are real people who have been left with a huge heartbroken void in their lives. These are people who suffered horrific abuse by the very institutions that were supposed to protect, nurture and take care of them. I would be fearful that some of the proposals in the motion today could have unintended consequences and need, therefore, to be scrutinised very, very carefully. For example, one proposal seeks to expand eligibility for the fund to include former residents who have not previously sought a settlement. The Department states that this amendment would mean that anybody who had attended a residential institution would, technically, be able to apply to the fund. There is no way of knowing how many potential recipients this could include. This could overload the scheme. It could also deplete resources that are earmarked for existing survivors and services provided by Caranua. Everybody agrees and accepts that something needs to be done, but whatever we do, we need to get it right.

Deputy Carol Nolan: Gabhaim buíochas leis an Leas-Cheann Comhairle as ucht an deis seo a thabhairt dom labhairt ar an topaic seo. I confirm that Sinn Féin will be supporting the motion proposed by Independents 4 Change and I commend them for raising this issue for debate. It is an important issue that details the harrowing experiences of too many people in the

State.

I attended a briefing today. One of the speakers was a co-founder of the Aislinn Centre and is a survivor of institutional abuse, Carmel McDonnell-Byrne. She pointed out that regression was evident in the people after dealing with Caranua and very often many of these survivors reported that they felt suicidal. Serious questions must be asked of Caranua, an organisation that is supposed to support these people, for what it has done to them. We must challenge the wrongs and put them right.

I am extremely disappointed that the review of the terms of eligibility for the redress scheme has been delayed. This review was to take place within two years of the establishment of the fund and it is a crucially important issue for survivors. Many survivors have been excluded from making a claim under the redress scheme as it stands. I see absolutely no reason why categories of survivors are excluded. These people have suffered shocking abuse and neglect from seeking this redress, which they should be able to seek. This must be addressed immediately and the eligibility criteria broadened to include survivors of other institutions. Sinn Féin fully supports the calls for this review to be established and to report within a three month timeframe.

We need to tackle the bureaucracy and red tape that is proving to be a barrier for many survivors in accessing supports under the fund. The difficulties encountered by survivors in seeking redress cannot continue and need to be addressed urgently. These brave, strong and courageous people have been failed by the State on too many occasions and it cannot continue. They should not have to battle now to access redress under the scheme.

I also echo the sentiments of colleagues on the national children's hospital. While Sinn Féin fully supports the development of the national children's hospital and hopes it will be completed without delay, we strongly believe that it should be funded by the State. There should be no question of using survivors' funds to build the national children's hospital. While it is likely that the fund will be exhausted, the provision that any remaining funds would be put towards the national children's hospital should be removed from the legislation, for the purposes of clarity.

It was reported in this week's media that Caranua has allegedly used a significant sum to provide for office premises. It is my understanding that the legislation requires the body to seek the approval of the Minister prior to entering into any contract. We need clarity as to whether the Minister is aware of the details of any agreement and if he has given approval for such an agreement.

Sinn Féin supports this motion, which seeks to ensure that funding for the day-to-day operations of Caranua will not be taken from redress funding for survivors. Many survivors of residential institutional abuse have such difficulties in accessing redress funds to help them move on with their lives and it is an absolute insult for them to know that this money is being spent on operations for Caranua. There is a clear need for oversight of the operation of this fund. The fact that Caranua has been allowed to operate in the absence of a governing board is simply not good enough. A new board must be appointed immediately and clear accountability arrangements put in place to ensure that the funding is being used for its intended purpose. The abuse survivors who sit on the board should be listened to on this new board. It is my understanding that this has not been happening to date. We must learn from the mistakes of the past and put in place the right supports to help survivors move on with their lives. I hope this motion will send a clear message to survivors that they are not alone and that we will stand with them. I encourage all Deputies to support this motion.

Deputy Kathleen Funchion: I commend Deputy Connolly and her colleagues in Independents 4 Change on bringing this motion to the House. This is an important issue of concern to many of us. As stated by Deputy Nolan, Sinn Féin supports the call for measures to include an immediate review of the operations of Caranua and for negotiations between the Department and the OPW on an appropriate solution that will not incur a cost to the survivors' fund, the latter being absolutely crucial. It is important to emphasise that Caranua is an organisation set up to serve and address the needs of those affected by atrocious crimes and abuses in this State. It exists to provide a service and to administer State funds and there should be no confusion about that.

During my time as a councillor prior to my election to this House and during my time since as a Deputy, I have often questioned the role of Caranua. My experience with the organisation on behalf of constituents has been extremely negative. Frequently the response from the organisation is that survivors are not eligible for this or that. Regardless of what a person is applying for he or she seems to fall outside the criteria. No appeals process is evident and it is not possible to meet with anyone to discuss an issue. Only last week, in response to representations on behalf of a constituent, I received a lengthy form to be completed by the constituent to confirm it was okay for me to deal with the matter on behalf of that constituent, with no consideration having been given to whether the person concerned had a difficulty with reading and writing. I am delighted that Deputy Connolly has brought forward this motion. It is time we started discussing this issue.

Given the manner in which people are being treated by the system, it is not appropriate to refer to it as part of a healing process. The overall attitude of Caranua needs to change dramatically. The tone and language used by the CEO in the past epitomises the ethos of the organisation. The message that comes across is one of "get over it and move on", which, unfortunately, is the way we deal with everything in this country. How many times have we debated mother and baby homes, the Magdalen laundries and so on in this House, all of us using words such as "terrible" and "horrible" in that regard yet we are allowing similar things to happen. This is happening under our watch. We need to ensure change is brought about. This can be done if Deputies support this motion tonight.

I fear that Caranua to date has become a self-regulating system with little accountability. Unless the recommendations in this motion are acted on, the overall reputation and operations of Caranua will remain questionable. I urge all Deputies to support this motion.

Deputy Donnchadh Ó Laoghaire: Caranua was established to manage €110 million pledged by religious congregations to support survivors for the remainder of their lives. It has emerged in recent days that there are a few discrepancies in how this money has been spent, with funding allocated to provide services to survivors having been spent on rent of a premises by Caranua. It is my understanding that the Committee of Public Accounts received a letter stating that Caranua had paid €50,000 to the OPW in the past year towards rent for office space and that it owes a further €56,000 in that regard. Despite this, there have been claims that Caranua has spent nothing in the past year on rent for office space. This has created some confusion. I understand from reports that the CEO wrote to the Committee of Public Accounts on Monday of this week asking that the record of the Committee of Public Accounts meeting of 13 April last be corrected. The CEO stated in that letter that she had stated Caranua had rent-free accommodation from 2013 to May of this year. She noted this should have been stated as May of last year and was a mistake in her delivery of the information. Members will make of that what they will but the Committee of Public Accounts was presented with false information.

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The CEO has clarified the conflicting remarks and has confirmed that Caranua has paid €50,000 to date and arrears of €56,000 are outstanding to the OPW. We need clarity on this issue. Will the Minister provide clarity on what was and was not paid from 2013 onwards, as this is central to the wider debate on why rent payments are made from the fund allocated to supporting survivors? Does the Minister believe that he and his Department have been sufficiently robust in the oversight of the organisation or have they been asleep at the wheel? Why is Caranua paying rent to the OPW? It is wrong that the Departments are unable to work out a deal given the enormous estate they own in terms of properties. The fund is specifically for survivors. It is important to point out that Caranua is no ordinary public body. Many public bodies provide essential services that are funded from resources provided to them by the State. The fund about which we are speaking is intended for survivors and the manner in which it is being spent is wrong.

I note the amendment presented by the Minister contains a commitment to carry out a review of the eligibility criteria. We need a timeline in that regard and clarity on whether further survivors are to be included. I share many of the reservations and concerns expressed. I have heard many stories from constituents on their frustration at the service they have received from Caranua, the arbitrary cap being a significant issue. In common with the mother and baby home inquiry, there is a lack of opportunity for people to have their voices heard by Caranua. It is wrong that survivors are being forced to deal with paper-only bureaucracy and that they do not have the opportunity to discuss their cases and needs.

Deputy Gino Kenny: I welcome the motion brought forward by the Independents 4 Change in regard to the operations of Caranua. I knew little about this organisation up to six months ago. I now have a lot of information about it, including in relation to the recent briefing. In my view, Caranua is not fit for purpose at this point in time. The survivors for whom the organisation was set up to assist have been met with belligerence and confusion in terms of its operations. Caranua was set up to financially compensate survivors for the grotesque violence meted out to them at a particular time and to give them justice but in my view, it is being run like a business. The inner workings not of Caranua but the board are bizarre. As stated by Deputy Funchion, the CEO of Caranua made an extraordinary statement recently that was very demeaning. While she has since retracted that statement, it is indicative of the inner workings of Caranua.

The survivors were systematically abused in the past and are now trying to get justice. Hopefully they will get it. I welcome this debate, which throws up many questions about the organisation. Hopefully, people will get some sort of justice, as well as clarity on Caranua.

Deputy Mick Barry: I will start my contribution with a simple question to the Minister. In regard to the €110 million fund, what interest has built up on it in the intervening years since it was established and is that interest being added to the fund for the survivors? If not, why not? I would appreciate an answer to that question.

Why does Caranua not pay people a lump sum, similar to a pension? As far as I am aware, a person has to jump through many hoops to qualify for a payment.

My understanding is that, in order for funds to be disbursed, they must be for health or well-being, housing support, education, learning or development and cannot be for something that has already been bought, for something which is not recommended by a professional or for ongoing costs such as rent, mortgages and so on. There seems to be a presumption of irrespon-

sibility and this is wrong. There almost appears to be a presumption of criminality. Why not give these people a lump sum? Why not give an annual lump sum - something like a pension - payable twice a year? We might not know how many people will be involved in the scheme but the scheme will only last for a number of years and the numbers should be easy to calculate - one could even err on the side of caution. The criteria are very narrow and often rigidly applied. For somebody who suffered in a Magdalen laundry, the act of washing clothes and putting them on the line brings back all kinds of memories. It would be a positive thing to be able to buy a washing machine but it would not be easy to do so under the rigid criteria that have been set out.

Major questions have to be asked about the way survivors who apply are being treated. Deputy Gino Kenny referred to the comments of the chief executive, who called them “these people” and said they were damaged and would never be happy. I welcome the fact that those comments were withdrawn at a meeting of the Committee of Public Accounts. Her comment about funeral arrangements, however, was of more concern to me. Caranua can apparently give up to €5,000 to a funeral director to provide a decent burial for survivors when their time comes but it was revealed that some - very few - had approached funeral directors to ask for the €5,000 to be released to them for weekly or monthly expenditure. Why was that revealed? Was there an attempt to make out that the survivors are feckless and undeserving? It is completely understandable that survivors would have approached funeral directors in that way. If people live in conditions of hardship and poverty it is entirely understandable and I cannot understand why the information was made public. It was wrong to do so. There is no privity of contract and I do not think that, if €5,000 is given to a funeral director and the funeral director goes out of business, the family of a survivor who has passed away has a claim over the money. Perhaps the Minister will clarify that.

I know of two survivors who did not have the skills of reading and writing and who went to another survivor who did have those skills. The latter went to Caranua and asked to fill in the form on behalf of the former but he was laughed at, which is a disgrace. I understand that a U-turn was announced at the Committee of Public Accounts meeting and that, in future, a third party will be able to fill in a form in this way. I welcome that but it should not have happened in the first instance.

Under section 10, the Government can instruct the board of Caranua as to things that should or should not be done. Given everything that has happened, the idea that the new board, which I welcome, should report to a committee of the House is progressive and positive and serious consideration should be given to it.

Deputy Michael Healy-Rae: I thank Deputies Connolly, Broughan, Joan Collins, Clare Daly, Maureen O’Sullivan, Pringle and Wallace because this is one of the most important Private Members’ motions to come before the Dáil. The motion hits the nail on the head. I have had personal experience of dealing with individuals who had made contact with this organisation. I wondered if the bad experiences I had were just one-off instances or whether the reason I did not get on so well with my cases was down to me. When I saw the motion, however, I realised that it is a real problem so I was very glad the Deputies brought it forward.

An individual I knew in County Kerry made an application for funding for necessary works to a house, the condition of which was unimaginable. I was contacted to deal with the matter and intervened but the obstacles I met were frightening. The person in question was living in conditions in which one would not allow an animal to live. I thought Caranua would be respon-

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sible, proactive and workmanlike. All I want from people, whether a politician or someone in any other job, is that they work. However, the people with whom I spoke on the other end of the telephone had a hopeless and pathetic work ethic. If they were working for me, I would sack them and I would not pay them their wages for the following week. We are all paid to do a job but I found myself waiting and waiting. I tried dozens of times to get through to the relevant persons in Caranua but I often failed to do so. As the motion points out, there was a significant turnover of staff. In the case to which I refer and which upset me greatly, the person responsible for dealing with it changed on two or three occasions. When there was a change of staff, I was back to square one and there was no such thing as a file at which they could look, to see the pictures and the case history that we had carefully provided. We did our side of the job perfectly well and they just had to get off their backsides and deal with it. Instead, there was obstacle after obstacle. If my case is an exemplar of the general issues, then there is a serious problem with this organisation.

The survivors went through enough hardship and they should not be faced with such poor delivery of service from an organisation that is there to assist them and bring some ease to their lives. People who are vulnerable and have gone through these awful situations may have complicating factors in their lives. It is similar to a car going off course. When that happens, it is difficult to get it back on track. These people had a very tough beginning and now they are being let down by the very organisation that was set up to help and support them. I support the motion and I thank the Deputies for bringing it forward.

Deputy Mattie McGrath: I compliment the proposers of this motion. I, too, have had many constituents who were shabbily treated. This redress process is intended to help people who suffered in the past. This organisation, like so many other quangos in quangoland, has a chief executive and a plethora of offices. It is renting new offices and suites of offices. We have to stop this. I discussed the issue of the different advocacy agencies and the CEOs and chairmen with the Minister of State, Deputy Finian McGrath. We are sick and tired of this. The redress process must be about the victims. I fully support the motion.

The Minister said earlier that he would pass on the comments, sentiments and emotions expressed to Caranua. He should take charge and instruct it to spend the money on services for the unfortunate people who have suffered enough, rather than renting offices or setting up suites of offices or paying a CEO and so on. This country is contaminated; it is like a disease. There is an epidemic of CEOs and chairmen and boards and so on. We need a bit of humanity to deliver a service to people who deserve it. Funding for Caranua comes from many places, including the redress board, the Catholic Church and elsewhere. Let it be given to the people. People are in tears because they ring up and get a case officer and then the case officer cannot or will not take a call from them. It is a bureaucratic jungle and it must be changed. I want the Minister to take charge and wrest back control from these career people who are looking out for jobs to set up whatever new organisation or quango comes into being. I am talking about the chiefs, not the ordinary people answering the phones or the dinner people. They become chiefs overnight, get aloof, go for the fancy offices and think they are untouchable and can spend money whatever way they like. They rent nice fancy offices with fancy furniture, they travel and they have meetings, conferences and so on. It should be about the victims. For too long, the victims have suffered. We must get rid of this and stop it and get some kind of a mechanism to stop the spread of quangoland that has become an epidemic in this country. This is one place it should not be.

Deputy Seamus Healy: I welcome this debate and confirm my support for the motion. I

thank Independents 4 Change, and Deputy Connolly in particular, for bringing forward the motion and I commend them on it. I fully support the motion, in particular the call for a root-and-branch review not just of the criteria and policies of Caranua but also its operation. Based on what we know of the conduct of Caranua and its interaction with survivors, that is absolutely required.

The motion says that Dáil Éireann recognises that “the statutory body Caranua has, to date, failed a large number of applicants in providing adequate access to the Residential Institutions Statutory Fund” and “the high number of complaints and reports of dissatisfaction and negative experiences from applicants to that fund”. That is the nub of the issue. Survivors with whom I have been in contact have had universally negative experiences in their contact with Caranua. They have encountered a particular attitude, hostility and been subjected to confrontational questioning. They feel that they are treated as a nuisance. In many cases, their contact with Caranua has led to further trauma for them. A significant number of complaints have been made, most of which relate to disrespectful behaviour, poor treatment and dissatisfactory communications with survivors. A survey indicates that 61% of survivors have rated their experience with Caranua as extremely negative and 21% as negative. One survivor commented that dealing with Caranua was like being back in an institution and that at least in the institution one knew who the enemy was, whereas with Caranua the enemy is faceless. That is the type of reaction of survivors who have contacted me regarding their communication and contact with Caranua. There have also been significant delays. Survivors say that the level of service was always poor but has become more negative and stressful. Communication with survivors has been less than adequate. There has been a lack of confidentiality and privacy in that regard. Survivors feel they have been re-abused through their contacts with Caranua.

Clarification is needed on the issue of rent and whether it has been paid. There was some confusion in that regard, although things were somewhat clarified when representatives from Caranua appeared before the Committee of Public Accounts. Was the Minister’s approval sought in respect of the rental contract and the payment of that rent? If approval was sought, was it granted? What were the surrounding circumstances?

There have been several serious and unacceptable breaches of the legislation. That needs to be urgently reviewed. The failure to review Caranua after two years of operation was a missed opportunity which survivors have paid for in recent years. Survivors who contacted me regarding this issue gave the impression that there is attitude and hostility in dealing with survivors and also an element of chaos in the operation of Caranua.

There is currently no board, oversight or governance of the organisation. Even when the board was in existence, there was a lack of oversight and governance of the operation of Caranua. The board is supposed to comprise nine members, four of whom are survivors. In the context of the operation of an organisation of this nature and in light of the funds available to it, I am of the view that survivors should be in a majority on the board.

I confirm my support for the motion. I call for an urgent review of the operation of Caranua and the criteria relating to its governance. I ask the Minister to clarify the situation in respect of the rent payment and whether approval was sought and received for that rent.

Deputy Clare Daly: I salute the efforts of Deputy Connolly in strongly and determinedly pushing this issue. It is quite incredible that Deputy Bruton is the third Minister for Education and Skills to whom we have had to highlight the shortcomings of Caranua. The scheme as it

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presently operates is re-traumatising people. We have to put a stop to this tonight. When we raise issues and concerns in here, there should be corrective action as a result. I find it shocking that when we discussed this in March when my Bill was before the House, everybody on every side - including the Minister - agreed that there were problems with the operation of the scheme and that the message had to go out loud and clear that this needed to be corrected. What happened after that? It was after this that the CEO of Caranua went on the airwaves and caused such trauma and offence to people, lacking empathy and displaying an incredibly negative attitude to survivors. I reject the point made by other Deputies that the point was corrected afterwards. It was not really retracted. The views demonstrated the continued entrenchment of the poor attitudes that other Deputies have articulated so well.

I am quite sure that Rhona in my office, who deals with many of these cases, would have great sympathy for the case outlined by Deputy Michael Healy-Rae because those types of stories are ones with which she deals on a regular basis. There are long delays, people are denied access and there are issues with the offices, among other problems. So bad is the operation of this scheme that there were reports in the media this week of William Gorry, who has said that he will take out a loan to repay the money he got from Caranua because he is so traumatised by the treatment he received and the public comments of the CEO. William rang my office this morning. He is very down. His entire life has been adversely affected by the abuse he has suffered. He has trust issues, and he says that his quality of life is so poor that he wonders why he is still alive. Imagine picking up the phone and saying that to some stranger in an office? He finished the phone call and took the opportunity to write down his story and asked me to inform the Minister about it here tonight. He sent in an email after the chat this morning. He said:

I am a 51 year old gay man, visually impaired. As a child in Mount Carmel Industrial School, Moate, County Westmeath, I suffered horrendous abuse, verbally, physically, sexually and emotionally. The institution and the State failed me in not receiving love, care, nurture and education. I wasn't equipped with the tools for the outside world. As an adult on a blind pension I am restricted in having any type of a life. On leaving care I have been through hell. Carrying the horrendous abuse of my childhood, I have been plagued by the memories of what happened to me as a child and the humiliation of failures and lost opportunities in adulthood. I haven't been able to live up to my full potential, to form or maintain friendships or relationships. This has caused me huge sadness and embarrassment. On leaving care I should have been able to enjoy happiness, good health, lots of friends, safe in the knowledge that there was a good path ahead of me - love, care, a good job, a partner, maybe a marriage - but this was sadly not to be. I have been treated harshly, abruptly by Caranua, and the remarks of its CEO, Mary Higgins, have devastated and hurt me emotionally and caused me huge pain. Minister, [William says] at this moment and for quite some time my life is lonely, miserable, restricted, fearful and painful. I seem to carry and wear all my life sufferings, not being able to move forward. It seems the State lives my life and not me. The last while I really wonder is it best that I didn't exist at all. I wish I never had to describe myself or my life like this. Minister, maybe you could consider meeting me and allowing me to express how broken I am and how empty my life is. William Gorry, survivor.

We have had so many stories like that and so many people have called our office in tears, talking about their abuse and what happened to them when they contacted Caranua. Comments such as "Couldn't you have got a cheaper Hoover? You could build a mansion for that price. This isn't a sweet shop, you know". We have heard stories of people being physically questioned in department stores as to what institution they were in. This was supposed to be a pro-

cess that was a straightforward way of helping people who were hurt by our State and church. It was supposed to be part of an acknowledgement and an apology for what was inflicted on them. Let us remember that every time these people fill in a form or speak to a stranger on the phone or send letters or emails they have to relive and remember the abuse, the violence, the fear, their own lack of power, the lack of protection and how badly let down they felt. They actually have no obligation to explain themselves to anybody and we should not be putting them in that position.

There are a couple of specific issues that I want to raise. The problems in many cases are caused by the decision to limit face-to-face meetings. The Government's amendment has partially addressed this but it is not enough. The main method of communication, via phone and email, is hugely problematic. It is very impersonal. It keeps survivors at arm's length. There are long periods when there is no communication at all and if one is not meeting another person, it is hard to read their body language or really get to know them and help them properly. There is a better way of doing things, and I argue that at least 70% of Caranua's staff application advisers should be deployed on a face-to-face appointment basis four days a week, seeing on average four clients a day. On the fifth day of the week could be a follow-up on paperwork. The face-to-face visit could be a home visit or an appointment to an outreach surgery if the person was vulnerable. If ten Caranua advisers were deployed in this way, 40 people a day and 160 per week would receive proper face-to-face support. In ten weeks it could see 1,600 survivors, whose issues would have been dealt with via a serious level of contact on a level that the person could appreciate. This would go a long way to breaking down communication barriers that are hindering the interactions with survivors and would in that way assist in the reconciliation process. It would enable swift and clear responses and explanations being given directly to the survivors. It would be an important point of contact where they could get advice and support on other services specific to their needs. It would enable it to act as a gateway to other mainstream services. It could allow families and other representatives of survivors to accompany them to the appointment, to help with the explanation and de-stress some of the experience. It would certainly enable Caranua staff to develop an awareness and understanding of what some of these people have gone through. In that sense, face to face is a key part of this motion, and it would compensate for the imbalance of power that survivors often experience when they communicate with professionals. They are called professionals but in the real meaning of the word have not been professional at all.

Certain groups of people have raised particular concerns about the quality of information being provided by Caranua. One of these is the deaf community. The Irish Deaf Society feel that deaf people are at a disadvantage in this process. The clinic held by Caranua at the Deaf Village in Dublin is held once a month on a weekday and during working hours. This obviously limits the ability of people to interact. It is inadequate in terms of its frequency. They cannot pick up the phone and talk to somebody and get the information afterwards. They require face-to-face meetings. On balance that should have been addressed before now. The Irish Deaf Society first made contact with Caranua in 2012 and stressed the importance of making Irish Sign Language translations available. It has taken almost four years for the videos to appear online so that people can get the information. That is four years were people have missed out on a chance to get involved. As mentioned by other Deputies the group of survivors in the UK are also at a significant disadvantage. It is worrying that less than 20% of applicants are from the UK when we know that over 32% of applications to the redress board were based in the UK.

The scheme is three and a half years old. There are people who applied in January 2014

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who have received no payment. That is utterly shocking. It has a staffing bill that has risen to €1.5 million per year. Some €2 million is being spent on agency staff. God only knows what is going on. The office has consultancy bills for Capita and Mazars for over €180,000. This is happening while survivors are struggling. The review is long past its date and it needs to be carried out with absolute urgency. A strong message needs to be sent on this issue. It has gone on for far too long.

Minister of State at the Department of Health (Deputy Helen McEntee): I am pleased to respond on behalf of the Government and in support of my colleague, the Minister for Education and Skills, Deputy Bruton, and to speak about Caranua, the services it provides and the concerns that have been raised. Many individuals suffered horrific abuse when, as children, they were placed in industrial schools and other residential settings. Successive Governments have put in place strategies to support former residents through the provision of services including counselling and educational supports. I have heard many of the contributions to this debate on the motion. I appreciate the sincere and genuine interest of all contributors in the need to ensure those who suffered abuse as children in residential institutions receive the support that they require.

I am aware that concerns regarding Caranua have been raised in the media and in this House. The Minister, Deputy Bruton, has met survivors and I know he appreciates their concerns. I believe it is vital that the State, in all its dealings with victims of abuse, ensures survivors are always dealt with in a sensitive, fair and compassionate manner. While there have been difficulties which we all recognise, Caranua has got many things right. It started virtually from scratch in 2013 and began to design a scheme that would support individuals who have complex needs and who live in every part of the country and overseas. Caranua began to accept applications in early 2014 and has to date received more than 5,800 applications. It has paid €60 million in supports to more than 4,000 former residents. Due to reasons of confidentiality, it was restricted in directly contacting eligible former residents and was required to rely on advertising and marketing, including through the good offices of many bodies and organisations.

Caranua's aim is to provide a responsive, friendly and professional service. It drew up criteria and guidelines and amended those in 2016 in the light of experience and feedback from applicants. It expanded the range of approved services it could support last year to include funeral costs and certain other areas of support, indicating a willingness to take on board the views of applicants. The organisation welcomes feedback and has addressed complaints through its customer service charter and its feedback and complaints policy which may be accessed via its website. However, it would be helpful for Caranua to review its current customer charter, in consultation with survivors, ensuring that the principles of equity, consistency and transparency are at the heart of all its activities.

There are a number of avenues available to individuals who are dissatisfied with the service they receive from Caranua, including a complaints and feedback process, an appeal to an independent appeals officer and review by the Ombudsman. It is, of course, also important that Caranua seeks to improve the level of engagement with and service to those whom it is there to help. The Minister has recently approved a proposal whereby two new appeals officers have been appointed to replace the outgoing appeals officer. It is hoped that this will lead to speedier decisions and will clear the backlog of appeals that has built up.

Caranua was set up as an independent body under law. The 2012 Act sets out the respective powers and function of both Caranua itself and the Minister. The motion appears to call

on the Minister for Education and Skills to use Exchequer funds to meet costs associated with Caranua's office accommodation. That is not allowed under the provisions of the 2012 Act. The motion also seems to suggest that section 43 of the 2012 Act should be removed. That provision has nothing to do with Caranua. The 2012 Act caps Caranua's funding at €110 million. Section 43 provides that any additional contributions, that is, contributions other than those that form the €110 million, will go towards the cost of the new national children's hospital. I understand there is at least one commitment by a congregation to make such a contribution and the Minister remains hopeful that other congregations will augment their cash contributions. The retention of section 43 is therefore very important. As I said, it has no bearing on the funding available for Caranua or for the survivors. The Minister, Deputy Bruton, has also announced a consultation on proposed draft terms of reference for a review of eligibility for Caranua. The outcome of that consultative process will be published shortly. The review of eligibility will be completed this summer.

The Government's amendment to the motion represents a balanced approach. It acknowledges the suffering of those who were abused and the steps taken already by the State to support them. It acknowledges also that many former residents have ongoing needs. It notes the progress being made by Caranua, including the support it has provided to survivors residing in the United Kingdom. Various meetings and outreach events have been held in that respect. Granted, the message has not reached everybody, so those efforts will continue. It notes various developments in respect of Caranua, including the fact the range of approved services was extended in 2016 and that progress is being made in regard to the eligibility review. It also notes that section 43 of the 2012 Act must be retained as it is an important provision that will facilitate additional contributions over and above the €110 million earmarked for Caranua, going towards the new national children's hospital.

As the Government amendment to the motion states, it would also be helpful to survivors if Caranua could provide a greater level of face-to-face engagement with survivors and applicants, particularly after the organisation moves into the new office accommodation which will be more suitable for this kind of activity. Caranua should continue to provide regular statistics to the Department of Education and Skills and the public on waiting times for processing and communicating decisions. To date, €97 million has been received into the fund. I am informed that the balance of the €110 million is expected to be received by 2018.

The Government amendment to the motion is a fair statement of the current position in respect of Caranua and it addresses in an appropriate manner a number of important matters. To touch on one or two issues that have been raised in respect of rent, the legislation is very clear that the administration costs must come from the fund. The Minister will consider the rent agreement when it is submitted to him. The policy regarding accommodation is, of course, a matter for the board and the new board will be announced later this week. In respect of the review, the terms of reference have been published. I know that Deputies Daly, Nolan, Byrne and many others have submitted comments on it. The terms will be finalised shortly and the review will proceed without delay.

I commend the Government amendment to this motion to the House.

Deputy Joan Collins: I welcome the motion proposed by my colleague, Deputy Catherine Connolly. I am glad that Independents 4 Change and other Deputies are supporting it. The motion should probably have come sooner. When these matters were being debated in 2012, there was disagreement about how the €110 million should be utilised to support survivors who were

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subjected to abuse over the years in State and religious institutions. There was a suggestion that the money should be administered directly to people rather than setting up a body that creates administration costs and that sets down criteria and makes people go through processes. It was argued that it would have been much better just to pay the survivors directly out of that fund. Deputy Barry has raised some of these issues. However, the Government's view in its wisdom was that Caranua should be set up.

About three people have come to me over recent years because of difficulties accessing services through Caranua. While we supported them as much as we could, we were never really able to get to the bottom of it. I spoke today to Carmel McDonnell-Byrne, the director of the Aislinn Education and Support Centre Dublin and herself a survivor of institutional abuse. She said that people coming to her are traumatised by the process of applying for and accessing services, explaining about themselves, why they needed the services and so on, only to be told that they could not access them. I also want to mention Fionna Fox, a solicitor and advocate for survivors since 2015. She originally worked for the Aislinn centre. Everyone should read the report she wrote on survivors' dealings with Caranua.

From 2015, Caranua refused to process outstanding applications and overnight hundreds of applicants were cut off from the fund. This policy is still in force. Caranua had no legal right to authorise the board to refuse to process applications from eligible applicants. Certain applications are being put on indefinite hold due to the prioritisation policy. The board does not have the authority to refuse to process applications from eligible applicants as its primary function is to accept, process and determine applications by applying the criteria set out in the guidelines. This is a clear example of Caranua exercising its discretion in an unlawful manner. In respect of the cap, no reasons were given for the setting of the limit at €15,000, nor was any more information provided as to the reasons for the internal audits concerned. It is not clear if the internal auditor had read the legislation governing the operation of the scheme. Otherwise, the auditor might not have made the recommendations that defeat the primary objective of the scheme and that are *ultra vires*.

It is understood that Caranua commissioned an actuarial report that placed the likely number of eligible survivors who are still alive at closer to 7,000 rather than 15,000. The number of applicants to the fund has now reached 5,500. Only 545 applied in 2016. No limit is allowed in the Act even if a limit were to be considered necessary. However, given the slowdown in awards and the deadline in the number of new applicants, it is not understood why this policy is being implemented aside from a general concern that the money would run out. This fact was known since the inception of the scheme. In a nutshell, Ms Fox has pointed out that once the money runs out, the scheme will close. That is a fact.

A total of €55 million has been handed out already. A total of €5 million has gone on administration costs, contracts and so on. Will the Minister confirm whether he cleared the contract with Mazars and other private contractors as well as the rent? That happened last March. We need clarification on that.

A key point in our motion is that there needs to be face-to-face contact. I note that the Minister referred to face-to-face engagement but he referred to a greater level of face-to-face engagement. We are saying there has to be face-to-face engagement. There is no other way around this.

I hope Members will support the motion. It is important that our motion goes through be-

cause it really deals with the issue.

Deputy Catherine Connolly: I thank the Deputies who have passionately supported the motion. The Minister suggested this was an unduly negative motion. My reaction is to point out that is a continuation of the terrible attitude that has always been applied in this country. It is a patronising attitude that immediately seeks to isolate the group or person who have highlighted complaints. I have endeavoured, as have my colleagues, to make this as positive as possible. There were calls for the resignation of the chief executive. We endeavoured not to go down that route for the moment and rather to make it as applicable to as many people in the Dáil as we could.

Fianna Fáil has failed in this regard. I have supported many Fianna Fáil motions. I do not think the Fianna Fáil Members have read my motion or the Independents 4 Change motion, which is a general motion calling for a review not only of the criteria but of the operations of the scheme.

The negativity attributed to me by the Minister does not arise from me. It arises from complaints from the survivors who are enduring abuse in our name in the Dáil. The Minister referred to teething problems. This organisation is old enough to have molars and it still cannot cope. It has put a stop on processing of applications from 15. Those involved cannot answer the telephone or meet clients directly. The organisation is acting in contravention of the legislation. Section 7 of the relevant Act puts an onus on the board to act in accordance with the principles of equity, consistency and transparency. I have outlined in detail how the board is failing to do that. The board has introduced contradictory schemes. It is treating survivors in a manner that is discriminatory. Some are confined to a limit while others are not. Some are confined by way of priority while others are not.

The Minister and his Department have been at the least disingenuous in their responses to questions on whether they have given permission for rent. The Minister of State at the Department of Health, who is sitting beside the Minister, has come to the House and backed up the Minister. I do not want to go down the route of personalising anything but the Minister has an obligation under the legislation to give consent to every contract, including a lease. Will the Minister confirm whether he has given it? Will the Minister confirm whether he gave it for the extension of the lease entered into by the Office of Public Works?

Caranua appeared before the Committee of Public Accounts. Arising from what I heard there and from what survivors told me, my colleagues and I tabled this motion. The purpose was not to be negative but to ensure oversight of the board primarily on the part of the Minister and his Department. We need a proper board. I have pointed out that the most outspoken member of the board has not been reappointed. Since then, it has been pointed out to me that the diversity of the board has not been considered and that a person of mixed race has not been re-appointed.

Numerous issues have not been addressed by either the Minister for Education and Skills, Deputy Bruton, or the Minister of State, Deputy McEntee. It appals me. This is why we end up with inquiries. The Minister has a responsibility. He should assume that responsibility. Deputy Mattie McGrath put it in a nutshell when he asked the Minister to take control. Control amounts to having oversight and giving crystal clear answers. Did the Minister give permission for all the contracts? I know the Minister did not give permission for the fitting out of new premises. They were fitted out without consent and paid for out of the funds. Is the Minister

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standing over that situation? The organisation is going into premises at a rent of €272,000 approximately per year from a fund that is in place for survivors.

Reference was made to a mix-up over the hospitals. Deputy Byrne from Fianna Fáil might read the legislation. He might also read the minutes that noted the serious concern of the board in respect of whether money would be left for the hospital. The matter was to be clarified by the Minister. I am glad the Minister is clarifying today that the money will not be going to the hospital. The amount will be anything up to €110 million. What has the Minister not clarified? What about the interest that he was asked about by other Deputies? Is that going into a fund for the hospital? Will it go into this fund? Even at this late stage, I appeal to Fianna Fáil Members to read the motion and withdraw their amendment. For once, let us stand together for those who need our voice to be heard in this Chamber.

Amendment put.

Acting Chairman (Deputy Jim Daly): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 25 May 2017.

Criminal Justice Bill 2016: Order for Report Stage

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move: “That Report Stage be taken now.”

Question put and agreed to.

Criminal Justice Bill 2016: Report and Final Stages

Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald): I move amendment No. 1:

In page 4, line 13, to delete “ ‘intoxication’ ” and substitute “ ‘intoxicated’ ”.

This is a fairly straightforward technical amendment. It replaces the word “intoxication” with the word “intoxicated” in subsection (4) of the new section 4A of the Criminal Justice (Public Order) Act to be inserted by section 3 of this Bill. Intoxicated is the word used in the substantive amendment of the new section 4A and in the definition of the existing section 4 of the Criminal Justice (Public Order) Act 1994 and is therefore the appropriate word to use here.

Amendment agreed to.

Deputy Clare Daly: I move amendment No. 2:

In page 5, to delete line 35.

This amendment removes paragraph (a)(i) of the new subsection (10) the Government wishes to insert into section 6 of the Act of 1997. If the paragraph remains in the Bill, it would introduce a new power of arrest without warrant by the Garda if a member was of the opinion that someone on bail was about to contravene any of his or her bail conditions and if the garda considers arrest necessary to prevent harm to, interference with, or intimidation of the alleged

victim, witness or other such persons.

My concern is that effectively we are giving the Garda powers of arrest for a future crime - offences that have not been committed yet, crimes that might not be crimes at all but just a thought in a garda's head. The potential for abuse in those circumstances is considerable, should a garda choose to be of that mind. We did discuss this on Committee Stage. I do not see any merits as to how it would make the victim any safer. Having discussed it at committee, I have changed my amendment since then. I had opposed the whole subsection, but I have taken on board the points made by other Deputies, namely, the circumstances whereby for instance, if somebody accused of a sexual crime against a woman was approaching her in her front garden, it would be a help to the woman if the garda could arrest the accused to get him out of the way and protect her. I do not believe my amendment puts a stop to that or prevents the garda from doing that in any way. It is only about not extending new powers of arrest without warrant for breach of bail conditions, particularly in the absence of bail supports or services, which is an issue that the Irish Penal Reform Trust has raised, saying it is a short-term and simplistic solution to what is a complex problem. It is in that sense that I am moving it.

Deputy Frances Fitzgerald: Amendment No. 2 deletes the power for the Garda to arrest without warrant a person on bail who is about to contravene any of the conditions of his or her recognisance. However, consider the circumstances where a victim is in fear of violence from an accused person and that person is prohibited from contacting the victim as a condition of his or her bail. If the accused person pulls up outside the victim's house or approaches the victim in any place, the victim should not have to wait for the accused person to make contact, which may be threatening or violent, before the Garda can intervene. The power of arrest provided in this provision has been carefully considered. It is very limited in nature. A person may only be arrested without warrant where a garda reasonably suspects that the person is about to breach a condition of his or her bail and the immediate arrest is necessary to prevent harm to or interference with the victim, another witness or a person that the court has specifically tried to protect.

I believe the provision is reasonable, and it is necessary to allow a member of the Garda to intervene in such circumstances and consequently, I am not accepting the amendment.

Deputy Clare Daly: For the Minister's scenario to work, the garda would have to be present for starters, so we are talking about quite limited circumstances. My point is that it is far too vague. If a garda was present and thought that a person was in danger, he or she would have powers under existing legislation to make an arrest. For instance, were a garda to tell someone to run along and move it, that is, were the garda to give the person a reasonable instruction to leave under section 8 of the Criminal Justice (Public Order) Act 1994 and were that person not to comply, then the garda could arrest that person anyway under existing provisions. Similarly, if someone was threatening to cause bodily harm to a victim under the Non-Fatal Offences Against the Person Act, it would not be necessary for him or her to actually hit or stab someone for a garda to have a power of arrest in those circumstances. Therefore I do not believe that a victim's safety is being negatively impacted upon by my amendment. What I am trying to do is get a better balance in terms of human rights. It is very broad to state that a garda could think of a future in his or her head where the bail conditions were about to be breached. That is a significant power and is a lot woollier that it ought to be. The scenario the Deputies want to protect would be better served by removing that "about to" scenario. It lays an unfortunate precedent and it is on that basis that I move this amendment.

Deputy Frances Fitzgerald: I will reiterate the kinds of circumstances about which we are

talking. A condition of bail is imposed on the accused person. There are grounds to reasonably suspect that the person is about to breach that condition. Immediate arrest is necessary to prevent harm to, or interference with a victim or a witness. A condition is imposed in the first instance, there are grounds to suspect that the person is about to breach the condition and immediate arrest is necessary to prevent harm or interference with a victim or witness. If all these circumstances do not exist then there is no power of arrest.

I think an arrest without warrant in such circumstances, where it is necessary to prevent harm to someone, is absolutely reasonable and justified.

Deputy Clare Daly: We obviously disagree on that. I stand by my earlier comment.

Amendment put and declared lost.

Acting Chairman (Deputy Jim Daly): Amendments Nos. 3 and 4 are related and may be discussed together.

Deputy Clare Daly: I move amendment No. 3:

In page 6, between lines 12 and 13, to insert the following:

“8. Section 6B of the Act is amended by the insertion of the following subsections after subsection (1):

“(1A) In imposing the conditions in subparagraphs (i) to (iii) of section 6B the Court shall have regard to the following:

(a) that the type and modalities of tagging are proportionate to the offences alleged in terms of duration and intrusiveness;

(b) the age, disability or other relevant personal circumstances of the person upon whom the conditions are imposed; and

(c) that the person upon whom the conditions are imposed shall not be confined solely to a place of residence for so long as those conditions are imposed.

(1B) All data gathered as result of the imposition of the conditions in subparagraphs (i) to (iii) of section 6B shall be gathered, stored and processed in compliance with the Data Protection Acts and shall not be used for any purpose other than the following:

(a) monitoring of compliance with conditions imposed under subparagraphs (i) and (iv) of section 6(1)(b) while those conditions are imposed; and

(b) implementing the relevant provisions of section 6C.”.”.

I take these amendments seriously. In some ways they might be seen as somewhat technical and heavy going but they are important and touch on a number of boxes. They deal with electronic monitoring, which is being put forward as an alternative to a person being incarcerated. While we welcome that, it is very important that there are guidelines on the use of electronic monitoring. That is not only my concern as the European courts and data protection issues require us to do that. I accept that electronic monitoring is a useful tool in the criminal justice system. In Demark, for example, 60% of custodial sentences under six months are converted

to electronic monitoring and intense supervision. In Belgium, any prison sentence of less than three years is automatically commuted to electronic tagging. I see a role for it and do not suggest it should not be used but it needs to be controlled carefully. The purpose of my amendments is to beef up the safeguards.

The wording of paragraph (a) is largely taken from the Council of Europe's 2014 recommendations on electronic monitoring. The Council of Europe advises that it is necessary that a decision to electronically tag somebody on bail takes into account the offence it is alleged that the person committed. While I have no doubt that judges would use their discretion and would apply sanctions fairly, at the same time we must tighten up provisions around duration because if we do not, delays could mean someone being tagged for a very long time that would be disproportionate to the crime. Let us face it, the people being tagged here are people who have not actually been convicted of any crime. The points being made about data protection are very important. My amendment proposes to cover a couple of things. First, I want to ensure that all of the data gathered as part of electronic monitoring is stored and processed in accordance with Data Protection Acts, and second, that the data are only used for specific purposes, namely, monitoring the compliance of the conditions imposed as part of the electronic monitoring.

Amendment No. 4 provides that the monitoring of people wearing tags will henceforth be done on a non-commercial, not-for-profit basis. That is to prevent private security firms getting in on the gig to try and make a killing out of it. I was surprised that there were no specific explicit safeguards on data protection either in this Bill or in the Bail Act 1997 in this day and age and in particular given the uses to which data gathered can be put in cases where tags are attached. It is particularly surprising we have not explicitly stated it when the Council of Europe recommendation on the implementation of electronic monitoring explicitly states the use of data collected through electronic monitoring should be regulated by law.

That is what I am seeking to do here. We live in a world where data are big business and people pay big money for them. A person's data, particularly in these private matters, should only be used for the purposes for which they have been gathered. If we do not do this and include these provisions, we are likely to run into problems with Article 8 of the European Convention on Human Rights, which gives strong protections to the fundamental right to privacy. It says we need a sound framework of specific principles and standards protecting the rights of individuals. I had hoped the amendment would be accepted. I do not see it as being particularly controversial unless we are trying to leave the door open to private commercial operators to make big bucks from the data being collected. I do not really get it.

On Committee Stage, Deputies from Fine Gael said my attempt to put electronic monitoring on a not-for-profit basis was ideological. That is funny because it is exactly what the Council of Europe states the issue is. In its Standards and Ethics in Electronic Monitoring handbook, it says "Government decisions to use commercial organisations to deliver [electronic monitoring] are as likely to be taken on ideological grounds as on practical grounds." There have been some problems in other states where services were being provided privately but subsequently had to be brought in under the public domain. I am trying to ensure from the start that there would not be anybody profiting from this type of procedure.

I spoke on Committee Stage about the German model, which is based on de-escalation and in so far as possible, helping offenders not to breach bail conditions. That should be the direction in which we go. In that sense, the monitoring of tagging should be done by profes-

sional people such as social workers and people who can go in and intervene to de-escalate, not to catch people out and have them whipped off to prison. We are trying to achieve a position where that would not happen. There is a greater danger of that happening if it was a private for-profit operator. I see these amendments as quite important.

Deputy Frances Fitzgerald: The purpose of electronic monitoring is to monitor compliance with bail conditions. Its intended effect is to encourage a person on bail to comply with the conditions the court has imposed. There are a range of safeguards to ensure it is used appropriately already in the Bail Act. The Act requires a person subject to electronic monitoring to consent to it and the provisions only apply to adults charged with serious offences. It is also not possible to restrict the movements of a person on bail to such an extent they must remain in any specific place or residence at all times. It is clear that most of the conditions this amendment seeks to impose are already provided for in the Bail Act. Imposing additional conditions on the use of electronic monitoring will simply make it more difficult to impose and will result in people being refused bail where they may otherwise be granted bail subject to electronic monitoring. That is the impact the Deputy's amendment will have.

With regard to data protection, the Deputy quoted the Council of Europe but the Data Protection Acts set out the law governing all data in any form that can be processed. All data gathered as a result of any provision of this Bill or the Bail Act are subject to the Data Protection Acts. It is already subject to the Data Protection Acts. One of the features of those Acts is that personal and sensitive data may only be processed in accordance with law. Therefore, where specific provision is made in this Bill or in the Bail Act for data to be gathered, processed and used for certain purposes and in a certain way, it is the specific provision in this Bill or the Bail Act that will apply. Gathering, storing and processing the relevant data under the provisions of the Bail Acts is of itself complying with the Data Protection Acts. The Deputy's concerns are ill-founded. The Data Protection Acts already do what the Deputy is trying to do by way of amendment. It is not necessary.

Amendment No. 4 proposes to amend section 6D of the 1997 Act and to restrict the provision of electronic monitoring services to non-commercial or not-for-profit providers. It would prevent current arrangements used for electronic monitoring by the Prison Service. It would restrict the possible options for providing electronic monitoring. I do not share the Deputy's concerns that a commercial operator cannot appropriately and effectively provide the electronic monitoring service. Such a provider would be bound to operate the service in accordance with the statutory provisions and contractual obligations imposed by the State. Limiting the provision to non-commercial operators would restrict the available operators and possibly lead to circumstances in which electronic monitoring services could not be implemented in some locations or perhaps not at all. It would also be likely to increase costs. I am not inclined to accept the amendment on that basis.

Deputy Clare Daly: There are a couple of key arguments to respond to in what the Minister has said. The first is the conditions are too cumbersome and it will mean electronic monitoring will not be selected and therefore it defeats the purpose. I do not accept that. The Judiciary is more than capable of balancing the requirements and the conditions I have put forward. In many ways, it could be argued the Judiciary takes many of these measures into account anyway. That is probably an argument that could be made. I do not accept the idea its members would not be capable of taking on board the list of requirements in the legislation. They are more than qualified to take a balanced view. I do not see a problem in outlining in legislation factors they would be required to take into account which in many instances they already do. I see them as

a safety precaution in instances where the odd member of the Judiciary might not do it.

I will address the Minister's point about the protection being there in terms of data in existing data protection legislation rather than criminal justice and bail legislation. If it is, there is no problem in reiterating it here. It is not causing any problems. It is a case of "to be sure, to be sure" and re-emphasising the situation. I do not see it as a particular problem. There are issues when we look at new forms of data, particularly areas like GPS trackers and so on. The old electronic monitoring systems operated on radio frequency monitoring whereas the new systems have been very much upgraded. There have been some court cases and legal action around some of these issues. As a protection of data, the amendments I have proposed to protect privacy are particularly important so we do not leave the door open for profiteering.

I feel more strenuously about amendment No. 4 because I do not see any basis for a for-profit operator to exist in this area. It should have no part in such an important public service that could be abused. We should take a holistic approach and de-escalate situations. I will definitely be pressing amendment No. 4.

Deputy Frances Fitzgerald: It is already the case that electronic monitoring will only be imposed for serious offences to monitor a condition of bail which must itself be proportionate and necessary where the prosecution applies for it. That is in circumstances where the Garda believes it would be effective in preventing breaches of bail conditions. It has to be with the consent of the person being monitored and it only applies to adults. There are already sufficient safeguards in place to ensure electronic monitoring will only be used where it is essential and appropriate having regard to the individual offences and to the particular circumstances of the case. I do not agree the additional conditions contained in the amendment are necessary or helpful.

On a technical note, amendment No. 3 refers to section 6B of the Act. It should refer to section 6B of the 1997 Act. As such, it is not inserted into the Bail Act 1997 and could not be implemented in its current form. That is just a technical point.

Deputy Mattie McGrath: The Minister made clear that this will be applied for only serious offences involving adults. While I agree with some of the sentiments expressed by Deputy Clare Daly regarding not-for-profit organisations, I do not know if such organisations would be up to the task.

As a Deputy representing a rural constituency, I believe electronic tagging must be used because, as gardaí have informed me, we do not have sufficient resources to physically monitor people. In a recent reply to a parliamentary question the Minister informed me that electronic tagging had been in place since the Bail Act was introduced seven years ago and the prosecution in cases involving bail applications had never applied to have the system used. I ask her to clarify this statement because I understood electronic tagging had been applied for in the past. Bail is not granted lightly and, as the Minister stated, if electronic tagging is not permitted, bail applications will be refused and we will clog up prison spaces with people who are under suspicion and have not been convicted.

I recently visited Roscrea and other places in Tipperary where obnoxious crimes had been committed involving people travelling long distances to invade homes and attack people before wandering off into the dead of night. A 90 year old was left traumatised having been beaten over the head with a walking stick. There must be some way of tracing individuals who visit

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this kind of carnage on elderly and defenceless people. While I understand Deputy Clare Daly's point about involving social workers to de-escalate matters, de-escalation does not apply to some people, especially those who have a large number of convictions for the same kinds of crimes. Some semblance of sense must prevail.

I have seen electronic tagging used in other jurisdictions and it saves significant police resources as it allows persons wearing the tags to be monitored from a monitoring station. Gardaí would not have to travel by squad car to visit a person for five or ten minutes in his or her home. The person could be anywhere for the next 24 hours. The system is outdated. I respect human rights and I do not like big brother watching people but we have to deal with circumstances in which people are frightened for their lives in their homes. This is making them sick and feeble and causing strokes in some cases. People end up in hospitals and nursing homes when they should be allowed to live in dignity in their homes. They deserve respect having worked all their lives and should be allowed to live in their homes without being terrorised by marauding gangs of thugs. We must strengthen legislation and support the Garda Síochána's efforts to deal with these people and get them off the streets. They do not need compassion and social workers because many of them abuse the system.

Deputy Mick Wallace: Amendment No. 4 provides that "all contracts for the performance of monitoring duties entered into with private providers by the Government after the commencement date of this Act shall stipulate that such activities shall be performed on a non-commercial, not-for-profit basis." This is not an outrageous proposal. The United States is probably the best example of practice in other jurisdictions. It is also a wonderful example of why elements of policing, security monitoring and so forth should not be allowed to become commercial because the industry has mushroomed out of control and become self-perpetuating. The American approach makes it attractive to do as one sees fit to create the highest profit, rather than doing what should be done by right.

The amendment does not preclude the State from hiring private contractors but provides that it should be able to monitor and control private contractors and pay them for their work without being able to make extra profit by doing A, B or C. The prison system in the United States has spiralled out of control because it was privatised. Companies that have invested in American prisons have come almost to rival arms manufacturers when it comes to lobbying. They are keen for changes in legislation that will result in more prisons being built and more people being sent to prison. More than 2.5 million people are locked up in the United States. This is an incredible figure even in the context of the country's population. I support the amendment.

Deputy Jim O'Callaghan: I agree with one aspect of Deputy Wallace's contribution. The last thing I want is the Irish Prison Service or aspects of our criminal justice system to be privatised. The Deputy is correct in referring to the position in the United States where it has become profitable for large companies to ensure the prison population is increased and certain preventative measures are introduced in the penal system. However, amendment No. 4 would require that any contracts for the performance of monitoring duties entered into by the Government with private providers "shall stipulate that such activities shall be performed on a non-commercial, not-for-profit basis." No private provider would enter into a contract on the basis that it is not for profit. The effect of this would be that the State would have to provide the monitoring service and we would have to ensure the State would be responsible for such a service. I do not know if the State has the capacity to do that at present, although maybe it should seek to get involved in this area in due course. However, if we want to allow and encourage monitoring, which would benefit the applicant who is seeking bail because the alternative is that

he or she will not be granted bail, this amendment would prevent it from happening. I oppose the amendment for this reason.

Deputy Clare Daly: I remind Deputy Mattie McGrath that the people we are discussing are on bail and have not been convicted of an offence, which is the reason they are on bail. The Deputy has them convicted and hanged. I also remind him that the cost of incarceration is a considerable burden on taxpayers. If we can get this system working and keep people out of prison, we will all be better off, even financially.

I warn Deputies that Ireland will find itself swimming against the tide in Europe if the amendment is not accepted. I base my view on the Council of Europe's handbook, Standards and Ethics in Electronic Monitoring, which examines different systems. It refers, for example, to the system in place in the Netherlands, which is delivered by the public sector and run by a private organisation. It discusses countries that are considering electronic monitoring, such as Estonia, Latvia and Croatia, none of which has a problem with public not-for-profit delivery of electronic monitoring. The report states that the Scandinavian-Dutch-Belgian public sector model of electronic monitoring service delivery has largely prevailed in the longer term over the Anglo-Welsh preference for a privatised model. Put another way, if we do not accept the amendment, we will be out of step with the majority of countries in Europe.

My amendment takes account of the fact that some contracts for electronic monitoring may be in place with private, for-profit providers. Some of the provisions would not kick in until these contracts are renewed and the amendment would not, as Deputy O'Callaghan stated, prevent a private company from getting involved in electronic tagging. The State could fix a price to have a private company provide a service. The point of the amendment is to exclude the incentive of profit being linked to the scheme. A private company could be employed as an outsourced provider. This is an important amendment which I intend to press.

Amendment put and declared lost.

Deputy Clare Daly: I move amendment No. 4:

In page 6, between lines 12 and 13, to insert the following:

“8. The Act of 1997 is amended in section 6D by the insertion of “subject to the condition that all contracts for the performance of monitoring duties entered into with private providers by the Government after the commencement date of this Act shall stipulate that such activities shall be performed on a non-commercial, not-for-profit basis.” after “mentioned in subparagraph (i) or (iv) of section 6(1)(b) or in section 6B(1)(ii)”.”.

Amendment put:

| <i>The Dáil divided: Tá, 29; Níl, 74; Staon, 0.</i> | | |
|---|----------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Staon</i> |
| <i>Boyd Barrett, Richard.</i> | <i>Aylward, Bobby.</i> | |
| <i>Brady, John.</i> | <i>Barrett, Seán.</i> | |
| <i>Broughan, Thomas P.</i> | <i>Brassil, John.</i> | |
| <i>Collins, Joan.</i> | <i>Breathnach, Declan.</i> | |
| <i>Connolly, Catherine.</i> | <i>Breen, Pat.</i> | |
| <i>Cullinane, David.</i> | <i>Brophy, Colm.</i> | |

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| <i>Daly, Clare.</i> | <i>Browne, James.</i> | |
| <i>Doherty, Pearse.</i> | <i>Bruton, Richard.</i> | |
| <i>Ellis, Dessie.</i> | <i>Burke, Peter.</i> | |
| <i>Ferris, Martin.</i> | <i>Butler, Mary.</i> | |
| <i>Fitzmaurice, Michael.</i> | <i>Byrne, Catherine.</i> | |
| <i>Funchion, Kathleen.</i> | <i>Byrne, Thomas.</i> | |
| <i>Healy, Seamus.</i> | <i>Cahill, Jackie.</i> | |
| <i>Kenny, Martin.</i> | <i>Calleary, Dara.</i> | |
| <i>Martin, Catherine.</i> | <i>Canney, Seán.</i> | |
| <i>Mitchell, Denise.</i> | <i>Cannon, Ciarán.</i> | |
| <i>Munster, Imelda.</i> | <i>Carey, Joe.</i> | |
| <i>Nolan, Carol.</i> | <i>Casey, Pat.</i> | |
| <i>Ó Broin, Eoin.</i> | <i>Cassells, Shane.</i> | |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Chambers, Lisa.</i> | |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Collins, Michael.</i> | |
| <i>O'Brien, Jonathan.</i> | <i>Corcoran Kennedy, Marcella.</i> | |
| <i>O'Sullivan, Jan.</i> | <i>Curran, John.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>D'Arcy, Michael.</i> | |
| <i>Pringle, Thomas.</i> | <i>Daly, Jim.</i> | |
| <i>Quinlivan, Maurice.</i> | <i>Deering, Pat.</i> | |
| <i>Ryan, Eamon.</i> | <i>Dooley, Timmy.</i> | |
| <i>Tóibín, Peadar.</i> | <i>Doyle, Andrew.</i> | |
| <i>Wallace, Mick.</i> | <i>Durkan, Bernard J.</i> | |
| | <i>Farrell, Alan.</i> | |
| | <i>Fitzgerald, Frances.</i> | |
| | <i>Fitzpatrick, Peter.</i> | |
| | <i>Grealish, Noel.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Haughey, Seán.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kehoe, Paul.</i> | |
| | <i>Kelleher, Billy.</i> | |
| | <i>Kyne, Seán.</i> | |
| | <i>Lahart, John.</i> | |
| | <i>Lawless, James.</i> | |
| | <i>McConalogue, Charlie.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Finian.</i> | |
| | <i>McGrath, Mattie.</i> | |
| | <i>McGrath, Michael.</i> | |

Dáil Éireann

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|--|-----------------------------------|--|
| | <i>McGuinness, John.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>Moynihan, Aindrias.</i> | |
| | <i>Moynihan, Michael.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Dara.</i> | |
| | <i>Murphy, Eoghan.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Naughton, Hildegard.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Ó Cuív, Éamon.</i> | |
| | <i>O'Callaghan, Jim.</i> | |
| | <i>O'Donovan, Patrick.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keeffe, Kevin.</i> | |
| | <i>O'Loughlin, Fiona.</i> | |
| | <i>O'Rourke, Frank.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Rabbitte, Anne.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Smith, Brendan.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Tony McLoughlin and Joe Carey.

Amendment declared lost.

Amendment No. 5 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 6 and 7 are related and may be discussed together. Is that agreed? Agreed.

Deputy Clare Daly: I move amendment No. 6:

In page 8, to delete lines 3 to 7 and substitute the following:

“**9B.** (a) Where an application for bail is made or renewed by a person charged with an offence, a court shall give reasons for its decision to grant or refuse the application including reasons for a decision to impose or vary any conditions to be contained in the recognisance to be entered into by the person.

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(b) Upon request, the court shall give reasons in writing for its decision to grant or refuse the application including reasons for a decision to impose or vary any conditions to be contained in the recognisance to be entered into by the person.”.

This amendment is similar to Deputy Jonathan O’Brien’s amendment No. 7. It deals with decisions around bail being set out in writing. This is a matter which we discussed in committee and there are a number of very important reasons that this would be done. First, there is the whole issue of transparency and promoting public confidence in the system. At present it is sometimes difficult for the public, and even for victims in many instances, to understand why bail decisions are being taken. Therefore, having those decisions available in writing would help the public to understand, as well as making the courts less opaque.

Obliging judges to give their reasons in writing, if requested, will also, we hope, help to promote consistency in decisions around the granting or refusal of bail, or indeed around the imposition of various conditions in that regard. If we want to understand the current use of bail and to begin to research compliance with conditions, the likelihood of breaches and so on, having the information provided in writing by the court is very important. Similarly, if we want to encourage a more select use of remand in place of bail, it is essential that information on the reasons for bail decisions should be publicly available.

My preference was, as indicated in Deputy Jonathan O’Brien’s amendment, to require and oblige judges to give their reasons in writing in all instances. However, I was conscious of the points made by the Minister and Deputy O’Callaghan on Committee Stage that, given the number of bail applications, if we were to do that, the judge would not be able to do anything else other than write out the reports around these decisions, which could be used to delay the system. Therefore, as a compromise I proposed this amendment where a judge, if asked, must give the reasons in writing. It would improve the system. Obviously, if we do not require it in all instances we may lose a potential nugget of information that we would get if we had them in all cases. I accept at the moment it is probably not practicable to have it in all instances.

Deputy Jonathan O’Brien: Deputy Clare Daly outlined the position very well. My preference would have been for the decision to have been put into writing in all cases. I recognise that there are a number of bail applications every day and to have it in every single case, while it would be valuable in collating data, might be too much in terms of the expectations on a judge to do it in every case. Deputy Daly’s amendment captures it in supplying it when requested. We will support that and I will not be moving my amendment. I urge the Government to accept Deputy Daly’s amendment. A request for it to be put in writing should be facilitated.

Deputy Jim O’Callaghan: Deputy Clare Daly is correct in saying that the process should be transparent. It is transparent, however. When somebody makes an application for bail, it is done in an open court where the public can hear it. The judge makes a decision at the end of it and that decision is generally given on an *ex tempore* basis - the judge just speaks out the judgment.

As there is a digital audio recording in every court, it is possible to get a record of what was said by a judge at the time. My only concern about the amendment is that it would mean that if I make a bail application to a judge for someone, the Garda will presumably oppose it, and then I have to say to the judge: “By the way, before you make a decision, I want you to know that that decision has to be in writing.” That will happen, meaning that the application will have to be adjourned and the applicant will continue to be remanded in custody until there is a decision.

It will take time for that decision to be put down in writing.

I understand the objective of Deputies Jonathan O'Brien and Clare Daly is to build up a body of case law so that people can look to see if judges are consistent in how they apply this. I believe that can be achieved, perhaps by the Department of Justice and Equality working on having automatic transcription of the digital audio recording so that decisions can be provided. If we apply the process in the amendment where an applicant applies for it to be in writing, the applicant will suffer and will have to wait for another two weeks for the judge to come up with the written decision.

Deputy Frances Fitzgerald: As the Deputies have outlined, the purpose of amendments Nos. 6 and 7 is to require that the reasons given by a court for granting or refusing bail and for imposing any bail conditions under section 6 be in writing. I can understand the Deputies' reasons for wanting to include such a requirement. The purpose of section 6 of the Bill is to improve the information provided by the court in bail hearings. However, the effect of amendment No. 7 would have been to require that a written decision be given in respect of all bail hearings and I heard what Deputy Jonathan O'Brien had to say about that. Amendment No. 6 is more limited in scope as it would only require the decision to be given in writing, on request.

However, even with the more limited amendment, there are practical implications as Deputy O'Callaghan has outlined. The fact remains that written decisions are not the norm in the District Court and the volume of work involved in implementing the Deputy's proposal could be considerable. It would have cost implications and would inevitably entail delays in the processing of cases before the court. That is an issue at present and this would make it even more likely.

As has already been mentioned, all District Court proceedings are recorded on the digital audio recording system so in circumstances where clarification of the reasons given is required, or is in dispute, the record of proceedings will be there. For these reasons, I cannot accept the amendment.

Deputy Clare Daly: There are contradictions in what both the Tánaiste and Deputy O'Callaghan have said. On the one hand they are making the argument that this will be an enormous burden of work for our hard-pressed District Court judges who are flat-out already; I accept that they are. However, on the other hand, they then say that the information is there anyway and people can get it. If it is there anyway, what is the problem?

Deputy O'Callaghan made the point that a judge in making his or her decision is likely to have expressed those reasons verbally in court. In that case the evidence is on a digital recording system and all the judge has to do if the person requests it in writing is to go and get an extract of that printed out and make sure they have it. In my personal experience on behalf of citizens, I have found that to get a digital audio recording record from our courts is nigh on impossible in many instances. I think people will not get that information in that circumstance. If it is there as the Deputy and the Tánaiste say it is, what is the problem? Let the judge access it because, God knows, every time I have tried to get it for people I have not been able to do it and I know many others have not either.

Nothing in my amendment states that the decision is delayed by the request in writing. The judge is being required to explain the decision in writing, which implicitly means the decision has been made and would be implemented. It does not alter the decision being implemented.

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The bail applicant is not being held in limbo with nowhere to go. After the decision is made, they have access to it in writing if they or their legal representatives want to challenge it or whatever. Those issues do not apply either. I do not accept the reservations outlined by the Deputy and the Tánaiste, and I will be pressing the amendment.

Deputy Jonathan O'Brien: Deputy Clare Daly just made the point I was going to make. This would not delay decisions being made because a decision would have to be made before somebody could request the outcome of that decision.

I also do not agree that this would be an enormous cost because if it were an enormous cost to the Exchequer, believe me, this amendment would have been ruled out of order like many other amendments that could result in a cost on the Exchequer. I certainly do not accept that.

It is a very reasonable request. I would have been in favour of having it in all cases. Deputy Daly has limited it to where somebody has made a request. If this place has taught us anything, the “blacks” are online the following day. It could very easily be a case of somebody going to the transcript, copying and pasting what was said and then giving it to the individual. I do not think it is an enormous ask. It is a very reasonable amendment and the Tánaiste should accept it.

Deputy Mick Wallace: On Deputy O'Callaghan's point I had two particular experiences with the digital audio recording. In one case I could not get it and in the other one it was too costly.

Deputy Frances Fitzgerald: I do not have much more to say. The key point here is the delay which would result from issuing decisions in writing where that is not the norm in the District Court. The volume of bail cases before the courts is very substantial and to divert resources to providing a written decision in every case would create further delays in the process. Even a written decision provided only on request has the potential to create delays and it is impossible to gauge the level of requests there would be.

Deputy Jonathan O'Brien: But it is the court's decision.

Deputy Frances Fitzgerald: It is a fairly practical response to it. I think there are fairly large resource and delay issues involved in this. I can see what people are saying, but given the reality of the number of cases before the courts, trying to do this really will divert resources and delay decisions.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): One point strikes me. The person who is applying for bail could come back within a week or a month, but it could be six months, a year, two years or more. The amendment does not stipulate any restriction on that person looking for that information. If three years later people decided they wanted to know why the judge did not give them bail, they could go and ask and this amendment would mean they should get it, which would be totally impracticable. There is an in-built technical flaw in these two amendments.

Deputy Jonathan O'Brien: I think we are grasping at straws to suggest that somebody might come back three years later looking for reasons.

Deputy David Stanton: They could.

Deputy Jonathan O'Brien: It is a possibility, but a very remote possibility. I also think

the Minister is either not reading the amendment correctly or just grasping at straws again as it will not delay decisions, as a decision must be made before a request can be submitted on the outcome of the decision. It is clear that one can only make a request upon a decision having been made, so I do not accept the Minister's point.

Deputy Clare Daly: That point has been adequately addressed. There is no delay involved whatsoever. The issue is black and white. In terms of the Minister's point about issues arising years later and that one could never get the information, the information is supposed to be kept so there should not be any difficulty in accessing it. If it is digitally recorded in particular then it will be accessible. It is not just the applicant for bail who is concerned; in some instances people have really struggled to find out why decisions were made. It could also be the victim who might want to know in order to understand why the decision was made and to help the process. That is entirely appropriate.

We have seen decisions in very horrific cases in some instances where a person was granted bail and went on to commit a crime afterwards, one that has stayed with family members and with which they grappled for the rest of their lives. Such a person might like to find out the reasons a judge made such a decision to let a person out when the person subsequently went on to commit a crime. Those decisions should be available in writing as they would act as a safeguard. There is no basis for saying the provision would be cumbersome. The request would come after the decision and nobody's rights are impaired. If the information is there it should be available at the touch of a button for it to be added to a report. It would not involve a huge amount of work. As Deputy O'Brien so admirably put it, if there was a cost to the Exchequer we would have heard about it before now.

Amendment put:

| <i>The Dáil divided: Tá, 30; Níl, 71; Staon, 0.</i> | | |
|---|----------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Staon</i> |
| <i>Boyd Barrett, Richard.</i> | <i>Aylward, Bobby.</i> | |
| <i>Brady, John.</i> | <i>Barrett, Seán.</i> | |
| <i>Broughan, Thomas P.</i> | <i>Brassil, John.</i> | |
| <i>Collins, Joan.</i> | <i>Breathnach, Declan.</i> | |
| <i>Connolly, Catherine.</i> | <i>Breen, Pat.</i> | |
| <i>Cullinane, David.</i> | <i>Browne, James.</i> | |
| <i>Daly, Clare.</i> | <i>Bruton, Richard.</i> | |
| <i>Doherty, Pearse.</i> | <i>Burke, Peter.</i> | |
| <i>Ellis, Dessie.</i> | <i>Butler, Mary.</i> | |
| <i>Ferris, Martin.</i> | <i>Byrne, Catherine.</i> | |
| <i>Fitzmaurice, Michael.</i> | <i>Byrne, Thomas.</i> | |
| <i>Funchion, Kathleen.</i> | <i>Cahill, Jackie.</i> | |
| <i>Healy, Seamus.</i> | <i>Calleary, Dara.</i> | |
| <i>Kenny, Martin.</i> | <i>Canney, Seán.</i> | |
| <i>Martin, Catherine.</i> | <i>Carey, Joe.</i> | |
| <i>Mitchell, Denise.</i> | <i>Casey, Pat.</i> | |
| <i>Munster, Imelda.</i> | <i>Cassells, Shane.</i> | |
| <i>Nolan, Carol.</i> | <i>Chambers, Lisa.</i> | |

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| <i>Ó Broin, Eoin.</i> | <i>Corcoran Kennedy, Marcella.</i> | |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Cowen, Barry.</i> | |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Curran, John.</i> | |
| <i>O'Brien, Jonathan.</i> | <i>D'Arcy, Michael.</i> | |
| <i>O'Reilly, Louise.</i> | <i>Daly, Jim.</i> | |
| <i>O'Sullivan, Jan.</i> | <i>Deering, Pat.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Doherty, Regina.</i> | |
| <i>Pringle, Thomas.</i> | <i>Doyle, Andrew.</i> | |
| <i>Quinlivan, Maurice.</i> | <i>Durkan, Bernard J.</i> | |
| <i>Ryan, Eamon.</i> | <i>Farrell, Alan.</i> | |
| <i>Tóibín, Peadar.</i> | <i>Fitzgerald, Frances.</i> | |
| <i>Wallace, Mick.</i> | <i>Fitzpatrick, Peter.</i> | |
| | <i>Grealish, Noel.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Harris, Simon.</i> | |
| | <i>Haughey, Seán.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kehoe, Paul.</i> | |
| | <i>Kyne, Seán.</i> | |
| | <i>Lahart, John.</i> | |
| | <i>Lawless, James.</i> | |
| | <i>McConalogue, Charlie.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Mattie.</i> | |
| | <i>McGrath, Michael.</i> | |
| | <i>McGuinness, John.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>Mitchell O'Connor, Mary.</i> | |
| | <i>Moynihan, Aindrias.</i> | |
| | <i>Moynihan, Michael.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Dara.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Ó Cuív, Éamon.</i> | |
| | <i>O'Callaghan, Jim.</i> | |

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|--|-----------------------------------|--|
| | <i>O'Donovan, Patrick.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keeffe, Kevin.</i> | |
| | <i>O'Loughlin, Fiona.</i> | |
| | <i>O'Rourke, Frank.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Rabbitte, Anne.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Smith, Brendan.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |

Tellers: Tá, Deputies Clare Daly and Jonathan O'Brien; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Amendment No. 7 not moved. **Deputy Jonathan O'Brien:** I move amendment No. 8:

In page 8, between lines 7 and 8, to insert the following:

“**10.** The Act of 1997 is amended by the insertion of the following after section 9B:

“**9C.** Where a court is hearing evidence from a complainant under *section 8*, the complainant shall have a right to be accompanied by a person of their choosing, including a support worker.”.

I believe the Minister for Justice and Equality intends to address this in separate legislation. I spoke to the Minister just before I got to my feet and I will not be pressing for a vote. I would, however, like to hear what the Minister of State has to say on it and if he will confirm the Minister's intention in this regard.

Deputy David Stanton: Amendment No. 8 provides the right for a victim to be accompanied in court by a support worker. I support the Deputy's aim in proposing this amendment. A general provision, however, is not required in bail hearings as criminal proceedings are held in public. As such, the victim has an existing right to be accompanied by any person or persons he or she wishes during the court proceedings.

Section 4(2) of the Bail Act 1997 makes provision for the court to exclude the public from a bail hearing in certain circumstances while persons directly concerned with the proceedings and such other persons as the court may permit are entitled to remain. I will examine the provision to see if it needs to be strengthened to ensure that a support worker will always be entitled to remain. The Deputy raised a similar issue in the context of the Victims Rights Bill and I agree that it is an important protection for victims. I know the Tánaiste and Minister for Justice and Equality is already examining what may be required to ensure that the victim of an offence has the right to be accompanied in court by a support worker during any criminal proceedings.

Amendment, by leave, withdrawn.

Deputy Clare Daly: I move amendment No. 9:

In page 8, between lines 7 and 8, to insert the following:

“**10.** The Act of 1997 is amended by the insertion of the following after section 11:

“**11A.** The Minister shall, within 12 months of the enactment of this Bill, make costed recommendations to Government in regard to providing bail supports in the State, to include but not limited to bail information schemes, bail support/supervision schemes, remand fostering, and bail hostels, with a view to reducing both custodial remand orders and breaches of bail conditions.”.”

This amendment is identical to Deputy Jonathan O’Brien’s amendment No. 10 and I believe it is key to the whole Bill. It is supposed to be an overhaul of our bail system, but the prospect of doing that without making provision for bail supports would be absolutely ludicrous. It has been highlighted repeatedly by the Irish Penal Reform Trust that this area needs urgent attention. Obviously, as Opposition Deputies we cannot put this directly into the Bill ourselves, and we have been stopped from doing so. The amendment is trying to put the onus on the Minister to make costed recommendations to Government with regard to providing bail supports including, but not limited to, a bail information scheme, bail support and supervision schemes, remand fostering, bail hostels and so on. This is so we can reduce remand orders and breaches of bail conditions.

I would have liked to amend this Bill to factor in all of these measures, which I believe are urgently needed, but I cannot do that. This is my best attempt to do that. I do so from the point of view that the most effective way of improving compliance with bail conditions, particularly in the case of a person who has a chaotic life, is to put in the supports. In deference to the hour, I will not repeat the points made on Committee Stage but there are many examples in other jurisdictions of where re-offending has been cut across, where people have turned up to court in particular in relation to female offenders. It should be remembered that the rate at which women are remanded to custody is much higher than in the case of men and there is a huge cost to society in that regard in terms of the disruption to the family and so on. Putting in place a system of altering bail without the supports to help comply with those conditions will not help that situation. As I said, I will not give the examples of other jurisdictions but they have been key.

I remind Deputies who are more concerned about budgets than the social cost that the financial cost of not getting this right is immense because bail supports save money. On average, there are 520 remand prisoners in prison every day at a cost of approximately €200 per person, which equates to €100,000 per day to house remand prisoners. If we have people out on bail and in receipt of supports and, therefore, not breaking their bail conditions we are saving money and reducing the chance of re-offending. What is proposed in the amendment is the best way to do that. I encourage the Minister to take it on board.

Acting Chairman (Deputy Jim Daly): I remind Members that amendments Nos. 9 and 10 are being discussed together.

Deputy Jonathan O’Brien: I will not repeat what Deputy Clare Daly had to say. However, I would like to make the point that all legislation is subject to a statutory review after 12 months. I know the Minister has said that she will look at this issue in the context of that review but we cannot take the Minister at her word because she may not be Minister for Justice and Equality in 12 months time. She may not even be the Minister for Justice and Equality in a couple of

weeks time. That is the reality.

We have spent a lot of time on this legislation. It is important that there is a review of bail supports in terms of what is in place, what is needed, how much they will cost and so on. The onus must be on the Minister of the day, as part of that statutory review, to produce costed proposals on bail supports. I acknowledge that there will be an automatic review but usually that type of review is around how well the legislation is or is not working. It will not look at additional areas, such as bail supports, hostels and information schemes, all of which are critical to the bail process. I ask the Minister of State to take on board these amendments. I do not believe what is proposed will involve a huge programme of work given there will already be some sort of review. This is critical. It goes to the very essence of this legislation, which is to overhaul our bail laws. It is not possible to do that without taking account of the current supports in place, the gaps in that regard and how the process can be improved.

As pointed out by Deputy Clare Daly, in the longer term the cost will be of benefit to the State. I hope that the Minister of State will take on board these proposals.

Deputy David Stanton: Amendment No. 10 seeks to oblige the Minister for Justice and Equality to undertake a review of bail supports available. Amendments Nos. 9 and 10 oblige the Minister to make costed recommendations to Government in relation to the improvement of the provision of such services. As the Deputies are aware, there are no specific bail support schemes for adults, such as those outlined in the amendments, currently operational in the State.

Deputy Jonathan O'Brien: That is the point.

Deputy David Stanton: Bail support schemes are most commonly considered in relation to young offenders. In that regard, a bail supervision scheme for young offenders has been introduced and is being rolled out on a pilot basis in the Dublin area. This initiative operates under the aegis of my colleague, the Minister for Children and Youth Affairs. That said, there are no bail support schemes for adults, such as those outlined, currently in place. The amendments attempt to prescribe the recommendations which the Minister must make to Government on this issue. It is not appropriate to determine that the recommendation should be made before the policy needs have been examined. We should look at the policy needs first. As suggested by the justice committee during its debate on the Bill the issue of bail supports may be more appropriately considered by the committee as part of its work on penal reform. I am willing to consider any recommendations which may arise from such consideration.

We should allow the justice committee to have a look at this issue in depth and to bring forward recommendations in that regard. Having previously been a member of that committee, I know that work will be extremely valuable. I cannot accept the Deputies' amendments. To do so now would be premature. I ask that the Deputies allow the committee to do its work and bring forward the recommendations and following deep study of it and the policy area we will see what we can do.

Deputy Clare Daly: These supports are beyond overdue. It is precisely because we only have a pilot scheme in regard to youth services and nothing for adults that we need to fast-track these proposals or at least give this issue the priority it has not been given up to now. In putting what is proposed into the legislation we would be beefing up the onus on the Minister to look at this area, cost the supports and put this issue centre stage. If this is not put into this legislation there is no guarantee this will be done. This legislation is supposed to provide for an overhaul

of our bail laws. If it does not address the supports issue, which it will not unless one of the amendments is adopted, we will be failing.

In 94% of the programmes conducted in England and Wales, young people attended all of their court hearings. In Victoria, Australia, a bail support programme reduced the amount of defendants being remanded. All of the interviewed magistrates said that without them they would have had to resort to remand sentence. In Glasgow, the women who availed of the service reduced their drug and alcohol use by 83% as a result of it. Their health and well-being improved and, more importantly, among the women who participated re-offending dropped by one third and crimes and dishonesty dropped by over 40%. There are tangible gains for victims in society, communities afflicted by crime and people who have led chaotic and damaged lives. We need to get to grips with this issue. We cannot continually long-finger it. I am constantly shocked by what constitutes “urgent” in this House versus the real world. To get legislation passed, unfortunately, takes forever. We have been dealing with a coroner’s Bill for 17 years. Unfortunately, these issues cannot wait. This is our best bet to ensure that something is done or it is kept on track.

Deputy Jonathan O’Brien: Having been a member of the justice committee the Minister of State will be aware of the volume of legislation with which it deals. He will also be aware of the volume of its work programme. As such, the possibility of this issue being examined by it in any detail in the short term is probably very limited. We need to put what is proposed into the legislation rather than put the onus on an Oireachtas committee to produce a report, which will then go to the Minister, following which he or she will decide to agree or disagree with the recommendations and bring forward a proposal. To do that is to long-finger the issue. I do not agree with that. As I said, this goes to the very heart of what we are trying to do in regard to our bail laws. A system of bail supports is necessary, as has been proven. All of the international research suggests that jurisdictions that have bail supports have a far better criminal justice system.

I am asking the Government for once to take responsibility for a job that can be done in a short timeframe and can be done as part of the statutory review in relation to this legislation. I ask the Minister of State to accept these amendments. I intend to push my amendment to a vote.

Deputy David Stanton: I understand the points the Deputies are making. I was a member of the justice committee for five years and I did a lot of work on penal reform. I understand that committee is currently looking at penal reform. I would like the committee to consider this as part of that process because it is integral to it. I agree that the issue should be considered and the proposal is extremely valuable but this is not the way to do it. We will look at it and I will bring a message to the Tánaiste to that effect. I would like to see the committee’s deliberations as its work is very valuable. I understand it is doing work in this area and it has stated that it is interested in looking at the area of bail supports. It is not appropriate to accept the amendment now but it is a very important issue which we should bring forward and examine as soon as possible. I am committed to looking at it but it does not need to be done by legislation.

Deputy Clare Daly: The committee has finished its deliberations on penal reform and we have a packed agenda so there is no way we will be able to squeeze this in. We are putting the onus back on the Minister and we do not know who the Minister will be. I accept the bona fides of the current Minister but we need this to be in the lap of the Department of Justice and Equality from tonight, because it is long overdue.

Amendment put:

| <i>The Dáil divided: Tá, 31; Níl, 70; Staon, 0.</i> | | |
|---|------------------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Stاون</i> |
| <i>Adams, Gerry.</i> | <i>Aylward, Bobby.</i> | |
| <i>Boyd Barrett, Richard.</i> | <i>Barrett, Seán.</i> | |
| <i>Brady, John.</i> | <i>Brassil, John.</i> | |
| <i>Broughan, Thomas P.</i> | <i>Breathnach, Declan.</i> | |
| <i>Collins, Joan.</i> | <i>Breen, Pat.</i> | |
| <i>Connolly, Catherine.</i> | <i>Browne, James.</i> | |
| <i>Cullinane, David.</i> | <i>Bruton, Richard.</i> | |
| <i>Daly, Clare.</i> | <i>Burke, Peter.</i> | |
| <i>Doherty, Pearse.</i> | <i>Butler, Mary.</i> | |
| <i>Ellis, Dessie.</i> | <i>Byrne, Catherine.</i> | |
| <i>Ferris, Martin.</i> | <i>Byrne, Thomas.</i> | |
| <i>Funchion, Kathleen.</i> | <i>Cahill, Jackie.</i> | |
| <i>Healy, Seamus.</i> | <i>Calleary, Dara.</i> | |
| <i>Kenny, Martin.</i> | <i>Canney, Seán.</i> | |
| <i>McDonald, Mary Lou.</i> | <i>Cannon, Ciarán.</i> | |
| <i>Martin, Catherine.</i> | <i>Carey, Joe.</i> | |
| <i>Mitchell, Denise.</i> | <i>Casey, Pat.</i> | |
| <i>Munster, Imelda.</i> | <i>Cassells, Shane.</i> | |
| <i>Nolan, Carol.</i> | <i>Chambers, Lisa.</i> | |
| <i>Ó Broin, Eoin.</i> | <i>Corcoran Kennedy, Marcella.</i> | |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Cowen, Barry.</i> | |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Curran, John.</i> | |
| <i>O'Brien, Jonathan.</i> | <i>D'Arcy, Michael.</i> | |
| <i>O'Reilly, Louise.</i> | <i>Daly, Jim.</i> | |
| <i>O'Sullivan, Jan.</i> | <i>Deering, Pat.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Doherty, Regina.</i> | |
| <i>Pringle, Thomas.</i> | <i>Doyle, Andrew.</i> | |
| <i>Quinlivan, Maurice.</i> | <i>Durkan, Bernard J.</i> | |
| <i>Ryan, Eamon.</i> | <i>Fitzgerald, Frances.</i> | |
| <i>Tóibín, Peadar.</i> | <i>Fitzmaurice, Michael.</i> | |
| <i>Wallace, Mick.</i> | <i>Fitzpatrick, Peter.</i> | |
| | <i>Grealish, Noel.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Harris, Simon.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kyne, Seán.</i> | |

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| | <i>Lahart, John.</i> | |
| | <i>Lawless, James.</i> | |
| | <i>McConalogue, Charlie.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Mattie.</i> | |
| | <i>McGrath, Michael.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>Mitchell O'Connor, Mary.</i> | |
| | <i>Moynihan, Aindrias.</i> | |
| | <i>Moynihan, Michael.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Dara.</i> | |
| | <i>Murphy, Eoghan.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Ó Cuív, Éamon.</i> | |
| | <i>O'Callaghan, Jim.</i> | |
| | <i>O'Donovan, Patrick.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keeffe, Kevin.</i> | |
| | <i>O'Loughlin, Fiona.</i> | |
| | <i>O'Rourke, Frank.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Rabbitte, Anne.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Smith, Brendan.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |

Tellers: Tá, Deputies Clare Daly and Jonathan O'Brien; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 10 is in the name of Deputy Jonathan O'Brien. It has been discussed with amendment No. 9.

Deputy Jonathan O'Brien: I move amendment No. 10:

In page 8, between lines 7 and 8, to insert the following:

“10. The Act of 1997 is amended by the insertion of the following new section after section 11:

“11A. The Minister shall, within 12 months of the enactment of this Act, lay before the Oireachtas a review of bail supports available in the State, to include but not limited to bail information schemes, bail support/supervision schemes, remand fostering, age appropriate bail supports and bail hostels, and the Minister shall make costed recommendations to Government regarding improvements in the provision of such supports in the State with a view to reducing both custodial remand orders and breaches of bail conditions.”.

Amendment put:

| <i>The Dáil divided: Tá, 30; Níl, 67; Staon, 0.</i> | | |
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| <i>Tá</i> | <i>Níl</i> | <i>Stاون</i> |
| <i>Adams, Gerry.</i> | <i>Aylward, Bobby.</i> | |
| <i>Boyd Barrett, Richard.</i> | <i>Barrett, Seán.</i> | |
| <i>Brady, John.</i> | <i>Brassil, John.</i> | |
| <i>Broughan, Thomas P.</i> | <i>Breathnach, Declan.</i> | |
| <i>Connolly, Catherine.</i> | <i>Breen, Pat.</i> | |
| <i>Cullinane, David.</i> | <i>Browne, James.</i> | |
| <i>Daly, Clare.</i> | <i>Bruton, Richard.</i> | |
| <i>Doherty, Pearse.</i> | <i>Burke, Peter.</i> | |
| <i>Ellis, Dessie.</i> | <i>Butler, Mary.</i> | |
| <i>Ferris, Martin.</i> | <i>Byrne, Catherine.</i> | |
| <i>Funchion, Kathleen.</i> | <i>Byrne, Thomas.</i> | |
| <i>Healy, Seamus.</i> | <i>Cahill, Jackie.</i> | |
| <i>Kenny, Martin.</i> | <i>Calleary, Dara.</i> | |
| <i>McDonald, Mary Lou.</i> | <i>Canney, Seán.</i> | |
| <i>Martin, Catherine.</i> | <i>Cannon, Ciarán.</i> | |
| <i>Mitchell, Denise.</i> | <i>Carey, Joe.</i> | |
| <i>Munster, Imelda.</i> | <i>Casey, Pat.</i> | |
| <i>Nolan, Carol.</i> | <i>Cassells, Shane.</i> | |
| <i>Ó Broin, Eoin.</i> | <i>Chambers, Lisa.</i> | |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Corcoran Kennedy, Marcella.</i> | |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Cowen, Barry.</i> | |
| <i>O'Brien, Jonathan.</i> | <i>Curran, John.</i> | |
| <i>O'Reilly, Louise.</i> | <i>Daly, Jim.</i> | |
| <i>O'Sullivan, Jan.</i> | <i>Deering, Pat.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Doherty, Regina.</i> | |
| <i>Pringle, Thomas.</i> | <i>Doyle, Andrew.</i> | |
| <i>Quinlivan, Maurice.</i> | <i>Durkan, Bernard J.</i> | |
| <i>Ryan, Eamon.</i> | <i>Fitzgerald, Frances.</i> | |
| <i>Tóibín, Peadar.</i> | <i>Fitzmaurice, Michael.</i> | |

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| <i>Wallace, Mick.</i> | <i>Fitzpatrick, Peter.</i> | |
| | <i>Flanagan, Charles.</i> | |
| | <i>Grealish, Noel.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Harris, Simon.</i> | |
| | <i>Haughey, Seán.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Humphreys, Heather.</i> | |
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| | <i>McLoughlin, Tony.</i> | |
| | <i>Madigan, Josepha.</i> | |
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| | <i>Moynihan, Michael.</i> | |
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| | <i>Murphy, Eugene.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Ó Cuív, Éamon.</i> | |
| | <i>O'Callaghan, Jim.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keefe, Kevin.</i> | |
| | <i>O'Loughlin, Fiona.</i> | |
| | <i>O'Rourke, Frank.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Rabbitte, Anne.</i> | |
| | <i>Smith, Brendan.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |

Tellers: Tá, Deputies Jonathan O'Brien and Clare Daly; Níl, Deputies Regina Doherty and Tony McLoughlin.

Amendment declared lost.

Amendment No. 11 not moved.

Bill, as amended, received for final consideration and passed.

Civil Liability (Amendment) Bill 2017: Second Stage (Resumed)

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

Deputy Michael Healy-Rae: I am very glad to speak on the Civil Liability (Amendment) Bill 2017. This is important, because over the years we have all seen cases that have dragged on and on and I have always thought that there should be a better system for dealing with certain genuine cases where the HSE has liability and should acknowledge it early on. We see the length of time these things take in the courts and the amount of hardship that families are put through in trying to reach a settlement and an agreement. I have always thought that there could be a better system put in place. I hope that the Civil Liability (Amendment) Bill 2017 will help in that regard. There should be better mechanisms in place. We must think of the injured parties, their parents and their extended family. I support the Bill and I hope for a better way forward because I do not want to see families go through the hardships that they have in the past. There has to be a better way and a better system. I know the Minister of State is very open to that, and I appreciate that.

Deputy Mattie McGrath: I am also happy to speak on this Bill this evening. There are certain technical elements of the Bill that deal with step payments and reform in that area, and these are important. I want to focus on the elements of the proposed legislation that deal with the importance of open disclosure in health care settings. I heard Minister of State at the Department of Health, Deputy McEntee, speak on this Bill in the Seanad. She spoke about the purpose of Part 4. The provisions are there to support open disclosure as part of a broader package of reforms aimed at improving the experience of those who are affected by adverse events within the health service. The Minister of State, Deputy McEntee, went on to note that last December the Minister for Health, Deputy Harris, launched a new national patient safety office located in the Department of Health to prioritise work in this area. He also directed the office to work on a range of initiatives, including new legislation, the establishment of national patient advocacy services, the measurement of patient experience, the introduction of a patient safety surveillance system, and extending the clinical effectiveness agenda.

Within the programme of legislation, it is intended to progress the licensing of our public and private hospitals. This is very well meaning, but we will have to see where it goes. Open disclosure, as the Minister mentioned, is about an open, honest, consistent approach to communicating with patients and their families when things go wrong in health care. We all know that things can go wrong, and we have had some horrific experiences. The open disclosure process includes keeping the patient informed, providing feedback on investigations and steps taken to prevent a recurrence of the incident. It may include, depending on the particular circumstances involved, an apology for what happened. That is very important. I note that the Minister for Health, Deputy Harris, first announced his intentions to push forward with legislation to enforce medical negligence open disclosure policy in an address to delegates at the State Claims Agency’s final annual quality, patient safety and clinical risk conference at Dublin Castle in September 2016. It is a fact that many barristers make tidy sums from this area of legal practice, with some receiving up to 89 payments from the State Claims Agency. That is unacceptable. It has become a gravy train. The Minister also said at that event that the establishment of a new na-

tional patient safety office would lead a programme of significant patient safety measures that would include a review of how adverse medical events are disclosed to patients and their families and the process of claiming medical negligence compensation. I note A Programme for a Partnership Government makes clear that open disclosure is an essential component of patient safety and commits to measures to support it. The programme also states that it will be made mandatory to report specified patient safety incidents or serious reportable events to the authorities and to the patient harmed. The general scheme of the Health Information and Patient Safety Bill also has provisions on voluntary external reporting of non-serious incidents to the State Claims Agency, supporting and complementing current reporting to the agency. However, it is not proposed at present to legislate for mandatory open disclosure to patients. The reason for that, we are told, is related to creating a positive voluntary climate for open disclosure, laid out by the Madden report, which will be reviewed in line with experiences to see whether it needs to be strengthened and how, if necessary, that can be best done.

In Australia, one of the central principles around open disclosure policy is the presence of good governance. Quality assurance requires that organisations shall be able to demonstrate that they learn from and improve their performance through continuous monitoring, by reviewing the system and processes in place for meeting their objectives and delivering appropriate outcomes. Can we hold out any great hope that the HSE will be capable of demonstrating that kind of approach? I do not think so. As the Australian model of open disclosure also notes, health care organisations need to ensure appropriate direction and internal control through a system of governance. It is imperative that each facility and its management show the capacity and willingness to learn from adverse events. As noble as the aim is and as good is the principle, do we really need to go about creating an additional level of governance within the HSE? I do not think so and neither does anybody else. We have all governance and very little compassion, transparency or acceptance where things go wrong. How can we prevent the difficulties that go along with that?

While I welcome the principle of the Bill, I do have serious concerns about the capacity of the HSE to carry it through. There will need to be radical change in the culture of the HSE and I cannot see that happening anywhere in the organisation - governance, accountability and responsibility. Quite frankly, apart from the front-line services and the excellent skilled people working there, such as surgeons and the like, it is just a system of governance. We have managers and more managers and little hope anywhere of seeing any bit of sanity. I am not talking about insanity, as the Taoiseach was yesterday in respect of something else. We see precious little sanity prevailing in the system. It has become too big and cumbersome, too all-protecting and self-serving and it is not serving the patients and the sick people.

We have seen too many cases in which children were adversely affected at birth, with court cases going on for years. They are on the steps of the court four and five years later at enormous expense to the State with the barristers, and then the HSE admits liability. Obviously, children cannot get payments until they are 18 or 21. We must have a staged payment system. If the State drags people through the courts, fights them all the way and then accepts liability, and there is an award made, there must be a system whereby those monies so hard fought are paid out. The money cannot sit in some solicitor's account, it must be paid in stages to help the family. Goodness knows those families have gone through enough with the disabilities or whatever the young person is suffering from. They have to wait until the child is 21 although the family might need that funding after going through the courts and taking on all the expense of travelling to the High Court, and the trauma as well. They need to be compensated and need

to be able to access that compensation on a staged basis. I cannot see why we cannot have that included as well.

We need open disclosure and we need a whole culture change right across the HSE and in many other agencies and Departments as well. I do not see that coming. I am in the House ten years today. I am delighted that the people elected me in Tipperary and West Waterford on a number of occasions. I see things becoming more cumbersome. We saw with Caranua how it has become so cumbersome and we see all the sub-agencies it is setting up. I call them quangos. They are putting up more barriers to serving the public and being open and honest in disclosure, particularly with these institutions. It is not good enough. It is backwards we are going instead of forwards.

Deputy Donnchadh Ó Laoghaire: I and my party welcome the legislation and support its passing, as the Minister of State is aware. The Civil Liability (Amendment) Bill allows courts to award periodic payment orders to compensate injured victims in cases of catastrophic injury where long-term permanent care will be required instead of the awarding of lump sum awards of damages. This is long overdue. In 2010, the working group on medical negligence and periodic payments led by Mr. Justice Quirke proposed this and the Law Reform Commission also made recommendations as long ago as 1997. The current system of awarding damages as a lump sum is not fit for purpose and should be replaced by periodic payments.

Following on from the 2010 paper, many thought that this legislation would be passed quickly, however that has not transpired. Many families in which there has been a victim of medical negligence resulting in catastrophic injury have been compelled to go to the High Court on multiple occasions to secure funds to provide the necessary care of their loved ones. These lump sums can be an additional burden and mental strain on families very often caring for a loved one with catastrophic injury, and leave them dependent on investment advice. On certain occasions, unfortunately, that investment advice has not been as good as people might like. In addition, people have often lived beyond the life expectancy upon which basis these payments have been calculated.

The concerns regarding section 51(l) about indexation have already been raised and I add my voice to them. Specifically, I highlight the indexation of costs and the fact that the biggest costs will be care. The particular cost of labour needs to be taken to mind and I hope the Minister of State will consider it when drafting amendments. Labour is not necessarily the same as other costs.

I note the comments of Mr. Justice Kelly, who recently said it is shameful that legislation has not been introduced to provide periodic payment orders, PPOs, when he was addressing a case involving a 13 year old suffering from cerebral palsy following medical negligence during his birth. I also want to highlight another case that illustrates why this legislation is necessary. Catherine O'Leary is a mother of one who has had locked-in syndrome since undergoing major brain surgery at Cork University Hospital five years ago. Catherine is tetraplegic and can only feed and drink through a tube. She cannot walk and is dependent in all aspects of her daily life on her carers and parents. She can communicate only through blinking. Since surgery for the removal of a brain tumour on 31 January 2008, Catherine's physical and mental capacities have been catastrophically impaired. It was asserted during proceedings that had a brain tumour diagnosis been made on Catherine and surgery carried out earlier, it was very probable she would have avoided catastrophic brain injury. This is a dreadful situation.

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A young mother has had her life confined beyond our imagination and her family has had to carry the burden subsequently. Her parents, Margaret and Pat, have fought for her tirelessly with great commitment and determination. I want to recognise them here today. The High Court awarded €2.5 million in damages against the HSE. In 2011, the voluntary housing association, Clúid, purchased a house in Carrigaline for her and the Department of the Environment, as it was then, provided an extension for her which allowed her to be moved home in 2014 to be cared for there as her family wished. However, this is not the end of the story. Catherine's care is inevitably very expensive. Equipment and medicine are provided by the HSE but the cost of her care, which is borne entirely through her compensation, runs into the hundreds of thousands or at least is well in excess of €100,000. This is after the O'Learys have made every effort to minimise costs. The difficulty is that the compensation was calculated on the basis of an additional four years beyond departing hospital. She left hospital nearly three years ago and is currently very stable. It now appears likely that she will live considerably beyond the four years after her discharge from hospital. The question is what happens next. What happens if the money runs out?

These questions arise even aside from her ability to leave something to her son, something her family is keen to do. It appears, however, that this sum could be exhausted. Since Catherine O'Leary requires 24-hour care, her parents are restricted in terms of employment and so on. The family income is limited and much of it is spent on the significant energy bills required for all the machinery and care.

I am highlighting this point for two reasons. The first is in support of the Bill. It may be too late for Catherine O'Leary and her family but it illustrates the difficulty with the fact that periodic payments and lump sums are calculated on the basis of life expectancy that can often be wrong. Addressing that is the least people in this situation deserve given what they and their families have gone through.

I also take this opportunity to highlight the fact that I believe the State does not do enough. I do not believe we have an adequate programme for younger people who require comprehensive home care. The programmes for older people are perhaps a little more generous. That is welcome, right and proper. However, I believe the programme is not adequate for younger people who have serious confining injuries and diseases. Catherine O'Leary does not even qualify for home-care packages currently, although that would relieve the burden on the family somewhat and make her care more sustainable. There is a need for the State to ensure that people such as Catherine O'Leary can be cared for properly at home.

I am aware of another case in which the failure to provide adequate supports is not dissimilar. This failure is currently preventing the patient from moving home from hospital. I intend to write to the Minister for Health on the matter following the debate. I will enclose a copy of my speech and raise these points. However, since the Minister of State at the Department of Justice and Equality is present to listen to my contribution I am appealing to him to make representations to the Department of Health in that regard.

While we believe that this legislation can be improved, it is welcome and it can make a significant difference to families in terms of how they manage the compensation they receive and in terms of certainty. It can also be improved with regard to the particular issue I have highlighted whereby a person's life expectancy can go beyond the basis of the initial calculation of the lump sum.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on this Bill. I welcome the Bill. I recognise the spirit in what the Minister of State and the Department have put forward and I believe it is correct. It is a step in the right direction. The concern I have is similar to that outlined by other Deputies earlier. The Minister of State is probably dealing with an elephant that is out of control in the line of the HSE. Basically, the executive does not seem to have regard for anything. Like numerous Deputies, I have seen how the HSE operates when we try to get answers. Everything we get back is twisted and turned and there is no direct answer to the questions we ask.

Unfortunately, in recent weeks I have seen a situation that has resulted in my losing faith in the HSE. I went to a house to talk to a person. I lay on tarmac with this person who has been left in continuous pain for the past three years after having a back operation. All the person wants is to get this solved. However, because of a hospital in the west of Ireland, things did not go according to plan. There was a review into the matter and a doctor resigned. Since there may be understudies involved with the doctor, the authorities are afraid to touch someone to put it right. That is a sad situation, especially because it involves a person with young children who is paying a mortgage and living life just the same as everyone else in the country.

I am concerned that the HSE is not trying to solve the case of this person who has been in such chronic pain for the past three years. This person has to go to Dublin but it takes an hour to get into the car. Then, the person has to go to Dublin for pain relief and pain control because no one will put up a hand and agree to sort it out at home.

I welcome the Bill and what the Minister of State is trying to do. However, in this situation the HSE is not even prepared to try to tackle a problem that can be solved. Thus, there is little hope that the HSE will turn around and admit things or admit that there is a problem that it should sort out.

I know legislation along the lines of the Bill has been discussed for years. I think it has been discussed for the past six or seven years. I commend the Minister of State on bringing forward the Bill. It is a step in the right direction. We may get the Bill in but, unfortunately, given what we are dealing with, we will still have trouble in trying to nail it down. Sadly, the HSE does not seem to have regard for the Government, Ministers, politicians or the public with regard to what is going on.

I will support the Bill, which I welcome. However, I have reservations about whether some of these groups will listen or take note. They might try to duck and dive every way rather than face up to their responsibilities. I have seen one family go through so much. I have seen a great deal with regard to the HSE over many years. Sometimes one would be forgiven for wondering what will be next. I have been down on the tarmac with another person who cannot walk and who is on hands and knees and has to lie face down. It would be unfair of any hospital in Ireland, but in this case a hospital in the west of Ireland has washed its hands of the person. Morphine is the only option at present. It has gone so far that the patient cannot be given any more - the doses cannot be increased. The hospital authorities have argued that the patient should go somewhere else. No one will stand up and take responsibility. This is evidence that we have a major problem. I realise what the Minister of State is doing with this Bill, but I am concerned that to even get that far with some of these hospitals will be a problem.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of the Tánaiste and Minister for Justice and Equality and on my own behalf I thank

Deputies for their general welcome and constructive engagement with the Bill.

It is important to emphasise why the Bill is being introduced. The courts award damages for personal injuries to try to ensure that injured parties are put in the same position as they would have been had they not sustained the wrong for which they received compensation. At present, damages for personal injuries in catastrophic cases are paid by way of a lump sum. The working group on medical negligence and periodic payments identified deficiencies in the lump sum system as it applies to persons who have suffered catastrophic injury. The group recommended that to address these deficiencies legislation should be introduced to enable the courts to award damages in catastrophic cases by means of periodic payments.

While relatively short, the provisions of the Bill are rather complex. Before introducing the Bill it was necessary to consider several issues carefully, including: the scope of the legislation; the powers to be granted to the court in respect of period payments; the security of periodic payments; the indexation of period payments; the treatment of periodic payments in bankruptcy; and the treatment of periodic payments for income tax purposes. The Department of Justice and Equality has consulted extensively with Departments, the State Claims Agency and other stakeholders to ensure the Bill addresses these issues.

Several Deputies raised the issue of indexation of periodic payment orders and the possibility of specifying the use of a dedicated index to apply the orders. This would allow periodic payments to be index-linked to the levels of earnings of treatment and care personnel as well as to changes in costs of medical and assistive aids and appliances. An actuarial study of periodic payment orders commissioned by the State Claims Agency concluded that, in respect of indexation of periodic payment orders, an index in the form suggested by the working group on medical negligence and periodic payments could prove to be volatile given the small sample size available in Ireland. The study suggests that instead the legislation should specify a broader based index in order to reduce volatility and provide certainty with regard to payments under a PPO to catastrophically injured persons. In addition, the study noted that in a five-year period from the adoption of the ASHE 6115 cost of care survey, as the index for periodic payments in the UK, the retail price index in the UK out-performed ASHE 665 by a cumulative 13%.

The interdepartmental working group on legislation on periodic payment orders considered the issue of indexation of PPOs in some detail. The group's considered view was that any index specified in legislation should provide as much certainty as possible for defendants in terms of the projected increases in their financial liabilities, should not lead to an unacceptable degree of statistical fluctuation, should not be unduly volatile and should take into account the types of costs incurred by claimants and the changes to these costs over time. A number of different options were considered by the working group which concluded that to meet the criteria set out above, an index based on the Irish harmonised index of consumer prices, HICP, should be the initial index specified in the Bill.

Section 51(l) provides for an annual adjustment of a payment under the PPO in line with the prevailing rate under the harmonised index of consumer prices. This section also requires the Minister to carry out an initial review of the index after a five-year period and, should an alternative index prove to be more suitable, make regulations specifying that index to be used in adjusting payments under PPOs.

Turning to Part 4 relating to open disclosure, I assure the House that the Minister for Health fully appreciates that while some Deputies believe that open disclosure should be mandatory,

the relative merits of a mandatory and voluntary open disclosure framework were carefully weighed by the Government in coming to the view that at this time the best option for successfully ensuring the essential cultural change to foster open disclosure lay with a voluntary approach. Deputies will be aware that the Joint Committee on Health also considered this issue in its pre-legislative scrutiny of the open disclosure legislative proposals. The committee recommended that the success of voluntary open disclosure based on the legislation as proposed be assessed in the future and the possibility of mandatory open disclosure be considered if it is determined that a voluntary system is not having a satisfactory impact in increasing the rates and quality of disclosure. The Minister for Health has given a commitment to do this.

Another issue raised in the debate is the protection given to open disclosure. Part 4 of the Bill provides for certain protections for information given to the patient at an open disclosure meeting. These include that the information and written statement given to the patient are not admissible as evidence of fault or liability in a court in relation to the patient's safety incident or a clinical negligence action that arises from the consequences of that patient's safety incident. Deputy Clare Daly had concerns about this provision. Again, the Minister for Health understands the reason for questioning the provision. It is important, therefore, to set out the thinking behind it.

Open disclosure should be a genuine engagement between the patient and his or her doctor that should not be hindered by other concerns and fears. However, a persistent barrier to open disclosure recognised in other jurisdictions and Irish research is the perceived fears of the medico-legal consequences of open disclosure. The origins of the provisions of Part 4 of non-admissibility as evidence of fault or liability lie in recommendations made by the Commission on Patient Safety and Quality Assurance in its report, *Building a Culture of Patient Safety*. The commission, which was chaired by Professor Deirdre Madden, identified fear of litigation as a barrier to open disclosure and recommended that legislation should ensure that open disclosure which is undertaken in compliance with national standards cannot be used in litigation against the person making the disclosure. Legal protection was also a consistent issue raised in the HSE evaluation of the national open disclosure pilot. The Joint Committee on Health was sympathetic to the view that cultural buy-in is essential to open disclosure. As Deputy Michael Healy-Rae said, the system that is in place in our health service can sometimes stand in the way of people making open disclosures. The intention behind Part 4 of the Bill is to help bring about this cultural buy-in, supporting an environment where the patient's information needs can be addressed positively as soon as possible. Patients will receive information applicable to the patient safety incident in an open disclosure made under Part 4. Moreover, they will still, of course, have access to their medical records which, in line with good professional practice, will contain all information relevant to their care and treatment.

On balance it is considered that the system of open disclosure provided for in the Bill offers the greatest likelihood that patients will receive the information they are looking for after an incident without the need to resort to the courts system simply to get a straight answer, as Deputy Clare Daly has described. It is a consistent message from patients that they prefer to receive information and explanations and, where appropriate, an apology directly after an incident and not have to go down a legal route to get this information or apology. Litigation may sometimes be inevitable but it should never be the case that a patient or his or her family has to go to court simply to find out information about a patient safety incident. Ultimately, open disclosure is a human process underpinned by honesty and respect. The intention behind the legislative provisions to support open disclosure is to create a safe space where that honesty and respect can

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flourish and where lessons can be learned by health service providers and health practitioners and acted on to improve the health service.

More generally, the provisions in the Bill to support open disclosure are part of a broader package of reforms and patient safety initiatives which have the purpose of improving the experience of people who are affected by adverse events when they occur within the health service. These include provisions on mandatory external notifications of serious patient incidents that will be included in the health information and patient safety Bill. In addition HIQA and the Mental Health Commission have developed standards for the conduct of reviews of patient safety incidents. Another initiative is the recent establishment of the National Patients Safety Office, the NPSO. Deputy Healy-Rae referred to the location of this new office. I would like to clarify that the office is within the Department of Health rather than the HSE itself. The NPSO programme is focused on patient safety legislation policy and surveillance.

In her speech, Deputy Daly raised the issue of mandatory inquests in cases of maternal death. Deputies will note that the Government today approved a proposal from the Tánaiste to draft, as a matter of priority, the coroners (amendment) Bill 2017. The Bill will introduce mandatory reporting, post mortem examination and inquests in cases of maternal death. Its aim is to ensure clarity for responsible persons, including hospital authorities, and would support the development of a transparent and accountable oversight for checking and investigating certain types of death. Most importantly, it will provide clarity and transparency for bereaved families.

In conclusion, this Bill, which gives the courts the power to award periodic payments in the cases of catastrophic injury, is extremely important. It will ensure that people who have been catastrophically injured will receive the care and assistance they require for the rest of their lives.

An Leas-Cheann Comhairle: I thank the Minister of State. That concludes Second Stage.

Question put and agreed to.

Civil Liability (Amendment) Bill 2017: Referral to Select Committee

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I move:

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

Question put and agreed to.

Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016: Report Stage

Deputy Richard Boyd Barrett: I move amendment No. 1:

In page 3, line 8, after “petroleum” to insert “or offshore petroleum”.

I very much welcome the fact this Bill has reached this point and that we are on the brink of

a historic decision to prohibit fracking onshore. This is a very positive development and I commend Deputy Tony McLoughlin on his Bill and for getting it this far. Beyond that, and I think he would accept this, the greatest credit goes to the communities and environmental groups in a number of parts of the country that have fought to reach a point where we would take the decision to ban fracking. We are all fairly well versed in the reasons that should be the case. From the point of view of local communities in places such as Leitrim and Fermanagh and other counties which might be affected by fracking, it posed a mortal threat to water quality and to the unique landscape and the environment we enjoy in this country and potentially doing immense damage to farming, tourism, heritage, wildlife and to human health.

For all those reasons, it is critically important it is banned onshore.

There are other reasons, as our series of amendments suggest, that the ban should not just be on onshore fracking, but should extend to offshore fracking. The most important is we are in a race against time on the question of climate change. Ireland is already pitifully failing on its targets for reducing CO2 emissions into the environment. We are tragically making special pleading to the European Union, and it would appear we have been somewhat successful, to enjoy more flexibility in reaching those targets to allow us to have less ambitious targets for reducing CO2 emissions because of agriculture in this country. It is wrong. Do not get me wrong, we have to fight to defend our farmers and their interests but there are other ways to do it than special pleading to get out of the imperative to be fully part of and play a leading role in ensuring we tackle runaway climate change as a matter of urgency. We should be a model country precisely because of our heritage. We should be leading the charge for radical action to reduce CO2 emissions because of the unique environmental qualities of the country.

If we do not reach our targets, and at the moment the signs are we will not, we could potentially be facing billions of euro in fines by the EU. Against that background and given the threat climate change represents, the idea we would seek to discover and extract more hydrocarbons through other methods beyond the exploration we already do through conventional extraction methods is simply unconscionable. The vast majority of hydrocarbons have to stay in the ground if we are to have any chance of dealing with climate change. We should be taking a lead by saying we will not engage in either on-shore or off-shore fracking. It was included in the Bill I introduced in 2015 but the Government, in its wisdom, did not bring that Bill forward to Committee Stage. I am very glad Deputy McLoughlin's Bill has come forward but nonetheless it is lacking in its failure to apply the ban to off-shore fracking. It is, sadly, part of a more general failure of this Government to take seriously the imperative to deal with climate change and to take the sort of radical action necessary to do so.

The other point I will make is on the potential damage. We rightly acknowledge the potential damage to health, the environment, wildlife, the landscape, farming and so on caused by on-shore fracking but all of these dangers apply equally to off-shore fracking. When one looks at the experience of off-shore fracking off the coast of the United States, in the Gulf and off other areas of the US coastline, one sees tens of billions of toxic chemicals and waste water pouring into the oceans and poisoning marine life. It puts in chemicals that damage human life and seriously threaten the marine ecosystem. It is an absolute imperative that we ban off-shore fracking as well.

What we have to ban is not just fracking but any form of fracking-like extraction that could potentially have the same damaging effects or put the same toxic materials into the sea, land and water. The Bill is deficient in how it has defined that because the processes of fracking are

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very likely to change and this Bill may not capture them. I support the Bill but it needs these amendments to give it the full strength it deserves to have.

An Leas-Cheann Comhairle: I remind Deputies that amendments Nos. 1 to 5, inclusive, are related and may be discussed together.

Deputy Martin Kenny: I commend Deputy McLoughlin on bringing the Bill to the House. Sinn Féin had a similar Bill on fracking, as had many others here. It is one of the unique occasions when there is cross-party support to try to get it over the line. It is to be commended.

The Bill is a victory for the people in the Gallery and those watching proceedings all over the country more so than for anyone else. While Deputy Tony McLoughlin deserves great credit for it, the pressure that has been built up over the past number of years by people the length and breadth of the country, many in my constituency and in County Clare and other areas, has shone a very bright light on the dangers involved in the process of hydraulic fracturing. When the Bill began its life, it was about geology and about ensuring that gas would not be extracted from coal seams, shale rock and tight sands. It did not go into the process we call fracturing. At the time we understood it was the best way of dealing with it to ensure, as Deputy Boyd Barrett said, no new process could be introduced which would be a slightly different from fracturing, for example squeezing the rock or finding some other way to do it which would have the same effect and the same environmental dangers. It has developed a little bit differently and is now not a Bill to do that but an amendment to the Petroleum and Other Minerals Development Act 1960. However, it does what we need it to do. While I fully accept what Deputy Boyd Barrett is saying, sometimes the perfect can be the enemy of good. If we strive to get this absolutely perfect, we may find ourselves in a situation where we do not achieve what we need to.

I am deputising on behalf of Deputy Brian Stanley this evening, who had tabled amendment No. 4. We will withdraw that amendment. The purpose of the amendment was to address the offshore aspect of fracking. We have been convinced by a number of individuals and groups that the off-shore aspect of it makes it too complex to get the Bill over the line and to be sure we get it done in the lifetime of this Dáil. That is the reason why we feel it is more appropriate to withdraw the amendment and focus on the onshore aspect of it. It has been explained to us by geologists and others that when conventional gas is extracted in wells offshore, there is a process of pressure used that could be described as a type of fracking and that if we try to expand our ban on hydraulic fracturing to offshore, we could, in effect, be banning conventional gas extraction. To do so would put it into a legal tangle where it could be sent to the Attorney General, which would delay the Bill. We do not want to end up in a situation where there is no Dáil and the Bill does not go through. We do not want to see that happen. We propose instead to withdraw our amendment and support the Bill as it stands. When the Bill goes through, we propose an all-party group to develop an alternative amendment to the 1960 Petroleum and Other Minerals Development Act 1960, which would look at fracking offshore to come up with a comprehensive amendment to the 1960 Act to ensure hydraulic fracturing offshore can be banned. We want to ensure we do not complicate the issue now and possibly allow the Bill to fall.

When we come here, we have an awful lot of division; we are always fighting with each other about different things. We are always coming up with different problems but this is one thing, I am delighted to say, we have unanimity on. It is one of the good things we have here. Everyone is together on this and we want to ensure the process of hydraulic fracturing is banned for good. If the industry comes up with some alternative way of doing it in the future, we will

have to look at it then. For now at least, if we can get this Bill over the line, we will make a strong statement both in Ireland and to the world that hydraulic fracturing is a dangerous process which is wrong and should be banned.

Last February, I attended an Inter-Parliamentary Union conference in the United Nations in New York on the oceans of the earth and the dangers presented by various processes, including pollution. The danger posed by gas and oil exploration was one of the major issues discussed. I made the case that the Irish Parliament was putting through legislation proposing a ban on hydraulic fracturing, that we were leading the way in this area and that the rest of the world should follow. If we have an opportunity to lead, we should not stop by banning only onshore fracking. We should extend the ban to offshore hydraulic fracturing. If the fracking process changes or develops in some way and the legislation needs to be strengthened, we must ensure that any extraction of gas or oil from tight sands, coal seams or shale rock is banned and prohibited for good.

I suggest to the proposers of the other amendments that they rethink their position. My argument is that the perfect must not become the enemy of the good. Once we get this Bill over the line, we should all work together. While I understand that time is of the essence, we have the energy and commitment of everyone in the Chamber to ban hydraulic fracturing offshore. I commend the Bill again.

Deputy Eamon Ryan: For the environmental movement, this is an historic day and an historic Bill because what we are doing is not insignificant. This legislation makes a significant statement, so significant that Deputy Mick Wallace's phone is celebrating. It is significant for local communities, particularly in counties Leitrim, Roscommon, Sligo and Clare, but also because it makes a wider statement about our future without fossil fuels. It is a statement of confidence and intent that we can live on alternative resources, namely, our own natural resources, which will not emit greenhouse gases into the atmosphere or pollute our water and the air we breathe.

I, too, commend Deputy Tony McLaughlin and the Minister of State, Deputy Seán Kyne, on their work in presenting the Bill. I understand this is the first of the Private Bills, of which a large number have been published in the past year, to reach Report Stage. The question asked in the Business Committee and other committees is why these Bills are not proceeding to Committee and Report Stage. The Bill is also significant in that we debating Report Stage tonight.

I commend the community groups that have led the campaign on hydraulic fracturing in a positive and constructive manner. I refer to the Love Leitrim group, whose members I have seen on top of mountains at bonfires and outside the gate of Leinster House dressed as cows and Lord knows what else. They have been positive and confident and have run a brilliant campaign. I commend the Good Energies Alliance Ireland whose members I have had the pleasure of meeting a number of times in Leitrim. It has held seminars and has engaged in in-depth thinking, with other campaigners, on the technological alternatives to hydraulic fracturing and the environmental risks of the process. This is a great day for the members of these organisations.

I commend Friends of the Earth on the support it has provided in drafting the Bill, including international expertise. Kate Ruddock and others in the Gallery have done a great job consistently working with Deputies to ensure the Bill gets over the line. There are too many other community groups to mention, including Fracking Free Ireland and the people I met as I went

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from one farm to the next on the Loop Head Peninsula who said they did not want fracking in their community. This is a great day for them.

More than anything else, however, this is a great day because we face an existential threat from the release into the atmosphere of carbon dioxide, methane and other greenhouse gases. We must address this existential crisis and the great thing is that we can play a part in doing so. It is the villages in Leitrim that are at the front line. Every village and community has a chance to play its part.

This Chamber has been divided on water for a long time. On this issue of water quality, particularly with regard to the source of the River Shannon and many other of the rivers that flow through Ireland, we have said we will not take a risk. Several committees heard scientific evidence that fracking into this source of shale carried risks as the natural geological fractures in the rock would result in some of the pollutants used to collect gases seeping into our water resources. The Bill is significant for that reason.

I fully agree with the sentiment expressed in Deputy Boyd Barrett's amendment that we must stop fracking in all locations. Our seas cover ten times the area of our land. However, on this occasion, I agree with Sinn Féin that, while agreeing with the amendment in spirit, it would be better to pass the Bill today and achieve certainty that all hydraulic fracturing on land will categorically end. The issue in respect of the seas is more complicated, as we saw when debating Committee Stage of the Minerals Development Bill. For example, some people are considering using gasification to extract energy from a cold seam in the Irish Sea. A range of technical and legislative issues arise in respect of offshore exploration. It is better, therefore, to pass the Bill and have cast iron certainty that onshore fracking will end.

I ask Sinn Féin and People Before Profit to go one step further and recognise that if we are to take climate change seriously, listen to scientists and heed what has to be done, we must leave four fifths of known fossil fuel reserves under ground. This, in turn, means we must put an end to all offshore gas and oil exploration in our waters, including fracking. This will not be easy because many parties and individuals have held up the prospect that the Atlantic will generate a great fortune for the country. I remember hearing figures of €60 billion or €600 billion - I cannot remember which - that could be generated and which would be our rescue. I am sorry but these reserves are no longer touchable if we are to take climate change seriously.

I fully agree with the amendment to stop exploration offshore. Let us go further by stopping the issuing and use of licences for any exploration for offshore gas and oil. We have an obligation to do so. The Green Party will introduce legislation on this issue and will seek support from Sinn Féin and People for Profit because that is the scale of the response we need to make.

The Bill is also historic because it has secured cross-party support. I regret my colleague, Deputy Michael Fitzmaurice, is not present. I listened to a row the other night about climate change. We often hear arguments citing wind farms and the grid as problems and accusing the Green Party of causing all sorts of trouble with the new technologies we want introduced. We recognise that we have a problem in that regard. If we stop using fossil fuels, as we must, we will have to provide an alternative. That alternative is renewable energy, including solar and wind power. We need to get this right, however, by remaining united and bringing all communities with us. The same communities in Roscommon who were concerned about fracking are also concerned about onshore wind.

Many of the issues that will arise in the coming years will not be as difficult to deal with as those that have arisen in recent years. For example, wind power generation will start to move offshore. We must also start developing solar power, even in the cloudy north west. We need to get this right, however, and the people who have been campaigning, including the Good Energies Alliance and Love Leitrim, have a job ahead of them. Having achieved a great victory in saying “No” to fracking, we need to work out how we can become good at providing an alternative energy supply. Electric vehicles are the future and communities and counties that are good at being efficient will prosper. More than anything else, the energy resource must be local and belong to everyone. Let us open up that future as we close the door on the history of fossil fuels.

Deputy Mick Wallace: While Independents 4 Change will support the Bill, I also agree with Deputy Richard Boyd Barrett and support the amendments. We will not jeopardise it, as we are getting near the end, and fair play to Deputy Tony McLoughlin and those who put enough pressure on Deputies in their areas to force the Government into this position, although it has not done a U-turn on how it feels about the environment. The performance of this and previous Governments on climate change has been pathetic and I do not see any change in mindset.

This is a good moment, but it is a drop in the ocean towards the bigger picture, while we continue to destroy the environment. This could be described as the perfect example of how the Government could not care less about climate change and the environment and the enduring duplicity of the Department of Communications, Climate Action and Environment. The Department has a petroleum affairs division which grants licences for oil and gas exploration and production. Its website states:

Our role in the Petroleum Affairs Division (PAD) is to maximise the benefits to the State from exploration for and production (E&P) of indigenous oil and gas resources. In doing this we ensure that activities are conducted with due regard to their impact on the environment and other land/sea users.

A new report from the World Wildlife Fund shows that, since 1970, the number of wild animals on the planet has decreased by more than half and is expected to have decreased by two thirds by 2020. It is generally accepted that it is too late for most of the world’s coral reefs. In many parts of the world rainfall patterns are changing and humans and wildlife are competing for diminishing sources of water. Oceans are undergoing acidification which is endangering plankton, the basic food for all aquatic life. Each year sees record temperatures being set, with another Irish record reportedly to be set this month.

Every child in every school that the Minister, Deputy Denis Naughten, visits knows that we must keep fossil fuels in the ground. That is the message he promotes when he meets them. At the presentation of the Young Environmentalist Awards this week, for example, he urged children to reduce their carbon footprint and told a crowd of students that they were the ones who would drive change. It is an understandable position, given that nothing is coming from the Government or the Department. The Government’s inaction on climate change is nothing less than intergenerational theft, in that it is the next generation’s responsibility to clean up the mess.

Last week, the Minister tweeted about the possibility of developing a gas storage facility on the Shannon Estuary to tie into gas-powered power stations. He referred to gas as an “alternative fuel”. The lie being propagated by the fossil fuel industry that gas is a green or so-called alternative source of energy generation is akin to the long propaganda campaign conducted by

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scientists in the pay of tobacco companies who spread the lie that tobacco did not harm people's health. In fact, the very same scientists are involved in the climate change denial movement and promoting the lie that gas is greener alternative energy source. One of the main peddlers of this nonsense is ExxonMobil which withheld decades of research detailing in advance the effects of climate change and instead funded and promoted an entirely different story that contradicted its own findings through lobby groups and Bill mills such as the American Legislative Exchange Council, ALEC, and the Heartland Institute. ExxonMobil is listed in the Ireland Strategic Investment Fund's portfolio of investments. Of the 28 oil and gas exploration and drilling licences granted along Ireland's coastline last year, ExxonMobil - going 50:50 with Statoil - was granted six by a Department that absurdly includes the phrase "Climate Action and Environment" in its title.

Our amendment is a litmus test for the Government. When it discusses climate action, is it all hot air? If there is a genuine concern for the environment, wildlife and the health and safety of the people behind its support for the Bill, surely that logic applies to the extraction of oil and gas off our shores. If there was not such a legacy of bad planning and prevalence of one-off housing in the 12 counties where fracking was proposed, one wonders whether the Bill would have got this far at all. The issue affects so many people thanks to the spread of where they live.

According to Ms Naomi Klein, it is not too late to keep temperatures below levels that would save millions of lives and livelihoods. Ireland is the second worst performer in Europe when it comes to climate change action. We are busy destroying our children's futures and the lives and livelihoods of millions of people around the world and all for a quick buck. Ireland has strict child protection measures. We even have laws protecting the rights of unborn children, yet we have no legislation to stop outright the extraction of fossil fuels to protect the lives of all children now and in the future. UNICEF has warned that more severe and frequent natural disasters, food crises and changing rainfall patterns are threatening children's lives and that, by 2050, climate change could result in an additional 25 million children suffering from malnourishment.

The Bill could be undone by the CETA which will come into effect soon. God only knows what effect that will have on everything. Companies will be able to take cases against measures we introduce if they affect their profit prospects in any way. We were mad to sign up to the CETA, but that was consistent with Government policy. The same philosophy is evident across Departments. In response to our recent questions to the Ministers for Agriculture, Food and the Marine and Communications, Climate Action and Environment they kept using the word "sustainable", but they would not define it for us. What does it mean to them? They invented the terms "carbon neutral" and "sustainable" and claimed that we could make money while still looking after the environment. The second part of that claim is losing out badly. There is no genuine interest in tackling climate change.

Deputy John Brassil: Fianna Fáil will support the Bill. I commend Deputy Tony McLoughlin on introducing it and welcome the cross-party support for it which sends a positive message in and of itself. When many of the countries in the G8 are ploughing ahead with fracking policies, it is exemplary that Ireland is taking a stand, shining a light and showing campaigners across the world who are vehemently against hydraulic fracking that at least one country is saying no.

I welcome the withdrawal of Sinn Féin's amendment on the offshore aspect. While I share the concerns of Deputies Richard Boyd Barrett and Martin Kenny, keeping the Bill simple will

get it done and that is what we should do. We can deal with the other issues down the road.

I also welcome the Bill from another point of view. In 2014 Kerry County Council inserted a clause into its 2015 to 2021 county development plan so as not to allow fracking. I am glad that this national legislation will back up that proposal.

As an example to the audience present, I will stick to the subject of this debate. I welcome what we are doing and pass over to my colleague, Deputy Eamon Scanlon.

Deputy Eamon Scanlon: I am glad to have the opportunity to contribute to this debate and commend Deputy Tony McLoughlin. Unquestionably, this is an important point. I thank the Love Leitrim campaign, some of the members of which are in the audience, and Friends of the Earth on behalf of the many thousands of people whose lives I hope will not be affected by fracking once the Bill is passed.

I do not agree with the amendments tabled. Like Deputy Martin Kenny and my colleague, Deputy John Brassil, I do not believe Sinn Féin's amendment should be moved, as it would complicate something important. We do not want to do that or anything else that would delay the Bill in any way.

When I first heard of fracking, it was in a motion proposed at Leitrim County Council by Councillor Mary Bohan against the wishes of many of the council's officials. It was supported, albeit not by every councillor because people did not fully understand the damage that could be done. Honestly, I did not either until I happened to be watching the Discovery Channel one day when it showed a PBS America programme on fracking in America, particularly in the state of New York. Although it was a balanced programme that was not for or against fracking, it showed the damage caused to the environment, as well as to communities that once had been growing with schools, shops and so on but in which schools had closed and people had moved away. We are not talking about one well in an area and we could be talking about 50 or 60 wells within 2 square miles. It absolutely destroys the environment from a visual point of view and also from a health point of view. That programme showed someone turning on a tap and then lighting a match, and the water coming out of the tap lit up. That could not be good for anybody, but that is where people were living. We do not want this in Ireland. We have a nice green country. We have quite a good quality of life here and the freedom that means people can go where they want to go. We want to maintain that. No money would compensate the people of this country for damage similar to what has been done in other countries, particularly in America.

I again thank everybody involved in the campaign. We are on the crest of having the Bill passed. I ask those who have tabled amendments to withdraw them so we can move on, pass the Bill and send it to the Seanad.

Deputy Fergus O'Dowd: Public opinion is very much in favour of this legislation. Deputy McLoughlin has done the country a service by bringing it forward and I congratulate him on his efforts. I do think, though, that we have to get into the real world with regard to energy and the future of our economy. We have to strike a balance between the issues around climate change and where we are going to get our energy from. If we all accept and sign up to the first part of that argument, which is that in theory we will not use hydrocarbons and fracking in the future, then we must accept the *quid pro quo* in terms of the infrastructure, in particular energy infrastructure, that will be necessary and is necessary right now and which is opposed with the

same vehemence as fracking in some parts of our country.

The real difficulty is that when the lights go out, when the factories do not have the capacity to run their machines, when people cannot drive their cars or light their homes, then it all comes home. The reality is that there should be an intense effort by the Government, the Opposition and others to find a solution to the opposition to energy infrastructure in our country. Specifically, if we all favour wind energy, and I know the Green Party does, why do we always object to the infrastructure that carries that wind as it comes from more and more parts of our country, particularly the south west and the west? There is absolute hostility, including in areas not far from my constituency. It does not make sense to say “No” to fracking and to hydrocarbons and then say “No” to renewable energy.

How do we strike the bargain? How do we do the deal? What we need to do is to engage intensively with issues such as the height of the pylons, the distance they are located from homes and all the other issues that have been raised by community groups right around the country. If we do not find a resolution to this, we are the people who will have our heads in the sand. Currently, our society is not paying the price. There is a price to pay for moving away from hydrocarbons and that is the price I see. We must negotiate it. We must ensure also that for those living near some of these proposed infrastructures, such as pylons, there should be a significant benefit to the local community - to schools, hospitals and so on - and there should be a specific formula that gives a very significant pay-off to those communities and also to the households that are in sight of these pylons. There should be a significant financial benefit in terms of energy supply to the homes of those who live on or near those grids.

The reason for this is that if the benefit to the city comes from the grid and the energy flowing through it, and if it is facilitated by the communities that are faced by these pylons in their area, then it would be unfair if there is not a very significant local benefit. I believe that is the way forward. We cannot always win these arguments but we have to strike that balance. I hope our debates on these issues will look at that specifically.

On fracking itself, I agree there has been a very poor history at some sites and Deputy Scanlon spoke about devastated communities. However, I have seen fracking in operation not 300 yd. from a school and a community, and there were none of the effects the Deputy mentioned because that site was properly run and met the requirements the local community placed on it. I accept our society is not prepared to and will not pay that price, but it is not all as it is painted.

Another point made by other speakers is that as technology changes, which it will, and as we can extract energy from different sources in different ways, things will change. *The New York Times* this week pointed out that in another 20 years there will not be any more hydrocarbon fuelled cars as they will be electric vehicles. That is the future and we have to move towards that. At the same time, we have to be practical and realistic. The challenge for all of us is not to pass this Bill: the challenge is to find a way to accept the energy infrastructure that must absolutely and definitively come in its place.

Deputy Eugene Murphy: I welcome the people in the Visitors Gallery, many of whom fought for many years and who made politicians aware of the dangers of fracking. It was those people who educated me when I went to meetings in Carrick-on-Shannon and other parts of the region in terms of the possible dangers of fracking. Once I engaged with them and followed it up, I could see the devastation that fracking has caused in many parts of the world.

I was mayor of Roscommon County Council in 2011-12. It was the first county in Ireland to propose that fracking would not come to our county because it would affect north Roscommon, which is now a big tourism area. We are building on tourism and that is what we want to do. We have to be very strong about this. I acknowledge the role of Deputy McLoughlin, who pushed this issue continuously. We all got behind him to support him because we saw the danger that was coming.

We do not need fracking in Ireland. Fracking is not suitable for a small island country, dotted with lakes and rivers, hills and valleys. It would be a disaster for this country. I am glad there is support for the Bill right around this Chamber and that we are all at one on it. It is something I am determined we must keep out of Ireland. We do not have the vast areas of land where this can be developed and it would be a huge mistake to allow fracking. While I have great respect for Deputy O'Dowd, I cannot agree with him with regard to fracking.

I agree we have to address the issues of wind energy and solar energy. I have had to deal with this on my own doorstep and have paid a heavy price at times because I have tried to get a balance. The Government needs to put legislation in place in regard to wind farms because that will solve the issue. It also needs to do this in regard to solar power. No planning is being granted for solar at the moment and An Bord Pleanála will not pass planning requests on the basis that there is no legislation. The Government is falling behind on this issue.

We have a brilliant tourism product that we can develop in our locality - in Roscommon, Leitrim, the midlands and the west. That is where we want the money spent and what we want to develop. I have a good message for Deputy Eamon Ryan. Many of the smaller farmers come to me to say they know about climate change - while they may not want to say it publicly, they know it is a reality.

Masses of young people from rural and urban areas believe climate change is an issue. I come from a rural farming background and I accept that climate change is an issue. However, we need a balance and we need to understand that farmers and those in rural areas need to survive. By working closely together we can ensure that everybody's situation is taken into account.

It is not the small or medium-sized farmers who are causing a problem with climate change. They also need to be protected to a degree. Looking back over the years, the greatest custodians of our environment were the small or medium-sized farmers. They love nature and they protected nature. It is very important that we acknowledge that in anything we do.

I have had discussions with people involved in wind energy and have had discussions with Coillte. Deputy O'Dowd is right in saying we need to include communities more. Government should develop regulations so that when a wind farm is developed, one turbine should be given over for the use of the community within a 5 km or 10 km area so that they have free electricity. We need to engage with those people and include them. If we develop solar and wind energy, we do not need fracking in our back gardens, and we do not want it.

Deputy Thomas Pringle: I congratulate Deputy McLoughlin on introducing the Bill which will probably pass this evening or very shortly afterwards. I pay tribute to Love Leitrim and the campaign groups in Leitrim and south Fermanagh that campaigned actively against fracking and kept it on the agenda up to the stage where legislation is going through the House to ban it altogether.

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Fracking is not a good industry and should not have been even considered in the first place. I was involved in the early stages when the proposals were announced. The proposers intended to drill 1,500 wells at that time. By their own figures, it was estimated that about 4% of those would leak, which in the case of Ireland would have meant at least 40 to 60 leaks of various magnitudes - some would have been very small, but some could have been catastrophic for the communities. That was not a risk that should have been taken. It should have been considered by us when we were considering licensing the fracking industry. I am glad to see that we will be banning fracking and we can see an end to that industry for the protection of communities around Leitrim and the other areas proposed, but also for our own protection into the future in terms of addressing our climate-change requirements.

I wish to respond to Deputy O'Dowd's comments on wind farms. The problem with wind farming is that it is geared up to make wealthy people wealthier. That is the whole point of it. We pay massive subsidies to wind farms for something that provides 60% of our electricity about 4% of the time. For me that is not a viable renewable energy source and we should not actively pursue it. There is a role for wind and I believe offshore wind energy will have a role. I believe that wave power and tidal power will provide our energy. I do not know enough about whether solar has any real value. I have seen advertisements for solar panels that even work in the dark. I think that is hilarious.

Deputy Mick Wallace: Only in Donegal.

Deputy Thomas Pringle: Only in Donegal could it happen. This is a company advertising solar panels for households claiming that it even works in the dark. Maybe it does, but I would love to see it actually happening.

Wind energy is not about renewable energy in this country; wind energy is only about making money for investors. The imposition of wind farms on communities around the country is completely unacceptable. That is why there is such a backlash against wind energy, particularly in Donegal where we have seen the development of 110 kV lines in order to get the wind energy out of the county, but we do not see benefits for communities. I wonder how many community-owned wind energy projects there are in the country. I would say there are very few; they could probably be counted on one hand. That is because it is all geared towards making wealthy people wealthier and ensuring they can make money out of it as long as we continue to subsidise it. If we are going to subsidise renewable energy, we should subsidise it for communities and for the benefit of people and citizens, rather than for the benefit of multinationals and investment groups.

However, this Bill is about fracking and I welcome it. When it passes I hope it will see an end to fracking in the country. However, the country has much more to do in preparing. We need a real strategy for moving away from fossil fuels into the future. That is the only option we have and we need to come to terms with that. We need to start working actively towards that. We can transition away from it, but we need to embrace that move. The Government needs to take it seriously and ensure it implements policies that move us in that direction.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on the Bill. Down through the years many Governments have come and gone, but in fairness, Deputy McLoughlin has taken the bull by the horns by introducing his Bill with the support of the Minister of State, Deputy Kyne. It is a good day when there is unanimous agreement around the House, which is not generally the case. People support the Bill.

Above all it is a good day for rural communities, the quiet people around Ireland who got together, mobilised, got a message out there to every Deputy and councillor, and everybody in the media. Much of the time they used their own resources, putting funding together to try to get this done. Love Leitrim and different community groups went to the trouble of getting videos of the mistakes in other countries. For once today those people can say to themselves that the ordinary person out there has won. A bit of common sense has been brought to elected representatives to go with what the people want. We are listening to the ordinary people on the ground, which is a great thing.

No more than anyone else I had to be educated on this issue. My big concern was over the quality of the drinking water, especially in the counties concerned. We have many problems coming down the line at the moment. Irish Water is hitting major problems on extraction licences with regulations and legislation blocking it. It is trying to resolve issues such as trihalomethanes, THMs, while at the same time being prevented from doing so. If this was landed on top with the danger of damaging groundwater sources, we would have a major problem that could leave entire counties without good quality drinking water.

In talking about producing electricity or whatever we will use down the line, we need to be clear that small farmers in the first place are guardians of the landscape. It is grand from 100 miles away to tell everyone how to live their lives and what to do with them. At the end of the day, small farmers wake up with nature, live with nature and go to sleep with nature. That is what they are about; that is where they are from. We are not talking about these big landlord set-ups. In most cases these resources are planned to be extracted from areas in the west of Ireland. We are talking about people who have been the guardians of their landscape all their lives. I take offence at any of those people being criticised in any way.

As was pointed out earlier, we have lake lands in Leitrim and Roscommon and a large tourist area in the west of Ireland that would be under threat were it not for Bills such as this being introduced. On energy, there are plenty of places 1 km from a house where turbines could be erected. However, it is not the turbine, but the economic value of what it might do. I have no problem if something is efficient and economical. We could use Google this minute to find plenty of parts of Ireland that are 1 km from a house and one could put up some type of a system that is 1 km from a house. That is grand. People like to talk and say they need this, that and the other, but they might not like a pylon 50 m from their house or a wind turbine 400 m or 500 m from their house. There is no doubt that it would devalue a house. However, there are solutions and there is middle ground to be found. Unfortunately, as Deputy Pringle said, people in rural areas are seen as fat cats getting richer from putting up wind turbines while the ordinary person has to put up with it and it remains an eyesore for the rest of his or her life. There are options. One could put the infrastructure offshore, providing it is economical. We have to live in the real world where we have only a certain amount of money. The question is whether we are going to put up electricity prices by 20% or 30%. Let us have that debate if that is what people want to do but I do not want to see it happen. People are struggling right around the country. Middle ground can be found. Deputy O'Dowd spoke earlier. There is no reason we cannot underground electricity cables. We are able to do that with pipes. It costs more and there is no point saying it does not but we must make decisions about where we are going.

It is similar to tolls being put on new roads that we build. We think we will pay for them in 20 years. There are roads in my area for 100 years, so why do we not look to the long term and seek to pay for infrastructure over 50 or 100 years, which would make undergrounding, for example, economical and would bring communities on board. That would allow electricity

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to be provided without having to turn the lights off anywhere for industry or anyone else. We all need electricity. Businesses need it. We need to be competitive because we are competing with the likes of France, for example, which has nuclear power, and other countries that are able to produce electricity cheaper. We have to think of our manufacturing industry and what we export. We are an export-led country and we have to be able to compete. There is no point in looking out the door and saying we have a lovely country and have us all with our hands in our pockets and living in a tent. That will not work.

Deputy Fergus O'Dowd: Hear, hear.

Deputy Michael Fitzmaurice: We need to make sure we strike a balance, and that can be done, but nothing will be achieved by a certain cohort blaming the people who have been the guardians of the landscape for hundreds of years and who have the environment in such good condition in rural areas. I commend Deputy Tony McLoughlin on introducing his Bill. It is a good day for the people. Let us have a debate about where we are going in terms of producing what we are going to produce. We may have to spend extra money. I am in favour of that if we can bring rural communities on board. Let us spend the extra money on it. Let the fat cats spend a bit of the money they are making and then we might get electricity to the places we need.

Deputy Seán Kyne: Out of courtesy to those in the Gallery, I would like to get this debate wrapped up by 10.15 p.m., if nobody wants to push the Bill to a vote. I commend Deputy Tony McLoughlin. His original Bill was the Prohibition of the Exploration and Extraction of Onshore Petroleum Bill. The debate that took place on Committee Stage did not include any debate on offshore exploration and extraction, therefore it is inappropriate to introduce statutory prohibitions that are not underpinned by scientific rationale and place Ireland at an unfair competitive disadvantage by creating the uncertainty of limiting the operator's capability to assess reservoirs in the Irish offshore.

I understand the points about offshore oil exploration, however, we must accept also that fossil fuels will play a part of our energy mix in the coming years as we transition to a low-carbon economy. I ask Members to withdraw their amendments. I do not propose to accept them. I note that Deputy Boyd Barrett has tabled separate Private Members' legislation on the potential to introduce a prohibition on hydraulic fracturing in the offshore. In my view that would be a more appropriate vehicle for the discussion on this matter.

Deputy Richard Boyd Barrett: It is a good day that we have at least agreed that we have to ban onshore fracking. As all speakers said, Deputy Tony McLoughlin deserves commendation for that. Various community groups, such as Love Leitrim, and other environmental and community groups which campaigned against fracking deserve great credit for forcing all of us to address this issue and recognise the concerns and dangers of it, to educate ourselves about fracking and reach this point where we can make an historic decision not to allow it on the onshore. However, I am concerned about the offshore aspect of the debate. I am sure people are aware of the impact of offshore fracking, regardless of the Bill I introduced or Deputy McLoughlin's Bill.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 12 noon on Thursday, 25 May 2017.