



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 28 Meán Fómhair 2017

Thursday, 28 September 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Thomas Byrne: Approximately 11,000 teachers have qualified since 2011 and are on pay scales lower than those of their colleagues who qualified prior to that year. Over the next 12 months, demographic pressures mean that another 5,000 teachers will enter this cohort. If the Government led by the Fine Gael Party sticks to its commitment under the confidence-and-supply agreement to reduce the pupil-teacher ratio, that number will rise even higher. The public service pay stability agreement recently agreed by the Irish Congress of Trade Unions provides that an examination of the salary scale issues for new entrants to the public sector will take place within one year of the adoption of the agreement. As the House knows, the agreement has been roundly rejected by the INTO and the TUI and will be the subject of a ballot by members of the ASTI in the coming weeks.

The context here is a massive flight of young teachers to Dubai and other countries that are also recruiting Irish teachers. This is taking place against a background where we require teachers, particularly at second level but also at primary level, to be more qualified than ever before, with the attendant expense that goes with that. What is the timescale for the examination, under the public service stability agreement, of the salary scales of new entrants to the public sector in general and to teaching in particular, where a huge number of workers are affected? When will the talks commence on this matter? What plans does the Government have to start this process? What plans does it have to show newly qualified teachers - they are becoming older as the years go by - a pathway so that they can get full pay scale equality with their more senior counterparts?

That is what we are looking for here. There has been a bit of devilment at times on the Government side with claims that somebody with more years' experience gets more pay. This is not about pay but about pay scales. These teachers are on lower pay scales. It is having a hugely detrimental effect on morale in our schools and is massively contributing to the teacher shortage, an issue about which I have already suggested the Minister is not doing enough. I want answers from the Minister in the clearest possible terms which he and the Government

have not yet given.

Minister for Education and Skills (Deputy Richard Bruton): I thank Deputy Thomas Byrne for raising this issue. I can fully understand the pursuit by the teachers' unions of this particular issue. I sat down with the teachers' unions through the teacher conciliation service and we negotiated, under the Lansdowne Road agreement, substantial increase for newly qualified teachers. It represented increases of 15% and 22% under that agreement, closing 75% of the gap in the scale. Indeed, at the higher points in the scales, the two scales have been merged.

From January next year, a newly qualified teacher straight out of college will be recruited at €35,600 a year. That is competitive for a newly qualified graduate. The issue of new entrants that the Deputy raised arises not just for education, although the largest numbers of recruits in those difficult years were in education. It raises issues right across the entire public service. In terms of dealing with this issue, it was on the table at the public pay talks but an agreement was negotiated, which did not include a settlement of that issue. The €900 million assigned in those pay talks were assigned on a more general basis.

However, it was agreed in the pay negotiations that the issues of new entrant pay and those areas in the public service with difficulty in recruiting will be discussed through process in the agreement. Money has not been set aside in the agreement at this point for either of these issues, nor has a deadline been set for the conclusion of such discussions. However, this remains an issue of concern for the trade unions and the Government side. A forum where the issues can be discussed in greater detail has been set out. This is an indication of openness on the part of the Government to consider these issues.

We have to make decisions in the context of scarce resources, however. The Deputy knows that in education we have been able to employ over 5,000 additional teachers between last September and this September, along with 2,000 special needs assistants, SNAs. Those investments need to be accommodated. One is always weighing on the one side, the legitimate expectation of public service employees for more pay against the need to invest in services, particularly after a decade when it was extremely difficult to do so. We have to balance those two levels of expectation from the public. The public service pay agreement provides a framework within which we can do that. It has been agreed by the Irish Congress of Trade Unions.

Deputy Thomas Byrne: As well as being rejected by the teachers' unions individually.

The Minister failed to outline when this process will start. He said there were no deadlines as to its conclusion but he did not say when it will start. In a public press statement, the INTO is under the impression this will start soon. The agreement provides it will start in 12 months. Will the Minister say here when this process to discuss this issue will start? Teachers are entitled to know. They are working under sometimes difficult conditions and low morale. Is the Minister at least prepared to concede that the Government supports the principle of equal pay scales for people, in this case teachers, who do the same job? Does he agree with his colleague, the Minister of State, Deputy Mitchell O'Connor, or does he agree with his anonymous colleagues who said that her intervention was deeply unhelpful? The Minister must take a side. Whose side is he on? Is he on the side of what is just, fair and provided for in the agreement and is he prepared to set out when the process in that agreement will start?

Deputy Richard Bruton: The agreement is a cross-Government agreement involving the Department of Public Expenditure and Reform and the Irish Congress of Trade Unions. It pro-

vides that consideration of the issue of newly-qualified pay will occur within 12 months of the commencement of the agreement, so there is a deadline. Obviously, there will be discussions if some unions wish to move that, but an outer limit of 12 months has been set. That is clear.

As I indicated in my initial response, equality of treatment must be considered across the spectrum. We have a responsibility for children with special needs, for young people who are seeking access to apprenticeships and for investment needs across the education system. Every year we must provide for 15,000 additional school places - build and equip them and provide teachers and support in them. Our treatment of everyone in the public service must be fair and equal. They have expectations of us. We met the teachers' unions and negotiated an agreement which met three quarters of what was sought. It provides for an entry pay level for a newly-qualified teacher of €35,600 from next January. That is treating everybody who has a legitimate expectation of my Department in a fair and equal manner. Indeed, similar expectations occur in housing and health and they are the subject of debates in this House all the time. We must balance those issues and the Lansdowne Road agreement and its successor provide for that. It is a framework within which we can make the balances and choices that we believe are fair and equal to all who have legitimate expectations of us.

Deputy Donnchadh Ó Laoghaire: There are 446 people on trolleys in our hospitals today. In my city of Cork, there are 43 people on trolleys in wards and in the accident and emergency departments of Mercy University Hospital and Cork University Hospital, CUH. Tuigean an tAire gur inniu an 28 Mean Fómhair. The weather is still fine and it should be a time of relatively low pressure on the system, yet we are looking at numbers on trolleys equivalent to over 40% of the record numbers. I am sure I am not alone in having grave concern and trepidation as to what will transpire this winter as pressure intensifies.

There were record numbers on waiting lists this summer, at well in excess of 600,000. The most recent figures for August show an increase of 3,500 on public outpatient waiting lists. For example, the number of people waiting for gynaecology appointments in the maternity hospital in Cork for over 18 months has jumped by more than 500% in the last year, numbering over 1,000 women. The lack of full cover for 20 to 22 week scans means cases are missed, with very serious potential implications for women. The facts are plain. Since the Government took office and the Minister for Health, Deputy Harris, undertook his role the number of outpatients waiting for a hospital appointment has grown continuously. All Fine Gael and this Government have achieved in health is to allow the crisis to escalate to a point that it has become almost normalised.

Many people in hospital could return home much earlier if they were confident they would receive the supports and assistance they need. However, they have not been available for some time. Home help and home care packages were decimated during the crash and the current Government has entirely neglected this area. The under-resourcing of home help has meant that not only are people fearful of returning home but it has also affected people's confidence and reduced their quality of life. Workers are hassled, harried and under pressure, through no fault of their own, trying to manage 15-minute slot after 15-minute slot when the slot really requires half an hour. The vast majority of older people prefer to live their lives in their own homes if possible, a desire shared by their families. We spend €490 million on the fair deal scheme. In comparison, we spend €251 million on home help hours and €149 million on home care packages. There must be a shift in policy and a new focus on what older people want.

Yesterday, Sinn Féin launched a document outlining how we would invest an additional

€72.65 million in this area, including in respect of 2.1 million home help hours and 2,500 home care packages. This investment would significantly enhance the quality of life of older people, the ill and disabled persons and reduce the burden on hospitals which are positively creaking under the pressure. Will the Government commit to ensuring the scandalous under-resourcing of care at home is addressed comprehensively in the forthcoming budget or will it prioritise tax cuts for higher earners above the needs of an elderly woman who needs assistance to get out of bed to begin her day at home?

Deputy Richard Bruton: As the Deputy is well aware, the announcement on budgetary matters will be made in due course, namely, on 10 October, and no decisions will be indicated until that point.

As a result of the re-investment the Government has made in the health service, the number of patients being treated across the system increased by 250,000 per annum in the past four years. This means almost 7,000 patients are treated in hospital every day and most return home with their life prospects considerably improved as a result of their treatment. We are, therefore, delivering a quality health service.

As the Deputy knows, problems at certain access points have been in the system for many years. It is encouraging, however, that trolley waiting, the very issue the Deputy raises, has reduced considerably across a range of hospitals, including Beaumont, St. Vincent's, James Connolly and Mayo university hospitals. The reductions in trolley waiting in these hospitals range from 40% to 68%. These significant improvements show that the Government's focus on trolley waiting is having an impact. This year, numbers waiting on trolleys across the board are lower than they were last year. The exemplars of good practice show that the policy of focusing on trolley waiting is working. We must continue to roll out this policy and there must be a clear focus on ensuring vulnerable people who enter hospitals through accident and emergency departments are given priority in the hospital service. As I stated, this is happening in many hospitals.

In terms of provision for people to live in at home, we are assessing the need for a more comprehensive home care support package. The Minister of State, Deputy Jim Daly, is examining this issue and consultations are under way to determine how best this can be achieved. The Minister for Health has made increased provision for home help and home care packages. According to a report in yesterday's newspapers, he reported a 10% increase in activity in these areas. Investment is being made all the time to try to make the experience of our hospitals better for every patient.

It is worth paying tribute to those who work in the health service and successfully treat 7,000 people every day, either as inpatients or day cases. This is having an impact on quality of life. While we have problems at discharge and admission, these must be resolved over time.

The Minister will obviously make investment plans for the future. We have the first investments in a new maternity hospital, a new children's hospital and a new hospital providing forensic psychiatric care. These are real investments that will improve quality of life.

Deputy Donnchadh Ó Laoghaire: It is difficult to credit the statement of improvements in individual hospitals. In reality, there are 446 people on trolleys and even ten years ago, this would have been unacceptable at a time of year when pressure on hospitals should be low. We have reached record numbers of trolleys in winter and extremely high levels in summer and this

is putting our system under incredible pressure.

I will certainly pay tribute to those who work extremely hard in the health system and are under severe pressure, in particular, home helps who have to rush across cities and counties to try to do half an hour's work in ten or 15 minutes, which is utterly unacceptable.

The position on the ground is that in April last, 350 people who had been allocated home help in South Lee had not received it specifically due to financial constraints on the Health Service Executive. It was not down to any delay in processing. This was not helped by the fact that the home help co-ordinator is doing three days per week in the area. Many people have left the system because they have not been able to get the hours. While a consultation may be happening on a statutory scheme or whatever it may be, there is no excuse for this underinvestment in home care. It is a reflection on the Government's wrong priorities and the more expensive cost of home care provided through for-profit agencies compared with direct hires through the HSE.

An Leas-Cheann Comhairle: I must call the Minister.

Deputy Richard Bruton: The Deputy has to reflect on what the Government has provided in the past two years. In that time, an additional €1.3 billion has been invested in the health service. It has been the greatest recipient of any resource at a time when we are now able to reinvest. Priority has been given to health by the Government. The Deputy must also recognise that we had a lost decade. I will not go into the origins of that, but investments that everyone would have liked to have made were not possible. Now, however, we are returning to a position in which we can make prudent investments. The national children's hospital, the national maternity hospital and the national forensic psychiatric hospital are in the building pipeline and will provide increases.

We are ensuring that the extra €1.3 billion is spread judiciously across all demands. Everyone recognises that there are demands, but the Deputy must also recognise that there have been genuine service improvements. Consider hospitals such as Beaumont, St. Vincent's, Cavan, Connolly, Mayo and others, which are delivering improvements. They are exemplars. The Minister is determined to ensure that good practice in those hospitals is mirrored in others where there are continuing difficulties.

Deputy Michael Harty: I wish to raise the issue of direct provision, specifically in the context of the recent issuing of letters to single male asylum seekers who are on deportation orders telling them that they must vacate their direct provision centres within four weeks. Many are from countries, such as, for example, Somalia and Palestine, to which Ireland cannot deport people. Will this new policy extend to families and children on deportation orders?

The direct provision system was established 17 years ago and was only meant to be an interim solution in respect of the high number of asylum seekers entering Ireland seeking the protection of the State. It was intended to provide asylum seekers with temporary accommodation while their applications were being processed. Now, more than 4,000 asylum seekers, of whom 1,600 are children, are in direct provision.

The issuing of these letters by the Reception and Integration Agency, RIA, of the Department of Justice and Equality has been condemned by the Irish Immigrant Support Centre, Nasc, which claims that this is actively seeking to make asylum seekers homeless and destitute. These deportees have no entitlement to social welfare and will be unable to access homeless services. Thus, they will have no money, homes, residency or right to work. Invariably, they will become

homeless and add to the crisis of street homelessness.

The McMahon report of 2015 brought about some improvements, but more than 25% of asylum seekers are still waiting for longer than three years to have their applications for asylum processed. There is no statutory time limit on processing applications. This leads to a loss of autonomy and self-worth. As the Supreme Court ruled this year, not being able to work in these circumstances goes against the Constitution.

The State has a duty of care to these asylum seekers to look after them in a more humane way until they are granted asylum, subsidiary protection or leave to remain or exit Ireland voluntarily or are deported. They should not be turned out onto the streets without support. Why has this shift in policy occurred? The Minister of State, Deputy Stanton, has stated that no asylum seeker will be made homeless as a result of these letters. What does that mean? Are these letters to be ignored? Has the RIA changed its mind and withdrawn them? What exactly is going on? I would be grateful for the Minister's reply.

Deputy Richard Bruton: I thank the Deputy for raising this issue. As he outlined, we are providing temporary accommodation - bed, breakfast and board - for almost 5,000 individuals. Every year, approximately 2,000 new applicants come and we try to provide a service for them. The idea behind this accommodation is to provide for people who would otherwise arrive in a very vulnerable condition. There is a limited number of such places, with very high occupancy rates, that must accommodate the 50 people a week who need accommodation and who have a call on this. We must ensure we can, to the best of our ability, be fair and equal to all those who are making a case to the State. There has been significant effort to improve the conditions. The McMahon report made 173 recommendations of which 133 have been fully implemented and a further 36 are in progress. That has brought tangible improvement in the conditions of people who are awaiting a decision. It includes standards, availability of self-catering and so on.

In terms of the ban on employment, the court has yet to make an order. On foot of that order, the Government will have to consider its implications. A provisional ruling has been made but the final order is yet to be made. We have made huge efforts to simplify the process through legislation in order that people are not in temporary accommodation for long periods. It was never intended that it should be for long periods. To facilitate people coming through, there must be some effort in respect of people who have been the subject of deportation orders to see that they would move on since their cases have been fully adjudicated under the international rules we apply and a decision made that they are not eligible for status in Ireland. That is the position. We will try to deal with each person in the most humane way we can. We cannot guarantee that everyone is able to remain forever in accommodation if he or she has been unsuccessful in his or her application. This is an effort to deal with a problem in a reasonable and fair way as best we can.

Deputy Michael Harty: Direct provision needs to be reviewed in its entirety because it has become an institutional form of living. Many asylum seekers have been waiting more than five years to have their asylum application processed. That leads them to live in accommodation that is entirely unsuitable for them for prolonged periods. They are banned from taking up work, live in a state of idleness and are confined to reception centres. They do not have an opportunity to cook; they are eating in canteens at set hours and it has become an institutional form of life. The right to employment is still denied to them but hopefully it will be rectified in the coming weeks. Children living in direct provision suffer greatly just as children living in homeless situations do. They live in fear for their personal safety even in the centres. There are

35 centres around the country, which are mobile homes, converted hotels or such like. The accommodation is cramped and overcrowded. It costs €50 million to fund direct provision. The money could be spent in a much different way.

Deputy Richard Bruton: We have 2,000 people per annum presenting with a submission for asylum. These centres are an offer by the State to provide full bed and board, access to utilities, welfare payments and medical facilities. People are not obliged to accept offers and many do not take them up. They represent the State attempting to provide for such people, instead of the 2,000 who come in going onto the streets and being vulnerable as they would be. The State is providing an option for them to be accommodated in this way. It is not an ideal situation. The McMahon report, which investigated this, has been done and action has been taken to implement the recommendations it made.

With regard to the issue of dealing with cases more quickly, the new legislation will accelerate it and we hope there will no longer be the long delays the Deputy rightly says have been a feature of this provision in the past. The Minister of State, Deputy Stanton, who is a particularly compassionate and vigilant Minister, has visited these centres. He is very keen to try to deal with this as effectively as possible. He is dealing with a difficult situation in a way that is as fair as we can be. When a decision is made to reject a case there has to be an end to the process.

An Leas-Cheann Comhairle: Caithfidh cloí leis an gclog.

Deputy Catherine Martin: Ireland's pension gap has widened in the lifetime of this Government and the previous one. Women work outside home in fewer numbers with most getting paid less when they do. When it comes to retirement, women now typically have 37% less to live on than men. On 21 September the Taoiseach announced plans for a new pension strategy to be completed by the end of the year, including a five-year roadmap for pension reform. As Minister for Social Protection, he also committed to conduct an overall pension review that was to be completed by the middle of this year. It is now almost October and it is not known if that pension review has been completed, let alone published.

Many women who got up early in the morning for years to work or look after the nation's children are now entering an insecure impoverished retirement. They will have limited access to pensions because of low pay, poor conditions of work and having to take time out for caring responsibilities. Women who worked on family farms and in family businesses also do not have social insurance coverage meaning they are totally reliant on their husbands in older age. What steps will the Government take to analyse the differential impacts of pension policy for men and women? Will it redress these glaring, flagrant inequalities among pensioners currently in receipt of benefits?

Lack of access to the homemaker's scheme has led to experiences of severe inequality for an entire generation of women in the State pension system. The homemaker's scheme only allows for the backdating of pension contributions to 1994. What about all the women before 1994? Let us not forget the State-enforced marriage bar, which up to 1973 meant women had no choice but to give up their public service and Civil Service jobs when they got married. Tens of thousands of women are out in the cold and are forgotten. They do not receive equal treatment because of a sudden unfair cut-off point of 6 April 1994. This is simply not good enough; they deserve better. The Taoiseach has said he plans to reward work and enterprise in the budget and yet he has claimed that pensions for these women, forcibly barred from work by the State,

would be too expensive. Indeed they should be paid reparations and not a mere State pension. It is never too late to do the right thing.

Will the Government commit to backdating the homemaker's scheme to 1973, rather than this discriminatory cut-off point of 1994? When will the Government publish the review on the differentiated impacts of pension policy? Will this be published before any new strategy is conducted or will the Government continue its penchant for revolving-door Ministries that never seem to finish any jobs they start?

Deputy Richard Bruton: The Deputy raises a very important issue. There is widespread under-provision in pensions and, as she rightly said, the under-provision is much more acute among women workers than among male workers. While I do not have the figures to hand today, from memory less than half of workers had access to any pension support other than the State contributory scheme. This has been a feature of our provision over many years.

Deputy Burton is in the Chamber. I know the previous Government took action to ensure that every employer would have to provide the option of a scheme to every worker. Therefore there is an obligation on employers to provide such a scheme. The State, of course, supports though tax breaks people participating in such a scheme. The wider issues of whether there should be compulsory contribution into a scheme or whether it should be automatic enrolment with an obligation to drop out are very significant and need to be assessed in detail. Obviously much work is required initially assessing the potential impact of them and considerable consultation on them would be required.

I do not have access to when the work will be completed, but it is a very important issue which poses problems for long-term funding for all of us as we live longer and remain reliant on the State for much longer. The State pension, which was introduced in 1953, was based on contributions by people who were at work. That has been the model and access is done by way of averaging over one's entire life. That has favoured people who, for example, entered late and were just in the scheme for a short period and get a full pension while others, as Deputy Catherine Martin described, who drop out for periods can have their rights diluted. One of the issues that has been examined by the Department is whether one should move to a total contribution approach rather than using the averaging rule. The difficulty with such a change is that there could be losers as well as winners in such a scheme.

I understand the Department has indicated in the course of replies to parliamentary questions that the law would have to change retrospectively for homemakers and that would have a significant cost. From recollection, more than €250 million would be involved. Again, it would have to be assessed in the context of other budgetary options that fall to be considered by the State. This is a complex area and having a full pension review that evaluates all of those issues, and tries to decide where the allocation of responsibility falls between employers, individuals and the State, requires careful work. I look forward to that review which has not come to Government at this point.

Deputy Catherine Martin: I thank the Minister but, with respect, it is hard for those women who have been denied their pension entitlements to take all that he has said at face value given that actions taken by this and the previous Government, rather than addressing the inequalities in the pension-pay gap, have only allowed them to deepen. In 2012, the previous Government introduced changes to the eligibility criteria for the contributory State pension. That had the effect of increasing the number of PRSI contributions required for the higher payments and

women are most likely to lose out because of periods out of the workforce due to family responsibilities or having held part-time employment.

Of the 36,000 people the Department of Social Protection records as being affected by the changes from June 2016, more than 62% were women. Will the Government reverse the 2012 changes to pension contributions? As budget 2018 approaches, I remind the Minister that women benefit less from cuts to income tax as they are more likely to find themselves in part-time and low-paid jobs and take time out from work for unpaid care responsibilities. The priority in the upcoming budget should lie in investment in public services and any tax cuts need to be in the form of progressive taxation that will benefit women and men equally.

Deputy Richard Bruton: One has to bear in mind what was done in 2012. The system that prevailed before that meant that someone who perhaps had made 1,000 contributions over his or her entire life could get a 98% pension and someone who had made double those contributions over his or her life would get the same pension. There was an effort to relate more fairly the amount of pension provided to the contribution record of the individual. It is a contributory scheme. To move away from that principle of relating to a reasonable degree the eligibility to the contributions would be a strange direction for policy to take. We must try to build a system where people make contributions and employers also make contributions and we build up both the State element and the private element to give adequate pension cover. That is the challenge we have. I do not think we can assume that those who made a lesser contribution can automatically get the same amount as those who made a greater contribution. That is the dilemma we face.

Deputy Catherine Martin is correct that we need to look in particular at the position of women in the workforce. That is an issue that will have to be addressed in the wider policy but it is part of a bigger picture which will dominate discussion over many years.

Questions on Promised Legislation

An Leas-Cheann Comhairle: Before we move on to promised legislation, let me say something to all Members as some can be very clever and try to circumvent the rules. We have only 15 minutes and I wish to accommodate as many speakers as possible so I ask Members to preface their question with a reference to promised legislation or the programme for Government. Before the leaders, we have Deputies Michael Moynihan, O'Rourke, Fitzmaurice, Tóibín, Durkan, Deering, Scanlon, Rock, McLoughlin, Rabbitte, Martin Kenny and Smith. I have to cut off after 15 minutes. We start with Deputy Thomas Byrne on behalf of Fianna Fáil.

Deputy Thomas Byrne: When is the Government going to get to grips with public transport, particularly in the context of the programme for Government commitments to improve it? There are many people throughout the country who get up early in the morning, as the Government likes to say. They are currently being discommoded by Bus Éireann, which is seemingly unable to provide a predictable and reliable service. There are many people who use rail services and also get up early in the morning. They are being promised an all-out strike in the next few weeks. When is the Government going to take some action on this and provide the promised improvements? We should have an effective, predictable and reliable public transport service around the country.

Minister for Education and Skills (Deputy Richard Bruton): On the industrial dispute,

I urge all parties to use the facilities of the Workplace Relations Commission and the Labour Court to try to re-engage. I have had experience as the Minister responsible for this area and even the most intractable disputes can be resolved by their services. They are very experienced and expert.

The Government has a huge commitment to public transport. We will soon see the Luas lines linked up after very significant infrastructure investment. The ten-year investment plan is being put together and public transport will be a very significant part of that, as it was in the last plan. In terms of support for the improvement of public transport on a day-to-day basis, we have seen a 25% increase in the subventions being made to public transport for public service obligations over the last two years. Investment is being put in and we are seeing more and more people using public transport.

Deputy Donnchadh Ó Laoghaire: The programme for Government states that the Government will launch a pilot scheme to reopen six Garda stations in rural and urban areas. I have before me the response to a parliamentary question from Deputy Alan Farrell in respect of the reopening of Rush Garda station. It states that the Garda Commissioner is responsible for the efficient use of resources available to the Garda Síochána and that the Minister, Deputy Flanagan, has no role in the matter. That includes responsibility for the opening and closing of Garda stations.

At today's meeting of the Committee of Public Accounts, acting Commissioner Ó Cualáin confirmed that the decision to reopen Stepside Garda station and not to reopen Rush Garda station was a political one and that the Government took the decision on the criteria to reopen Stepside. He explained this by saying that his office did what it was asked to do. I ask the Minister to explain the manner in which this is not a political decision and to tell us who took the decision to reopen Stepside Garda station and not the others, particularly in light of the fact that the Garda Síochána clearly did not take it.

Deputy Richard Bruton: As the Deputy has rightly pointed out, the programme for Government committed to a pilot scheme to reopen six Garda stations. The Garda was asked to undertake an analysis to identify locations for the pilot scheme. An interim report has been given to the Government. It recommends the opening of Stepside and indicates that the process could be extended to other locations and that its final report would indicate the position in respect of those other locations, namely, Leighlinbridge, Donard and Rush. I understand this reflects population trends and operational reasons as to why these areas need the additional support. I understand the final report will come to Government shortly.

Deputy Joan Burton: My question is in respect of the blueprint for maternity services in Ireland, to which the Government is committed. Ireland has one of the lowest breast-feeding rates by new mothers-----

An Leas-Cheann Comhairle: Is this in respect of promised legislation?

Deputy Joan Burton: It is in respect of the maternity strategy that the Government has published and supported. A key part of that strategy is supporting the expansion of breast-feeding by new mothers. I was both disappointed and shocked at the withdrawal of funding from the baby-friendly health initiative, which is supported by the UN and the World Health Organization, WHO, and which involves going into hospitals and supporting women who have given birth to breast-feed their babies. It was receiving budgetary support from the HSE of

€50,000 a year and was a key part of the strategy. I and an awful lot of other people are shocked to find that the HSE has now arbitrarily axed all of the funding to the point at which the initiative, which was internationally supported, has closed down.

An Leas-Cheann Comhairle: This is not on promised legislation. The Deputy has colleagues waiting to speak.

Deputy Joan Burton: It was receiving budgetary support of €50,000 a year from the HSE.

An Leas-Cheann Comhairle: On promised legislation-----

Deputy Joan Burton: It was a key part of the strategy that was laid out.

An Leas-Cheann Comhairle: Some of the others-----

Deputy Joan Burton: Like many other people, I was shocked-----

Deputy Tony McLoughlin: This is a Second Stage speech.

Deputy Joan Burton: -----to find that the HSE has arbitrarily axed all of the funding to the point where this internationally supported initiative has closed down.

An Leas-Cheann Comhairle: The Deputy's colleagues-----

Deputy Joan Burton: This is very important.

An Leas-Cheann Comhairle: Okay. What promised legislation is the Deputy talking about?

Deputy Joan Burton: I am talking about the maternal health strategy, which-----

An Leas-Cheann Comhairle: The Deputy is talking about a strategy.

Deputy Joan Burton: -----is part of the programme for Government.

An Leas-Cheann Comhairle: If the question relates to promised legislation or to the programme for Government, the Minister can answer it.

Deputy Joan Burton: It is a key part of the programme for Government.

Deputy Richard Bruton: Obviously, there is a maternity strategy as part of the Holles Street move and the construction of a new national maternity hospital. The Government and the HSE strongly support the principle that mothers should breast-feed their children. We have strategies to support that. I do not know of every individual programme that might be involved, but I know each of them is scrutinised every year to see whether it represents the best option for promoting this shared objective. I am sure there are actions. If the Deputy tables a parliamentary question, the Minister will be in a position to respond.

Deputy Joan Burton: This was the only internationally monitored programme we had.

An Leas-Cheann Comhairle: I call Deputy Bríd Smith on behalf of her group and ask her to co-operate with me by asking about promised legislation.

Deputy Bríd Smith: I am going to talk about the promised referendum on the eighth

amendment. I read in a newspaper this morning that the Fine Gael Cabinet, or the Cabinet, does not believe the outcome of the Citizens' Assembly is acceptable for the party, the Dáil or the people. It appears that the Government, having decided to pursue the Citizens' Assembly process, is now rejecting it without letting the committee finish its work. Perhaps it should elect a new people.

An Leas-Cheann Comhairle: Thank you.

Deputy Bríd Smith: I am confused about the date that has been proposed. According to the newspaper report I have mentioned, it is probable that the referendum will take place on 8 June 2018.

An Leas-Cheann Comhairle: I remind the Deputy that she should ask a question.

Deputy Bríd Smith: As Minister for Education and Skills, Deputy Bruton will be aware that all students will have vacated their colleges by then. I remind him that the same-sex marriage referendum was held on 22 May 2015.

An Leas-Cheann Comhairle: The Taoiseach dealt with that yesterday.

Deputy Bríd Smith: We will need large numbers of young people to participate in this referendum.

Deputy Mattie McGrath: They are not all in favour of repeal.

Deputy Bríd Smith: Can the Minister explain why this referendum is being pushed back to June?

Deputy Richard Bruton: I believe the Citizens' Assembly has made a very valuable contribution. This has been a very divisive issue in Irish society. It has been very helpful for the Citizens' Assembly to have had an opportunity to go through evidence and provide a report to the Oireachtas. The Oireachtas will have to make a decision on whether a proposal should be put to the people and, if so, what that proposal should be. That is why the work of the Oireachtas committee is so important. As the Taoiseach said yesterday, we have set a tight timescale to try to provide for a referendum before the students break for the summer. That is conditional on the Oireachtas committee being able to complete its work. The Taoiseach has urged those involved in that committee to approach their work constructively and to try to reach a consensus with the committee.

An Leas-Cheann Comhairle: I call Deputy Mattie McGrath on behalf of his group. The same rule applies to him.

Deputy Mattie McGrath: I appreciate that. I would like to ask about the Education (Admission to Schools) Bill 2016. The Taoiseach said on Tuesday that parental choice will be central to any school divestment policy. Can the Minister for Education and Skills confirm that this is also his policy? Can he confirm that the wishes of parents and guardians, rather than any political ideology, will be foremost when policy is being made in this area?

Deputy Richard Bruton: The Deputy is raising two different issues. The Education (Admission to Schools) Bill 2016, which is before the House, provides for rules governing what can and cannot be included in admissions policies. It bans waiting lists, certain restrictions and selectivity.

Deputy Mattie McGrath: What about parents?

Deputy Richard Bruton: It provides that children with special needs must be accepted and it gives the National Council for Special Education the power to require that. That is the admissions policy that is before the House. We have indicated that there are amendments to be made, having been agreed in principle on Committee Stage. They have to be drafted and go through the Office of the Attorney General. That is what is now happening. The issue of divestment and transfer of patronage is a separate process. As we have indicated, the agreement of all parties is required to secure that. Under a new system that we are introducing, education and training boards will conduct local surveys of preschool parents to establish whether there is a desire for an alternative model of patronage. Where there is such a desire, we will sit down with the existing patrons to seek to work out a live transfer to a new patron.

Deputy Michael Moynihan: There are 17 pages of laudable commitments in the programme for Government about improving the health service in general, including the mental health services, but none of them has been delivered on, unfortunately. We found out through the media in recent days that the scoliosis targets will not be met. There are almost 700,000 people on inpatient or outpatient lists across the country. The community services, including the home help service, are in tatters. The health service is crumbling under ferocious pressure. In addition to all that pressure, no new staff are being recruited. The Minister told the health committee yesterday that the €100 million shortfall in the health service budget would have to be found within the health service. More than €100 million is needed to recruit extra staff. How can this be done without compromising the health service that is already in tatters?

Deputy Richard Bruton: The Deputy must realise that every year we are increasing the number of patients treated. As I said, in the past four years 250,000 extra people have been treated, which represents an increase of about 15% in the number of patients treated. That is a significant number. Almost 7,000 patients leave our hospitals every day with their quality of life improved by medical intervention. It is not a service in a state of collapse or whatever words he used but there are pinch points where there is a demand for services, and we need to meet that demand. In the past two years, an investment of €1.3 billion has been made. In particular, mental health has been prioritised by Government, even in the difficult years, with an additional €140 million invested in those services. There are difficulties in recruiting in the medical health service, as the Deputy is aware. That is one that is being addressed, as well as extending the services.

Deputy Frank O'Rourke: On the programme for Government and in keeping with the confidence and supply agreement, we very much welcome the extension of the roll out of discretionary medical cards to children in receipt of domiciliary care allowance. However, a review of the prescription drugs prescribed to children in receipt of domiciliary care allowances is needed, as some of those drugs are not covered under this scheme. One such drug is melatonin, which I am advised is very important for those children suffering from this condition. I ask the Minister to have a review carried out to have this drug included. On foot of a question I tabled to the Department, the HSE came back and said that it would not include it, yet I have been told by experts in the medical field and by parents that this is a drug that needs to be included.

Deputy Richard Bruton: I will ask the Minister for Health to look at that. My understanding is that in any such case of a drug being presented there is research undertaken, I believe by the Health Research Board, HRB, to establish the health efficacy of the drug and the price for which it should be procured if it is effective. That results in negotiations, where it is proven ef-

fective, between the company and the Health Service Executive, HSE. I do not know the status of this but every new drug is assessed on a fair basis to ensure it is cost effective to introduce into the health service.

Deputy Michael Fitzmaurice: On the insurance Bill, is the Government going to bring forward an amendment because we are finding that people who were involved with Setanta Insurance where claims are involved are now being told that they are liable for up to 35% of the amount awarded in the court. That means that some people who went out with valid insurance on their vehicles are now being told they could face bills of €30,000, €40,000 and €50,000. Can that be allowed? Will there be an amendment to the Insurance Bill?

Deputy Richard Bruton: I understand that Bill is on the priority list so it is being treated with great priority.

Deputy Bernard J. Durkan: On promised legislation, the criminal law (sexual offences) Bill is to provide for presumptive minimum sentences for repeat sexual offenders and to correct an anomaly in the law in respect of penalties for incest. When is it likely that the pre-legislative scrutiny of this Bill will take place? When is the Bill likely to come before the House for a Second Reading?

An Leas-Cheann Comhairle: I thank Deputy Durkan for his brevity.

Deputy Richard Bruton: I understand the work on that Bill is under way but there is not a date yet as to when it will be presented.

Deputy Peadar Tóibín: My question is on the Referendum Commission and the programme for Government. This week, a number of women who are rape survivors who have had abortions and regretted them or who brought their children to full term wish to have a public meeting in Dublin to explain their experiences. They did not go to universities because in previous years universities would not let them on campus. A prominent Dublin hotel gave them a room but after a barrage of aggressive threats against the hotel, the room was not made available to them. They then got another room in another hotel and the exact same thing happened: they were prevented from speaking in the room. Posters were put up around the city and a political party in this Chamber had its members go around and tear them down. The members publicised their activities on Facebook and said these women-----

An Leas-Cheann Comhairle: The programme for Government.

Deputy Peadar Tóibín: -----who are rape survivors were offensive to them and they therefore chopped up the posters.

An Leas-Cheann Comhairle: Deputy Tóibín-----

Deputy Peadar Tóibín: These are rape survivors and they have been silenced, censored and shouted down. If it were any other group of people, there would be outrage in this Chamber and in the media, yet we are dealing only with silence.

An Leas-Cheann Comhairle: I call on the Minister to respond if it is appropriate to do so.

Deputy Richard Bruton: I agree with the Deputy. It is vital, as we come to debate an issue that has been extremely divisive in our community over many years, that people are treated with respect on all sides. I know there are very strongly held views on all sides about this. I

know it is an issue in respect of which people find it hard at times to be restrained. However, if we are to make mature decisions on this, the public must be given an opportunity to hear the arguments on both sides. It is right that the House should appeal for such an approach because, otherwise, people will be branded into one area or camp or another and will not have a chance to sift through what are genuine arguments that must be reconciled in this debate. I therefore agree with the Deputy that we need to find a way for people to have their voices heard without being shouted down.

An Leas-Cheann Comhairle: With the co-operation of the House I might be able to fit the last few speakers in. I call Deputy Deering, who will be followed by Deputy Scanlon.

Deputy Pat Deering: It is now four years since the motorised transport scheme was discontinued and there has been much talk in recent months as to when a new scheme could be up and running. Will the Minister indicate exactly his timeframe for the introduction of the new scheme under the health (transport support) Bill?

Deputy Richard Bruton: I am not in a position to give a date. I know the Taoiseach has also answered a question on this in the past. It has been a difficult issue. I think he signalled during the week that he would ask the Ministers involved to get together to see whether a resolution might be found. It is a matter of working out a workable and affordable scheme. I believe that is the position on the matter and the Taoiseach signalled earlier in the week that he hopes it can be advanced.

Deputy Eamon Scanlon: The Minister of State at the Department of Business, Enterprise and Innovation, Deputy Breen, has accepted the recommendations made by the Labour Court regarding rates of pay for workers employed in the construction industry. The next step for the Minister of State is to make an order to effect the terms of the recommendation, as provided for in the Industrial Relations (Amendment) Act 2015. Can the Minister tell the House when this order will come before the House?

Deputy Richard Bruton: I do not have that information to hand but I think the procedure as to how such a registered employment agreement becomes registered is set out in legislation. As the Deputy knows, it was struck down by the courts in the past and new legislation had to be introduced to ensure it was robust from a constitutional perspective. I will ask the Minister of State, Deputy Breen, to respond to Deputy Scanlon, but there is a procedure set out in the legislation.

Deputy Noel Rock: My question concerns the markets in financial instruments Bill 2017. Has the relevant Department assessed, in light of this and the EU Markets in Financial Instruments Directive, MiFID II, the long-term implications for Ireland as a financial services centre in light of certain functions transferring from national authorities to be now conducted by pan-European authorities? Can this be included for consideration in pre-legislative scrutiny?

Deputy Richard Bruton: I presume this legislation, which is on the priority list, will proceed in the normal way to have pre-legislative scrutiny. That is the norm, unless the committee were of the view that it did not require it. Subject to confirmation for the Deputy, I presume it will proceed through the normal pre-legislative scrutiny.

An Leas-Cheann Comhairle: The last three speakers are Deputies McLoughlin, Rabbitte and Martin Kenny.

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Deputy Tony McLoughlin: Regarding the institutes of technology such as Institute of Technology Sligo and their ability to merge into technological universities, which is eagerly awaited, and to begin to obtain the educational benefits which would arise, I ask the Minister for an update on progress on the Government's priority as to when the relevant Bill can be advanced.

Deputy Richard Bruton: Before the summer recess, the Government made a decision to proceed with the drafting of amendments that were required following discussions here with trade unions and others. Those amendments are now in the course of drafting and work on those amendments is ongoing between my Department, the Minister of State, Deputy Mary Mitchell O'Connor and the Office of the Attorney General.

Deputy Anne Rabbitte: As part of Government formation in 2016, one of the cornerstones of the programme for Government was the national rail review, which was championed by the Independent Alliance. When will that national rail review be available for the general public?

Deputy Richard Bruton: Unfortunately, I do not have access to that information here. I will revert to the Deputy.

Deputy Martin Kenny: The programme for Government states there will be a commitment to providing a full and adequate health service across the whole country. Many people with brain injuries, which arise for many different reasons, for example, due to strokes, are waiting a huge length of time to be seen by consultants. In the north west, there is only one consultant covering the whole area and there is a huge problem across the country in this regard. Will the Government do something about this, have a review of the entire area and put funds into it?

Deputy Richard Bruton: I am not aware that it is in the programme for Government but I will refer it to the Minister.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I move:

That, pursuant to Standing Order 27E(8), No. 10a, motion re referral of the Eighth Report of the Convention on the Constitution to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, be taken immediately without debate.

An Leas-Cheann Comhairle: Is the proposal agreed to?

Deputy Aengus Ó Snodaigh: It is not agreed. I think the debate should be had before the-----

An Leas-Cheann Comhairle: The Deputy may make a short contribution.

Deputy Aengus Ó Snodaigh: Yes. I am only speaking about the motion, not the content of the report or anything else. This only appeared yesterday. There should be a debate as to whether, given the passage of time, it is appropriate for this to be debated by a committee and not the Dáil first.

It is three and a half years since the report of the Constitutional Convention on this aspect.

It is questionable whether the Joint Committee on Finance, Public Expenditure and Reform is the appropriate committee to refer it to, given a report from the Constitutional Convention recommended a constitutional provision to realise economic, social and cultural rights and greater protection for those. What we are dealing with is not necessarily a finance issue and it is probably more appropriate - similar to the report that came from the Citizens' Assembly, the successor to the Constitutional Convention - that we set up a separate committee or, at the very least, that the report be referred to committees that have the expertise, such as the housing committee. The report from the convention dealt with specific areas of rights that should be enumerated in the Constitution, and it listed those - disabilities, health care, social services, housing and language were the areas it asked us to deal with. What is being suggested here is that, rather than have us discuss which committee is, or which committees are, appropriate, we would send it to the finance committee. That is wholly inappropriate and it is also inappropriate that we are dealing with it in such a rushed manner at this stage, given it is three and a half years since that report was laid before the House.

An Leas-Cheann Comhairle: There is an opportunity for the Government to respond before I put the question.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I do not think this is a rushed matter and I do not think we need to delay it any further. The committee we propose sending this to needs to deal with the totality of issues that have been recommended in the Constitutional Convention's eighth report. That committee deals with finance, expenditure and reform issues and with the Department of the Taoiseach. Given the scope of the committee, but also the scope of the eighth report of the Constitutional Convention, we feel it is the most appropriate committee to discuss this issue.

An Leas-Cheann Comhairle: Is the proposal agreed to?

Deputy Aengus Ó Snodaigh: It is not agreed.

Question put:

<i>The Dáil divided: Tá, 89; Níl, 28; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Brady, John.</i>	
<i>Barrett, Seán.</i>	<i>Broughan, Thomas P.</i>	
<i>Breen, Pat.</i>	<i>Buckley, Pat.</i>	
<i>Brophy, Colm.</i>	<i>Collins, Joan.</i>	
<i>Browne, James.</i>	<i>Coppinger, Ruth.</i>	
<i>Bruton, Richard.</i>	<i>Crowe, Seán.</i>	
<i>Burke, Peter.</i>	<i>Daly, Clare.</i>	
<i>Burton, Joan.</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>Healy, Seamus.</i>	
<i>Cahill, Jackie.</i>	<i>Kenny, Gino.</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>Murphy, Paul.</i>	
<i>Chambers, Jack.</i>	<i>Nolan, Carol.</i>	
<i>Collins, Michael.</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>Ó Snodaigh, Aengus.</i>	
<i>D'Arcy, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>Daly, Jim.</i>	<i>Quinlivan, Maurice.</i>	
<i>Deering, Pat.</i>	<i>Smith, Bríd.</i>	
<i>Doherty, Regina.</i>	<i>Stanley, Brian.</i>	
<i>Dooley, Timmy.</i>	<i>Tóibín, Peadar.</i>	
<i>Doyle, Andrew.</i>	<i>Wallace, Mick.</i>	
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Fitzmaurice, Michael.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Griffin, Brendan.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kyne, Seán.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		

<i>Moran, Kevin Boxer.</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>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Denise Mitchell.

Question declared carried.

Eighth Report of the Convention on the Constitution: Referral to Joint Committee

An Leas-Cheann Comhairle: We now deal with a motion re the referral of the eighth report of the Convention on the Constitution to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. I call on the Minister for Housing, Planning and Local Government to move the motion.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That Dáil Éireann agrees that the Eighth Report of the Convention on the Constitution, copies of which were laid before Dáil Éireann on 30 March, 2014, including its recommendations in relation to the right to housing, be referred to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in accordance with Standing Order 84A(4) (*k*), to consider the implications arising in terms of balance of rights, good governance (including the separation of powers) and resource prioritisation, and that an appropriate opportunity be provided, in due course, for Dáil Éireann to consider the report of the committee.

Deputy Aengus Ó Snodaigh: I move amendment No. 1:

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

“(a) a Special Committee be appointed to be joined with a Special Committee to be appointed by Seanad Éireann, to form the Joint Committee on Economic, Social and Cultural (ESC) Rights;

(b) the Eighth Report of the Convention on the Constitution, copies of which were laid before Dáil Éireann on 30th March, 2014, including its recommendations in relation to the right to housing, be referred to the Joint Committee, which shall review the report and consider the implications arising in terms of balance of rights, good governance (including the separation of powers) and resource prioritisation;

(c) an appropriate opportunity be provided, in due course, for Dáil Éireann to consider the report of the Joint Committee;

(d) the Special Committee shall be made up of 14 members of the Dáil, of which three members shall be appointed by Fine Gael, three members by Fianna Fáil, two members by Sinn Féin, one member by the Labour Party and five members representing the Independent Deputies and members from other political parties;

(e) four shall constitute a quorum of the Joint Committee, at least one of whom shall be a member of the Dáil, and one a member of the Seanad;

(f) notwithstanding the provisions of Standing Order 93, the Joint Committee shall elect one of its members to be Chairman, who shall have only one vote;

(g) the Ceann Comhairle shall announce the names of the members appointed under paragraph (d) for the information of the Dáil on the first sitting day following their ap-

pointment; and

(h) the Joint Committee shall have the powers defined in Standing Order 85(1), (2), (3), (4), (5), (7), (8) and (9).”

Amendment put:

<i>The Dáil divided: Tá, 30; Níl, 91; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Joan.</i>	<i>Browne, James.</i>	
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Burton, Joan.</i>	
<i>Daly, Clare.</i>	<i>Butler, Mary.</i>	
<i>Doherty, Pearse.</i>	<i>Byrne, Catherine.</i>	
<i>Ellis, Dessie.</i>	<i>Byrne, Thomas.</i>	
<i>Ferris, Martin.</i>	<i>Cahill, Jackie.</i>	
<i>Healy, Seamus.</i>	<i>Calleary, Dara.</i>	
<i>Kenny, Gino.</i>	<i>Canney, Seán.</i>	
<i>Kenny, Martin.</i>	<i>Carey, Joe.</i>	
<i>Martin, Catherine.</i>	<i>Casey, Pat.</i>	
<i>Mitchell, Denise.</i>	<i>Cassells, Shane.</i>	
<i>Munster, Imelda.</i>	<i>Chambers, Jack.</i>	
<i>Murphy, Paul.</i>	<i>Collins, Michael.</i>	
<i>Nolan, Carol.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Broin, Eoin.</i>	<i>Cowen, Barry.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Curran, John.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>D’Arcy, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Daly, Jim.</i>	
<i>O’Reilly, Louise.</i>	<i>Deering, Pat.</i>	
<i>Quinlivan, Maurice.</i>	<i>Doherty, Regina.</i>	
<i>Smith, Bríd.</i>	<i>Dooley, Timmy.</i>	
<i>Stanley, Brian.</i>	<i>Doyle, Andrew.</i>	
<i>Tóibín, Peadar.</i>	<i>Durkan, Bernard J.</i>	
<i>Wallace, Mick.</i>	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	

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	<i>Griffin, Brendan.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Howlin, Brendan.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</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>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</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>O'Sullivan, Jan.</i>	
	<i>Penrose, Willie.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Denise Mitchell; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Motion put and declared carried.

Wind Turbine Regulation Bill 2016: Second Stage (Resumed) [Private Members]

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Wind Turbine Regulation Bill 2016, taken on Thursday, 21 September 2017. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 40; Níl, 83; 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>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Brophy, Colm.</i>	
<i>Burton, Joan.</i>	<i>Browne, James.</i>	
<i>Collins, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Collins, Michael.</i>	<i>Burke, Peter.</i>	
<i>Connolly, Catherine.</i>	<i>Butler, Mary.</i>	
<i>Coppinger, Ruth.</i>	<i>Byrne, Catherine.</i>	
<i>Crowe, Seán.</i>	<i>Byrne, Thomas.</i>	
<i>Daly, Clare.</i>	<i>Cahill, Jackie.</i>	

<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	
<i>Ellis, Dessie.</i>	<i>Canney, Seán.</i>	
<i>Ferris, Martin.</i>	<i>Carey, Joe.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Casey, Pat.</i>	
<i>Harty, Michael.</i>	<i>Cassells, Shane.</i>	
<i>Healy, Seamus.</i>	<i>Chambers, Jack.</i>	
<i>Howlin, Brendan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kelly, Alan.</i>	<i>Cowen, Barry.</i>	
<i>Kenny, Gino.</i>	<i>Curran, John.</i>	
<i>Kenny, Martin.</i>	<i>Daly, Jim.</i>	
<i>McGrath, Mattie.</i>	<i>D'Arcy, Michael.</i>	
<i>Mitchell, Denise.</i>	<i>Deering, Pat.</i>	
<i>Munster, Imelda.</i>	<i>Dooley, Timmy.</i>	
<i>Murphy, Paul.</i>	<i>Doyle, Andrew.</i>	
<i>Nolan, Carol.</i>	<i>Durkan, Bernard J.</i>	
<i>Ó Broin, Eoin.</i>	<i>English, Damien.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Farrell, Alan.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Flanagan, Charles.</i>	
<i>O'Reilly, Louise.</i>	<i>Fleming, Sean.</i>	
<i>O'Sullivan, Jan.</i>	<i>Griffin, Brendan.</i>	
<i>Penrose, Willie.</i>	<i>Halligan, John.</i>	
<i>Quinlivan, Maurice.</i>	<i>Harris, Simon.</i>	
<i>Ryan, Brendan.</i>	<i>Haughey, Seán.</i>	
<i>Sherlock, Sean.</i>	<i>Heydon, Martin.</i>	
<i>Smith, Bríd.</i>	<i>Humphreys, Heather.</i>	
<i>Stanley, Brian.</i>	<i>Kehoe, Paul.</i>	
<i>Tóibín, Peadar.</i>	<i>Kelleher, Billy.</i>	
<i>Wallace, Mick.</i>	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Catherine.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	

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	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</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>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Brian Stanley; Níl, Deputies Joe McHugh and Tony McLoughlin.

Question declared lost.

Explanations under Standing Order 138(2A) as received from Members

Deputy Ruth Coppinger and Deputy Paul Murphy voted in favour of the Wind Turbine Regulation Bill 2016 being read a Second Time as the Bill has provisions for greater involvement for local communities in consultation and planning; and it contains provisions that would limit private profit driven development not in the interests of local communities. Solidarity stands for a large scale public investment in renewable energies as part of ending the use of fossil fuels. The passage of this Bill to Committee Stage would have enabled further discussion on set back distances, excess production by private energy firms and the

ownership of renewable energy resources.

Flooding in County Donegal: Motion (Resumed)

The following motion was moved by Deputy Charlie McConalogue on Tuesday, 26 September 2017:

That Dáil Éireann:

notes:

— the devastating flooding that affected homes, businesses and farmsteads across County Donegal in August 2017;

— that the damage inflicted by the floods on local roads is estimated at €15.3 million;

— the challenges of climate change and increasingly volatile weather patterns; and

— the planned €430 million, six year programme of capital investment in flood defence measures as part of the Government's overall Capital Investment Plan 2016–2021;

acknowledges the hard work of local authority staff, volunteers, Defence Forces personnel and emergency services in assisting those affected by the floods;

criticises:

— the delays in the roll out of humanitarian assistance to affected households;

— the one week delay in announcing funding for a Red Cross administered humanitarian fund to help small local businesses, sports clubs and voluntary community groups with application forms not available until ten days after the flooding;

— the failure to confirm a fund to assist the repair of damage to farms until two weeks after the flooding, with application forms not made available until three weeks after the event;

— the exclusion of farmers who have lost grain crops, potato crops and unharvested silage, and damage to agricultural roads from funding;

— the failure to commit to separate funding for sports organisations who experienced significant damage in excess of the €20,000 cap covered by the Red Cross fund;

— the failure to commit to funding for repair and restoration of public amenities such as Swan Park in Buncrana;

— the on-going underspend in flood defence schemes as part of capital expenditure plans;

— the Government decision not to include any provision in Ireland's Rural Development Programme (RDP) 2014–2020 to compensate farmers for losses caused by adverse weather; and

— the continued delays and denials of insurance for homeowners and businesses across the country due to flooding concerns; and

calls on the Government to:

— ensure households and businesses are given adequate flood insurance, in particular for those in areas where the Office of Public Works has invested in standard 1 in 100 year flood defence structures, and facilitate the passage of Fianna Fáil legislation on this specific matter;

— address capital underspend in the roll out of investment in flood defences and increase spending in the road infrastructure;

— amend the RDP to encompass specific provisions on supporting farmers affected by adverse weather conditions;

— expand the terms of the funding support scheme for the farming community in County Donegal to include farmers who have lost grain crops, potato crops and unharvested silage, and damage to agricultural roads;

— provide ring-fenced funding to restore sporting facilities and public amenities destroyed in the County Donegal flooding and not covered by the Red Cross fund;

— ensure that steps are taken so that delays experienced in the establishment of funding support schemes in County Donegal are not repeated in future flooding events; and

— fully and expeditiously implement Government commitments to alleviate financial burdens on households, sporting facilities, farmsteads, businesses and infrastructure in County Donegal through the humanitarian assistance fund and specific agricultural supports.

Debate resumed on amendment No. 2:

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

“notes:

— that a pluvial rainfall event on the evening of 22nd August, 2017, gave rise to sudden and devastating flooding which affected the north-west, and in particular the Inishowen peninsula in County Donegal where homes, businesses, farms, community facilities and infrastructure were badly damaged;

— the immediate and effective response of the emergency services in the areas affected, with their initial focus on rescues and protecting lives of those threatened by the flash flooding which occurred;

— the immediate and effective response led by Donegal County Council, the designated lead agency for responding to flooding events, working with the other principal response agencies, in accordance with pre-established emergency management procedures, during the flooding and in its immediate aftermath to safeguard and facilitate persons in the area affected and to enable communities to continue to function;

— the effective clean-up and roads restoration/diversion operations mounted in the

aftermath of the event by Donegal County Council in co-ordination with the communities affected, and assisted by the Defence Forces, voluntary groups and local organisations, and that the elected members oversaw the response, clean-up and recovery operations of Donegal County Council;

— that a range of humanitarian support schemes, including the Department of Employment Affairs and Social Protection's Humanitarian Assistance Scheme for householders, the Irish Red Cross Humanitarian Assistance Scheme for small businesses, community, voluntary and sporting bodies and the Department of Agriculture, Food and the Marine's Animal Welfare Helpline and Emergency Feed Provision, were activated and that local officials of the relevant organisations have worked in close co-ordination with Donegal County Council to assist those impacted by the flooding and, as demanded schemes, are fully underwritten by Government commitment;

— that the Department of Transport, Tourism and Sport is liaising with a number of sporting clubs in the area impacted by the flooding but whose damage is deemed to be outside the terms of the Irish Red Cross Humanitarian Assistance Scheme;

— that the Department of Employment Affairs and Social Protection activated its standing scheme for emergency humanitarian assistance on Thursday morning, 24th August, 2017, and that the Department's representatives were on the ground from 23rd August, 2017, working with Donegal County Council to identify and make contact with those affected;

— that on 6th September, 2017, the Department of Agriculture, Food and the Marine announced a measure to support the small number of farmers who bore the brunt of the severe flooding experienced in the Inishowen area; support will be provided to those who experienced losses of livestock, the loss of conserved fodder (hay or silage) and as a contribution towards the clean-up cost of agricultural lands, including repair to fences, damaged by debris washed up by the floods;

— that the Department of Agriculture, Food and the Marine commenced payments to farmers under the Areas of Natural Constraints Scheme from last week and that it has secured permission from the European Commission to make an advance payment of 70 per cent of the Basic Payment Scheme from 16th October, 2017;

— that discussions on risk mitigation measures in the agriculture sector are expected to form part of deliberations at European Union level on the next Rural Development Programme;

— that the application forms for the Irish Red Cross Humanitarian Assistance Scheme for small businesses, community, voluntary and sporting bodies were available on their website on 30th August, 2017;

— that the Irish Red Cross Humanitarian Assistance Scheme for small businesses, community, voluntary and sporting bodies relies on receiving damage assessments from business owners and that a period of time is required following the flooding event to allow for an initial appraisal of the extent of the damage to businesses to take place;

— the Government commitment to support both those affected and the public authorities who have been working in the recovery phase, and that Donegal County Coun-

cil are still working to complete an estimate of the clean-up costs and the damage caused by the flooding to roads infrastructure at more than 630 sites, and that, given the exceptional nature of the response activities carried out by Donegal County Council, and the fact that the costs of these activities could not be met from within existing resources, the Department of Housing, Planning and Local Government is making support available to assist the Council in meeting the costs of the response, clean-up and necessary immediate works related to the flooding and that the Department of Transport, Tourism and Sport and the Office of Public Works (OPW) are also liaising with Donegal County Council about works in their areas of competence;

— that Donegal County Council, as the lead agency for recovery, continues to manage and co-ordinate damage assessments and that consideration of further response and remediation options is still ongoing;

— that flooding events can result from tidal, fluvial, pluvial or groundwater conditions (or combinations of these) and that the flooding event in County Donegal was as a result of an extreme pluvial event of a type which could affect any part of the country and for which it is not possible to accurately provide specific forecasts (location and timing) with any appreciable lead-time;

— the appropriateness and effectiveness of the local emergency management system in place, derived from the ‘Framework for Major Emergency Management’, with the relevant local authority acting as ‘lead agency’ to both deliver immediate response, clean-up and recovery operations, with local political accountability, and to co-ordinate the principal response agencies, the Defence Forces and the voluntary and community sector in responding to emergencies of all kinds in their areas;

— that, in its role as lead Government Department, in accordance with ‘Strategic Emergency Management, A National Framework and Structures’ the Department of Housing, Planning and Local Government’s National Directorate for Fire and Emergency Management liaised closely, appropriately and effectively with Donegal County Council from the morning of 23 August, 2017, co-ordinated national level support for Donegal County Council and dealt with emerging issues for those impacted by the flooding, and that, in line with best practice in the aftermath of events of this kind, a review of the County Donegal experience is being carried out as part of the programme of ongoing development of emergency management capability within the local government sector;

— that the OPW has completed 39 major flood defence schemes since 1995 that are providing protection to approximately 8,000 properties with an estimated benefit to the country of damage avoided of over €1 billion; that construction continues on 10 major flood defence schemes and design and development for a further 25 is underway that will provide protection to 12,000 properties when all are completed; that up to seven major schemes are currently anticipated to commence in the next 12 months; and that a further investment of €33 million in minor works since 2009 is protecting 6,000 properties across the country;

— the OPW’s proactive flood risk planning, through the Catchment Flood Risk Assessment and Management (CFRAM) Programme in the past number of years is nearing completion following review and assessment of the extensive response to the public consultation on the draft Flood Risk Management Plans which provided constructive

and wide-ranging observations and comments, and by the end of this year the final Flood Risk Management Plans will be published setting out the proposed structural measures to be advanced through to detailed design to protect at risk communities and properties and the Government's commitment to more than double the annual allocation for flood defence schemes in the next five years from €45 million to €100 million to deliver the existing and proposed pipeline of projects;

— the publication of the Interim Report of the Interdepartmental Flood Policy Co-ordination Group in 2016, recommending policies and measures to Government that would reduce the impact of flood risks on individuals and communities, dealing with a range of issues including a voluntary homeowners relocation scheme and that Dutch experts 'have benchmarked (Ireland's) approach to flood risk management and concluded that Ireland is in line with international best practice and is well on track';

— the Government strategy for improving the availability of flood insurance cover includes prioritising spending on flood relief measures by the OPW and relevant local authorities, and improving channels of communication between the OPW and the insurance industry in order to reach a better understanding about the provision of flood cover in protected areas, complemented as necessary by targeted State emergency humanitarian assistance after flood events and that the success of this approach is evidenced by the increase in the availability of flood insurance in areas where flood defences have been installed, both fixed and demountable, with recent survey results showing that overall, 83 per cent of property insurance policies in protected areas include cover against flood risk and where the defences are permanent in nature it is 90 per cent; and

— that the OPW maintains Arterial Drainage schemes completed since 1945 on in excess of 11,500 kilometres of channels which benefits approximately 650,000 acres (265,400 hectares) of land, that the maintenance of Drainage Districts is the responsibility of local authorities and that, while maintenance of rivers and other watercourses has some benefit to prevent the deterioration of channel conveyance capacity, river maintenance would have had no beneficial effect on the extreme flooding event experienced in County Donegal."

- (Deputy Damien English, Minister of State at the Department of Housing, Planning and Local Government)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion regarding flooding in County Donegal. On Tuesday, 26 September 2017, on the question that amendment No. 2 to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 48; Níl, 77; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	

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<i>Burke, Peter.</i>	<i>Browne, James.</i>	
<i>Byrne, Catherine.</i>	<i>Buckley, Pat.</i>	
<i>Canney, Seán.</i>	<i>Burton, Joan.</i>	
<i>Carey, Joe.</i>	<i>Butler, Mary.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Byrne, Thomas.</i>	
<i>Daly, Jim.</i>	<i>Cahill, Jackie.</i>	
<i>D'Arcy, Michael.</i>	<i>Calleary, Dara.</i>	
<i>Deering, Pat.</i>	<i>Casey, Pat.</i>	
<i>Doherty, Regina.</i>	<i>Cassells, Shane.</i>	
<i>Doyle, Andrew.</i>	<i>Chambers, Jack.</i>	
<i>Durkan, Bernard J.</i>	<i>Collins, Joan.</i>	
<i>English, Damien.</i>	<i>Collins, Michael.</i>	
<i>Farrell, Alan.</i>	<i>Connolly, Catherine.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Coppinger, Ruth.</i>	
<i>Flanagan, Charles.</i>	<i>Cowen, Barry.</i>	
<i>Griffin, Brendan.</i>	<i>Crowe, Seán.</i>	
<i>Halligan, John.</i>	<i>Curran, John.</i>	
<i>Harris, Simon.</i>	<i>Daly, Clare.</i>	
<i>Heydon, Martin.</i>	<i>Doherty, Pearse.</i>	
<i>Humphreys, Heather.</i>	<i>Dooley, Timmy.</i>	
<i>Kehoe, Paul.</i>	<i>Ellis, Dessie.</i>	
<i>Kyne, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Lowry, Michael.</i>	<i>Fitzmaurice, Michael.</i>	
<i>McGrath, Finian.</i>	<i>Fleming, Sean.</i>	
<i>McHugh, Joe.</i>	<i>Harty, Michael.</i>	
<i>McLoughlin, Tony.</i>	<i>Haughey, Seán.</i>	
<i>Madigan, Josepha.</i>	<i>Healy, Seamus.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>Howlin, Brendan.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Kelleher, Billy.</i>	
<i>Murphy, Dara.</i>	<i>Kelly, Alan.</i>	
<i>Murphy, Eoghan.</i>	<i>Kenny, Gino.</i>	
<i>Naughten, Denis.</i>	<i>Kenny, Martin.</i>	
<i>Naughton, Hildegard.</i>	<i>Lahart, John.</i>	
<i>Neville, Tom.</i>	<i>Lawless, James.</i>	
<i>Noonan, Michael.</i>	<i>MacSharry, Marc.</i>	
<i>O'Connell, Kate.</i>	<i>McDonald, Mary Lou.</i>	
<i>O'Donovan, Patrick.</i>	<i>McGrath, Mattie.</i>	
<i>O'Dowd, Fergus.</i>	<i>McGrath, Michael.</i>	
<i>Phelan, John Paul.</i>	<i>McGuinness, John.</i>	
<i>Ring, Michael.</i>	<i>Martin, Catherine.</i>	
<i>Rock, Noel.</i>	<i>Martin, Micheál.</i>	
<i>Ross, Shane.</i>	<i>Mitchell, Denise.</i>	

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<i>Stanton, David.</i>	<i>Moynihan, Aindrias.</i>	
<i>Zappone, Katherine.</i>	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy, Paul.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Nolan, Carol.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>Penrose, Willie.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Michael Moynihan and John Lahart.

Amendment declared lost.

Deputy Pearse Doherty: I move amendment No. 1:

(a) To insert the following after “criticises:”:

— the continued failure of the Government to submit flood risk management plans to the European Commission in line with the requirements of the European Union floods directive;” and

(b) To insert the following after “County Donegal are not repeated in future flooding events;”:

— immediately convene a consultation process with all of the farming representative organisations, the Office of Public Works and Inland Fisheries Ireland to examine how water sources, such as rivers and streams, can be better maintained to mitigate the impact of flooding in the future and to amend the relevant legislation if necessary;

— ensure that the current review of the areas of natural constraints, ANC, scheme results in adequate compensation for farmers with land prone to flooding; and”

Amendment No. 1 put and declared carried.

Motion, as amended, put and declared carried.

Housing: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Eoin Ó Broin on Wednesday, 27 September 2017:

That Dáil Éireann:

notes that:

— the social and affordable housing crisis has now reached the level of an emergency;

— growing numbers of people do not have access to affordable, secure and safe homes;

— 8,000 people, including 3,000 children, are being forced to live in emergency accommodation;

— 90,000 households are on council waiting lists, many waiting for more than ten years for an allocation;

— thousands of people are struggling with high rents, insecurity of tenure and poor standards in the private rental sector;

— thousands more are locked out of the private purchase market by high prices driven up by land speculation;

— the failure to resolve the mortgage distress crisis and keep people in their family home or private rented accommodation continues to push more people into homelessness;

— Rebuilding Ireland does not provide for an adequate level of investment in social or affordable housing;

— Rebuilding Ireland continues to over rely on the private sector to meet social and affordable housing need; and

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— Rebuilding Ireland, unless substantially amended, will not address the underlying causes of the housing and homeless crisis; and

calls on the Government to:

— honour the proposal from the Report of the Committee on Housing and Homelessness to increase the stock of social houses owned by local authorities and approved housing bodies by a minimum of 10,000 units a year from 2018;

— introduce a new affordable housing programme in 2018 to enable middle-income households to access private rental and private purchase housing at affordable prices;

— support these housing programmes with a capital investment commitment substantially greater than that outlined in Rebuilding Ireland;

— introduce new measures to stop the flow of people into homelessness by providing greater protections for private renters and greater supports for those in long-term mortgage distress; and

— give a clear commitment that no family with children will be left in emergency accommodation for more than six months and that no person will be forced to sleep rough due to lack of safe and appropriate emergency accommodation.

Debate resumed on amendment No. 3:

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

“notes that:

— the State has built fewer than 3,500 social homes since 2011, less than the number constructed every year on average from 1994–2010;

— fewer than 600 new social homes will be constructed in 2017 when the Rebuilding Ireland target is 5,000;

— only 24% of 10,000 units in the ‘construction pipeline’ are on site, so it will be 2021 before most are built compared to the already unambitious target of 26,000 units;

— the overall housing budget is too low and skewed toward current housing programmes, such as housing assistance payment, HAP, scheme;

— the capital house building budget, €730 million in 2017, is still 51% below 2008 levels;

— as a result, no new housing stock is being added as social housing provision coming from the private rental and owner occupier market;

— due to years of under-supply and pent-up demand Ireland needs 40,000–50,000 new homes per year to make a dent on demand and a noticeable impact on affordability;

— the Government target is 25,000 by 2021 and 15,000–18,000 new units expected in 2017;

— clearly there is a market failure in housing and new interventions are required to stimulate supply;

— the Government's reluctance to accept the actual challenges and their refusal to make any interventions in the housing market is making a crisis situation worse;

— there has been no commitment by this Government to making housing more affordable, with the confirmation that there is no intention to re-introduce affordable housing initiatives for low- and middle-income households;

— it is in the area of homelessness that the Government's inept housing policy really comes into plain view, and the abandonment of targets on hotel accommodation and continuing failure to make a dent in rising homeless figures cannot continuously be ignored;

calls on the Government to:

— commit to meeting Rebuilding Ireland's targets on moving homeless families out of hotels and bed and breakfast accommodation by the end of 2017;

— revise the emergency homeless strategy, in particular redesigning homeless HAP and the HAP scheme so households are not discouraged from taking up a tenancy and are not removed from main social housing waiting lists;

— increase and re-balance the housing budget toward capital expenditure;

— put in place new vehicles to enable off-balance sheet funding for social housing projects from private sources and credit unions;

— devise a strategy to enable and encourage far greater scale and size in social house building projects;

— recognise the significant market failures in housing, including in planning, finance, infrastructure and costs of construction, which the market requires State intervention to overcome;

— acknowledge that the Government's target of 25,000 new house completions by 2021 is not adequate, given years of pent-up demand and under-supply, and that at a minimum we need 45,000–50,000 units output annually over the next few years;

— commit to reintroducing affordable housing schemes including affordable owner occupier and rental housing schemes for middle income households and explore possible financial incentives aimed at encouraging development of housing at more affordable price points;

— introduce financial incentives to build high-density developments where they are currently not commercially viable to build in Dublin City and other local authorities;

— commit to greater enforcement and implementation of rent pressure zones and other rent regulations including more staffing and resources for the Residential Tenancies Board;

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— tackle land hoarding by large investors, which is clearly holding back supply including by making changes to capital gains tax and introducing a new site tax to encourage the use of empty sites; and

— devise new strategies to manage vacant properties including an active occupancy register.”

(Deputy Barry Cowen)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion regarding housing. On Wednesday, 27 September 2017, on the question that amendment No. 3 to the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 41; Níl, 36; Staon, 46.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>
<i>Browne, James.</i>	<i>Brady, John.</i>	<i>Barrett, Seán.</i>
<i>Butler, Mary.</i>	<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>
<i>Cahill, Jackie.</i>	<i>Burton, Joan.</i>	<i>Burke, Peter.</i>
<i>Calleary, Dara.</i>	<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>
<i>Casey, Pat.</i>	<i>Coppinger, Ruth.</i>	<i>Canney, Seán.</i>
<i>Cassells, Shane.</i>	<i>Crowe, Seán.</i>	<i>Carey, Joe.</i>
<i>Chambers, Jack.</i>	<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>
<i>Collins, Michael.</i>	<i>Doherty, Pearse.</i>	<i>Creed, Michael.</i>
<i>Cowen, Barry.</i>	<i>Ellis, Dessie.</i>	<i>D’Arcy, Michael.</i>
<i>Curran, John.</i>	<i>Ferris, Martin.</i>	<i>Daly, Jim.</i>
<i>Dooley, Timmy.</i>	<i>Healy, Seamus.</i>	<i>Deering, Pat.</i>
<i>Fitzmaurice, Michael.</i>	<i>Howlin, Brendan.</i>	<i>Doherty, Regina.</i>
<i>Fleming, Sean.</i>	<i>Kelly, Alan.</i>	<i>Doyle, Andrew.</i>
<i>Harty, Michael.</i>	<i>Kenny, Gino.</i>	<i>Durkan, Bernard J.</i>
<i>Haughey, Seán.</i>	<i>Kenny, Martin.</i>	<i>English, Damien.</i>
<i>Kelleher, Billy.</i>	<i>McDonald, Mary Lou.</i>	<i>Farrell, Alan.</i>
<i>Lahart, John.</i>	<i>Mitchell, Denise.</i>	<i>Fitzpatrick, Peter.</i>
<i>Lawless, James.</i>	<i>Munster, Imelda.</i>	<i>Flanagan, Charles.</i>
<i>Lowry, Michael.</i>	<i>Murphy, Paul.</i>	<i>Griffin, Brendan.</i>
<i>MacSharry, Marc.</i>	<i>Nolan, Carol.</i>	<i>Halligan, John.</i>
<i>McGrath, Mattie.</i>	<i>Ó Broin, Eoin.</i>	<i>Harris, Simon.</i>
<i>McGrath, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Heydon, Martin.</i>
<i>McGuinness, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Humphreys, Heather.</i>
<i>Martin, Catherine.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Kehoe, Paul.</i>

Dáil Éireann

<i>Martin, Micheál.</i>	<i>O'Reilly, Louise.</i>	<i>McGrath, Finian.</i>
<i>Moynihan, Aindrias.</i>	<i>O'Sullivan, Jan.</i>	<i>McHugh, Joe.</i>
<i>Moynihan, Michael.</i>	<i>Penrose, Willie.</i>	<i>McLoughlin, Tony.</i>
<i>Murphy O'Mahony, Margaret.</i>	<i>Quinlivan, Maurice.</i>	<i>Madigan, Josepha.</i>
<i>Murphy, Eugene.</i>	<i>Ryan, Brendan.</i>	<i>Mitchell O'Connor, Mary.</i>
<i>O'Callaghan, Jim.</i>	<i>Sherlock, Sean.</i>	<i>Moran, Kevin Boxer.</i>
<i>O'Dea, Willie.</i>	<i>Smith, Bríd.</i>	<i>Murphy, Dara.</i>
<i>O'Keefe, Kevin.</i>	<i>Stanley, Brian.</i>	<i>Murphy, Eoghan.</i>
<i>O'Loughlin, Fiona.</i>	<i>Tóibín, Peadar.</i>	<i>Naughton, Hildegarde.</i>
<i>O'Rourke, Frank.</i>	<i>Wallace, Mick.</i>	<i>Neville, Tom.</i>
<i>Ó Cuív, Éamon.</i>		<i>Noonan, Michael.</i>
<i>Rabbitte, Anne.</i>		<i>O'Connell, Kate.</i>
<i>Scanlon, Eamon.</i>		<i>O'Donovan, Patrick.</i>
<i>Smyth, Niamh.</i>		<i>O'Dowd, Fergus.</i>
<i>Troy, Robert.</i>		<i>Phelan, John Paul.</i>
		<i>Ring, Michael.</i>
		<i>Rock, Noel.</i>
		<i>Ross, Shane.</i>
		<i>Stanton, David.</i>
		<i>Zappone, Katherine.</i>

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

Amendment declared carried.

An Leas-Cheann Comhairle: As amendment No. 3 has been carried, amendments Nos. 1 and 2 cannot be moved.

Amendments Nos. 1 and 2 not moved.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 40; Níl, 37; Staon, 46.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>
<i>Browne, James.</i>	<i>Brady, John.</i>	<i>Barrett, Seán.</i>
<i>Butler, Mary.</i>	<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	<i>Bruton, Richard.</i>
<i>Cahill, Jackie.</i>	<i>Burton, Joan.</i>	<i>Burke, Peter.</i>
<i>Calleary, Dara.</i>	<i>Collins, Joan.</i>	<i>Byrne, Catherine.</i>
<i>Casey, Pat.</i>	<i>Connolly, Catherine.</i>	<i>Canney, Seán.</i>
<i>Cassells, Shane.</i>	<i>Coppinger, Ruth.</i>	<i>Carey, Joe.</i>
<i>Chambers, Jack.</i>	<i>Crowe, Seán.</i>	<i>Corcoran Kennedy, Marcella.</i>

<i>Collins, Michael.</i>	<i>Daly, Clare.</i>	<i>D'Arcy, Michael.</i>
<i>Cowen, Barry.</i>	<i>Doherty, Pearse.</i>	<i>Daly, Jim.</i>
<i>Curran, John.</i>	<i>Ellis, Dessie.</i>	<i>Deering, Pat.</i>
<i>Dooley, Timmy.</i>	<i>Ferris, Martin.</i>	<i>Doherty, Regina.</i>
<i>Fitzmaurice, Michael.</i>	<i>Healy, Seamus.</i>	<i>Doyle, Andrew.</i>
<i>Fleming, Sean.</i>	<i>Howlin, Brendan.</i>	<i>Durkan, Bernard J.</i>
<i>Harty, Michael.</i>	<i>Kelly, Alan.</i>	<i>English, Damien.</i>
<i>Haughey, Seán.</i>	<i>Kenny, Gino.</i>	<i>Farrell, Alan.</i>
<i>Kelleher, Billy.</i>	<i>Kenny, Martin.</i>	<i>Fitzpatrick, Peter.</i>
<i>Lahart, John.</i>	<i>McDonald, Mary Lou.</i>	<i>Flanagan, Charles.</i>
<i>Lawless, James.</i>	<i>Mitchell, Denise.</i>	<i>Griffin, Brendan.</i>
<i>Lowry, Michael.</i>	<i>Munster, Imelda.</i>	<i>Halligan, John.</i>
<i>MacSharry, Marc.</i>	<i>Murphy, Paul.</i>	<i>Harris, Simon.</i>
<i>Martin, Micheál.</i>	<i>Nolan, Carol.</i>	<i>Heydon, Martin.</i>
<i>McGrath, Mattie.</i>	<i>O'Reilly, Louise.</i>	<i>Humphreys, Heather.</i>
<i>McGrath, Michael.</i>	<i>O'Sullivan, Jan.</i>	<i>Kehoe, Paul.</i>
<i>McGuinness, John.</i>	<i>Ó Broin, Eoin.</i>	<i>Kyne, Seán.</i>
<i>Moynihan, Aindrias.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Madigan, Josepha.</i>
<i>Moynihan, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>McGrath, Finian.</i>
<i>Murphy O'Mahony, Margaret.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>McHugh, Joe.</i>
<i>Murphy, Eugene.</i>	<i>Penrose, Willie.</i>	<i>McLoughlin, Tony.</i>
<i>O'Callaghan, Jim.</i>	<i>Quinlivan, Maurice.</i>	<i>Mitchell O'Connor, Mary.</i>
<i>O'Dea, Willie.</i>	<i>Ryan, Brendan.</i>	<i>Moran, Kevin Boxer.</i>
<i>O'Keefe, Kevin.</i>	<i>Sherlock, Sean.</i>	<i>Murphy, Dara.</i>
<i>O'Loughlin, Fiona.</i>	<i>Smith, Bríd.</i>	<i>Murphy, Eoghan.</i>
<i>O'Rourke, Frank.</i>	<i>Stanley, Brian.</i>	<i>Naughton, Hildegarde.</i>
<i>Ó Cuív, Éamon.</i>	<i>Tóibín, Peadar.</i>	<i>Neville, Tom.</i>
<i>Rabbitte, Anne.</i>	<i>Wallace, Mick.</i>	<i>Noonan, Michael.</i>
<i>Scanlon, Eamon.</i>		<i>O'Connell, Kate.</i>
<i>Smyth, Niamh.</i>		<i>O'Donovan, Patrick.</i>
<i>Troy, Robert.</i>		<i>O'Dowd, Fergus.</i>
		<i>Phelan, John Paul.</i>
		<i>Ring, Michael.</i>
		<i>Rock, Noel.</i>
		<i>Ross, Shane.</i>
		<i>Stanton, David.</i>
		<i>Zappone, Katherine.</i>

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

Question declared carried.

Water Services Bill 2017: Second Stage (Resumed)

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

Deputy Paul Murphy: I was explaining what I consider to be one of the lessons of the battle against water charges, which is that Fianna Fáil cannot be trusted. I will go into more detail now to illustrate how this Bill, which Deputy Cowen - who sounded more like "Minister" Cowen last night - was at such pains to defend, shows that Fianna Fáil cannot be trusted. At the conclusion of the deliberations of the Oireachtas Committee on the Future Funding of Domestic Water Services, Fianna Fáil and Fine Gael, by means of a backroom deal, managed to stitch in a back door to water charges in the future. What the Government, clearly with Fianna Fáil's acquiescence, has done with this Bill is to try to widen the back door already before it even comes into place.

2 o'clock

I will deal first with the question of excessive usage, which is a red herring. It was clear from the hearings of the committee that it is a red herring. It was clear from the expert report that it is a red herring because average usage in Ireland is not high, but low. According to the expert commission, it is 125 l per person per day compared with 140 l per person per day in Britain, where there are water charges. We do not have widespread excessive usage of water and where it exists, it is overwhelmingly due to the fact that there are leaks. The leaks should be fixed; not only should a first fix be free but any leaks that are there should be fixed. It is clearly only there as a back door for returning to water charges in the future.

The general point we made in the aftermath of the committee and its report has been confirmed in dramatic terms by the Government's Bill. Why else include a provision in section 9 to reduce the threshold of 1.7 times the average usage above which one will pay? There is no other explanation but that the Government and Fianna Fáil, looking at being in government in future, wants at least the possibility of, over time, reducing the threshold and thereby increasing the number of people who would be brought into the charging net. Anticipating that argument, Deputy Cowen said it needs a majority of the Dáil and asked what we were complaining about because it is a democratic process. Relying on the fact there will not be a majority in the Dáil that is really in favour of water charges is again asking people who mobilised against water charges to trust that Fianna Fáil is not for water charges. We have the experience of Fianna Fáil being for water charges and originally signing the country up for water charges. It is incredible and the only reason it is there is to use it as a back door for water charges in the future.

The point was made by Deputy Cowen that the only people who will be paying water charges will be water wasters. That is not true because of the way the household average is being worked out. It is not being worked out on the basis of the number of individuals in a house and the amount of water each individual is likely to use based on an average and multiplying it by 1.7; it is simply doing it up to four people in a house on the basis of one average. A one-person household will have exactly the same allowance as a four-person household. In a society where average occupancy in households is increasing because of a crisis which has led to many children being unable to leave home until they are in their 30s, an increasing number of households are made up of four adults. There is an average household size of 2.75 but if there are four adults in a house and they use even slightly more than average - they are not water wasters - they will face charges from July 2019. That is what Fianna Fáil and the Government have signed people up for. It was something explicitly discussed in the committee when talking about individual usage. An individual usage figure was something Fianna Fáil argued for

but here we have an overall household figure. I did the sums on it. If we say that the average is 133 l per person, the average household allowance will be 622 l for a household. However, four adults using an average amount each will use almost 540 l between them. It only requires them to use less than 20% extra water per person to face charges. It is not the 70% extra the Government and Fianna Fáil suggest.

I have a question. I agree with Deputy Jan O'Sullivan. The timeframe for this is very suspicious and the fact it will not come in until July 2019 shows the reality. The Government has the figures for consumption. It could introduce this tomorrow. It does not want to do so because it knows water charges are politically toxic. In July 2019, they will still be politically toxic, there will still be mass opposition and there will still be 40% of homes not metered. In those circumstances, I have a question as to whether the Government will seriously go for this in another year and a half. If the Government and Fianna Fáil do, they should have no fear, they will be beaten again by a movement that has experienced the fact that it can win. That movement will beat the Government again by using the same tactics and strategies it employed previously.

Deputy Joan Collins: I will most definitely seek to amend the Water Services Bill 2017 and, as it stands, I will oppose it. If there are amendments, I will have to look at them. This is a Bill which, while seeming to abolish water services and replace them with direct funding from general taxation, is also seeking to insert loopholes that will allow for their reintroduction in the future. The legislation is a response to the massive movement of people power, a movement of which I was very proud to be part. I was very proud - along with the local community - to play a role in stopping water meters coming into my area. It was a movement which launched the "No way, we won't pay" demand on the streets and 56% of households refused to pay. Others were forced to pay when they sold their homes or out of fear. Some agreed with water charges. This movement of people power derailed the latest attempt to commodify water and prepare for privatisation. I have no doubt that any future attempt will be met with similar mass resistance. This must be the third time the establishment has attempted to bring in water charges with the goal of privatising our water in the future. The point was made last night that water is the new oil. Large companies see they can make big profits through it. While they are making their big profits, the system creaks because there is no investment being made to fix pipes and no attempts to deal with the issue.

On section 8 and the issue of the average consumption of water, we are being asked to vote through something when we do not know what the regulator will determine to be average consumption. Is it to be by household or by individual? Is Fianna Fáil's eye being wiped here or is it in agreement with the Government on this? We do not know at what level the Minister will set the threshold over which there will be an excessive usage payment. Deputy Cowen kept referring to a fine when it is actually a payment. I ask him whether Fianna Fáil's eye is being wiped or whether it is, through its confidence-and-supply arrangement, in tacit agreement with the Government. This is very different from the idea of a fine for deliberate excessive waste as was posited at the committee. Irish Water has been given the right to charge for water usage above a level which we can only guess at this point. How will it be implemented when we do not have mass meters in the ground? If people are told that they have over-usage of water yet do not have a meter, how will Irish Water measure and cost that? It does not make sense.

Section 9 allows for a 1.7 multiplier to be reduced but not for five years. This is a loophole for the future. The threshold can be changed and lowered to bring more households into payment for water services. It is the Government preparing to bring back water charges through the backdoor, not like the last time when it took the establishment nearly 20 years, but perhaps

to bring them back over five or so years. The five-year stipulation is a recognition of political reality. Water charges are off the agenda for a period but the backdoor is being left open.

I want to deal with two issues which were not on the remit of the Oireachtas Joint Committee on Future Funding of Domestic Water Services, but were taken on board by the committee. First is the question of having a referendum to enshrine public water services in public ownership and management as per the Bill I introduced with the support of Members of this Dáil and which passed Second Stage without opposition. While it was not in the Oireachtas committee's remit, it stated it was in favour of a referendum because such a referendum was called for in the majority of submissions received by the commission and the Oireachtas committee. The commission on water charges also supported a referendum based on the number of submissions it received indicating that people supported a referendum on the public ownership of our water.

The Bill passed Second Stage almost a year ago. The current and former Ministers have both said they favour a referendum but are awaiting advice from the Attorney General as to the wording of the amendment. A red herring has been created around the issue of group schemes and private wells. My Bill refers specifically to the public water system. The public water system is the public water system and does not include private schemes or private wells. Given that a back door has been left open to attempt to commodify water to charges at some point in the future, a referendum to rule out privatisation is still a priority for the Right2Water movement and is still a priority for this Dáil in reflection of the mood and demand of the people. It is vital to copper-fasten the right to public water.

I wish to refer to the future of Irish Water as an entity. This is a key issue that the Government - and now it appears Fianna Fáil - want to keep off the agenda. I wish to know why this is so. I believe this was contained in the Fianna Fáil manifesto. Probably one of the reasons it got the extra votes it did in the last general election was that it supported abolishing Irish Water and water charges. Irish Water is seen as a toxic entity by the mass of the people. It is seen as a cash cow for consultants and private companies contracted to install meters and provide other services.

I recently met local authority workers who are working on water services under the service level agreement, SLA, with Irish Water. These workers have many concerns about how Irish Water operates. One concern highlighted to me related to a company which provided specialist services and could be called in to deal with a specific problem. It had a standard charge of €45. This company is no longer used and instead another well-known private company is used, which has a charge of €139 and which then subcontracts the work to the previous company anyway, allowing it to make a profit of €94 per job. This is outrageous. It is why the people hate Irish Water and why it is so toxic. There is no transparency. I have also been advised of engineers who had been recruited by consultants who are paid €85,000 and then they pay the engineer €65,000 and pocket the €20,000. This is outrageous. We need a body that is transparent in order that people can see what is going on. According to these workers, the only thing Irish Water is good is spin. The real problems in the system are not being addressed because of a lack of funds. Major necessary work, such as the replacement of ancient pipes is not being undertaken and repairs are carried out instead. Fixing a leak in the system means increased water pressure which immediately leads to other leaks.

Irish Water is pushing to be set up as a stand-alone public utility with sole responsibility for all areas of the public water system. Today the Irish Water consultative group is meeting where the CEO will present the proposal regarding a stand-alone public utility to that group, and has

already consulted with the Minister. This raises important issues for in excess of 3,000 local authority workers operating under the service-level agreement with Irish Water, which is due to be reviewed in 2021.

It is extremely important that Deputies give careful consideration to the concerns of these workers in the coming period. These workers are the experts and not those in Irish Water. These workers have experience and knowledge gained over the years. They know what is wrong, what needs to be fixed and how to do it. They need a national water authority to ensure they get the necessary investment to get on with the job of providing high-quality public water services. Every cent that goes into the water services should be put directly into fixing the pipes and supporting the network and not channelling money to consultants and groups without delivering properly.

Deputy Thomas P. Broughan: I am glad to have the opportunity to speak briefly on the Water Services Bill 2017. From the outset I was opposed to the Fine Gael Ervia project, including Irish Water, whose aim was always to privatise Ireland's domestic water supply.

I always advocated that all the necessary capital funding for expanding water supplies and the maintenance of water systems around the country should be a core part of the annual and multi-annual capital budgets. For about eight years I was chair of the Dublin City Council general purposes committee, which among many other matters looked after the water supply for much of the Dublin region. I saw at first hand how the city council, which organised and provided this water, was denied resources by successive Governments led by Fianna Fáil and Fine Gael to carry out critical maintenance for new pipework and to expand Dublin water supply resources. When we were trying to get the Leixlip works refurbished and developed, we had a great struggle to get funding from the Fianna Fáil-led Government.

The supplies for our capital city and the mid-Leinster region were always on a knife edge while Fianna Fáil and Fine Gael gave huge tax concessions to their big businesses and big farming backers to the tune of €5.5 billion in 2014. At yesterday's meeting of the Committee on Budgetary Oversight, we heard how this tax expenditure could be underestimated by up to €15 billion. When Dublin city is compared with other European capitals we find that Paris, for example, has a 10% reserve of water for emergencies and any kind of natural disasters. We never had that luxury. I place responsibility directly with Fianna Fáil and Fine Gael, which always discriminated against urban areas and particularly against Dublin.

I always promoted publicly owned regional water structures, as led in our case by Dublin City Council. The huge waste of tens of millions of euro on the failed Irish Water project is a stark indictment of this Government and the previous Administration. Last night Deputy Boyd Barrett recalled the huge marches through our city and the other marches throughout the country in the massive Right2Water campaign over recent years and down to the general election in 2016. I pay tribute to the valiant men and women in my constituency who went out quietly and peacefully and stood there in silent opposition to the installation of meters. Their courage and bravery enabled us to ensure that hopefully, water will continue to remain as a public good.

It is very striking that the British Labour Party is determined to renationalise Britain's water supplies. This is based on the outrageous profits taken by private water companies. They have taken billions of pounds out of the system while at the same time they have failed to maintain the network or deliver the expansion and renewal of the massive UK water networks. Of course, Irish Water posted net profit of €54 million in 2016.

The Bill provides for the refund of domestic water charges paid during the period from January 2015 and March 2016. Obviously, I welcome those refunds. It also provides the legislative framework for the introduction of the majority of the recommendations of the Oireachtas Joint Committee on Future Funding of Domestic Water Services report, which was published on 12 April. While the report contained some welcome recommendations, it continued to make reference to excessive use and sanctions for that excessive use. As a result of that and for other reasons, I and 47 other Deputies voted against the report, yet the cosy coalition we have at present between Fianna Fáil and Fine Gael ensured the approval of the report in the House.

I welcome that citizens who paid their domestic water charges are to receive refunds before the end of the year, which will cost the Exchequer €179 million. Yesterday, we heard in the Committee on Budgetary Oversight that this vast amount of money, which never should have been charged in the first place, has diminished the amount of fiscal space the Minister for Finance, Deputy Donohoe, will have in a couple of weeks' time when he announces the budget.

I have always had concerns about the efficacy of the Commission for Energy Regulation, CER, because I did not feel it ever regulated the energy sector that well. Part 2, section 6, amends section 6 of the Water Services Act 2007. Section 53A of the Bill allows for the Commission for Energy Regulation - to be renamed the Commission for Regulation of Utilities, CRU, from next week, 2 October - to carry out reviews on the demand for water services over a 12 month period.

Section 53A(5) and (6) cause me great concern. Subsection (6) states: "Where the Minister after consideration of a subsequent report furnished to him or her under section 53A amends, at any time after the expiration of the period of 5 years commencing on the coming into operation of this section, an order made under subsection 1(a) or 4(a), he or she shall calculate the threshold amount by multiplying the average rate specified in the subsequent report concerned by a multiplier not exceeding 1.7." That means the Minister of the day could say the multiplier must be reduced at any stage as a water conservation measure. It is a clear attempt to bring back domestic water charges through the back door.

The Right2Water and anti-water charge campaigners always supported improved infrastructure or water conservation and their campaign was built on opposition to the establishment of a massive new quango, Irish Water, and the unnecessary metering projects which benefited Mr. Denis O'Brien and his company, and the fact that general taxation measures including income tax, motor tax and high excise, were already supposed to be funding water provision around the country. The campaign fought for the fundamental principle that as perhaps the most important public good, the water network would be funded from general taxation.

The experience in the constituency of Dublin Bay North with Irish Water is not promising. We have a bureaucratic rigmarole of contacting two councils, Dublin City Council and Fingal County Council, plus contacting Irish Water in relation to every water leak or other water problem. Council staff seem to be carrying out most of the maintenance work, as they always did. As my colleague said, they know the system and the network and their obvious expertise for developing and planning the Dublin and Fingal water networks seems to be wasted. Is it the case that Irish Water has developed into a sort of ESB or Gas Networks Ireland company and is just in charge of capital development while in the case of my area the two local authorities carry out the essential maintenance and renewal of the water system? If that is Irish Water's role, surely that could be better carried out on a regional basis under the direction of those two and perhaps the other two Dublin councils? Why is a costly and totally unnecessary quango

being inserted into the water supply system, given that the parties which proposed that were devastated in the 2016 election?

I am also concerned about sections 12 and 13, which provide for allowances for household size and medical need, respectively. Section 12 inserts a new section 53E into the 2007 Act setting the household number that is eligible for an allowance as more than four individuals. The household will then have a new threshold amount and it is stated that it will only be charged if the amount is exceeded. That will be a significant issue because of the current housing, homelessness and rental crisis around the country. We have generations of families often living in the same household because they either cannot afford to rent somewhere, cannot find somewhere to rent, have lost their home, or are unable to buy their own home.

In my constituency of Dublin Bay North, I have met constituents who are in situations where more than ten people are living in one house. Therefore, the provisions are of concern. On this side of the House, we fear the provisions could be used as a Trojan Horse to maintain, and in the future reintroduce, water charges.

It was a recommendation from the joint committee that the remit of the public water forum would be extended to include engagement with Irish Water. We have a number of bodies now in addition to that such as the water policy advisory committee and Irish Water itself. Again, it seems we have set up a bureaucratic quagmire instead of what should be a relatively simple delivery system.

It was deplorable that the Taoiseach, Deputy Leo Varadkar, listed up to eight matters for decision by the people in a referendum in 2018 and 2019 but the promised referendum on retaining Irish Water and the water supply in public ownership was not included. The failure of the privatisation of the water supply in the UK and many other jurisdictions should make this referendum a priority.

I stood in the general election as a Right2Change Independent candidate and I have been opposed to domestic water charges from the outset. I believe the very high level of property tax levied across Dublin Bay North and then transmitted by Revenue to Dublin City Council and Fingal County Council should fund household water, drainage, public lighting and all other local services. I will conclude by again calling for the abolition of Irish Water and for dedicated resources in our capital budget programme to improve water infrastructure around the country. The ten-year capital investment plan from 2020 should prioritise public water and public transport services.

Deputy Mattie McGrath: I am also delighted to be able to speak on this legislation. I always described Deputy O'Dowd, who is in the Chamber, as the saner and more tame implementer of Irish Water under the towering figure of-----

Deputy Fergus O'Dowd: Big Phil.

Deputy Mattie McGrath: -----Big Phil, the former Minister. We called him the enforcer. He left a mess behind. He is on his fat pension now in the EU and he comes back an odd time to the ploughing match and other events and tells us what he is doing for Ireland. It is a whole unmitigated mess. I opposed the setting up of Irish Water with might and main because there was no need for it in the first place. I saluted the county councils throughout the country, the group water schemes, the group scheme providers and the private individuals who had wells for all the infrastructure they had. One would swear that when Irish Water came along there was not a

pipe, reservoir, stopcock or tap but we are all going to the well to draw water with buckets and barrels and herding the cows into the river. Insulting language was used at the time to denigrate what the councils had not done. Every county councillor was insulted, as was every council official. I worked with many good officials in my own county. All the pioneers of the group schemes were also insulted. All and sundry were insulted. A mighty instruction was given.

The board was set up with former county managers who had retired on pensions and retired departmental officials on pensions. We did not have any of the group scheme co-ordinators or the people from rural water schemes. It was a cosy cartel. It was manna from heaven for the serial board members and the serial organisers who organised complete chaos. That is why there was so much resistance from the public. I do not say I supported any of the resistance that took place whereby working people were intimidated, bullied, threatened and spat at by so-called Right2Water campaigners who bullied and threatened them in their homes while the Garda was in the middle trying to keep the peace. There is no place for that in a modern democracy. What happened the former Minister, Deputy Burton, in Jobstown should not have happened. It has no place in a democracy but it is still promoted by some of the parties present. We see tonight a group of women who had abortions, whom we met today-----

Acting Chairman (Deputy Eugene Murphy): I am sorry.

Deputy Mattie McGrath: It is still here. Freedom of speech and bullying-----

Acting Chairman (Deputy Eugene Murphy): Could I make one point?

Deputy Mattie McGrath: Yes, you can.

Acting Chairman (Deputy Eugene Murphy): Deputy McGrath is dealing with water services. He is not dealing with-----

Deputy Mattie McGrath: I am dealing with free speech-----

Acting Chairman (Deputy Eugene Murphy): No.

Deputy Mattie McGrath: -----and freedom to work, and the right to work and the right to a fair day's pay for a day's work. I am just saying that people have to meet tonight in a yard of a hotel because two hotels have denied them entry because they are being bullied by members of a party that are here who took down 32 posters the other night.

Acting Chairman (Deputy Eugene Murphy): I call Deputy Mattie McGrath-----

Deputy Mattie McGrath: The youth branch from Trinity College took down the posters and put it up on Facebook.

Acting Chairman (Deputy Eugene Murphy): Will Deputy McGrath continue to talk over me?

Deputy Mattie McGrath: I am not. You are the Acting Chairman. I believe in free speech.

Acting Chairman (Deputy Eugene Murphy): The Deputy should please respect the Chair.

Deputy Mattie McGrath: I will.

Acting Chairman (Deputy Eugene Murphy): It is acknowledged that I am fair to all

Members.

Deputy Mattie McGrath: You are, so let me continue please.

Acting Chairman (Deputy Eugene Murphy): I am asking Deputy McGrath, like all other Members here, to deal with the issue.

Deputy Mattie McGrath: Yes, and I am talking about the right to exercise freedom of speech. We live in a democracy, thankfully.

Acting Chairman (Deputy Eugene Murphy): Will Deputy McGrath allow me to finish?

Deputy Mattie McGrath: I am, but you are taking my time.

Acting Chairman (Deputy Eugene Murphy): That is Deputy McGrath's own fault.

Deputy Mattie McGrath: No, it is not. You are talking.

Acting Chairman (Deputy Eugene Murphy): I ask Deputy McGrath to stick to the agenda.

Deputy Mattie McGrath: I will do my best.

Acting Chairman (Deputy Eugene Murphy): Like other Members. I will respect that. I am the Acting Chairman.

Deputy Mattie McGrath: Déanfaidh mé mo dhícheall. The Acting Chairman might give me a bit of extra time. We need the right to protest and the right to free speech. We need to hear all sides.

In this debate, we could not hear from all sides. We never heard anything from the private well owners who have to pick up the tab. We are told now that the Bill makes provision for an ombudsman through a commission for regulation of utilities in respect of dispute resolution for customers. I am glad the Government has come around to this idea, given how remarkably similar it is to what I suggested in my Private Members' Bill on this issue, the Water Services (Amendment) Bill 2014. Back then they would not hear of it and it could not be countenanced. On Second Stage of that Bill, I explicitly made the point that I wished to see the appointment of a dedicated water ombudsman.

We heard from Deputy Barry Cowen last night and he assures me that a working group is now going to be set up to ensure fairness for rural dwellers. I welcome that effort but I hate the mention of working groups. I know it is in the Bill. Working groups are another quango. They are there to do what? The Government should just give some semblance of fair play to the people and some respect for those who own wells and what they pay and how they pay.

Three years ago, the need for a completely separate and independent water services oversight officer was starkly highlighted by the then Ombudsman with respect to public services. The number of complaints to the Ombudsman about public services rose by 11% to 3,500 in 2014. When he launched his annual report in 2015, the Ombudsman stated that the increase was due to the additional 200 public bodies that came within his jurisdiction for a full year for the first time in 2014, which is very telling. Through public bodies, public service is supposed to be given to the people. Where is the service? These included bodies in the education sector such as the State Examinations Commission and Student Universal Support Ireland. My con-

cern at the time, which this Bill seems to address, was how the Ombudsman's office could deal with the inevitable flood of complaints regarding Uisce Éireann. I have always said that the only good part of the whole situation was the aim - Uisce Éireann. There is nothing else. We need a separate ombudsman or customer dispute process so we do not completely undermine and overload the current system. That should be glaringly obvious when 200 bodies went under the ombudsman's remit in 2014.

There is also the issue of the Commission for Energy Regulation, CER. It has failed miserably to control energy costs with increases in gas, electricity and everything else. It is just another quango. It is people on boards again, getting paid and doing nothing. The do-nothing brigade we can call them. Before Irish Water was set up, the CER recommended that an economic regulatory framework for public water services in Ireland should be put in place, as it was for the electricity and gas sectors, based on four principles. The ESB model should have been considered, admired and copied because it is a good model. The four principles were stability, predictability, sustainability and cost-efficiency.

I know how stable the confidence and supply arrangement is with the Government in the current situation. We saw how the water committee dragged out its deliberations for so long. In the end, it came up with a mended pipe done by a bad joiner with faulty fittings. It is just waiting to rupture again the next time the pressure comes on. There will be another burst further down the line. That is what we are operating on. We have seen absolutely nothing of these things with respect to Irish Water and Government policy generally as it has lurched faster and faster from one crisis to another. That is my honest belief. I cannot support it now and did not support it then.

There is no mention in this Bill at all of the workers in the county councils who now are very concerned. Some of them have been transferred and more are about to be transferred. They are in limbo. When there is a break like the one we saw up in the north east, in Deputy Fergus O'Dowd's constituency, they had not even the parts and could not get them. The knowledge the water caretakers had of every pipe and every main going through fields and under buildings and wherever else, is all lost. There is a lack of goodwill as well because they have been mistreated.

The public now will come up to a water caretaker or water worker and say there is a leak in such-and-such a place, which is good civic duty. They will be told they cannot do anything about it. They are told they must ring Irish Water and log in and complain and get a complaint number. Such farcical baloney - I have never seen the like of it in my life. It adds two or three days of a delay. I have elderly women and younger people with water leaks undermining their houses, in some cases for months and months. I am not talking about a small leak but huge flows of water. They cannot be fixed because Irish Water cannot get around to it. Irish Water can tell a person what county he is in, what parish, what the residence number is and everything else. It is pure crazy, nothing short of it.

It has just added another layer of bureaucracy between the people who do the work and the men above who give the orders. There are many of them there, paper pushers as I said, and there are all the county managers. Some of them have now left the scene again, including the former Dublin county manager and the one from my county. I do not know what they contributed and look at all the pensions they went off with. It is disgusting. That is why people are so angry about the water. As I said, they have a right to be angry. Many of those people went out, had public meetings, got together and met politicians long before my time, 50 or 60 years ago. They did group schemes themselves and laid the pipes with their bare hands. In recent

years there was some funding for grants which was then diminished and attacked alongside the establishment of Irish Water.

I want to put some figures on the record. Funding for the 2017 grant allocations to local authorities for group water and group sewerage schemes is a drop in the ocean in comparison to the cuts imposed on the schemes over the last number of years. The Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, confirmed that an additional €3.676 million will be paid under the 2017 rural water programme on top of the €11.6 million announced in June. While an increase of €3.6 million for the coming year is of course better than a cut, we need to remember that it was a Fine Gael-led Government that slashed almost €50 million from the group water scheme from 2011 to 2016. The information provided to me in a reply to a parliamentary question shows that in 2011 the Department funded all local authorities to administer the rural water programme to the tune of €70 million. By 2016 that amount had dropped to €20 million. All the while they were spending massive millions - €590 million - on a metering programme and providing all the money for offices, consultants and all the now retired county managers and public officials brought in on boards and advisory groups. It is a pure stinking quango.

That €50 million was taken away from the people and now we are saying we are going to set up a working group to look after them and make sure they are cherished equally. It is an insult and a downright attack on the rights of rural people. I am not saying everyone affected is living in the country: they are in villages too and in towns, and there are people in the cities who have a septic tank. We had the septic tanks then, and Phil the Enforcer. What does the Government plan to do there? It is a cop-out and a con job of the highest order. It was five Friday; Phil Hogan dropped it down from €50 to a five one day under pressure. He ran with his tail between his legs and we see him fleetingly at Carlow matches and other events but he is not welcome even back in his home county of Kilkenny. The Minister of State, Deputy John Paul Phelan, knows that as well as I do.

Deputy John McGuinness: That is not fair.

Deputy Mattie McGrath: It is amazing to see Deputy McGuinness backing him up but I know he does so in jest. Returning to my figures, that is an astonishing gap of almost €50 million which has still not been explained by any Minister. It has been taken out of the supports for the rural water schemes, the private well owners and private sewerage schemes. In Tipperary alone during the same period of 2011 to 2016, there was a reduction in payments under the rural water programme from €1.953 million in 2011 to €718,558 in 2016. It was halved, and now they give lip service saying they are setting up a working group. These are the people who do the work. They sank the pipes. They sank the wells. They repaired the pipes. They monitored and they metered. If there is leaks, they fix them. There is no messing going on there. Now we are setting up a working group. The Government insults them. It says we are going to look at the situation. It should give them back the money and give them some bit of respect for what they did and the pioneering way they worked. It should respect the way they look after the water schemes. They do not go ringing up the council or the local politician if they have a burst pipe. They get the JCB hire themselves, pay for it themselves, go down in the drains and fix the pipes and they are well able to do it. We should salute them. That is a shocking indictment and a con-job in respect of this Bill.

I have a reply to a recent parliamentary question. There has been a cut of €1.2 million to Tipperary alone for those schemes and services. While the €415,000 that will be given to Tip-

perary County Council - the whole county, not just south Tipperary - is welcome, it remains a pittance in comparison with what was taken. We can also see from the data provided that between 2015 and 2016, the amount paid to private well operators in Tipperary was down from €92,905 to €71,407. That was another €20,000 knocked off. Sure, they do not matter. We can prune them. They do not care. They will not go protesting. They will not go up to Dublin and lock Joan Burton in anything. They are good, decent, upright and civic-minded citizens who provide the water for themselves and do not mind providing it. They are not anarchists who do not allow free speech and prevent everyone else from doing things any way other than their own way. There is nothing worse than liberals who cannot get their way. They are very demanding, badgering, insulting to other people and bullying. There is nothing worse than them. We hear them here every day of the week. There is nothing worse than it.

Stark figures that have been provided by the Department of Housing, Planning and Local Government prove that over the last five years, more and more responsibility was put on the operators of the group water schemes, who got less and less support from the Department. I do not know how the Minister of State is going to wish that away. He cannot do so. The people out there are not fools. They are waiting in the long grass. They are fixing the pipes in the trenches and the drains. They are not going to be kicked around or booted around like some African or Indian cult, or wild Indians that can just be dismissed. They all vote too. They are right to vote. They are angry. They are right to be cross.

This wasteful Government established Irish Water, put the fat cats in place and wasted money on consultants. It spent €590 million putting in meters. What is the problem now? In my constituency - I cannot speak for anywhere else - the meters that are leaking outside many houses are damaging properties and entrances. We cannot fix them. The council is not allowed to fix them. When we contacted Irish Water, it told us that the company which installed the meters has gone bust. That is some public service. That is some answer to give people, including me and many other politicians. There is no one to fix the meters because the company has gone bust. The council is not allowed to fix them. It is a real “dog in the manger” job. The water is flowing down the road. Where is the wastage? Where is the monitoring of waste? Where is the fairness in that?

The driveways of certain households have been completely destroyed by traffic because the council has lay-bys but the water leaks cannot be fixed. We have been told that the company that installed the meters has gone into liquidation. The county council’s plumbers, caretakers and plumbers’ helpers want to fix the leaks. They are meeting people every day of the week. They cannot bear driving past water leaks. Their job is to make sure we have a supply. They are denied the right to fix the leaks to which I refer. It would not happen in a kindergarten of children of two or three years of age. The departmental officials, the Government and the board of Irish Water are standing over that.

We have no investment now. We are short €179 million as a result of the farcical repayments to almost 1 million people who paid their water charges. It is a farce that this money is going to be given back. We are going to give it back to them because of an agreement between Fianna Fáil and Fine Gael. People do not want it back. They paid it. I would not say they were happy to pay it. Upright and civic-minded citizens who always pay their way wanted to pay, but now they are getting their money back. I am aware that when we were administering a repayment scheme here before, the then Department of Social Welfare had to hire an extra 100 staff. It wanted an extra €20 million to administer the scheme. This money will not be repaid by October or November. People will be waiting for Santa Claus for a long time. If he is here

by April Fools' Day, he will be welcome, but that will not happen.

It has been suggested that this will cost €179 million, but I know it will be a lot more. There is supposed to be €400 million or €500 million in fiscal space, to use a dreaded term, but this will be taken out of it. People are waiting for orthodontic treatment and for all kinds of operations, including cataract operations. There are waiting lists for this, that and the other. Schoolchildren cannot get into the National Educational Psychological Service programme. We cannot get home help services because of cutbacks. This kind of farce is going on in parallel. This place up here has become a bit of a zoo. I say that in light of the kind of disdain with which the public is being treated. A working group has been set up to ensure there is fair play for rural people. The rural people have awoken. They are awake and they know what is going on. They are not being fooled any more.

I have referred to the €496 million that was spent on the metering programme. It was a waste. I said it at the time. I brought a meter into this Chamber and displayed it to the former Minister, Deputy Hogan, or "Big Phil" as I used to call him. We heard that all the older meters which had been installed in certain places had to be taken out. In some places, they had only been in for six months. We were told they were defunct. When we asked what was defunct about them, it was explained to us that an electrical device was necessary to facilitate drive-by registers. That could have been fitted onto the existing meters using a small ready-made application. The old meters have been taken up and thrown into the scrap truck. In my area, they have been brought to the scrapyards in Clonmel. All the steel meter covers that were put down to stop the lorries that go up on the footpaths from breaking them were also sold to the scrapyards. What went on was a scandal. All the meters that have been in place for three or four years have batteries with a maximum life of six, seven, eight, nine or ten years. Another big expense will be put on top of the people when they are asked to pay for replacement batteries.

People on group schemes mind their wells and treat them with respect. They cover them at times of frost. They look after the wells and ensure they are repaired when they fail. When necessary, they get in plumbers to replace pumps, sometimes at a cost of €3,000. Those people are getting a working group, which is an insulting term, to look at their problems, which could take six or eight years. A similar point can be made about the pipe to Dublin. Approximately 45% of the water in Dublin is going to waste. The Government will not fix the leaks. It wants to sabotage water from Tipperary. It wants to take over our water like Cromwell tried to take over Clonmel. We resisted him, but we could not resist Big Phil when he diminished our local democracy. He destroyed it completely.

The people are waiting. This saga is not finished. The pipe to Dublin is another farce. The plan is to pump the water up so that it can leak around the streets of Dublin city. Have we ever heard anything to beat it? The pipeline will be bigger than I am so that people will be able to stand into it and walk down it. Compulsory purchase orders are to be used as a bully tactic to bring this pipeline through people's land to Dublin. I do not deny the people of Dublin water, but they should fix and mind what they have. I am not saying the residents should do this, but I am saying they should take some responsibility. There should be a meter on every house so that people can monitor and check their water use. Perhaps it could be somewhere near the ESB meter or under the sink. Water is a valuable resource and should not be wasted.

Deputy John Paul Phelan: The Deputy is against meters.

Deputy Mattie McGrath: I am not against meters. I have just said that I am against the

waste that means water is not used. I am not against meters. I have had a meter for 30 years. I have fitted many meters. I am saying that meters should be readily available to people so that they can see how much water they are using, just as they can do in the case of electricity. There could be a pay-as-you-go system. I have never refused to pay for water. I paid my own water rates. I have been told that those moneys are going to come back to me. I will be able to have a bit of a party. I have a new grandchild since last week. Maybe we will have a bit of a celebration for her first birthday, although it might be her second birthday by the time we are repaid. My time is nearly gone. It is probable that the Chair will not give me any extra time to make up for the interruptions.

The jobs of the workers in the water services sections of the county councils, who were the pioneers, are now in limbo. Some of them were transferred and more of them do not know where they are. They are being bullied, threatened and intimidated. I do not hear their union saying an awful lot about this. The foot soldiers who fix the leaks in all kinds of conditions, thereby ensuring hospitals and industries etc. have water supplies, need to be protected, supported and treated with respect and dignity. They need to be given some certainty. They do not need a working group. The Government might set up another working group for the workers. There will be plenty of working groups but no one will be doing anything.

I thank the Chair for his forbearance. I think this is a farcical situation. I certainly will not be voting for this sham of a Bill. I wish the Government had accepted my Bill when I proposed it on Second Stage here. Of course it has been buried like everything else. The confidence and supply agreement is going to gush back and forwards. Some day it will gush up on top of the Government and drown half of its members.

Acting Chairman (Deputy Eugene Murphy): The Deputy was given 20 minutes and 40 seconds.

Deputy John McGuinness: He is worth it.

Deputy Mattie McGrath: The Chair took 60 seconds off me.

Deputy Seamus Healy: I welcome the opportunity to speak on the Water Services Bill 2017. I want to begin by saluting the Right2Water campaign and the hundreds of thousands of people across this country who marched in every county as part of that campaign. They marched in our capital city of Dublin on many occasions. They stood up to Irish Water and to a Government that wanted to impose huge austerity on them through water charges and they won. I was proud to be part of that campaign. I was proud of the people who prevented Irish Water from installing meters on their estates. They stood up for their neighbours. They stood on meter boxes to ensure meters would not be installed. They stopped the attempt to install meters and force water charges on people who were already significantly affected by austerity. Water charges were toxic, are toxic and will be toxic in the future. I have no doubt that any future attempt to reintroduce water charges by the back door this year, in 2019 or five years down the road will be defeated again by those who are absolutely committed to ensuring they are treated properly.

People should not be forced to pay water charges because they are an unfair form of double taxation, especially at a time when very wealthy people in this country are treated differently from the ordinary man and woman in the street. During the recent years of the economic crash and the so-called “recovery” we are having at present, very wealthy people have increased their

assets by more than €35 billion by comparison with the assets they had at the height of the boom. They pay absolutely no tax on that wealth.

We heard recently that this country has 850 millionaires. I was told by a former Minister for Finance that 20,000 people are earning €495,000 per annum. We have a situation where the gap between rich and poor is continuing to widen. This so-called recovery is exacerbating that divide and there is no doubt but that recent budgets, and the policy of this Government and the previous Government, have contributed to that and have resulted in ordinary people - social welfare recipients, PAYE workers, people on low incomes and poor people generally - being treated despicably but they treated very wealthy people with kid gloves and ensured they made huge fortunes in recent years. I salute all those people who came out and stood up for themselves and their neighbours and defeated Irish Water, defeated the Government and defeated these water charges.

There should be no need for this legislation because when Members returned to this Dáil after the 2016 election, 90 Deputies were committed to the abolition of Irish Water and water charges. We should have gone ahead and done what those 90 Deputies had promised the public in that general election. However, the Government wanted to be in a position to impose water charges, if not immediately then down the road. Unfortunately, Fianna Fáil, whose manifesto stated it would abolish Irish Water and water charges, let the Government off the hook and then joined it in a situation where it is now attempting to bring in water charges by the back door. There is no need for it and if we were a proper democracy and if this House had any respect for itself, it would have abolished water charges over 12 months ago when we came back after the last general election.

As a company, Irish Water is toxic. It was toxic from day one, especially when we heard the managing director of Irish Water tell the entire country on “Today with Sean O’Rourke” that it spent €50 million setting up the company by way of payments to consultants, and it has continued as it started. There is no transparency in Irish Water. It has no local offices and no local contacts. Local people who have a problem with water or wastewater services have to telephone what is effectively a receptionist who is not able to give them any information and does not know the geography of the country. Nobody, not even public representatives, can talk directly to somebody who knows the situation on the ground. That is hugely frustrating for people, particularly for those who have difficulties whether it be a leak, a sewage problem or whatever. In my experience, Irish Water has no regard for people who have to deal with it and has no regard for public representatives.

I believe Irish Water should be abolished and that its abolition should be provided for in this Bill. The abolition of Irish Water is essential for the development of water and wastewater services because it is toxic and will always be toxic. Responsibility for providing those services should be returned to local authorities, as was the case in the past, and that local authorities should be funded properly to deliver those services. Local authorities were starved of funding over recent years and that was used as a stick with which to beat them. We heard that they did not do this, that and the other. How could they do anything when they were not funded by successive Governments? Even in the good times they were not funded properly by the Government of the day.

I pay tribute to and thank the local authority staff who are effectively carrying out the work of Irish Water on the ground. Only for those staff, the situation would be much worse, and people’s frustration and anger would be much worse. Unfortunately, some local authority

workers have to deal with anger and frustration from people who are clients of Irish Water and who need work to be done by Irish Water. I am aware that in Tipperary, and I am sure it is the case across the country as I have heard it from other Deputies, were it not for the local authority staff who are now under contract to Irish Water, the situation in local areas would be much more difficult. Irish Water should be abolished and responsibility for the services provided by Irish Water returned to local authorities.

This Bill has no reference whatsoever to the question of a referendum to put water in public ownership. This is something to which, supposedly, every Member of this House has agreed. The Joint Committee on Future Funding of Domestic Water Services of which I was a member unanimously agreed on the question of a referendum to put water services in public ownership. Second Stage of a Bill was passed in the House for the same purpose but that seems like years ago now. It is certainly a long time ago and it is probably sitting on a shelf in some Department. There is certainly no urgency about it. It is clear from the discussions in Cabinet in the past week or ten days that a referendum on water is not on this Government's agenda. I will table an amendment on this issue to propose a new section which will state:

Within six months of the passage of this Act by the Oireachtas, the Government shall propose that the following clause be inserted in Bunreacht na hÉireann and a referendum shall be held on the proposal: "The Government shall be collectively responsible for the protection, management and maintenance of the public water system. The Government shall ensure in the public interest that this resource remains in public ownership and management."

Accordingly, all water services currently provided by the State through Irish Water, local authorities and State agencies shall remain in public ownership in perpetuity. Such services shall not be carried out by any privately owned company under contract to the above agencies.

The nub of the question is what Fianna Fáil will do about a referendum. Will it let the Fine Gael-led Government off the hook, demand that a referendum take place or join with the Government in refusing a referendum? Every Member in this House, including Fianna Fáil and Fine Gael Members, has agreed that a referendum should take place but a referendum will only take place if Fianna Fáil states it seeks a referendum. It has to make that decision. Will it cave in the way it caved in on the charges at the committee?

I will be opposing the Bill because it is perfectly clear that its purpose is to allow for the phasing in of water charges over time, probably after the next general election.

This so-called excessive use charge is in fact a Trojan Horse and, as I said, a back door to phasing water charges back in over time, probably after the next election.

The Bill is the outcome of bizarre developments at the Joint Committee on the Future Funding of Domestic Water Services, at which Fianna Fáil caved in to Fine Gael, voted against several of its own amendments and reneged on its election manifesto in respect of the abolition of Irish Water and water charges. It is quite clear that Fianna Fáil cannot be trusted on this issue, which is why I raise the question of the referendum. Can Fianna Fáil be trusted on the referendum issue? Will we have a referendum? Will Fianna Fáil demand, through the supply-and-confidence arrangement it has with the Government, a referendum to enshrine public ownership of the water network in the Constitution? Fianna Fáil certainly needs to step up to the plate on this. At the committee, as I said, a series of bizarre events occurred. Fianna Fáil voted

against several amendments it put forward itself and, of course, all the roll-back amendments at the committee and in the report were supported by the Greens and the Labour Party. Cynically enough, the Labour Party and the Greens, which are hardline supporters of charging households for water, having supported all the roll-back amendments, then voted against the report.

It is important to recognise that significant gains have been made by the anti-water charge campaigners. For example, there will be no immediate return to general water charges. Those who did not pay will not be pursued and those who did pay will receive refunds, and that is only right. The metering of additional existing and unrefurbished dwellings remains halted. The anti-water charges campaign has also achieved an increase in allowances - this is in the report as well - for group water schemes. However, this Bill is the outcome of the U-turns on the amendments at the committee. This Bill and the committee's report make domestic water services a tradeable commodity under EU law. Payments for excessive use to Irish Water commodifies water, and this facilitates the phasing back in of water charges over time. As provided for in the Bill, the Government can reduce the free allowance, thus making increasing amounts of water chargeable to more and more households. This may also be used to prevent the holding of an anti-privatisation referendum, to which I have already referred, or any attempt to do so, or to change its wording as new private suppliers of water are entitled to enter the market under EU competition law. It is, therefore, very important that the referendum is agreed and brought forward rapidly.

In my view, and as accepted right across the country, this excessive use charge is really a backdoor to the reintroduction of water charges. The term "excessive use" is simply not correct. All the evidence shows that Irish people use less water than most, if not all, other countries - certainly most: 123 l per person per day here as against 146 l in Britain. Figures for other countries could be cited.

There is also the question of the unmetered properties. Thankfully, the metering has stopped; the Right2Water campaign forced it to stop. It is now proposed to discriminate against people whose properties are metered. They can be charged for excessive use under this Bill whereas people whose properties are not metered cannot. The key fact in this is that the Government of the day, no matter its hue, can change the rules, reduce the multiplier, reduce the threshold for excessive use and, in this way, over time, effectively introduce water charges on a much wider scale across the community by the backdoor.

As I said, the purpose of this Bill is quite clear: to allow the phasing in of water charges by the backdoor over time, probably after the next election. This issue will not go away, whether it is brought forward again in one, two, five or ten years. Water charges are toxic and any Government that brings in these charges and any Opposition that allows it to do so will pay the price at the ballot box.

Deputy Fergus O'Dowd: This is a very important debate. People have different positions on the matter but neither one side nor the other can avoid the facts. While the setting up of Irish Water was a necessary and good thing, it is failing particularly in its duty of care to the people. While we have been sitting here, I have got a freedom of information request back from Irish Water. It has been with Irish Water for two months but a response has just come in now. It contains the facts of what happened when the pipes in Staleen near Donore in Drogheda, County Louth, burst last year and the year before, what Irish Water did and, more importantly, what it did not do. It shows why we need an organisation such as Irish Water working efficiently and effectively with a proper, thought-through plan and in co-operation with all the other statutory

and voluntary agencies in order to ensure we have a proper water supply in our country. Irish Water was set up because our water supply needs proper funding, which it does not have. Irish Water was set up because local authorities did not have the capacity or the professional engineering skills, depending on the part of the country or the county in which one lived, to supply the proper and necessary infrastructure, to design that infrastructure or to co-operate with other local authorities. It was, therefore, a very good idea to set it up. Irish Water was set up after due consideration by me in my capacity as a Minister of State at that time, and there are people in this Chamber who know exactly what I said and advised and what happened and what did not.

We must deal with what we have; we must deal with the facts. When the water supply failed in Staleen in 2016, Irish Water found what it called a highly unusual and very rare pipe. Irish Water knew it was 50 years old a year before the pipe burst again, knew it was highly unusual and knew there were no spare fittings for it. What did Irish Water do about that? Absolutely nothing. It had a pipe that was vulnerable, that could not be replaced and that was likely to burst again left metres deep in the ground. What happened when it burst the second time, on Thursday, 20 July, in the evening? For Friday, 21 July, Saturday, 22 July, Sunday, 23 July, and Monday, 24 July, there are no records that have been delivered to me of Irish Water taking any action at all or knowing anything about this. We then find, thankfully, that at 11 a.m. on 24 July - five days into the incident - an incident management team was set up. Irish Water is guilty of not being effective, not doing the job it was set up to do and not being aware or involved in this regard. While up to 60,000 people were without a proper and adequate water supply, at least according to the figures Irish Water has supplied to me, nobody in the company kept a record of anything that was happening up to that time. On 26 July, six days later, in the middle of a huge water crisis, the HSE contacted the Irish Water incident team to say that the company should have been using the available HSE emergency services. I emphasise the latter because it means Irish Water had not contacted the HSE. The next day, 27 July, seven days after the incident, the great and good in Irish Water were “looking at the previous incident”, which had happened a year earlier, to see if there were any lessons they could learn from it. Unfortunately, that is the damning indictment of Irish Water that I am uncovering right now. There is a lot of other stuff in the reply. I do not have time to read all of the information supplied now but I will do so in the future.

What we have here is a body that was properly set up, that was given the resources it needed - or so we thought at the time - that had joined-up thinking, that would bring to the table a professionalism and a skill set at the highest level and that could deal with what it was set up to deal with, namely, to look at where supplies were vulnerable and discover how they could be maintained and improved. If I was to give a mark out of ten or out of 100 to Irish Water in respect of its emergency planning, structure and capacity to react, I would give it zero if I was to give it a mark at all. There are huge issues with Irish Water. I am shocked by the information to which I refer.

Where does this leave us? We hear the argument, almost like theology or a religion, that there should be no charges under any circumstances. The alternative that some people argue for is the free market. What we need is something in between, which is what I thought we were setting up but which has not proven to be the case. While I disagree with many previous speakers, I think Deputy Mattie McGrath was right when he talked about the way people were treated by Irish Water, the arrogance of the company in the way it went about its business, its insistence on using consultants and its lack of proper organisation.

One of the key points I made while the company was being set up was that it needed a

proper, professional communications strategy but it did not have that. I warned Irish Water, the Department and the Minister of day, Mr. Hogan, who is now European Commissioner. I told Mr. Hogan that it would be an unmitigated disaster in light of the way matters were proceeding. Needless to say, I was not listened to and hubris and arrogance won out over logic and concern for ordinary people. That is a fact. I am on the back benches today maybe because of that or maybe not. However, I can tell the House one thing, namely, I and others worked very hard to set up this organisation properly in order to ensure that our infrastructure was improved, that it was properly and fairly funded, that people would have a free allowance, and, in particular, that vulnerable people and those who were sick would be looked after. If people wasted water, they would pay for it but they would have adequate water to live an ordinary life. I believe that the volume we were talking about at the time was two bath loads for every person in a house per day, which was to be free and, after that, people would pay. If they had medical problems or other issues, they would be dealt with honestly and sympathetically. Instead, look at what we got.

One of the things I argued in respect of - although, again, the hubris and arrogance won out - related to how Irish Water would function. This goes to the heart of the argument about privatisation. At the time, we believed Bord Gáis had the capacity to bring extra skills into play because it had managed the gas network and, so, should have been able to manage a water network. It also had a very good customer service support system and it had all the professional skills we thought were needed. At the heart of the principle of setting up Irish Water was that it would be an absolutely stand-alone organisation, supported by Bord Gáis while it was being set up, but completely separated as soon as reasonably possible, which at the time was thought to be a year or, at the very most, two years. It would be separate, so people could see what it was, and it would be transparent and accountable. Instead, the decision was made to incorporate it into this other group of companies called Ervia. People might say that is a moot point but it is not; it is a key point. The belief I had in setting it up was that if it was transparent, accountable, stand-alone and separate, everybody could see what it was, everyone would know what was going on and the people could and would trust it. That did not happen. One of the reasons for this was that the games that were going on were power plays between different organisations as to who would be the lead, who would be the manager and who would be the overall director or controller, and all that cant and hypocrisy. All the while, needless to say, the people were losing confidence in the organisation.

I always believed, and believe today, that the question of privatisation was a key issue and that Irish Water must never be privatised. Yet, although it was agreed that would be the case in the discussions I had, it never appeared in the legislation. The day I was handed the Bill in the Seanad, it did not contain what was promised. Imagine that. I know there are others who were Ministers of State and who left without necessarily wanting to go. Was Deputy McGuinness sacked like me or did he just leave?

Deputy John McGuinness: The Deputy should have read the book.

Deputy Fergus O'Dowd: When someone is told that a Bill will have this but then they are in the ante room of the Seanad and it is not there, what do they say or do? They would say, "What the hell is going on here? What is happening?" Eventually, in fairness, the former Minister, Mr. Hogan, insisted it would change. However, I agree and accept that Irish Water should be totally separated from Ervia. Then, we would never have all that rubbish about people getting extra pay because it was linked to pay in some other organisation and all the stuff that went on, which was a disgrace. None of that would have happened. The point now is that we have to

ensure that what is left of the organisation, bad and all as it is, changes. The legislation before us is worthwhile and important. However, it is also important that we win back the confidence of the people, which the organisation does not have.

I want to make a couple of points that relate to the setting up of the organisation. I sat where the current Minister of State sits and, at the time, I was made a promise, which I was told would be honoured, that people in this House would have the phone numbers of their local contractor for Irish Water. If anybody here has them, they might put up their hands because I do not have them. Does anybody have them? No, they do not and they will never bloody get them because those contractors do not want anyone to have them. They do not want people to contact them or to know who they are. In fairness, when I phone or email Irish Water, as I often do, there is a very good phone service and it will reply to me. The situation with the contractors is very poor and is not acceptable. There was to be an accountable manager, an individual in each county who people could ring and who would come back to them on all those issues. That has not happened and it needs to happen now.

While I want to compliment Irish Water on many of the significant things it has done in my constituency, I remain disgusted that there has been no response some six months after I wrote to it on behalf of the Dee and Glyde Fishing Development Association. We all know inland fishermen are good, committed, community people. The association had a proposal to improve the riverbed and the fishing capacity relating to the river, and letters have been going over and back for six months between Irish Water and an organisation called Louth County Council. I gave a list to the Dee and Glyde Fishing Development Association of 16 emails we have written. The association will meet again tomorrow night to see what the hell is happening with its very fine proposal to use a vacant space beside a water treatment plant in order that people might park safely there and fish. This would obviously add to the quality of life of these very fine people. Nobody has contacted them so they keep ringing me. I keep writing the letters but without result. That has to change. I discussed with the representatives of the association what I would say in the House because I think it is important that it is said here. There is an awful lot of work to do. At the heart and soul of it is a lack of commitment within Irish Water to public representatives. There is arrogance still at the heart of Irish Water. In my view there is despair. There are some 40 or 50 pages here about what it did and did not do and I have just picked out some of the key points such as lack of organisation, no plan, no communication, no involvement with the emergency HSE service and no corporate memory. The pipe collapsed one year ago which was a rare, unusual and special incident. Another bit of this pipe could not be had and Irish Water did nothing. I know that I am repeating myself. Irish Water did nothing but expects us to swallow all the crap it gives us. We survived. The Members here are all politicians like me. We in Drogheda survived that but it was very difficult, especially for people who are vulnerable. It was difficult on all the public representatives because we did not have proper communications. It is exceptionally clear that there is a lack of joined-up thinking between Irish Water and local authorities. The lack of communication between Irish Water and the council, evidently lacking in the documents I have here, shows that they were asleep, were afraid to ring or were afraid to make contact. I challenge them now to come forward and own up and to put in place a rational plan that works for the future and for Drogheda, where there is a pipe that is 50 years old and which could go again. I know that Irish Water has committed to investing €2.5 million for putting a new pipe in place there but all around the country, in Members' constituencies and in mine, somewhere there is an underground pipe - just like the one in Staleen - that will burst. There is no money to fix it and there is no pipe to fix it either. That is where we are.

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In properly funding Irish Water, which is what I was about and am still about, changes must take place within the organisation around transparency, accountability, responsibility, communication and capacity to listen. The biggest problem that Irish Water has is that it does not want to listen and it does not want to know.

I stand over what the Government is doing and I stand over everything I did. I stand over everything I believe because I know that what I was saying and doing was true. If it had happened - but it did not - then Irish Water could have been an organisation we were all proud of instead of the exact inverse and opposite. It is, however, never too late to learn. Other people have sat in the seat where I now sit. I welcome the Minister of State with responsibility for housing and urban development, Deputy Damien English, who lives in the same county as Staleen where the pipe is. His constituents get the same water supply as my constituents. It could happen again, it could happen tomorrow and it could happen to all of us. I thank the Minister of State, Deputy English, for his help and his communications to me during that time. I also thank the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, for his immediate and urgent responses to any requests I made at that time.

I believe the system can and must change, but we must also face the reality and accept the ultimate, absolute truth that the water supply can only be improved if the money is there to fix it. Relying on direct taxation as we do now is not the best way of doing it. It is not sustainable in the long run if the people who use the most water pay the least. This happens. I was in Brussels last week and in a railway station, I saw an advertisement that said nearly 58% of the water wasted in Belgium is wasted by some 8.9% of the people. There is a lot of abuse and wastage. If we tackle that waste issue, which is the Government's intention with this legislation, and if we bring people onto our side I still believe it could happen, notwithstanding those who say it is never going to happen. It must happen but until it does happen people must accept that there have to be changes.

I do not wish to put words into Deputy Broughan's mouth but when he spoke earlier - I will check the Official Record and I have no doubt he will also - I believe he said that water should be paid for from the property tax. If this is what he said then he is really saying that there has to be another form of taxation other than direct taxation for water.

If we look at those issues, if people think it is fair and if they can see why it has to be done, then I believe we can still win them over to our side. There is no point in telling people lies or telling them it is going to be right tomorrow when it is not right today, because it will not be. All the Deputies who are in the Chamber and those who are not might, when their pipes burst, remember what I am saying to them.

Deputy Martin Kenny: Just do not call Irish Water.

Deputy Fergus O'Dowd: If Deputies had listened to me they would be grand. This is a hugely important debate. From the privilege of the back bench I can say I was right was I not. The water issue, however, is not right and will not be right until we sort this out. I will be supporting the legislation.

Acting Chairman (Deputy Eugene Murphy): Deputy O'Dowd can say what he likes about the back benches but he must look at the freedom he has to speak today. I invite Deputy Mary Butler but I may have to call for an adjournment of the debate.

Deputy Mary Butler: I thank the Acting Chairman, I am sure he will advise me at the time.

The Water Services Bill is very far from being the single most important issue facing the State when we consider the housing and homelessness crisis, problems in health services and the result of the vote in the UK to exit the EU with the trade repercussions this will have here at home. It is important, nevertheless, and the handling of it in recent years represents a dramatic public policy fiasco.

It is also one of the few areas where there was a substantial policy debate during the last general election with the decisive result in favour of ending current policy. The people, some more boisterous than others, engaged with politicians but the message was loud and clear: Irish Water was a fiasco. People were told their taps would be turned down to a trickle by the then Minister, Phil Hogan, but the scare mongering did not work. Every single claim made by Irish Water has failed.

The EUROSTAT test failed as Irish Water could not and did not raise major funding for investment. It created a national organisation dedicated to billing rather than service provision. The previous Government's policy was to allow Irish Water massive commercial freedom even though it would be funded primarily by direct state subvention and would take many years to bring services to the level they themselves define as acceptable.

Had Irish Water been a State agency the uncontrolled expansion of management, the bonus culture, the waste, the secrecy, the massive and rising payments for lobbying and many other practices would not have been possible. Equally, the disdain for democratic accountability would never have been allowed.

We needed to end this failed regime and move on from this issue once and for all. Water charges have failed miserably. In 2015 only 53% of bills were paid with annual revenue of €144 million on this basis. Some €100 million was spent on the water grant. Where else in the world could one leave a tap on all night and be rewarded with a €100 conservation grant? It did not add up and I often wonder how many people claimed the grant who did not pay any charges at all. The charge hit those least able to pay and was deeply regressive. Abolishing the last unfair water charging regime was a key Fianna Fáil policy. We engaged, we debated and we gave value for our vote. We represented the voters in making sure that water charges would be resigned to the scrap heap.

Acting Chairman (Deputy Eugene Murphy): I must ask the Deputy to adjourn.

Deputy Mary Butler: I have one more line.

Acting Chairman (Deputy Eugene Murphy): We will give the Deputy the line.

Deputy Mary Butler: More importantly, Irish Water will remain in public ownership.

Debate adjourned.

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Ceisteanna - Questions

Priority Questions

Health Care Policy

1. **Deputy Billy Kelleher** asked the Minister for Health the action his Department is taking to implement the Sláintecare report. [41051/17]

Deputy Billy Kelleher: What action is the Department of Health taking to implement the Sláintecare report? As the Minister knows, the report was published after a great deal of deliberation and was primarily cross-party in nature. Has the Department set up the task force to deal with the timeframe for the report's implementation?

Minister for Health (Deputy Simon Harris): I thank Deputy Kelleher for his timely question. The Government is committed to making tangible and sustained improvements to our health services. I believe genuinely that the Sláintecare report now provides a framework and a direction of travel to do this. We have a level of consensus and support for the vision and strategic direction outlined in the report that is unprecedented in the House. I am determined to harness this consensus by working with colleagues across the political spectrum and all other stakeholders to move forward on this very important agenda.

The Government has already approved the establishment of a Sláintecare programme office. That happened at its last meeting before the summer recess. The office will be tasked with implementing a programme of reform, as agreed by Government, arising from the Sláintecare report. It will be led by a senior executive with a strong track record in implementing reform. Work is under way between my Department and the Department of Public Expenditure and Reform to ensure that we are positioned to attract candidates of this high calibre for one of the largest public service reform processes ever undertaken in this State. It is essential, therefore, that we get this recruitment process right.

In parallel, work is under way in my Department to develop a detailed response to the report for consideration by the Government in December. The Deputy will remember that the report itself talks about the delivery by the programme office of a draft implementation plan by the end of the year. This plan will seek to translate the Sláintecare report into a programme of action for the next ten years. It will consider the issues that arise in designing such a programme, including key actions, deliverables, costings, timelines and key performance indicators. It was acknowledged in the Sláintecare report that more detailed consideration of these issues was required and it is important that this work is undertaken now. My Department will involve professionals with significant experience of developing implementation arrangements for major change projects.

We are all aware that there will be significant challenges to overcome to effect deep and systemic change in our health care system, but we have no choice and must begin the change process now. It is one of the Government's key priorities. The focus now must be on ensuring that the implementation phase is properly designed and that a clear implementation plan is developed as quickly as possible. As I said, I expect to have the implementation plan by the

end of the year.

Deputy Billy Kelleher: The Minister stated that the principles set out in the report provide a basis on which to get the important calls right through the implementation process. Given the broad cross-party consensus, it is something into which we can all buy. In that context, there were a number of issues which were the subject of protracted debate in the committee which prepared the report. One key recommendation as a result was the elimination of private care in public hospitals. There was a great deal of debate on that issue. Concerns were also expressed, however, that there could be unintended consequences. With that in mind, the committee acknowledged that it would be complex to remove private care from public hospitals and stated that there was a need to set up a process to analyse the impact it could have on services recruitment, as well as other unintended consequences. How far along is the Minister in establishing an independent impact analysis of the separation of public and private care, in particular with reference to the difficulty of recruiting and retaining consultants and other unintended consequences? It is a key area which must be addressed very quickly. It is a fundamental part of the overall Sláintecare report's recommendations.

Deputy Simon Harris: The Deputy is entirely correct. As a member of the committee which published the report, he will be more familiar even than I with the debates which took place. The call for an impact study by the committee was sensible. We all want to get to a position where we can decouple the public from the private; certainly, I do. It is ethically questionable that we have a situation in the Irish health service today where emergency departments are crowded, there is a shortage of beds and public waiting lists are long while private practice carries on unabated and, sometimes, unchecked within public hospitals. None of us feel that is fair. The issue is exactly as the Deputy suggests. What would be the consequences of doing that, what road should we travel and how are these things to be disentangled? That is likely to take a number of years to determine, which is why the best thing to do is establish the independent impact study to provide a full appraisal of all of the facts. I spoke about this at the Health Management Institute of Ireland conference this week and expect to be in a position to announce details of the impact study in the coming weeks.

Deputy Billy Kelleher: Will that be separate from the overall implementation body? It will be a completely separate entity.

Deputy Simon Harris: I think so, yes.

Deputy Billy Kelleher: Will terms of reference be published and will experts be appointed?

Deputy Simon Harris: Yes. It is my strong view that we do not need to wait for the implementation plan at the end of the year to make progress on this. I will be happy to discuss the terms of reference with Members across the House.

HSE Staff Recruitment

2. **Deputy Louise O'Reilly** asked the Minister for Health the vacancy rates for consultants, doctors, nurses and midwives in the HSE; and his plans to fill those vacancies while also retaining existing staff in the HSE. [41006/17]

Deputy Louise O'Reilly: My question is very straightforward. It provides the Minister

with a platform and opportunity to tell the House all of the good news he has on recruitment and, specifically, retention measures for staff. My understanding is that we are losing consultants and other health care professionals as fast as they are coming in due to the poor quality of the working environment.

Deputy Simon Harris: There is a degree of chicken and egg in this case. The Deputy referred to the poor quality work environment but to improve that we need more people to work in the public health service. I appeal to people, in particular our young graduates from nursing and medical school, to work with us and to give the Irish health service a chance as we enter a period of reinvestment.

The staffing environment of the HSE is dynamic and subject to significant service demands. When a position is vacated, work may be covered through a variety of measures, such as redeployment, restructuring or reallocation. It may also be necessary for duties to be covered by agency staff or through overtime arrangements. The HSE does not operate a vacancy rate, as the question terms it, but rather records a staff turnover rate. The HSE estimates that the adjusted turnover rate for 2016 was 5.7%. This means that, each year and at any one time, people will be moving in and out of about one in 20 posts across the health service. This can be for a range of reasons. People may simply move to a new location while remaining within the HSE. Other reasons include retirement, resignation or taking up other types of leave such as maternity leave.

As the Deputy is well aware, there are difficulties in filling consultant posts in certain specialties and locations. Approximately 200 such posts may be vacant at any one time. However, most of these are filled on a locum or agency basis to ensure continued service delivery. The figures at the end of July 2017 show that there were more consultants employed at that point than at the same time last year. They also show that the number of consultants in the service has increased by more than 700 in the past decade. The number of non-consultant hospital doctors has also increased year on year. I note also that there were over 36,000 nursing and midwifery staff members in employment at end July 2017. This is an increase of more than 700 in the past 12 months against a backdrop, as the Deputy rightly points out, of intense global competition. Under the agreement reached with the nursing unions earlier this year, the HSE has developed a funded workforce plan for an additional 1,224 nursing and midwifery posts in 2017. One element of this workforce plan is that of agency conversion. I am supportive of the efforts being made in converting agency staff into permanent posts.

The Public Service Pay Commission did not find that the rate of staff turnover in the health sector gave cause for concern generally. However, it did identify problems in recruitment and retention in specific and specialist groups, including nursing, which are internationally in demand. The commission will now carry out a more comprehensive examination of underlying difficulties and is committed to reporting on several health sector grades in 2018.

I welcome the fact the health sector unions voted in favour of the public sector deal in the knowledge that this body of work will take place at the Public Service Pay Commission.

Deputy Louise O'Reilly: If pay were the only issue, it would be sorted by now. However, it is not. Poor working environment is also an issue.

The Minister is right that it is a chicken and egg question. We do need people to come and work in our health service. I note the Minister issued an appeal to graduates. I would appeal

to him to make their workplace more appealing and, thereby, encourage more of them to work in our health services. We will not be in a position to implement the maternity strategy or any of the other documents that sit gathering dust on shelves in the Department of Health unless we have the staff to so do. Recording vacancy rates is important because it will identify where we have staffing deficits. While talking about staff turnover and where those staff might be going, the evidence is that staff are leaving the health service to work in the private sector or abroad. We also know that we have a problem with consultants who are practising but are not on the specialist register. I have not seen any proposal to address this. This issue will get worse because a situation will arise whereby they will drift into a legal entitlement to a contract of indefinite duration unless something is done to ensure they are converted.

Will the Minister give the figures on the conversion of agency staff to directly employed staff? If he could give that information in hours it might be helpful.

Deputy Simon Harris: I do not have a figure to hand for the conversion of agency staff to permanent staff here but I will revert to the Deputy directly on that.

I am sure the Deputy did not intend it in respect of the maternity strategy but I can assure her, challenges aside, that it is not a document gathering dust in my Department. We are moving ahead with the plans to relocate one of our stand-alone maternity hospitals to an adult acute hospital site. We will be publishing an implementation strategy for the national maternity strategy in the coming weeks.

My message to young graduates is simple. They will have more colleagues working alongside them in their hospitals this year than last year. If they work with us, they will have more people working alongside them next year than this year. We are back reinvesting. Health Ministers in years gone by could not offer young graduates a full-time permanent contract if they worked in the health service. This is now happening.

The Deputy is correct that it is not all about pay. The recruitment and retention process which will be undertaken by the Public Service Pay Commission, in consultation with the unions, will not just be about pay either. Some of our nurses are coming back to the country, a fact we need to acknowledge. I saw it when I went to a recruitment fair in the HSE. I saw it recently when we took on 17 new nurses in Cork University Hospital to re-open critical care beds. Six of those nurses were Irish who had been working in the UK but decided to come back. The independent group set up to monitor the nursing pay agreement will publish its next report shortly, which I will lay before this House.

Deputy Louise O'Reilly: I do not doubt there are nurses coming from overseas to work here. However, they are staying six months and then they are going on elsewhere. This has been said to me on more than one occasion by nurses' representatives because that is what they see in their workplace.

I welcome the fact that there will be a nursing commission. We need a commission along the lines of the previous one to address this issue.

I do not believe the Minister and the Government are doing enough to retain staff. A clear message needs to be sent to the staff that their work is valued. The feeling on the ground is that their work is not. There are people working in our health service who are under extreme pressure. They will tell the Minister that they are haemorrhaging staff left, right and centre. We do not make it any easier for them. It is taking months for staff to get full-time permanent

contracts.

Deputy Simon Harris: That is not true.

Deputy Louise O'Reilly: It is true. It was taking much longer previously, but it is still taking months to get a permanent contract. They need to be issued as a matter of course. If that involves devolving the authority to do so down to the level of hospital management, then that should be done. The centralised recruitment process is not working.

Deputy Simon Harris: We did that in the agreement I reached with nursing unions. I also signed a section 10 direction to the HSE. The last time such a direction was signed by a health Minister was when Mary Harney brought about the policy of co-location. It is the strongest instrument available to a Minister. In this case, it delegates the sanction for the employment of nurses directly to directors of nursing, many of whom will be members of the nursing unions, such is the priority we are attaching to this.

I am not suggesting we have enough nurses, midwives or doctors working in health service. However, the facts matter. There are more nurses working in the health service this year than last year. I hope there will be more next year than this year. There are more doctors working in the health service this year than last year. I accept there are significant recruitment and retention challenges, not just in this country but globally. One can ask how Britain is managing to recruit and retain nurses in the context of Brexit.

There are many challenges with a mobile workforce. We want them to stay in this country. We have a new public sector deal, which has been accepted by unions. We also have new career opportunities such as advanced nurse practitioners, the new community nursing scheme and the task force on skills mix to check how many individual nurses we need in each ward to ensure they are safely tasked. There are several measures under way that will aid the recruitment and retention process in order that we will continue to see more nurses and doctors working in the health service.

Mental Health Services

3. **Deputy James Browne** asked the Minister for Health his views on the Mental Health Commission's call for it to be given powers to regulate community-based care services. [41052/17]

Minister of State at the Department of Health (Deputy Jim Daly): The Mental Health Commission is a statutory body whose functions are set out in the Mental Health Act 2001. Among its key responsibilities is the establishment and maintenance of a register of approved centres. The Act also provides that the inspector of mental health services visits, inspects and reports on every approved centre at least once every year. Details of these inspection reports, including compliance issues, are available on the commission's website. While the commission has the authority to visit and inspect any other premises where mental health services are provided, the enforcement powers of the commission only apply in the case of approved centres.

As regards the regulation of community-based services by the commission, the expert group review of the Mental Health Act 2001 examined this issue in detail in its 2015 report. The expert group recommended that a proportionate and risk-based system of inspection should be

developed by the commission. This would include a phased introduction of registration and inspection of all community mental health teams. In addition, all high, medium and low support hostels, crisis-respite houses, other residential services, day hospitals and day centres would also be subject to inspection and enforcement by the commission.

The expert group also suggested that to enhance the standard of care provided in approved centres, the revised legislation should provide for the Mental Health Commission to make standards in respect of all mental health services and to inspect against those standards. The standards would be made by way of regulations and the regulations would be underpinned by way of primary legislation.

Amendments to the Mental Health Act 2001 based on the recommendations of the expert group review of the Act are being progressed. The Government approved plans to proceed with the general scheme of a Bill. Officials are working on the heads of the amending Bill that will legislate for the recommendations of the review, including those relating to the proposed registration and inspection of community mental health services.

My Department and I accept the importance of advancing this work as quickly as possible. We acknowledge it is taking longer than stakeholders in this area would like. That said, it is a comprehensive legislative undertaking, which must also now take account of the provisions of the Assisted Decision-Making (Capacity) Act 2015, enacted after completion of the expert group report. I expect the text of the general scheme of a Bill to be significantly advanced by the end of the year.

Deputy James Browne: I understand only one out of the 168 recommendations from the expert review group has been implemented. The review group is now three years out of date. As the Minister stated himself, the Assisted Decision-Making (Capacity) Act is beginning to become obsolete, which is unacceptable.

Over 90% of all people receiving supports received them in non-approved centres. Only 10% of centres are actually approved and inspected. The next Leas Cross will happen in people's homes because no inspections are being carried out and there is no risk that anyone will be caught.

The Mental Health Commission has reiterated its call on the Government to give it powers to regulate community-based services with the increasing number of patients accommodated in those. We had the policy of closing down the old Victorian hospitals, which was right, but adequate community supports are not being put in place. No one is inspecting those supports being put in place. There needs to be increased supports. The Mental Health Commission is seeking regulatory powers and they should be given to it.

Deputy Jim Daly: I share the Deputy's concerns. I would like us to get to a position on enforcement. The commission has the powers to inspect and visit those facilities if it wishes. I met the Mental Health Commission last week and discussed this issue at length with it. I am anxious to get this legislation in place. It is a comprehensive piece of work. There is a great deal of legislation before the Houses, such as a couple of amendment Bills put forward by the Deputy and Senator Joan Freeman's Bill. There is much legislative work being undertaken and competing for time in the Department at present. However, I am as anxious as the Deputy to get to this stage because I wish to see it regulated, with the powers of enforcement in place, to ensure we can guarantee safety and quality in the services we are providing.

Deputy James Browne: The Fianna Fáil Bill that attempts to amend part of the Mental Health Act will go through Second Stage in the Seanad in October. Effectively, that is an attempt to force the Government's hand to bring forward the comprehensive Bill that is required to reform the Mental Health Act in light of modern human rights changes in that area. Mr. John Saunders, chairman of the Mental Health Commission, said: "These community residences have become too large by accommodating too many people, creating a number of mini institutions... These residences are not regulated and yet they provide care to a large number of vulnerable people with mental illnesses." The Minister of State must be aware of the comments of the Mental Health Commission. These stem from the recent publication of a report on Roscommon mental health services. The external review found that mental health services in the county were marked by control, negativity and a culture of blame. The author of the report said that some senior staff normalised bad behaviour while others perpetuated it. The evidence is available. I have no doubt that what happened in Roscommon is happening in other parts of the country. This issue will become worse and will perpetuate itself unless proper investigations and assessments are made in these areas.

Deputy Jim Daly: Again, I appreciate what the Deputy said. My reference to the Deputy's legislation is by way of information. There are a number of different, conflicting elements in trying to progress legislation as quickly as possible.

I am acutely aware of the Roscommon situation. I have discussed it with numerous people, including the Acting Chairman, Deputy Eugene Murphy, who has a keen interest in it, and other Members from the area. I will visit Roscommon next Monday to meet some of the people there, to hear about what is happening, to see what went wrong there and to ensure that the recommendations are fulfilled. I appreciate the concern that this could be replicated in other parts of the country. That concern is real and I share it.

Mental Health Services Provision

4. **Deputy Bríd Smith** asked the Minister for Health when the closed beds in the Linn Dara facility in Cherry Orchard will be reopened; and if he will make a statement on the matter. [41005/17]

Deputy Bríd Smith: In June, we lost half of the beds in the child and adolescent mental health services unit in Linn Dara in Cherry Orchard. At the time it was promised that they would be reopened in September. Half of the complement of psychiatric nurses was missing. Can the Minister of State enlighten us on what is happening with Linn Dara? Will the facility be fully staffed and opened in full?

Minister for Health (Deputy Jim Daly): I thank the Deputy for giving me the opportunity to address this issue, which has been a matter of concern for a number of Deputies and Senators for some time. There are currently 60 child and adolescent mental health service, CAMHS, beds operational nationally. This is up from 48 in early summer and will increase further once Linn Dara resumes its full capacity of 22. There are currently 20 operational beds in both Cork and in Galway, eight in Fairview and 12 in Linn Dara.

In June last, due to staffing difficulties, some beds in Linn Dara could not take new admissions. This, unfortunately, left Linn Dara with just half of its 22 bed complement operational. For those discharged for clinical reasons, the HSE provided dedicated follow-on supports from

the community-based CAMHS service, where deemed necessary. The executive has also made available the CAMHS day service, as appropriate in individual cases, to enhance supports for young people and their families. The operational difficulties that faced Linn Dara recently arose from problems in recruiting and retaining mental health professionals. Staffing cover had to be augmented in recent times through methods such as staff working additional hours, over-time and engaging agency staff. Funding availability is not the issue in this case.

A phased opening of the closed beds in Linn Dara is planned for the week beginning 30 October, with a graduated increase in bed capacity. The HSE aims to be back at the full capacity of 22 beds by mid-November. This is similar to the approach taken when the unit increased bed capacity originally. The HSE is required to provide advance notification to the Mental Health Commission of its reopening plan.

The HSE has been exploring every option to resume normal operational levels and to maximise the use of Linn Dara in the future. The executive has intensified its efforts on recruitment, and a number of staff have been identified to join the service. The Deputy may rest assured that all efforts will continue to be made to address ongoing service difficulties at Linn Dara, with a view to reopening beds as quickly as possible.

Deputy Bríd Smith: I have no doubt that the Minister of State is doing everything he can within his limits. The problem is that the limits are very tight. As in the earlier discussion about staffing and pay, everybody acknowledges that it is difficult to recruit and retain nurses in this country. It is even more difficult to recruit and retain psychiatric nurses. That is not because they have an aversion to working in institutions, hospitals and clinics in Ireland but because their pay and conditions, stress levels and the pressure on them are wicked. They prefer to emigrate. We are haemorrhaging nurses as a result. Of the 17 nurses needed to staff Linn Dara so the beds can be reopened and be operational how many have been recruited? I accept that the Minister of State is doing his best. He says that every effort is being made and I do not doubt his sincerity, but one arm of the Government is saying it is doing its best to keep the service going while another arm, the Minister for Public Expenditure and Reform, is boasting about the new pay deal, which does not restore pay equality to nurses. That is restricting the ability of the service to recruit in the manner it requires. There are two different forces competing in tandem and that is wrecking fundamental and essential services such as the mental health services.

Deputy Jim Daly: There are different stages of recruitment but there should be a new complement of five nurses within the next two to three weeks. I met the Psychiatric Nurses Association last week and listened to the challenges its members face. I will continue that engagement. I also addressed the conference of the mental health nurses this week. I am familiar with the struggles and challenges facing them and the Minister for Health, Deputy Harris, and I are determined to continue to try to deal with them as best we can. Hopefully, Linn Dara should be back at full capacity by mid-November. I will welcome any efforts by the Deputy to ensure that happens and to hold us to account for that in the meantime.

Deputy Bríd Smith: Today is the 25th anniversary of the UN Convention on the Rights of the Child. On the “Morning Ireland” programme today, the Ombudsman for Children said the Government will be called to the UN to account for the lack of services for children. Linn Dara is a facility for adolescents with mental health issues. Between June and August last, six young people committed suicide in the area between Cherry Orchard and Ballyfermot where Linn Dara is located. Tragically and shockingly, most of them were young women. I am not saying all of them would have gone automatically to Linn Dara. One has to be suicidal to get

into that facility. However, there are needs for mental health treatment which become apparent much earlier that are not caught by the system.

The Government is being called to the UN so it can be told that it is failing young people and children. That is happening. Many issues affecting young people are not being caught early enough and the services are not available 24-7 so they can access them. It is a tragic situation, and it will get worse. The next generation is being reared through the austerity years and has seen special needs education at schools cut for eight or ten years. There are also those who are living in homeless accommodation, not to mention those who are coming out of direct provision and from homeless services back into so-called normal living. How will their mental health be dealt with in a system that is creaking and already failing? The consequences are not just tragic, but criminal. The UN will have to point this out to the Government when the Government is called before it. Telling me that there are five nurses out of 11 does not tick the boxes for the reopening of all the beds required in Linn Dara. It requires 11 nurses, not five.

Deputy Jim Daly: I will not get into the micro-management of the staffing levels there, the individual nurses and so forth. Clearly, it is not an issue with funding. I do not say that defensively because it is a matter of fact.

Deputy Bríd Smith: Then pay the nurses properly.

Deputy Jim Daly: That is a separate issue, and there are a number of different matters relating to that. However, I am assuring the Deputy that this is not an issue with funding but with the recruitment and retention of nurses. There are improvements coming in that area.

I share the Deputy's concern for the well-being and mental health of young people and I want to have the best system and a system we can be proud of. Much good work is taking place and a great deal of money is going into it. I want to ensure we are getting value for the money and that the services are being provided where they are needed. Appropriate referrals is another issue, where people are left on inappropriate lists, are inappropriately referred and so forth. There are many challenges within the system that go far beyond the issue of funding. As I have said previously, the job would be very easy if it was just a matter of funding. There are challenges which we are seeking to fix and I hope we can make improvements on them over time.

4 o'clock

4 o'clock o'clock Hospitals Building Programme

5. **Deputy Catherine Connolly** asked the Minister for Health further to Parliamentary Question No. 136 of 21 June 2017, the progress that has been made on the relevant plan and the options appraisal in view of his approval, in May 2017, for the Saolta health group to develop a plan for the future of its hospitals and necessary service expansion and for the conduct of an options appraisal for the future acute hospital needs in Galway; if the process has begun; the completion date; the person or body carrying it out; the cost of same; and if he will make a statement on the matter. [41007/17]

Deputy Catherine Connolly: This is a specific question and I would appreciate if the Minister answered it, rather than discussing the accident and emergency unit or other planned developments at University Hospital Galway. I am seeking specific information. In December 2016, the Saolta University Healthcare Group wrote to the Minister seeking approval to carry

out an options appraisal in respect of a new hospital. The Minister waited five months before, thankfully, giving it permission to do so. It is almost October 2017 and I ask specifically whether the options appraisal has commenced. If so, when did it start, when is the completion date and who is carrying it out?

Deputy Simon Harris: I will endeavour to answer Deputy Connolly's question specifically. She is correct that in May I gave my approval to the Saolta University Healthcare Group to conduct an options appraisal in respect of the future acute hospital needs in Galway. The structure of the hospital groups is such that my approval is not required for such an analysis to be carried out. It is the responsibility of the hospital groups to carry out analyses of their needs. The whole idea of establishing these groups was to avoid having everything being done centrally and to have the Saolta group and all other hospital groups examine their needs. Nonetheless, I assured the Saolta group that any funding costs it incurred would be met and that continues to be the position.

As part of the appraisal, the Saolta group is undertaking a medium-term planning project to assess the population health needs for University Hospital Galway's catchment to inform existing and future service needs. I am informed by the group that this process will be completed by mid-2018. I would welcome its completion as soon as possible, as would Deputy Connolly, because any further investment in Saolta hospitals will have to be considered by the Health Service Executive based on the strategic priorities put forward by the Saolta University Healthcare Group. For this reason, we need to hear from the group what are its priority projects for further investment.

In the interim, I have requested the Saolta group to provide a short-term plan for the University Hospital Galway and Merlin Park sites to maximise the effective use of both hospital sites to meet the demand for care. The Deputy indicated to me previously that more could be done, even on a short-term basis, on the Merlin Park site.

The Deputy clearly does not want me to speak about a number of other investments made in the Galway area. However, a new 75-bed ward block was recently completed at University Hospital Galway and a new acute mental health department is expected to be operational by the end of 2017. Planning is also under way for a new emergency department at University Hospital Galway. I instinctively share the Deputy's view that the Saolta group needs to revert with its appraisal of its future options. We have given it approval to complete this task and its work is under way. I am informed the work will be completed by the middle of 2018. The appraisal will inform us of what further investments we can and must make in Galway.

Deputy Catherine Connolly: I thank the Minister for providing a completion date of mid-2018 for the appraisal. I also appreciate that he did not sidetrack from my question. I asked him not to do so because of the urgency involved. The Minister's party colleague in the Galway West constituency clarified through a question to the Minister that the hospital finds itself in the wrong position and unable to cope.

Today, I attended a meeting of the Committee of Public Accounts attended by representatives of the Health Information and Quality Authority, HIQA. I read some of the authority's reports on University Hospital Galway, one of which states, "The infrastructure and the design of the Paediatric Ward was outdated and as such had the potential to impact on effective infection control." The accident and emergency department has reached crisis point, while two theatres have been closed at Merlin Park Hospital as a result of a leak in a roof, an issue I will

raise later in the Topical Issues debate. I could go on. The Government clearly has a role in this matter given the substantial capital outlay involved in building a new hospital. There are 150 acres available on the Merlin Park site. Higgledy-piggledy development is no longer acceptable because it was this approach that caused the crisis in University Hospital Galway. We want proper planning in Merlin Park rather than piecemeal development.

Deputy Simon Harris: I do not disagree with anything the Deputy said. When people want responsibility to be devolved to the regions rather than exercised centrally, they must seize this responsibility. I have given the Saolta hospital group approval for the appraisal, if it ever needed it, and an assurance that the Department will meet the funding costs required to carry out a proper detailed appraisal. It will not only consider what projects need to be done immediately - some must be done and others have already been done - but will make a proper assessment of the planning and development of health services in Galway, which is a vibrant city and large county.

I acknowledge some of the progress that has been made by front-line staff and management in University Hospital Galway in recent times. The hospital is a pilot site for the national patient flow improvement programme and patient experience times have improved. For example, compliance with patient experience times for all patients of less than 24 hours in the emergency department increased from 93% to 98%. For those patients aged 75 years or older, compliance increased from 75% to 85% within the same period. That is not something to write home or get excited about but it shows that targeted investment in pilot projects is leading to improvements.

The new 75-bed ward block has been opened and 30 additional beds opened in early 2016 as part of the winter beds initiative. A new clinical research facility has been delivered, the maternity unit has been upgraded and a cystic fibrosis outpatient department was completed in 2014. I agree that a master plan is required and look forward to receiving it.

Deputy Catherine Connolly: If the Minister continued to outline what he regards as improvements, I could not argue with him but all these improvements have added to the problems at the site. While a 75-bed unit was provided, the closure of two wards meant the hospital did not receive a single extra bed. The new mental health facility has been delayed and will not open until the end of the year. It also has implications for car parking at the site. There are 40 patients on trolleys in University Hospital Galway, where the number of beds has been reduced from 812 in January 2006 to 655 at present. We have a major crisis.

The Minister referred to good planning. There has never been good planning regarding the regional hospital in Galway. It has been forced ó ghéarchéim go géarchéim - from crisis to crisis - and has never had the luxury of long-term planning, nor the support of any Government. With the exception of today, every time I have asked a question since my election almost two years ago, I have been given a list of positive developments that will make a congested site more congested. Am I to understand from the Minister's reply that by mid-2018 we will have some answer with regard to planning for a new hospital on the 150 acres available at the Merlin Park site?

Deputy Simon Harris: What I am telling the Deputy is that I expect an options appraisal paper by mid-2018, if not earlier. I would welcome the paper as soon as the Saolta group has completed it. The paper will indicate to the Government, Oireachtas and HSE how the group would like to develop its services. It is not for me to tell it how it should develop its services. What is the point in having a group and people in positions to manage the service if I try to

micro-manage services? I have given the group the go-ahead in terms of funding to produce an options appraisal. If that plan is delivered to me, I assure the Deputy that the Government and I, as Minister, will support proper planned development of health services in Galway.

As the Deputy will be aware, the original emergency department at University Hospital Galway was constructed in the 1950s and upgraded in the late 1990s. The department accommodates more than 62,000 attendances per annum and sees 130 patients on a weekend and approximately 270 patients every day during the working week. We need proper planning in this area. The position in Galway is a microcosm of the broader challenges we face in terms of proper, long-term planning. I look forward to receiving the options appraisal from the Saolta group, acting upon it and liaising with Oireachtas Members from Galway.

Other Questions

Respite Care Services Data

6. Deputy Louise O'Reilly asked the Minister for Health the number of hours of respite care offered to families of children with disabilities in the first nine months of 2017 as compared with the first nine months of 2016; and the way in which this compares with the number of applications for respite care by families for their child with a disability in the first nine months of 2017 as compared with the first nine months of 2016. [40778/17]

Deputy Louise O'Reilly: The question is straightforward. I doubt if there is a Deputy in the House who does not receive daily requests for help and assistance from parents and carers who are desperate for respite. We are speaking to people who have not had respite for years rather than months and some who have not had any respite.

Deputy Simon Harris: I am taking this question on behalf of the Minister of State, Deputy Finian McGrath. We discussed this matter yesterday at a meeting of the Joint Committee on Health.

I am very much aware of the importance of respite service provision for the families of children and adults with disabilities, including the impact the absence of respite service provision can have on other parts of the health service and the well-being of families. As Deputies are aware, the provision of respite services has come under additional pressure in recent years. More children and adults are now seeking access to respite and the changing needs of people with a disability are also having an impact, as they, along with the rest of the population, thankfully live longer lives. A Programme for Partnership Government recognises the need for respite services to be developed further and the Minister of State and I are committed to ensuring this happens.

A number of factors impact on respite capacity. A significant number of respite beds are regularly utilised to allow unplanned emergency admissions, leading to a decline in the number of available respite nights against planned activity. As I indicated to members of the joint committee yesterday, one of my greatest concerns in respect of disability services is the large increase in the number of emergency admissions and the need to address this issue adequately. The regulatory and policy context has also changed the manner in which residential and re-

spite services are provided, as agencies must, correctly, comply with regulatory standards. As a result, capacity has generally decreased with the requirement for personal and appropriate spaces. Beds can no longer be used for respite where residents go home at weekends or for holidays. This is an example of how additional beds are not available when they would have been previously. It is not a criticism, only the reality. Implementation of the national policy on congregated settings is also reducing available capacity.

In the HSE's social care operational plan for 2017, some 6,320 people with disabilities are expected to avail of centre-based respite services, totalling 182,506 overnights. Based on existing levels of service and in addition to the centre-based respite service, it is planned that between 2,000 and 2,500 persons will avail of respite services such as holiday respite or occasional respite with a host family. It is also planned that a further 41,100 day-only respite sessions will be accessed by people with disabilities. Furthermore, the HSE has been funded to provide 185 new emergency residential placements, and new home support and in-home respite for 210 additional people who require emergency supports has been allocated. This marks a significant change in the way that respite services are delivered.

The most recent available data from the HSE indicate that 81,836 overnight respite sessions were accessed in the first six months of this year compared with 90,861 in the first six months of last year. The number of day-only respite sessions accessed for the same period in 2016 was 22,351 compared with 22,051 in 2017. The HSE is also developing an eHealth case management system, which will facilitate the tracking of all residential and home support-emergency respite services across all HSE divisions.

Additional information not given on the floor of the House

The HSE social care division has also committed to developing home sharing as a person-centred and community-inclusive type of support for people with disabilities involving the development of an implementation plan in 2017. This will address the priority recommendations of the national expert group report on home sharing published in 2016. It will be led by the national designated disability lead in this area.

The HSE continues to work with agencies to explore various ways of responding to this need in line with the budget available.

Deputy Louise O'Reilly: When I last raised this issue, it was on Leaders' Questions, which the Minister for Education and Skills, Deputy Bruton, was taking that day. I raised the case of Jacob Dooley, whose mother and father were in a desperate situation. As often happens in such circumstances, they had to turn to the media just to get some movement on their son's case.

I asked specifically about the number of hours provided compared with the number of hours requested. My clear understanding is that the latter far outstrips the former. The Minister, Deputy Harris, cited the figure of 182,506 overnights as representing some sort of progress, but we see the truth in our clinics and here. People have protested outside Leinster House about the unmet need on more than one occasion. Has anything been done to quantify it and, if so, will the Minister share the figures with us? I believe that there is a large amount of unmet need.

Deputy Simon Harris: I do not think that the Deputy is in any way incorrect. In fact, she is entirely correct. There is not a Deputy on this side of the House or the other who is unaware of the fact that there is unmet need. To be honest, developing a policy to address it will be challenging. The Deputy will be fair enough to acknowledge that this is not just a resourcing

issue. Also involved is the availability of beds, for example, where places that used to provide X number of beds can now only provide Y number due to regulatory standards. Previously, a respite bed could be used at the weekend for someone who was normally there during the week, but that cannot be done now.

The social care division of the HSE has committed to developing a number of proposals, including home sharing as a person-centred and community-inclusive type of support for people with disabilities, which will involve the development of an implementation plan. This will address the priority recommendations of the national expert group report on home sharing published and will be led by the national designated disability lead in this area. This could be a good thing, given that home sharing that is in compliance with new national standards will be developed.

We also need to examine the number of emergency residential placements. This year has seen an increase of 185. It is a priority for the Minister of State, Deputy Finian McGrath, and me in the context of budget 2018 because it has a knock-on effect on the availability of respite for children and young adults. This is a challenging issue and the Minister of State is prioritising it. We will continue to do what we can.

Deputy Louise O'Reilly: Is “home sharing” the new term for foster care? I met a group in Kerry recently. Although they could not take it in the end, some of its members had been offered the option of foster care. I do not need to tell the Minister, given that he has read about it in the newspapers,-----

Deputy Simon Harris: No.

Deputy Louise O'Reilly: -----but foster care for people with disabilities has received a negative airing recently. That is not meant disrespectfully to the hundreds of people-----

Deputy Simon Harris: Sure.

Deputy Louise O'Reilly: -----who do fantastic work providing foster care for people with disabilities. Foster care is in no way a solution, however. If that is the direction that we are going-----

Deputy Simon Harris: It is not.

Deputy Louise O'Reilly: I thank the Minister for confirming that it is not.

As to quantifying the unmet need, it strikes me that, if the number of requests is not assessed against the number of available hours, the Minister will not know how many hours will be needed or be in a position to plan for them.

Deputy Simon Harris: Let me clarify.

Deputy Louise O'Reilly: Please, do.

Deputy Simon Harris: That is not what home sharing relates to. Home sharing relates to a situation whereby - this goes along with the decongregation agenda - one can safely and appropriately enable a number of people with disabilities to share a space within the community. If I did not explain that clearly, I am happy to do so now.

The Deputy is correct, and there is no point in beating around the bush. There is no centrally

maintained list of people awaiting these services. It is not that I have an answer that I am simply not providing the Deputy. This is done on a community health organisation, CHO, level. As with our waiting list conversations, we must find a way of seeing the full range of needs. The HSE is working on better co-ordination of the existing residential base through the establishment of a residential executive management committee in each CHO and the development of an eHealth case management system that will facilitate better and more effective management and tracking of all residential and home support-emergency respite services across all CHOs and for each funded service provider. We do not want each CHO to be a silo. This system will provide a detailed inventory and a bed registry map of current service capacity, which will help us to match capacity to demand. I will be happy to share further information on this with Deputy O'Reilly.

Home Care Packages

7. **Deputy Bríd Smith** asked the Minister for Health his plans to expand the provision of home care services that are provided directly by State bodies; if future funding will continue to be disproportionately directed to private home care providers; and if he will make a statement on the matter. [40921/17]

Deputy Jim Daly: I thank the Deputy for her question. Home care services are provided on the basis of assessed health care need and there is currently no means testing. The HSE-funded home help service is delivered predominantly by HSE staff or, in a minority of cases, private and not-for-profit providers. Home care provided as part of the home care package scheme is delivered by HSE home help staff or by arrangements with not-for-profit and private providers who have been selected through a tender process as approved providers.

I assure the Deputy that the Government is committed to promoting care in the community for older people so that they can continue to live in their own homes for as long as possible. We propose to establish a statutory home care scheme along with a system of regulation for home care services. On 6 July, the Minister and I announced the opening of a public consultation in this regard. I urge all of those with an interest in home care services to make a submission to the consultation.

The consultation is an important step in informing the development of a statutory scheme for home care, which will introduce clear rules on what services individuals are eligible for and how decisions are made on allocating services. The new scheme will ensure that home care services operate in a consistent and fair manner for those who need them and help to improve access in an affordable and sustainable way. It is also envisaged that a common system of regulation will be introduced for all providers, be they public, not-for-profit or private.

Deputy Bríd Smith: I thank the Minister of State for outlining the situation and informing us of the consultation process, but his response did not answer my question on the Government's plans to expand the scheme via public operators as opposed to the private sector. Everyone has had experience at some level, be it through family or friends, of someone who has had a stroke or suffered from dementia going into hospital only to return home with all of the problems that go with that. It is difficult to obtain the support and home help hours that are required.

Back when people in my community were much younger, many of my neighbours got extra hours of work providing home help. They got a few bob from the health board to help someone

have a shower, clean up, get the pension, buy food, etc. This and the previous Government have cut 1.5 million hours from that system and driven everything towards the private operators. That is why, when I turn on the radio, I hear ads about how wonderful Home Instead Senior Care is; it is all being privatised. The proliferation of advertisements relating to the treatment of our old people and those suffering from strokes and dementia is shocking. It is something we pay for through the public purse. We would not do it to cancer patients. There are advertisements for VHI and BUPA but we do not have advertisements on television telling people to come to us if they suffer from cancer and that we care about the victims of that disease. The State is giving up on the people who need to be kept at home. Their distress is palpable because they are either being left waiting in hospital for home care or are at home not getting adequate care.

Deputy Jim Daly: I will be very brief. The Deputy has raised a number of issues. We all acknowledge that there is unmet demand in the home care system. There are 10.5 million home help hours in the system this year. We are spending €373 million on it. We would love to double it in the morning if that was possible. However, it cannot be done overnight. There is a commitment in the programme for Government to try to increase that budget. I cannot announce the budget here; I am not in a position to do so.

The argument about private versus public is a slightly different issue introduced by the Deputy. Health care has been provided on a public and private basis in all areas, whether it is in acute care or nursing home care where about 80% of our people are being cared for in private nursing homes. There is no intent on the part of the Department or the Government to privatise home care and the provision of home help hours. In the vast majority of cases, such care is provided by HSE staff. Where possible, it is always done by the HSE. Where we have a shortfall and have to rely on private interests rather than let people go without, we will use the private services. We do not look down our nose at any particular service or consider one to be better than the other. We want to have a statutory regulatory scheme. The consultation is out at the moment to ensure that both public and private services are regulated in full.

Deputy Bríd Smith: I will submit a series of questions to the Minister of State to check his facts to the effect that, in the majority of cases, the service is provided publicly by HSE staff. I dispute that contention and would like to see the figures that support it. Our experience is that more and more people are being treated as though there was an inheritance tax on their health when they get old because they have to seek private care providers to look after them and to come in and fill in the hours that are not available from the home help service. Some of my neighbours who deliver home help are told to go in and - in 15 minutes - clean up, get the messages, wash a person, get him or her out of bed, provide breakfast and then get out again. We cannot treat human beings in that way. Pressure is increasing for those who need care to go to the private operators. They are advertising enthusiastically and non-stop in respect of their services because the public service is letting people down. I am not eulogising the previous home help service but, by and large, it was far superior to what is available to people now. At least it was available to them and they did not have to root into their pensions, etc., and suffer a selective inheritance tax on their health.

An Leas-Cheann Comhairle: In accordance with Standing Orders, I call Deputy Louise O'Reilly.

Deputy Louise O'Reilly: The average cost per hour of a home help is €23.20 according to the Department of Public Expenditure and Reform. In the not-for-profit and directly-employed home care arena, we would get that hour for approximately €17 so what is pushing up the price

is the private home care providers. Deputy Bríd Smith is right: people in global multinational corporations can afford to pay for prime-time advertising space on radio and television because they are getting money from the State and making a massive profit. Prior to being elected, I represented home helps. We concluded a deal on their hours in order to put a bit of a floor on it and ensure that they had some continuity. This is not being utilised to the greatest possible extent. There are home helps directly employed and working for the not-for-profit organisations who cannot access additional hours. We could remove the barrier on those organisations providing extra hours where clients might have a few bob to supplement it themselves. The Government put a stop to that and I would like to see it come back and for more emphasis to be put on directly employed and not-for-profit home care. I will put it to the Minister of State in terms he might understand - it is the best value for money for the public purse.

Deputy Jim Daly: There are two separate issues. If I am correct, what Deputy Bríd Smith is referring to is the need for people to engage with private providers as opposed to the HSE using private companies.

Deputy Bríd Smith: No, I asked the Minister of State his plans to expand the provision of home care services directly from the State, not from the private operators.

Deputy Jim Daly: To answer the Deputy's question, 63% of the hours are provided directly by the HSE and the remainder are provided between not-for-profit organisations and private providers.

Yesterday, the Minister discussed the issue Deputy O'Reilly raised. It was raised at the Joint Committee on Health and the Minister has undertaken to go back to his officials and examine the position regarding the provision of private home care hours and the value for money attached to it.

Hospital Waiting Lists

8. **Deputy Marc MacSharry** asked the Minister for Health the reason the 18-month target for outpatient appointments set by his predecessor has yet to be met at Sligo University Hospital. [40988/17]

14. **Deputy Jim O'Callaghan** asked the Minister for Health the assistance that will be given to reduce the waiting times for outpatient consultations at the Royal Victoria Eye and Ear Hospital. [40991/17]

Deputy Marc MacSharry: Why is the 18-month target for outpatient appointments set by the Minister's predecessor, now Taoiseach, Deputy Varadkar, yet to be met at Sligo University Hospital?

Deputy Simon Harris: Are we taking Deputy O'Callaghan's question too?

An Leas-Cheann Comhairle: Yes, but only one Deputy can use the 30 seconds to introduce his or her question. Deputy O'Callaghan will have an opportunity to ask supplementary questions. We will have the Minister first.

Deputy Simon Harris: I was just checking.

I propose to take Questions Nos. 8 and 14 together.

I thank Deputy MacSharry and Deputy O'Callaghan for their questions on waiting times at Sligo University Hospital and the Royal Victoria Eye and Ear Hospital.

I acknowledge that waiting times are often unacceptably long and I am conscious of the burden this can place on patients and their families. Reducing waiting times for those on the list longest is one of our key priorities. Consequently, €20 million - rising to €55 million in 2018 - was allocated to the National Treatment Purchase Fund, NTPF, in budget 2017. In order to reduce the number of those waiting longest, I asked the HSE to develop waiting list action plans for 2017 in the areas of inpatient-day cases, scoliosis and outpatient services. The inpatient-day case action plan is being delivered through a combination of normal hospital activity and insourcing and outsourcing initiatives utilising NTPF funding. Since early February, almost 24,000 patients have come off the inpatient-day case waiting list, 84,000 have come off the outpatient waiting list and 249 children have received necessary scoliosis procedures.

In the context of Sligo University Hospital, I acknowledge the point Deputy MacSharry makes about too many patients waiting too long for outpatient appointments. I will highlight some progress being made as a result of the investment that has been made. Out of a total of 11,833 people on the outpatient waiting list at Sligo University Hospital, 567 - 4.7% of the overall number - have been waiting over 18 months. On inpatient cases, 3,412 people are waiting and 228 patients have been waiting over 18 months, which is 6% of the total list. Not everybody is waiting a long period of time and I want to highlight that many people are being seen much more quickly.

There are still too many people waiting too long. We saw in last month's NTPF figures that there is beginning to be a reduction in the length of time relating to and the total number of people on our inpatient-day case waiting list. We hope and expect to see progress on our outpatient waiting list. We have now developed a new strategy for the design of integrated outpatient services. This strategy seeks to improve waiting times for outpatient services by restructuring referral pathways and utilising technology to improve service delivery. I have also asked the HSE to put in place capacity to ensure the validation accuracy of our outpatient waiting list which is something many of us come across in our constituency clinics.

On the Royal Victoria Eye and Ear Hospital, which is the subject of Deputy O'Callaghan's question, I opened a new theatre there in July which will enable over 1,000 additional cataract procedures to be carried out this year and to have no waiting lists for cataract procedures at the hospital by the end of 2018, and no waiting lists for cataract procedures within the hospital group by the end of 2019. On outpatient appointments, when I visited the Royal Victoria Eye and Ear Hospital, those with whom I spoke highlighted their view, which I share, that the primary care eye service review, which was published in the past number of months, provides a way forward whereby a number of these procedures and a number of outpatient appointments will actually take place in primary care. This is something I hope to be able to act on in the context of the HSE service plan for 2018 and the Estimates discussions in which I am currently engaged.

Deputy Marc MacSharry: This target has not been met once in the past two years. While the Minister has correctly said that the number is 567, the response he gave, which was prepared by someone in the HSE, is a celebration of all that is not happening. The number increased from 73 in February to 123 in March to 182 in April to 297 in May to 353 in June to 437 in

July and to 567, as the Minister rightly said, at the end of August. That is an almost eightfold increase in six months. Despite the great many people who are being seen and the great work those in the hospital are doing, the 18-month target has been an abject failure. Instead of a reduction, there has been an eightfold increase. There are specialties in particular that stick out. In neurology, there were 28 people waiting 18 months ago and in February and now there are 192. In the context of ear, nose and throat procedures, there was one person waiting six months ago and there are now 224. The trend is not just upwards, it is out of control and accelerating, and we are doing nothing about it. What is the Minister going to do? He mentioned the NTPF. Are we going to expand the restoration of the latter to address outpatient procedures?

Deputy Simon Harris: Yes, I am considering that. We need to be very careful in doing that because with certain specialties, outsourcing one outpatient procedure may adequately address the patient's needs but others might require the patient to go back into the public system for an inpatient or day-case procedure.

In recent weeks I met representatives of the NTPF and asked them to look at what role, if any, they can play in respect of outpatient procedures. I hope to be able to progress some of that in the context of the funding that will become available to the HSE in 2018. The number of people in Sligo waiting more than 18 months is a small percentage of the overall list. However, that is no consolation for the people on the list. Some 4.7% of people waiting for outpatient procedures have been waiting for more than 18 months. I accept that is too long. Demand continues to grow. More outpatient procedures are being done in the health service, but we also have a growing and ageing population requiring more medical care.

The referral pathway is the approach for this. As the Deputy knows, as part of our negotiations on the GP contract, we are investigating if things we do in acute hospital settings could be done in primary care which will free up more capacity. That will not work for everything but will provide more capacity. I will take on board the points the Deputy has made about Sligo University Hospital as we develop and frame our NTPF and waiting list plans for 2018.

Deputy Marc MacSharry: I welcome that the Minister is considering expanding the NTPF to include outpatients. He should do that as a matter of urgency. The trend is accelerating. We must have an answer to the question. Is it a question of resources or of management? What is the problem in Sligo? A sixfold increase, regardless of the percentage of the overall total, is completely unacceptable in a six-month period. I appeal to the Minister to address the House on this as a matter of urgency.

Deputy Simon Harris: I would certainly be happy to talk to representatives of the Saolta hospital group and seek a greater understanding of the issues the Deputy wishes to have addressed regarding Sligo University Hospital. As the Deputy did, I wish to thank the people working in the hospital for the number of people they are treating and for the fact that it compares very favourably with other hospitals. I will revert to the Deputy directly.

Deputy Jim O'Callaghan: The situation in Sligo may be significant, but there is also a very serious issue in respect of the outpatient waiting list at the Royal Victoria Eye and Ear Hospital in my constituency. At the end of August, a total of 2,486 patients were waiting for outpatient appointments at the hospital. As Deputy MacSharry noted, the Taoiseach - who formerly served as Minister for Health - gave an assurance that there would be a time when no one would be waiting 18 months for an outpatient consultation. That objective was achieved in respect of the Royal Victoria Eye and Ear Hospital in December 2015, but matters seem to have gone

completely out of control since then. One would have expected that having solved the problem on one occasion, we could have kept that solution in place.

At present, many people are waiting for these operations to be performed. As the Minister knows, it is crucial that sight operations are performed early. The conditions are avoidable and reversible if treated early. However, these 2,486 people are dependent on the Minister to provide a solution.

Deputy Simon Harris: The Deputy makes a fair point. We have the makings of a solution in respect of the Royal Victoria Eye and Ear Hospital that is twofold in nature. The first part relates to providing additional capacity in the hospital, which we did. I was in there in July to open its new cataract theatre. That will result in 1,000 additional cataract procedures being carried out this year, meaning there will be no waiting list for such procedures at the hospital by the end of next year. That is not a target set by me, as Minister. Rather it is the target the hospital is publicly professing and confident of reaching. That will provide additional capacity for the people working in the hospital to address the outpatient list, which is to be welcomed.

Clinicians remind me that considerably more eye and ear work could be carried out in the community. A number of clinicians at the Royal Victoria Eye and Ear Hospital were involved in the primary care eye review, which has given rise to a number of proposals to move services out of acute hospitals and into primary care. I hope and expect it can act on that in 2018.

Deputy Jim O'Callaghan: Yesterday, Deputy Micheál Martin and I met representatives of the National Council for the Blind of Ireland to discuss its pre-budget submission. We also had a broader chat with them about the number of people, not just at the Royal Victoria Eye and Ear Hospital but throughout the hospital system, who are on ophthalmology waiting lists. They brought to my attention that up to 75% of sight loss is avoidable if treated early. We need to consider other proposals. It is not fair for us simply to state that the people who are on the waiting list now will have to wait until the end of 2018 or 2019. There is no assurance that will happen. The Minister needs to consider innovative proposals, perhaps using the NTPF, as mentioned by Deputy MacSharry. Something needs to be done.

I recognise that eye procedures can be done very quickly and often outside hospitals. It is not satisfactory for people who are waiting on a list to be told we will have a solution in a year or so; they need a solution now.

Deputy Simon Harris: I am sure the Deputy would not wish to misrepresent me because that is certainly not what I said. I said that as a result of investing in and opening the new theatre at the Royal Victoria Eye and Ear Hospital, an additional 1,150 cataract procedures will be performed there by the end of the year. This means that 1,150 people will have the gift of their sight restored, which is obviously a great relief to them.

The Deputy is correct on the broader point. When it comes to eyes and ophthalmology, many of the procedures are simple procedures that can be done quite quickly. That is why we are targeting the resources of the NTPF at cataract procedures. In addition to the NTPF continuing to do that, I also want to see a much quicker migration of some of these services to primary care, which makes sense from a cost point of view and much more importantly from the patient's point of view. I will come back to the Oireachtas shortly with proposals in that regard.

28 October 2017

Mental Health Services Provision

9. **Deputy Catherine Connolly** asked the Minister for Health further to Question No. 468 of 20 September 2017, if he will clarify the proposal to locate the community mental health team base at a site at Dangan, Galway; the status of the proposal; the timeframe for the opening and operation of the facility; and if he will make a statement on the matter. [40768/17]

Deputy Catherine Connolly: What is the status of the proposal to locate the community mental health team base at a site at Dangan, Galway? I understand from a local radio interview that it will now not proceed. I hope the Minister of State can tell me that is not correct. What is the status of that given the commitment under A Vision for Change?

Deputy Jim Daly: As stated in the reply to the previous question from the Deputy, community mental health teams will, over the medium to long term, be co-located with other services in primary care centres in their catchment areas. In the interim, while such facilities are being developed, several other options are being considered by the HSE locally.

In accordance with national policy set out in A Vision for Change, community-based teams have been established to provide outreach and outpatient services across the local community health-care organisation area. Two teams, covering Galway city and the Connemara region, are currently located within the adult acute mental health unit in University Hospital Galway, and they provide outpatient services. Outreach clinics are also provided in rural locations within their sectors.

Also, in accordance with the national policy, community mental health teams can be co-located with other services in primary care centres in their catchment areas. In Galway city, there is a primary care facility planned for Shantalla in the medium to long term. It is expected the community mental health team for mental health services in the city will be based there. While primary care centres continue to be rolled out across the community health care organisation, CHO, area, an appropriate site to house community mental health teams in the west of the county has not yet been identified. While the development of these primary care centres is being progressed, several other options for the location of outpatient services and community mental health teams continue to be explored by the executive.

Decisions on such matters by the HSE may involve negotiations and commercial sensitivity and are a matter for the executive to conclude so as to achieve the best outcome possible. I will ask that the HSE locally update the Deputy when it is in a position to do so.

Deputy Catherine Connolly: I thank the Minister of State for the attempted answer. I am disappointed. I asked a very specific question on a specific site in Dangan in Galway. If the local official is able to say on radio yesterday that it is gone, surely the Minister of State knows. I ask him to give me an update on whether that site is gone and is no longer viable.

The bigger point is that an integral part of A Vision for Change, originally for 2006 to 2016 and now reviewed, is the community mental health team. In Galway city, Connemara and the islands - with approximately 100,000 people - we do not have a single community mental health team base out in the community. That is extraordinary. Galway will become the European Capital of Culture in 2020. It has two third level institutions and three hospitals, two private, but no community mental health team base. How can the Minister of State stand over that? I know he will say it comes back to the HSE. What role does the Government have in

ensuring that HSE west carries out its duty and will the Government provide sufficient funding for it to do that?

Deputy Jim Daly: As Deputy Connolly said, this is a matter for the HSE. As she will appreciate, I will not get involved in site-specific negotiations and issues such as that because it is not my role or function as a Minister of State. That is the role of the executive. I will travel to Galway on Monday and I will visit a number of sites. It is something I can raise with the HSE. From the reply, it seems to be a question of the medium to long term. It does not seem to be something that will be addressed in the short term. I can pursue further information from the HSE if Deputy Connolly wishes but that is the information I have been given and that is all I am in a position to confirm here today.

Deputy Catherine Connolly: I understand that to a certain extent in the context of the specific aspect of the question but under A Vision for Change, going back to 2006 - and prior to that back to 1984 when there was another plan and patients were moved out of psychiatric buildings - can the Government stand over the fact that not a single community mental health team has been rolled out in Galway city, Connemara or the islands for a population of approximately 100,000? I know the Minister of State might not be able to answer a question on a specific site but I am disappointed that the HSE has not clarified that in view of the fact that I took the trouble of tabling a question prior to this and have raised the matter again today. Can the Government stand over the fact that there is not one community mental health team in Galway city or the west of the county? That is my third time to repeat it because it is so shocking.

Deputy Jim Daly: I cannot comment on the specifics of Galway but, as I said, I will visit the county on Monday. I will visit some of the facilities there and I will have a chance to get a first-hand view of what happening. I cannot comment on the availability of a community mental health team or otherwise because I do not have that information available to me. However, I am quite happy to discuss the matter with the Deputy afterwards and to pursue her concerns with the HSE further. As I said, I will be in Galway on Monday and I will find out what I can for the Deputy.

Psychological Assessments Waiting Times

10. **Deputy James Browne** asked the Minister for Health the number of persons waiting for psychology appointments in primary care; and the number waiting more than a year. [40960/17]

Deputy James Browne: I ask the Minister for Health to indicate the number of persons waiting for psychology appointments in primary care and the number waiting for more than one year.

Deputy Jim Daly: Some 8,415 people are awaiting psychology appointments nationally, of which 2,584 are waiting for over a year. Approximately 80% of those waiting are in the five to 17 year age group.

The HSE has a service improvement initiative under way for psychology services. This includes the recruitment of people to fill an additional 22 psychologist posts and 114 assistant psychology posts. The posts were advertised recently. A cross-divisional working group, including the mental health division, is working to ensure standardised delivery of service, setting out and communicating the arrangements for care pathways and reporting of metrics. Each

community health care organisation, CHO, has been requested to submit a short-term action plan to address waiting lists in priority areas as part of the service improvement initiative.

Other developments in this area include: the counselling in primary care service for adults over 18 years of age who are medical cardholders; a greater awareness of fostering mental health promotion in society through campaigns like the Let's Talk and The Little Things Campaign; implementing the suicide prevention strategy, Connecting for Life; the ongoing reduction of child and adolescent mental health services waiting lists for those waiting over 12 months; the development of counselling services across both primary and secondary care, including early intervention at primary care level; and the opening of new Jigsaw youth mental health services, bringing the total number of services to date in the country to 13.

Deputy James Browne: It is 25 years since Ireland signed up to the UN Convention on the Rights of the Child. The statistics show that of the 8,000 on the waiting list, almost 6,000 are children, with in the region of 2,000 waiting for more than a year for primary care psychological services. That was at the end of June 2017. It is fair to say that figures like those are clear evidence that there is a crisis in the provision of mental health services for children in the community. The fact is that almost one in three children is waiting for an appointment for more than one year. It is simply unacceptable that children have to wait for that length of time to get their first appointment just to assess where they are at or what supports they need.

Vulnerable children and teenagers need the service and there is an obligation to provide it. We know there are significant regional variations across the country depending on where one is. There is effectively an Eircode lottery. In County Wexford, 230 young people have been waiting for more than a year. Cork has 456 young people in the same category and Galway has 208. There are similar lists across the country. Could the Minister of State address some of those key points?

Deputy Jim Daly: I can indeed. The waiting lists and the numbers behind them are an issue of intrigue for me. I am not quite like the Taoiseach who has a complete fascination with statistics but, at the same time, there is more to the figures when one looks at them. The more I have looked at them since I have come into this role the more I am aware of the myriad factors that underlie the numbers and why people are waiting so long. For example, a detailed examination has shown that the most prevalent reason for the number of people waiting over 12 months is the lack of client availability. In other words, people are not turning up for their appointments. That is not me disavowing my responsibility, as I accept there are issues with recruitment and there are teams that do not have a full complement, but we also have a major issue with referrals. People present to their GPs or at other locations and are inappropriately referred to the child and adolescent mental health services, CAMHS, in many cases. When that happens, they are left on a list because they are not seen as a priority and CAMHS will continue to deal with priority cases.

What I would like to see is, first, a more appropriate referral system. There must be a clear care pathway outlined in each and every CHO. I would like to see one person made responsible in every CHO for that pathway so that when somebody rings up with a mental health query, he or she will be referred appropriately and seen at a more appropriate level than everybody being just sent up the list and left on the CAMHS waiting list. When one asks the CAMHS teams about the people who are waiting for over a year one finds they are a low priority but the names are left on the list and add to the statistics. We have a number of challenges to deal with in this area, including the gathering of metrics.

Deputy James Browne: I welcome the Minister of State's response. There needs to be a type of one-stop shop for a first appointment so that a person can be put onto the correct list. Children are waiting ages for the National Educational Psychological Service, NEPS, only to be told they should have been on the CAMHS list. Likewise, children are waiting for ages on the CAMHS list only to be told they need to be somewhere else. I am aware of a parent who is terrified that their child will be diagnosed with autism because they are getting the supports they need within CAMHS but if the child is diagnosed with autism, they will be ripped off the list and put onto another list in respect of which the supports are not available. We need a child-centred approach whereby children are given first assessments and are at least put onto the right list and then given the appropriate supports. Currently, we have different lists and nobody is talking to anyone else and children wait sometimes for up to three years for a first appointment, which is simply unacceptable.

Deputy Jim Daly: Deputy Browne clearly has a very good grasp of the underlying issues. I accept there are issues and challenges but there are also many management issues to be addressed. One of the initiatives I wish to drive through, which I have discussed with the Department, is what I call the front-door system whereby there is one point of contact for everybody who has a mental health issue who is seeking help. When a person dials the number, he or she is appropriately referred. At the moment, if a person wakes up and is feeling a bit low, it is not clear who to ring - ALONE, Aware, Jigsaw, primary care, the emergency department or the GP.

Deputy Browne referred to the number of children on various lists. A GP could refer a child to CAMHS, Jigsaw or NEPS. Children can be on several waiting lists. We need a point of responsibility within each CHO to take responsibility for the care pathway. I want to meet with such a person when he or she is appointed in order to ensure we have a national streamlined, coherent plan. Some of the people included on the waiting lists are waiting for one day. They could have rung yesterday seeking an appointment. I am reasonably assured, for the most part, that everybody who needs an urgent appointment gets one. That is what most practitioners on the ground tell me.

Hospital Waiting Lists

11. **Deputy Bobby Aylward** asked the Minister for Health if he will report on the progress regarding the commitments he made in respect of reducing surgery waiting times for children with scoliosis; and if he will make a statement on the matter. [40786/17]

Deputy Bobby Aylward: I wish to ask the Minister for Health if he will report on progress regarding the commitments he made in respect of reducing surgery waiting times for children with scoliosis.

Deputy Simon Harris: I thank Deputy Aylward for raising this important matter. It is one the Deputy has consistently raised with me in this House and I know he has taken an active interest in it. The HSE is actively implementing the action plan it developed to ensure that no child will be waiting over four months by the end of the year for such surgery and is focussed on maximising all available capacity both internally within the health service and externally to achieve this target.

Additional nurses are now in post in Crumlin and Temple Street. An additional consultant orthopaedic surgeon commenced in Crumlin earlier this month. In 2017, up to the end of Au-

gust, 202 scoliosis procedures were carried out in the two children's hospitals. That compares with 142 in those hospitals in the same period last year, representing a 42% increase in surgeries between the two hospitals in one year. Since February 2017, patients are also being transferred for treatment to the Mater, Cappagh and Stanmore in the UK. To date, 23 surgeries have been completed in those hospitals.

The HSE has completed an international tender for paediatric spinal fusion procedures and three hospitals were successful in their applications. These hospitals will initiate patient reviews immediately with a view to commencing treatment in October for patients whose families take up the offer of having procedures carried out in overseas hospitals. I know that will not work for everybody but it is another option to try to provide as many avenues as possible for treatment for children who urgently need their surgery.

The HSE is also developing a forecasting model to predict, on a weekly and monthly basis, the number of patients expected to receive surgery by the end of the year. This will assist it further in monitoring the progress made in achieving the target. The overall number of patients waiting for scoliosis procedures has been reducing this year and progress continues in delivering on the HSE's four-month target to the end of 2017 in a planned, safe and sustainable manner. I really hope that once we get through this very difficult backlog, next year we will be able to ensure a sustainable situation whereby we can meet the four-month target in this country without having to outsource any procedures.

Deputy Bobby Aylward: I have raised this matter consistently since 2015. I raised it with the Minister's predecessor, the current Taoiseach, Deputy Varadkar. I have raised it with Deputy Harris on a number of occasions since he took responsibility for the Department of Health. Few cases that come across my desk are more heart wrenching than those relating to the shocking waiting times for children and young people for surgery for scoliosis. We hear the horror stories of children's lungs and hearts being slowly crushed while they wait. We hear about children who can no longer retain their food because their stomachs have been squeezed so badly as a result of their condition. These stories were read into the record of the Dáil in late 2016 by my colleague, Deputy Kelleher, following a meeting I facilitated with the Scoliosis Advocacy Network, which campaigns on behalf of the children involved.

Following the very damning television programme on RTE, which highlighted the long waiting time for young people with scoliosis, the Minister promised earlier this year that a target of a four-month waiting period for treatment of scoliosis would be met by the end of 2017. The former Taoiseach, Deputy Enda Kenny, described the target as an absolute priority. Finally, we began to see meaningful action, although in 2014, 2015 and 2016 the resources were not provided and the scoliosis waiting lists were allowed to grow far too long. However, the problem remains. The number of children at Our Lady's Hospital for Sick Children in Crumlin and Children's University Hospital Temple Street waiting longer than four months for surgery has grown by 17%. In March, there were 134 children waiting for longer than four months for spinal fusion or surgery at the two hospitals. By last month, that number had increased to 145. The figures from the HSE show this.

Deputy Simon Harris: I accept the Deputy's very sincere interest. He is right that this is a very important issue. When I became Minister for Health, there was a brand new theatre at Crumlin hospital in which procedures could be performed but that was closed. It is open now. Nurses have been hired and a new consultant orthopaedic surgeon is working there. There were 312 children waiting for such scoliosis procedures on 9 February and 247 on 22 September.

We have got to continue to drive that down. We are putting additional resources in place. We have hired the extra surgeon and will hire more surgeons in 2018 in order that we might get that theatre open for at least five days a week. I want to see that happen.

We are going to use every tool available. That is why some children who can have their procedures carried out in the Mater or Cappagh - older children often are being transferred there. Some children have very successfully had their surgery carried out in Stanmore in the UK and have reported positive results. In my time as Minister for Health, I have not seen the HSE make such a proactive and determined effort - as well they should because it is far too high a waiting list - to get this down. They are working extraordinarily hard and we will resource them every step of the way to get there.

Deputy Bobby Aylward: I understand that outsourcing is helping to alleviate the list. Why can we not cater for more of these children by expanding capacity in the Crumlin theatre and opening it for at least five days? My understanding is that it is only open on three days each week at present. Why can we not extend that to five days? We have the surgeons - I think five have been appointed - and we have the nursing staff. Due to their condition, not all of the children can travel abroad although I am glad that some can go abroad to get treatment. Also, referral between the Mater and Crumlin can sometimes break down. I ask the Minister to consider extending the Crumlin theatre's capacity from three days to five. I accept that progress has been made, and the advocacy group accepts that. More must be done.

Deputy Simon Harris: I agree. The advocacy group has done Trojan work in highlighting this area of shame in the context of how the situation was allowed to develop. I would like to see the theatre open five days a week. I am assured by the Children's hospital group that this would require more consultants being recruited so, realistically, it will be 2018. Let us work to get there and, in the meantime, let us do everything we can.

The Deputy is right that some children cannot go abroad. I understand there are 68 children and young people whose cases are classified as medically complex. I am informed that, as of 25 September, 61 of these patients require treatment prior to the end of the year. There is capacity for 32 of those procedures to be carried out in Crumlin and there will be a treatment plan put in place for the remaining patients, I am told, within the next two weeks. We will continue to do everything we possibly can in the Department and in the HSE, not just to drive down the list once and for all but to ensure that once we get to an appropriate target, we keep it there. Four months is the clinically appropriate target. We must make sure that we can provide the capacity in this country without ever needing to send children abroad. This year, we have got to do everything we possibly can to get the list down.

Deputy Bobby Aylward: Can the Minister extend the number of days on which the theatre is open each week from three to five?

Deputy Simon Harris: If we can get more consultant surgeons. That is a priority but it is likely to be 2018.

Hospital Waiting Lists Data

12. **Deputy Jack Chambers** asked the Minister for Health the number of persons on waiting lists who were due to receive scheduled treatment during October, November and Decem-

ber 2017 and who have been notified that their procedures have been postponed; and if he will make a statement on the matter. [40956/17]

Deputy Jack Chambers: I want to ask the Minister for Health the number of persons on waiting lists who were due to receive their scheduled treatment during October, November and December 2017 and who have been notified that their procedures have been postponed or cancelled.

Deputy Simon Harris: I thank Deputy Jack Chambers for his question. I fully acknowledge, as all Deputies would, the distress and inconvenience for patients and their families when elective procedures are cancelled. Maintaining scheduled care access is a key priority for hospitals, and balancing this with emergency demand is challenging. However, all efforts are made to limit cancellations, particularly for clinically urgent procedures.

Cancellation of elective procedures can occur for a variety of reasons. The classifications for cancellation of elective surgery include the following: patient had procedure externally; already had procedure in-house; cancelled by a consultant; cancelled by a patient or guardian; cancelled because of no bed; correction of clerical error; no theatre time available; patient did not attend; patient has undergone emergency admission; and patient unfit for procedure. Based on data provided by the NTPF, approximately 3,400 elective procedures are cancelled per month on average. However, this must be seen in context of the reasons I have just listed, which can be complex, and an average of 53,000 admissions to acute hospitals on a day-case and inpatient basis per month.

The NTPF national inpatient-day case planned procedure waiting list management protocol, published in early 2017, sets out the national protocols for the management of waiting lists including the scheduling of patient treatment. Under this protocol, and in line with best practice, patients should not be scheduled for treatment more than six weeks in advance. On this basis, the HSE has advised that patients will not have been scheduled, as yet, for treatment in November and December. I am happy to come back to the Deputy when we have the relevant data. Also, data on cancellations are reported to the NTPF after cancellation and therefore are not available in advance.

The HSE continues to work with hospitals to improve the management of emergency care demand and planning of elective procedures to minimise the impact on patients, as well as the number of sessions lost through cancellations or non-attendance. As the Deputy is aware, the Department of Health has commenced a health service capacity review, the findings of which are due to be published before the end of the year and which will inform future capacity developments. We need to arrive at a place where there is a decoupling between the beds needed for elective care and those needed for emergency care.

Deputy Jack Chambers: I thank the Minister for his response. My question concerns a number of examples of which I am aware, whereby someone was given an appointment for six weeks' time and then the appointment was cancelled the following week. This is not an emergency process. It is not about capacity or urgent demand in a hospital in a particular week. It is scheduled postponement which I see as taking place on a systemic basis. As we enter the winter period, my fear is that the HSE is trying to scale down its operations in our tertiary hospitals to the detriment of people who are trying to get treatment for which they have been waiting many months and, often, many years. As the Minister and the Taoiseach have repeated this week, we have the biggest budget for health care ever in the history of the State. If appointments are

being postponed a week after they have been scheduled, it shows complete management dysfunction and a total disintegration of our hospital system. I fear the winter ahead because we are going to see massive systemic cancellations across our hospital system to the detriment of many patients who had hoped to have treatment.

Deputy Simon Harris: I would genuinely ask the Deputy to provide me with information on this if he can because I would be more than happy to look at it. As already stated, I am informed that the NTPF can only report cancellations after the fact. Nor should patients be scheduled for treatment more than six weeks in advance. If there is an issue in that regard, I would be more than happy to look into it if the Deputy can provide me with the information.

In the context of the coming of winter and ensuring that we continue to drive down the number of people on waiting lists, 2,100 fewer people were waiting for hospital procedures or operations last month than was the case the month before. We need to build on that month on month. We continue to utilise the NTPF so that procedures will continue to be performed at a time when our emergency departments are extraordinarily busy.

We will also continue to utilise public hospitals with non-emergency departments and smaller public hospitals, including Cappagh Hospital and some of the level 2 hospitals, in order that it is not all about insourcing. I will be more than happy to correspond with the Deputy on the issues he has raised.

Deputy Jack Chambers: My example goes outside the criteria listed by the Minister. I have seen a number of cases in which people who were given appointments for planned procedures have had those procedures systemically cancelled by the hospital system in a manner which is devastating for them. The hospitals in question have stated in their correspondence that they will be in touch in due course, but they have not given the patients another date. I will explain what I think is happening. I suggest the hospitals are removing particular patients from the planned electives list when they give them appointments, only to cancel the procedures the following week. Are we seeing a vacuum in the statistics caused by the systematic cancellation of apparently scheduled appointments? If so, it is a cause of serious concern for me and everybody else. This does not relate to the criteria listed by the Minister. I think it goes to the heart of the problems we are seeing with the HSE. I do not blame the Minister personally for this; the health care system is broken and disintegrating. It seems we are going to see implementation of the Sláintecare report, but I do not know whether the HSE is fit for purpose in the context of its delivery. The HSE has the biggest budget we have seen, but we are not seeing the output. We need to have a broader debate about the how the HSE, as an entity, can implement a better public health strategy.

Deputy Simon Harris: Obviously, the NTPF is responsible for the auditing of waiting lists. I will be more than happy to pass on to it any information the Deputy might have. Very strict rules apply to the waiting list protocols. They govern how patients are added to lists and how they can be removed from them after they have undergone procedures, clinical decisions have been made or validations carried out. These strict rules should be applied consistently across the system. I will be very happy to pass on to the NTPF any information the Deputy might have on its audit function. I agree with what he has said about Sláintecare and the HSE. I do not believe the HSE, as constructed, is fit for purpose. The Sláintecare group shares that view. When I went before the committee, I said we needed a much slimmed-down HSE. I accept that there are things that need to be done at national level such as having cancer standards, maternity standards, procurement and central budgeting systems. There are also things that need to be

devolved to the hospital group structure, as constituted, which we hope will become regional structures that will include community care, primary care and acute hospital services. That is the Sláintecare way. I hope we can make quick progress on some of this in the coming weeks and months.

Medicinal Products Availability

13. **Deputy Alan Kelly** asked the Minister for Health when life-saving drugs (details supplied) will be made available to people here. [40782/17]

61. **Deputy Alan Kelly** asked the Minister for Health if the overspend in the HSE budget will affect the provision of the nine life-saving drugs (details supplied) the HSE stated it would fund in July 2017. [40783/17]

Deputy Simon Harris: I propose to take Questions Nos. 13 and 61 together.

The HSE has notified my Department it has decided, following an assessment under the process set out in the Health (Pricing and Supply of Medical Goods) Act 2013, to fund the nine treatments referred to by the Deputy in the public health system. Its decision to fund each treatment followed an examination of all relevant information submitted by the applicant companies and took into account expert opinions and recommendations under the evaluation and advisory structures it has put in place. It is in the process of concluding the commercial arrangements and prescribing process for each treatment. I have informed it of the importance I place on the speedy resolution of this process in order that the treatments may be available at the earliest possible dates. As I told the Deputy yesterday, my understanding is that they will be available from 1 November. A number of them could be available before that date. I have stressed this to the HSE. We often criticise companies with good reason in this House, but in this case I thank the Irish Pharmaceutical Healthcare Association and its member companies for working with us to try to make sure some of the drugs can be available in advance of that date.

Deputy Alan Kelly: This question has been overtaken by the remarks made by the Minister at a committee meeting yesterday. I would like to mention two issues. The announcement made in July was a stunt, given that, for budgetary reasons, the changes cannot be made until November. When the announcement was made, it should have been made clear that it would take a number of months for the arrangements to be put in place. It is not right to behave in that way and it should not have happened. I am happy that the Minister has said he hopes to pressurise the companies into bringing forward some of the drugs.

Deputy Simon Harris: Yes.

Deputy Alan Kelly: In some cases the process is not that complicated, but in others it can be more complicated. I would appreciate it if the Minister identified the drugs in question. We are overpaying for drugs, as the Department of Public Expenditure and Reform accepts. It is quite obvious that we are overpaying for them and we cannot go through this again. The process used to make drugs available which involves reimbursements and making decisions led to an embarrassing situation between the Department of Health and the HSE. What happened in the case of the national clinical care programme cannot be allowed to happen again. What process will the Minister put in place to ensure the reimbursement process for drugs will work properly in the future? I will work with him on any such process.

Deputy Simon Harris: I would welcome the opportunity to work with the Deputy and others on this matter. The Health (Pricing and Supply of Medical Goods) Act 2013 which was passed by the House for good reasons has resulted in these matters being passed back and forth between the HSE which has all of the statutory power and the Department of Health, to which the HSE must revert if it requires funding. They often have to be considered by the Government. The process is rather unedifying and occasionally creates delays. I do not think it is the best one. As an Oireachtas, we need to look at it. I do not want to name the drugs in this House because they are subject to contractual discussions, but I am conscious that some patients are urgently awaiting some of them.

Deputy Alan Kelly: Yes.

Deputy Simon Harris: I do not want such patients to be deprived of the drugs they need for bureaucratic reasons. I have conveyed this message to the HSE in the strongest possible terms. I am aware that contacts with the pharmaceutical companies are ongoing and hope resolutions can be reached speedily in those cases.

Deputy Alan Kelly: Will everything be done by November?

Deputy Simon Harris: I am informed that it will be done from 1 November.

Written Answers are published on the Oireachtas website.

Business of Dáil

An Leas-Cheann Comhairle: I wish to announce for the information of the House that Deputy Joan Collins has replaced Deputy Mick Wallace as the Independents 4 Change member of the Joint Committee on the Future of Mental Health Care.

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 Frank O'Rourke - the urgent need for a drug treatment centre in Kildare; (2) Deputies James Browne and Mick Wallace - the position on the application for a new special school at St. Patrick's, Drumgoold, Enniscorthy; (3) Deputy Niamh Smyth - the purchase of the Yeats family collection; (4) Deputy Imelda Munster - the charges on patients for venesections and the inclusion of haemochromatosis in the long-term illness scheme; (5) Deputy Thomas Byrne - concerns about Bus Éireann services in County Meath and the eastern region; (6) Deputy Thomas P. Broughan - the need to tackle joyriding and criminal anti-social behaviour in Dublin Bay North; (7) Deputy Noel Rock - the status of the primary care centre in Finglas; (8) Deputy Carol Nolan - to discuss the cuts to home help hours in County Offaly; (9) Deputy Michael McGrath - the status of the provision of an Educate Together school in Rochestown, County Cork; (10) Deputy Willie Penrose - the need for insolvency and liquidations concerns about insurance companies to be addressed in upcoming legislation; (11) Deputy Gino Kenny - the availability of the drug kuvan for phenylketonuria sufferers in Ireland; (12) Deputy Jackie Cahill - Bord na Móna's plans to build a plant in the United States; (13) Deputy Brian Stanley - the delay in making a decision on 24-hour emergency services at the Midlands Regional Hospital in Portlaoise;

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(14) Deputy Peadar Tóibín - the need for an open debate in the upcoming abortion referendum; (15) Deputy Maureen O'Sullivan - developments for people living in direct provision centres and the Reception and Integration Agency; (16) Deputy Clare Daly - the need to discuss the controversial allocation of the Aer Lingus supplementary B scheme; and (17) Deputy Catherine Connolly - the cancellation of orthopaedic procedures following the closure of two theatres at Merlin Park Hospital in Galway.

The matters raised by Deputies Jackie Cahill, Frank O'Rourke, Imelda Munster and Catherine Connolly have been selected for discussion.

Topical Issue Debate

Bord na Móna

Deputy Jackie Cahill: It was with grave concern that we learned of Bord na Móna's plans to invest €60 million in the construction of a plant in Georgia in the United States. It seems that the woodchip which will be manufactured at this plant will be imported into Ireland for the purposes of biomass energy production. This concern is coupled with dismay in the light of the closure by Bord na Móna of its plant in Littleton, County Tipperary which led directly to the loss of 65 jobs and many other part-time jobs in the vicinity. It appears that there are no plans for the future utilisation of the plant and the 1,100 acres of land available with it.

There is major concern across Europe about the negative environmental impacts of misguided policy supports for wood biomass energy production. A recent investigation in the United Kingdom found that wood was being sourced from a timber company, Enviva, from mature hardwood saw logs in the south east of the United States to feed UK biomass energy production. Essentially, the UK taxpayer is subsidising the mass logging of mature hardwood forests in the United States for wood pellets to be shipped to the United Kingdom for inefficient power production. My concern is that Bord na Móna has embarked on this very strategy which is considered across Europe to be a failed one.

In 2016 Bord na Móna imported 35,647 tonnes of wood from Africa. The company, which is ultimately owned by the taxpayer, now seems to have decided that it makes more commercial sense to invest €60 million in a new biomass plant in the United States than to make a similar investment in Ireland. This should be of concern to the Government. We all accept that Bord na Móna must diversify from its core peat supplying activity. Biomass will be at the centre of this diversification. The company's recent media promotion of a new bioenergy division is proof of this development. While all of this is welcome, there is concern that Bord na Móna is taking its plans in the wrong direction. The investment of €60 million in the manufacture of woodchip in the United States for transport to Ireland across the Atlantic Ocean, while making Irish workers redundant, is neither efficient nor environmentally friendly.

As a semi-State company, Bord na Móna is responsible through its mandate for the development of rural Ireland and its resources. I believe there is an Irish solution to this problem. I suggest it should be considered by the company as an opportunity to fulfil its responsibility to its main shareholder - the State and the people. This alternative opportunity is in the agriculture and agrifood sectors which produce waste on a scale that could fuel the biomass energy sector

indefinitely. Ireland is facing into penalties of €5.5 billion from the European Union by 2030 for non-compliance with emissions regulations. Urgent action needs to be taken now to avoid this potentially catastrophic result. The solution should and can come from Ireland's agriculture and agrifood economy. Not only would this mitigate European penalties, it would create employment in rural areas where job creation has become a myth.

Previous schemes such as the bioenergy establishment scheme, which encouraged farmers to grow willow and miscanthus, have failed miserably, with just four farmers applying for aid in 2015. Anaerobic digestion plants located at separate locations nationwide will reduce renewable gas using key energy crops such as grass, grass silage, beet, maize and the byproducts of the agriculture and food service industries and domestic food waste.

This represents a significant opportunity for the Irish agrifood sector. There is a massive opportunity for the growing of crops such as beet, maize and grass to feed biomass production plants. If all organic waste from food production and households could be put through an anaerobic digestion process in a local area instead of being transported across the country in lorries, we could solve multiple problems at once.

Acting Chairman (Deputy Catherine Connolly): Thank you, Deputy.

Deputy Jackie Cahill: A project such as the one I am advocating would require up to 70 plants nationwide at key locations throughout the country-----

Acting Chairman (Deputy Catherine Connolly): Deputy, we will run out of time for the other Topical Issue matters.

Deputy Jackie Cahill: -----similar to our dairy co-op structure.

Acting Chairman (Deputy Catherine Connolly): The Deputy can come back in for his two minutes.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): First, I would like to state that Bord na Móna is a commercial semi-State company operating under the Turf Development Acts 1946 to 1998. The matter raised by the Deputy is operational in nature and not one in which I, as Minister, have direct function. Nevertheless, as the Minister with responsibility for Bord na Móna, I am aware of the consideration by the company of plans to construct a biomass facility in the United States.

In line with the objectives set out in the national mitigation plan, Bord na Móna has committed to cease the harvesting of peat for energy purposes by 2030. This move necessitates the transition towards a more sustainable business model going forward. To this end, I recently announced the establishment of a new division of Bord na Móna, namely, Bord na Móna Bio-Energy, which will focus on the development of the biomass sector in Ireland. The new division aims to be the largest supplier of sustainable biomass in Ireland and will contribute to the development of demand for biomass fuel in the country through the development of robust supply chains from both indigenous and international sources.

One of the founding principles I had ensured was written into the operation of Bord na Móna BioEnergy was stringent sustainability criteria. Bord na Móna has now confirmed to me that these sustainability systems are in excess of what is currently required at either EU level or within Irish legislation. A similar stringent criteria will be put in place regarding the renewable

heat incentive scheme.

Bord na Móna BioEnergy will complement the forthcoming renewable heat incentive, which is a demand-side measure with the principal objective of contributing to meeting our national renewable energy targets. In addition, the scheme provides a key opportunity for the domestic biomass sector and commercial opportunities for farmers. This will apply not just to biomass but to biogas and biomethane as well so the issues Deputy Cahill has raised will be addressed in the renewable heat incentive.

The renewable heat incentive will be designed to incentivise commercial opportunities for renewable heat technologies, including biomass boiler installations, and it is expected that arising from that, new opportunities will open up for biomass feedstock producers and in regard to anaerobic digestion.

I wish to advise the Deputy that an investment of this nature by Bord na Móna is subject to ministerial approval from both myself and the Minister for Public Expenditure and Reform as the shareholding Ministers. Any request for ministerial consent would be subject to detailed financial analysis by NewERA and policy analysis by the shareholding Departments, including my Department. Such an assessment would consider all options to source biomass. At this juncture, there has been no formal request for ministerial consent in respect of this project.

In response to the Deputy's statement that similar raw material could be available here in Ireland, I am advised that international supply chains would be required, in the short and possibly medium term, in order to meet the demand created by ramped up biomass co-firing for power and the new and expanded combined heat and power, CHP, plants across the country, particularly as a result of the forthcoming renewable heat incentive, RHI. The long-term strategy is to maximise the volume of biomass produced indigenously.

The Government is fully committed to transitioning to a low carbon energy future and the 2015 energy White Paper and the recently published National Mitigation Plan set out a clear policy framework for that.

While domestic biomass supply is currently limited, this is an area where Bord na Móna BioEnergy can play a role by encouraging growth and assisting producers in the mobilisation and optimisation of their energy crops. These measures will assist indigenous biomass producers in establishing a new source of income.

Acting Chairman (Deputy Catherine Connolly): I am afraid the Minister will not have time to finish; the four minutes are up. I am sorry about that, unless Deputy Cahill wants to give his two minutes to the Minister.

Deputy Jackie Cahill: The Minister's reply is welcome. That he still has not given ministerial approval to this planned investment is welcome also. We can have an Irish solution to this problem and that is what will benefit rural Ireland. That is the essence in terms of the reason these semi-State companies were founded. I accept the Minister's reply.

Currently, the average stocking rate is 80 kg/ha, which means that in terms of efficiency, we are using only 50% of our land. We have huge potential to grow energy crops in the agri-sector. We can develop this to benefit rural Ireland greatly. We have serious problems attracting investment into rural Ireland and this is an opportunity I do not want to see Bord na Móna let pass by.

The Minister's reply is along the lines of where I had hoped the Government's policy would be trying to take Bord na Móna and the biomass industry.

The sustainability of our food production is key to us. We see the problems the Dutch are experiencing with various environmental restrictions. We can take shortcuts to prevent this country going down that same cul-de-sac, and energy crops will have a huge part to play in that development in the future and in giving assurance to the consumer, and to the world, that we are producing food in a sustainable and environmentally friendly way.

This opportunity might not knock again. We have the ingredients to do this in rural Ireland. I welcome the Minister's reply and the initiatives coming from the Government. We can make this work for rural Ireland.

Deputy Denis Naughten: To finish what I was saying earlier, I reiterate that my focus is on fostering the sustainable production of biomass in Ireland. Any actions taken in terms of the sourcing of biomass from abroad should be evaluated in the context of the capacity of the Irish biomass market, and my long-term objective is to ensure that biomass used in Ireland is grown as close as possible to the end user.

I was involved in a debate at the ploughing championships last week with the chief executive of Bord na Móna, Mike Quinn. He made it crystal clear that the company will import one tonne less of biomass for every tonne of biomass that can be sourced here in Ireland.

We are all singing from the same hymn sheet on this issue. The two big users of biomass in the short term are Lanesborough and Shannonbridge power stations, which are on the edge of my constituency. There is a huge opportunity for local farmers to supply those, but the demand will happen before the yield comes on those crops. We need to work with the Department of Agriculture, Food and the Marine on establishment grants and get these crops up and running, but we need to source biomass in the short term to meet the immediate demand. If we do not put a clear supply chain in place, there will not be the demand for the product when the farmers have grown it. That is what happened previously. We do not want that system to arise again.

The Deputy raised the issue of the staff in Littleton. Two issues arise, the first of which is the staff redundancies. I have been actively engaged with both the company and the Minister for Public Expenditure and Reform on that issue. Second, I still believe there is a strong opportunity on that site to develop alternative industries, perhaps along the lines of what we have been speaking about here. I am happy to have a more detailed debate on all the strands we are now putting in place to develop the biomass renewable energy sector. I am happy to have that in the House or at a committee at any stage.

Drug Treatment Programmes Availability

Deputy Frank O'Rourke: It is nice to have the opportunity to speak about this issue again with the Minister of State, but I am disappointed there has been no movement regarding drug treatment services or the setting up of a proper drug treatment centre in Kildare. Given Kildare has a population of 220,000 - 120,000 in north Kildare and approximately 90,000 in south Kildare - it is not good enough or acceptable that these resources are not in place. This has been an ongoing issue that I have raised in the Chamber with the Minister of State for over a year. I do not like having to reintroduce it into the House but I must try to have it progressed.

Even in correspondence from the Minister of State herself, the Department and HSE officials, they have identified the lack of resources regarding a drug treatment centre in Kildare as urgent and a priority. That is the way they have categorised it. They have also identified that they had hoped to put the service in place in the last quarter of 2017. That is what was stated in the correspondence I received from the Department. Now we are in that quarter and, to the best of my knowledge, the service has not been put in place and there is not the wherewithal to make it happen anytime soon. That is unfortunate, extremely disappointing and no longer acceptable or good enough. At present our nearest drug centre is in Dublin, and the HSE will tell us when we make representations on behalf of individuals who need this urgent drug treatment service that there is a nine-month waiting list. That is wrong. I have factual information to show that people are waiting up to 18 months. They are deemed urgent, important or critical but they are still waiting up to 18 months and have not got the service they require. I have advocated for some time for community groups such as the Abbey Community Project Celbridge to get some State funding. It is currently without any State funding. The only support it gets is bucket collections. I hope this can be moved on and we can support such groups to help in cases such as these where dual diagnosis is required.

This feeds into the area of mental health, which we know is another area of critical need and support. These community groups are the people providing the services to help these individuals who require these drug treatment services and support which is not being provided. Four different families have contacted me in the past week whose loved ones were deemed suicidal, and the only service offered to them is referral to an accident and emergency department. We all know that the accident and emergency departments are not adequately equipped, do not have the appropriate supports and probably do not have the proper staff to deal with these individual priority cases that are specialised. They must be retained and managed there until such time as the necessary support and resources become available. They are being treated in an environment that is not good for them and is adding further stress to them and their families, not to mention the fact they are taking up resources, such as hospital beds, that may be urgently required for patients who need that care and attention.

I hope I have painted the picture, which I regret to have to do again only a short few months since last raising this issue in this House. The fundamental issue is when this drug treatment service and support will be put in place for Kildare and where it will be located. The latter is important from an access perspective. It should not be located in either extreme of the county. For individuals and families who are really struggling and need to access this service, sitting around waiting 18 months for it is not good enough. Being told they must travel to Dublin, where they cannot access support very easily because of infrastructure and a lack of transport at times, is not easy either. I await the Minister of State's reply.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank Deputy O'Rourke for raising the issue of the provision of a drug treatment centre in Kildare. As the Deputy is aware, problem drug use continues to be one of the most significant challenges facing our country and is becoming more complex with a wider range of drugs being abused.

I wish to emphasise the Government's commitment to tackling the drug problem. In July this year, together with the Taoiseach and the Minister for Health, I launched Reducing Harm, Supporting Recovery: A Health-led Response to Drug and Alcohol Use in Ireland 2017-2025. This document sets out the Government's strategy to address the harm caused by substance misuse in our society up to 2025. The vision of the strategy is to create a healthier and safer Ireland. Reducing Harm, Supporting Recovery emphasises a health-led response to drug and

alcohol use in Ireland, which is based on providing safe, person-centred services that promote rehabilitation and recovery. It contains a series of actions which aim to reduce waiting times, provide greater equity of access to services around the country and remove potential barriers to accessing treatment by those with complex needs. Specifically, Reducing Harm, Supporting Recovery requires the HSE to identify and address gaps in provision in a range of settings across the country, including tier 3 treatment and rehabilitation services which provide specialist interventions, such as opioid substitution treatments. The intention is to increase the number of treatment episodes provided across the range of services available and strengthen the capacity of services for individuals with high support needs. As part its commitment under the strategy, the HSE will also examine potential mechanisms to increase access to opioid substitution treatments.

During 2017 in the region of €700,000 in funding has been allocated by the HSE to voluntary organisations in the South Western Regional Drug and Alcohol Task Force area, which includes Kildare, to help individuals with substance misuse problems and their families. In addition, the HSE provides counselling and outreach services in a number of locations in Kildare. A total of 112 people are currently accessing specialised services provided by level 1 and level 2 general practitioners, 145 people are accessing services through community pharmacies in Kildare and 74 people travel to Dublin for specialist treatment. At the end of July, 25 Kildare residents were on the national methadone waiting list.

The Department of Health is seeking resources in the Estimates process for 2018 to support the implementation of the new strategy. The outcome of this process will determine the funding available to address gaps in the provision of treatment and rehabilitation services. The question of a dedicated specialist treatment centre for Kildare will be considered in this context.

Deputy Frank O'Rourke: I thank the Minister of State for her reply. With the greatest of respect to the Minister of State, I am still without much detail and I would much prefer to discuss this with her without a stock reply because that would have much more meaning and substance. The reality is that the information she has given me I have received from her on numerous occasions during the past year. I am well aware of not only the number of people who have been treated through GPs and pharmacies, but also the increasing number that must be treated in Dublin. The problem is that a number of families have been waiting 18 months to get on a methadone programme. I have made numerous representations on behalf of these families and they are still no further on. Some of them this week have presented as suicidal. That is the crux of the matter.

I know the Minister of State is well-meaning and I understand she will try to do her best but I have been patient with the Government and her Department in this regard. I have correspondence dating back 12 months telling me this will happen, all things being equal, in the last quarter of 2017. Families have struggled, they have been patient and they have waited in the hope that this much-needed service will be provided. However, we still have no comfort this evening for the families sitting at home looking after loved ones who are waiting to get on one of these methadone programmes, who have been on a list for 18 months and who are at their wits' end, threatening suicide. That is the problem. While the Department waits to deliver the treatment service and treatment centre in Kildare, I respectfully ask the Minister of State to increase the resources in order that the people in need of this service in Kildare can access it as a matter of urgency. Perhaps she would do that for me as a matter of urgency. There are people who need this service, and it is not me identifying this need; clinical analysis has been done showing this need to access services. Will the Minister of State therefore increase the investment in this

area to get these people the service they need next week while waiting to get the much-needed service into Kildare that we have been promised?

Deputy Catherine Byrne: As I already said in my reply to the Deputy, one of the actions as part of the new strategy focuses directly on Kildare as well as a number of other areas as regards increasing the service on the ground. One of the problems that has arisen over the past couple of months is getting other tier 1 and tier 2 doctors to participate in methadone distribution and other services. I can only guarantee that, through the new strategy, we will be looking at all of the different areas, particularly Kildare, which I guarantee the Deputy is on the list. If he has relevant information regarding people who are waiting 18 months, I would like to see that information because I need to follow it up. Nothing has come across my desk since I have been given this job to suggest people are waiting that long. I could understand a matter of weeks or maybe three months but I have seen nothing longer. If the Deputy provides the information, I will look into it in the next couple of days and come back to him personally through my office.

As I have explained, there are a number of people in the services in Kildare. I know we are facing challenges on the ground, given the growing number of people, particularly younger people, who are dabbling in very harmful drugs that not only alter their mind but can potentially cause death. I will talk to Deputy O'Rourke about that. I would like to know about those people he says are waiting 18 months for a service because that should not be the cause. I will do my best to try to intervene in the matter in the next couple of weeks.

The service the Deputy raises is very much needed, and I do not deny that. A large sum of money is going into task forces throughout the country to deal with people at a local level. The Deputy is correct that services on the ground need to be more focused, particularly around centres that people can access, and not just during the day. We need to look at services for young people during the evening, when the potential for them to take illegal drugs is greater. The Deputy can come back to me on this.

Hospital Charges

Deputy Imelda Munster: In recent weeks a letter has been sent out by the HSE to haemochromatosis patients throughout County Louth informing them of a new charge to attend appointments in the venesection clinic. As and from 1 September, an €80 charge per visit will apply, up to a maximum of €800 per year, for visits to the clinic. I believe the Minister of State will accept that the imposition of this charge will deter patients who do not have the financial means from attending the clinic. It puts an unfair financial burden on people. While medical card patients are covered, for those who may be just slightly over the medical card limit, €800 is both an exorbitant and disgraceful amount to ask patients to pay.

As the Minister of State knows, haemochromatosis is a lifelong illness. Iron overload is not curable. If patients have genetic haemochromatosis, they will need to be monitored and treated for the rest of their lives. It is very serious illness if it is not monitored regularly and treated accordingly. For example, if it goes untreated, it can affect major organs such as the heart, the liver and the pancreas, and it can eventually be fatal. Therefore, the importance of regular monitoring of patients with haemochromatosis is crucial. To impose a charge of €80 per visit to the clinic without taking into account the financial means of a patient is reckless. Will the Government include haemochromatosis on the long-term illness scheme?

Deputy Catherine Byrne: I am taking this matter on behalf of the Minister, Deputy Simon Harris. I wish to thank Deputy Munster for raising this issue. I will address the charges for patients for venesections first. The Health Act 1970, as amended, provides that all people ordinarily resident in Ireland are entitled, subject to certain charges, to public inpatient hospital services, including consultant services, and to public outpatient hospital services. Under the Health (Amendment) Act 2013, a person who has been referred to a hospital for an inpatient service, including that provided on a day-case basis, is required to pay the statutory daily charge, currently €80 per day, up to a maximum of €800 per year. On this basis, where venesection for haemochromatosis is classed as a day-case procedure and is not carried out in an outpatient setting, the public inpatient charge applies. However, it is a matter for a treating clinician to decide how venesection for haemochromatosis is provided. It should be noted there are a number of exemptions to the public inpatient charge, including exemptions for medical card holders.

The Deputy may also be aware of the ongoing review of the GMS and other publicly-funded contracts involving GPs, and that the next phase of discussions to progress this work is under way. The aim is to develop a contract which has a population health focus, providing in particular for health promotion and disease prevention and for the structured ongoing care of chronic conditions. It is expected that the issue of venesection services for patients with haemochromatosis will be considered in the context of the overall GP contract review process.

In addition, the Irish Blood Transfusion Service, IBTS, has been running a haemochromatosis clinic in the Stillorgan blood donation clinic since 2007 and sees approximately 600 patients annually. In this clinic the IBTS only accepts hereditary haemochromatosis patients who are eligible to donate blood. In 2013 and 2014 the IBTS also commenced provision of a programme for hereditary haemochromatosis patients in its clinics at D'Olier Street in Dublin and St. Finbarr's Hospital in Cork, respectively. The clinics provide venesection at no cost to patients with a prescription from their treating clinician. The venesection would be performed, regardless of whether patients wanted to have their unit converted to a blood donation.

In regard to the inclusion of haemochromatosis on the long-term illness scheme, the scheme was established under section 59(3) of the Health Act 1970, as amended. There are 16 conditions covered by the long-term illness scheme but haemochromatosis is not included. Under the long-term illness scheme, patients receive drugs, medicines and medical and surgical appliances directly related to the treatment of their illness, free of charge. There are no plans to extend the list of conditions covered by the scheme.

Deputy Imelda Munster: It is very disappointing there are no plans to include patients with haemochromatosis on the long-term illness scheme, particularly given it is a lifelong illness, is not curable and needs regular monitoring and treatment, and given the fact it can lead to failure of vital organs and can be fatal if not regularly monitored. The response given is from the Minister and the Department. What the Government is saying is that it is fully happy to put a financial obstacle in the way of patients in regard to ongoing treatment for a serious illness and that it does not see the need to include this in the long-term illness scheme. It is happy with the fact patients may not have the financial means to attend a clinic with €80 stuffed in their pocket for the privilege. The Government is saying that is okay; it is acceptable.

The procedure itself takes a maximum of 30 minutes for the blood to be drawn down. The blood pressure is then checked and if it is okay, the patient is told to come back in a month. This means the patient is less than an hour in a bed but is being charged €80 for that privilege. It is grossly unfair. What the hell are we paying PRSI for if we have to pay every time we access a

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health service in hospital? Where is it going if it is not going towards patient care, preventive measures and medicines? What are we paying it for? Where has it gone?

I ask the Minister for Health to reconsider this given it is a lifelong condition. Iron overload is not a curable condition and this new measure of imposing this charge will put a financial burden on people and will deter them. The objective of any health service should be about preventative measures and not deterring people because of their financial means.

Deputy Catherine Byrne: As I have explained in the reply from the Minister's office, there is no intention at present to provide the service free of charge for those patients. The service is provided, however, under the medical card to many other people with different long-term illnesses. According to the Minister for Health and the Department, there is no intention at present to include it on the list in to the future. I will bring back the Deputy's reasons and concerns regarding this issue, on which she has spoken so well, to the Minister and I will explain in detail the Deputy's response. I will ask the Minister to revert to Deputy Munster.

Hospital Facilities

Deputy Catherine Byrne: I will take this Topical Issue on behalf of the Minister for Health.

Deputy Catherine Connolly: I have no difficulty with that, as long as I get an answer.

I wish to raise the issue of the closure of two operating theatres in Merlin Park University Hospital in Galway, which is the sister hospital to University Hospital Galway. The two orthopaedic theatres that have closed for a number of weeks happen to have the longest waiting lists and in recent years, a former consultant has referred to the fact that he was dealing with patients from the last century, bearing in mind that we now are in the second decade of the 21st century.

It is bad enough that the two theatres are closed as a result of a leak but none of us can figure out how the leak was not detected before this, as there was an inspection of the building in 2016. Patients have been left completely at a loss and to bring home the acuteness of this issue to the Minister of State, a mother has written to me about her 20 year old son. He has completed three years at college and took one year out to get a full hip replacement at the age of 20. She has no idea when this operation will happen. He is in receipt of disability allowance at present and this woman is at her wits' end. She and her son have discussed it with the consultant, who informed them that he has no idea as to what is happening, is totally frustrated with the system and that communication seems to be totally absent on this matter. We are reliant on bulletins from the local radio station. We know from this that 60 patients - at the very least - are having their procedures cancelled each week.

This is one specific issue that comes on top of a creaking system, as I highlighted earlier today to the Minister for Health. It would be bad enough were we simply dealing with an exceptional situation but I am afraid it is another symptom in a system that is simply not able to cope. This is why I asked earlier for a specific response with regard to the planning for a new hospital.

We seem to go from crisis to crisis in Galway in this regard. I take no pleasure from standing here today to highlight the bad state of the public health services in Galway. I am firm champion of the public health service. I believe in it passionately. I have seen the good and the bad of it. I have had personal experience of the bad side of it with my family, which is ongoing.

These problems have been created by Government after Government who have failed utterly to fund the system and failed utterly to hold to account the Health Service Executive, HSE, in respect of what it is doing there.

To go back to specifics, will the Minister of State explain when the theatres closed? Why did they close? When will they re-open? What is happening in the meantime? What is the communication strategy for the patients who are waiting? What numbers of patients are waiting? At the very least this is basic information that should be at the Minister of State's fingertips and if it is not, my question will be to ask why the Health Service Executive has not come forward with all the facts and a plan of action.

Deputy Catherine Byrne: I thank Deputy Connolly for raising this very serious issue. Saolta University Health Care Group has advised that on 4 September, a leak developed in the roof of a building in Merlin Park University Hospital that houses the hospital's two orthopaedic theatres. Hospital management temporarily suspended operations for a week to allow the University Hospital Galway building and maintenance unit to make repairs. A second leak was noted on 13 September, however, and the Saolta group advises that a multidisciplinary team consisting of members of the hospital's management and infection control teams, as well as the HSE, immediately decided in the interest of patient safety to suspend operations in the two theatres. This was done to allow a full assessment of the infrastructural damage and the development of a plan for repairs. As a result, elective orthopaedic surgeries are now being deferred at Merlin Park. Hospital management has contacted patients individually to apologise and provide assurances that their treatment will be rescheduled. It should be noted, however, that no emergency patients have been affected. I am very conscious of the upset and inconvenience that this closure is causing for both patients and their families while the theatres remain closed.

Saolta and the University Hospital Galway management team have engaged an external engineering firm to carry out a full assessment of the damage and to provide a timeframe for the completion of repairs. They are also exploring a range of potential interim solutions including the use of modular theatres, assessing the scope to utilise other theatre capacity in University Hospital Galway and potential outsourcing of some services to the private hospital sector. Saolta and the University Hospital Galway management team have both been in regular contact with the Department of Health to provide updates on the situation at Merlin Park hospital. The Department has requested that the Saolta group formulate and implement a contingency plan to address this incident and the Minister for Health is due to have a meeting with local management on this issue next week.

I assure Members that reducing waiting times for the longest-waiting patients is one of the Government's key priorities. Consequently, budget 2017 allocated €20 million to the National Treatment Purchase Fund, NTPF, rising to €55 million in 2018. In order to reduce the numbers of long-waiting patients, the HSE, working closely with the NTPF, is currently implementing waiting list action plans for 2017. The inpatient and day-case waiting list action plan is being delivered through a combination of normal hospital activity and in-sourcing and outsourcing waiting list initiatives under the NTPF funding. The NTPF has advised that under its waiting list initiatives, to date approximately 6,000 patients have been authorised for treatment in private hospitals and nearly 3,000 have been authorised for treatment in public hospitals. Of these patients, more than 3,000 have accepted an offer of treatment and some 1,500 have already been treated. Under the NTPF in-sourcing initiative, there has been a particular focus on patients needing orthopaedic procedures and engagement is ongoing with the NTPF with regard to Merlin Park hospital. I will revert to the Deputy on some of the other issues after her response.

Deputy Catherine Connolly: I thank the Minister of State for some of the clarification given. On 4 September there was a leak and on 13 September there was a further leak. This facility is a centre of excellence serving nearly 1 million people, if we take in the catchment under Saolta from Letterkenny down to Galway, as well as patients who come from County Clare, which is outside the area. This is a centre of excellence serving 1 million people but a roof is leaking in Merlin Park hospital, where the waiting list was extraordinarily high in the first place. The figures are absent from this response. How many procedures have been put off? How many patients have been affected? Surely this is the most basic thing that should be communicated, together with a full apology. The capacity of the university hospital is number one on the risk register. I shall repeat that; the capacity of the regional hospital, which apparently is in a better state than Merlin Park hospital, is number one on the risk register, as compiled by the hospital. This is why a new hospital in Galway is being sought. Then there is Merlin Park hospital, with extraordinary outpatient lists and people who are in pain. I have only read out one example. I want to work with the Government and I want to champion public health services but this does not help in any way. The HSE could have explained that 1,000 or 500 or 200 patients were waiting and it could have set out what it intended to do and that it would only be a matter of a few weeks. The executive could have clarified that when the hospital was assessed in 2016 the leak was not apparent or was apparent but was ignored. These are basic communication skills in order that we can reassure people and not insult them. I do not mean the Minister of State is insulting them; I realise she is doing her best with this answer. I welcome the fact that the Minister is going to Galway. Certainly, I would like further details on the contingency plan, what it means, where patients will be treated, how many will be treated and how long they will have to wait. They should also receive a full apology from the Health Service Executive.

Deputy Catherine Byrne: I acknowledge the concerns and frustration of the Deputy. Unfortunately, this situation was unforeseen. I acknowledge the matter has gone on for some time but the Minister explained he will be visiting this week. What plan will be put in place will become more apparent at that stage as will the position regarding cancelled procedures and which patients will be brought into the system. I have given the Deputy all the estimated numbers I have here. I cannot give her anything different. I note that on 19 September, the Saolta group said 80 patients had been impacted by this issue. They have been contacted and advised that their procedures will be deferred and rescheduled at a later date. The Saolta group also estimates that 60 patients per week are generally treated in the theatres concerned. As such, there has been a huge impact on an overburdened health service. People with orthopaedic illnesses who need surgery must be attended to as quickly as possible.

I will bring the Deputy's concerns to the attention of the Minister. I emphasise that after he meets the representatives of the hospital group, the Minister will come back to the Deputy with a proper outline of the plan for patient treatment over the coming months and weeks, however long it takes to repair the hospital roof. There may also be other necessary repairs which have to be done and that may add to the time it takes. I will go to the Minister and ask him to respond specifically to the Deputy on this matter when he returns from meeting people in Galway University Hospital.

Report of Joint Committee on Justice and Equality on Immigration, Asylum and the Refugee Crisis: Motion

Acting Chairman (Deputy John Lahart): I call on the Chairman of the joint committee to move the motion. He has 15 minutes in which to make his contribution.

Deputy Caoimhghín Ó Caoláin: I move:

That Dáil Éireann shall consider the Report of the Joint Committee on Justice and Equality entitled Report on Immigration, Asylum and the Refugee Crisis, copies of which were laid before Dáil Éireann on 29th June, 2017.

Gabhaim buíochas le gach duine atá i láthair inniu chun an tuairisc thábhachtach seo a phlé. I thank the Members in the Chamber for their attendance to discuss the report of the Joint Committee on Justice and Equality on immigration, asylum and the refugee crisis. I extend a warm welcome to all our guests in the Visitors Gallery. They include representatives from the Migrant Rights Centre Ireland, Nasc in Cork, the Syrian community in Ireland and communities with other global places of origin. I welcome also those friends from the undocumented in our midst.

As I state in my preface to the report, Europe has in recent times been confronted with its most serious refugee crisis since the Second World War. The ongoing tragic conflict in Syria, in particular, has put enormous pressure on the asylum systems of the frontline member states which, in turn, has had repercussions for Ireland. Owing to this urgent and large-scale refugee crisis, the Joint Committee on Justice and Equality identified the issue as a priority in its 2016-17 work programme. Between October and December 2016, the committee held a number of engagements on the matter, including meetings with the Migrant Rights Centre Ireland and Nasc, the Irish Immigrant Support Centre, to gain an insight into what supports were needed for immigrants and asylum seekers in Ireland. We also met Deputy Frances Fitzgerald, Tánaiste and former Minister for Justice and Equality, and Deputy David Stanton, Minister of State at the Department of Justice and Equality. I thank Deputy Stanton for his attendance this evening. In the course of the evidence presented to the committee, members heard of the extent to which asylum seekers face difficulties in Ireland in seeking family reunification and living in direct provision. The committee also heard of the difficulties faced by unaccompanied minors.

There are also issues with undocumented immigrants in Ireland. The report recommends bringing these individuals out of the shadows to allow them to regularise their situations and contribute to Irish society in a meaningful way. If we, as a people, genuinely want to assist our Irish undocumented in the United States of America and elsewhere, the thing to do is the right thing: that is to extend the same accommodation, welcome and opportunity to the undocumented in our midst that we want for our own displaced kith and kin on other shores. The report also recommends putting in place the resources and processes needed to ensure that people spend no longer than is absolutely necessary in direct provision. It should only ever be a short-term measure. The committee believes that the denial of the right to seek paid employment is a serious infringement of an individual applicant's human rights. As such, I welcome the recent Supreme Court judgment on this issue.

The Government has responded to the humanitarian concerns of the Irish people, in particular as regards the ongoing Syrian crisis, by offering 4,000 places to those in need of international protection under the resettlement and relocation elements of the Irish refugee protection pro-

gramme. In late 2016, the Government announced that it would increase Ireland's commitment under the resettlement programme to admit an additional 520 refugees in 2017. The committee welcomes the fact that Ireland voluntarily opted to participate in the EU's emergency response by offering over 4,000 places to those in need of international protection under resettlement and relocation programmes. Given the scale of the refugee crisis facing Europe, however, the report recommends that Ireland significantly increase its intake of asylum seekers. We must step up our game by one or even two gears. This will require greater funding and resources for Tusla and other relevant agencies. It is imperative that Ireland does its utmost to assist asylum seekers and refugees fleeing regions of conflict around the world. Likewise, I call on our fellow EU member states to facilitate the safe arrival on European soil of such migrants. I note that at the high level debate of the General Assembly of the United Nations last week, Mr. Donald Tusk, President of the European Council, underscored the need for the UN to rise to the challenge of addressing many global challenges, including the migration crisis. I encourage the Government to do the same.

It is important to highlight the positive contributions of undocumented migrants and to stress the importance of bringing these people in from the shadows by allowing them to regularise their status in Ireland. Mr. Pablo Rojas Coppari of the Migrant Rights Centre Ireland outlined to the committee the main findings of the centre's research paper, *Ireland is Home 2016*, which was prepared with the assistance of 1,008 undocumented migrants. According to the report, 84% of undocumented persons have been living in Ireland for five years or longer. Of these, 49% have been here for more than eight years and 21% have been here for more than ten years. The report also sets out that 89% of undocumented people are working, with 66% having held their current jobs for more than two years and 31% having held their current jobs for more than five years. Of respondents to the report, 69% are in full-time employment.

The top sectors in which people were employed were, not surprisingly, food and accommodation, domestic and care work, and cleaning and maintenance. These statistics demonstrate the admirable character of the undocumented. It would benefit everybody in the country to have them formally brought in from the cold and for many of them to reach their true potential as members of our collective workforce.

The report makes five key recommendations. On the undocumented, the committee calls on the Minister for Justice and Equality to introduce a time-bound scheme with transparent criteria to regularise the position of undocumented migrants. Such a scheme would give undocumented migrants a window of opportunity to come forward, pay a fee and regularise their situation. Given the urgency of addressing this situation, the scheme should be introduced, initially at least, on an administrative basis rather than through legislation. Applications should be administered on a case-by-case basis.

There are many potential benefits to such a scheme, allowing individuals, many of whom are already in employment and have a long-term connection to the State, to regularise their situation, pay taxes, and make a positive contribution to society, generally at a time when the country is returning to steady growth in employment opportunities and net immigration.

On family reunification, the committee wishes to see a more humanitarian approach adopted towards the plight of Syrian and other refugees who are naturalised Irish citizens but who have immediate or extended family members who are displaced or living in great danger in conflict zones. It calls on the Government to introduce a humanitarian admission programme

with transparent and clearly defined criteria to deal with visa applications in a more sensitive way to offer a safe and legal route for people to flee conflict zones and be reunited with family members in Ireland. Such a programme could work in tandem with efforts to fulfil existing Government commitments under resettlement and relocation schemes. As Chairman, it is my clear understanding that it was the committee's intention to recommend that this facilitation be extended to all who are legally resident in this State, not just those who are naturalised. I undertake to clarify this with the relevant Ministers in writing over the coming days.

On the relocation programme, while the committee welcomes the Government's commitment to relocate 4,000 people here as part of the EU's emergency response, it does not believe this is adequate in light of the scale of the current humanitarian crisis. Without putting an exact figure on it, the committee believes there is scope to increase this figure significantly. It believes Ireland should be proactive in making itself known as a potential location to refugees in Greece and elsewhere. Tusla and other relevant agencies should be given the funding and resources necessary to accommodate people quickly and fulfil Ireland's commitments under the relocation programme.

On unaccompanied minors, notwithstanding the all-party motion passed in the Dáil in November 2016, committing Ireland to take 200 children from the former Calais migrant camp, the committee is strongly of the view that much more needs to be done for the specific cohort of unaccompanied minors in the broader context of the refugee protection programme. It was alarmed to hear evidence that, as of October 2016, one unaccompanied minor had been transferred from Greece. It is not just the responsibility of the Department of Justice and Equality but of a compendium of Departments and the Government to ensure Tusla is properly resourced to carry out its functions in this regard. It is imperative that this is done across the board. In the current crisis of so many thousands displaced, specifically unaccompanied children, it must be properly provisioned and resourced to accommodate the commitment we have made.

The committee is of the view that Ireland's system of direct provision should only ever be a short-term measure. It is unacceptable for individuals to be living in the system on a long-term basis. Evidence was heard that almost 37% of people were in direct provision for more than two years. While recognising that the introduction of a new single-application procedure should help, this must be accompanied by the investment of greater resources to ensure that asylum applications are processed more quickly and efficiently. The committee is also of the view that the denial of the right to seek paid employment is a serious infringement of an individual applicant's human rights.

I encourage all Members of the Dáil and Seanad to read this report. What progress has been made regarding our recommendations? What steps have been taken and what steps does the Minister of State now intend taking? Will he and the Government act on all the recommendations of our all-party and non-party committee? If not, why not? We want to know where our report and our recommendations stand. We are determined to continue to pursue these in the time ahead. Our visitors here this evening in the Public Gallery are equally interested in what the Minister of State will now tell us.

Go raibh maith agaibh as bhur n-aird.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Deputy Ó Caoláin for his presentation and I am pleased to discuss this important report. When I chaired the committee myself, we issued a similar report. I thank the members of the

committee for their careful consideration of these matters, which are critical in ensuring we respond in the most positive way to the challenges of the migration crisis.

We are a welcoming and inclusive nation. We stand in solidarity with those who are most vulnerable and in genuine need of our protection. At the same time, we must balance those needs with the responsibility of ensuring that we have the appropriate safeguards in place to protect the integrity of our immigration and international protection systems. The committee has made an important contribution to the debate on immigration generally and on international protection. I welcome that contribution as part of the ongoing policy formulation process. Departmental officials and I have carefully examined the report and my contribution will address the committee's recommendations.

The report endorses a proposal to regularise the position of the undocumented in Ireland. The Minister for Justice and Equality, Deputy Flanagan, and I have stated that a general regularisation scheme for persons residing here illegally is not under consideration for several reasons. Indeed, I made this position clear to the committee when I appeared before it.

The Minister for Justice and Equality and I have examined the Oireachtas committee report with a view to identifying what elements, if any, of the recommendations could be acted on in some way. We have asked officials from the Department to take forward this work. This would mean a sector-by-sector approach in the context of our international commitments. Any such approach would, of necessity, have to focus on those who had originally entered the State for some lawful purpose but who had fallen out of immigration permission for some reason, including changes in the immigration policies or because they felt they had no alternative. Those who came to the State with the intention of staying here illegally would have a less sound basis for having their cases considered sympathetically.

A general regularisation programme, however, could have any number of unintended and expensive consequences in terms of public services. The Minister and I remain conscious that any significant departure from what is well-established policy will invariably have implications for our immigration controls and the smooth functioning of the common travel area, something that is all the more pertinent in the context of the UK withdrawing from the European Union. Before any such change could be contemplated, it must take account of all the pros and cons, as well as being consistent with existing policy priorities. Ultimately, there is no gainsaying the fact that a duty of the Government is the protection of our borders and any shift in public policy must be considered very carefully in that context.

One of the more obvious implications is that there is no reliable way of estimating the numbers of persons who could be involved. By its nature irregular migration is clandestine and it is not uncommon for such persons to go to extreme lengths to avoid contact with the authorities. There is no commonly accepted methodology for calculating the numbers involved. However, a European Commission funded initiative, the CLANDESTINO project, concluded that there were between 1.9 million to 3.8 million undocumented persons across the European Union. This was a significant fall on previous administratively-based estimates which were often in the tens of millions.

No fieldwork was carried out in Ireland but an estimate of between 30,000 and 62,000 individuals was based on the UK estimate, adjusted for variations in population. The CLANDESTINO project rated this estimate as of particularly "low quality" and unreliable. More recent estimates of upwards of 26,000 suggested by the Migrant Rights Council of Ireland are

based on a similar methodology based on UK derived data. However, the continued relevance of these estimates must be questioned in respect of the migration crisis affecting the Mediterranean. We are effectively blind to the numbers and circumstances of the persons involved.

At European level, Ireland, together with the other member states of the European Union, has committed under the European pact on immigration and asylum, agreed at the European Council in October 2008, to a case-by-case approach as opposed to mass regularisation. While the pact is not legally binding it is politically binding and we stand by the principal that one cannot legitimise the status of those unlawfully present without first examining the merits of their individual cases. No large scale regularisation programmes have taken place in any EU member state since the pact, despite the unprecedented recent mass movement of persons through the Mediterranean. The common European asylum system continues to operate on a case-by-case basis in all the member states affected.

We should not forget that people usually become undocumented through their own conscious actions or omissions. Such persons are subject to the rule of law on the same basis as anyone else in the State, including our citizens. They are obliged to honour their immigration conditions and to leave the State when their permission to be here ceases, and they are responsible for ensuring that they have the appropriate permission from the Minister for Justice and Equality. The majority of migrants fully comply with such conditions.

Where the authorities encounter someone in an undocumented situation, which can vary from person to person, it is always open to that person to present his or her case on its individual merits. This approach has been highlighted with the non-governmental organisations dealing with such persons. All such cases will be carefully considered, taking account of all the circumstances, and it is not unreasonable for the State to expect that the affected persons would honour any decision made, even if that entails leaving the State voluntarily.

Regarding relocation and resettlement, from the outset of the migration crisis in Europe we have demonstrated our commitment to solidarity. Ireland was not legally obliged to participate in the two EU Council decisions on the relocation programme adopted in September 2015, but we believed we had a moral duty to alleviate the suffering that had developed in Europe and opted in without delay. The all-party support for our participation was a credit to our Parliament and to the will of the people of Ireland to offer shelter and support to persons fleeing persecution and conflict zones. We immediately established the Irish refugee protection programme, IRPP. Under this programme, the Government pledged to accept up to 4,000 people and we have made significant progress in meeting this commitment. Some 1,337 people have already been welcomed to Ireland and another 730 will arrive in the coming months.

There are two distinct strands to the programme. Under the first strand Ireland works with the UNHCR to resettle refugees from Lebanon. This strand is progressing very well with 1,040 people already arrived in Ireland - a doubling of our original commitment of 520 people which we met a year ahead of schedule. Since 2015, 785 programme refugees have come to Ireland while a further 270 are due to arrive by early next year.

The other strand concerns the EU relocation mechanism under the two EU Council decisions from 2015, where member states agreed to relocate asylum seekers from Greece and Italy. Ireland committed to accepting approximately 2,600 people. Since 2015, 552 people have already arrived and a further 461 have been assessed for relocation, 67 of whom are due in early October.

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The Council decisions provided for the relocation of 160,000 asylum seekers from Italy and Greece. The latest figures available from the EU Commission indicate that only 35,000 persons registered and qualified for relocation, a figure much lower than originally estimated. The final transfers from Greece to Ireland are expected to take place early next year at which point we will have relocated more than 3% of the EU's total figure. This represents a strong commitment by Ireland to EU solidarity considering we represent less than 1% of the total population.

We have concentrated our relocation efforts on Greece as the Italian authorities have consistently refused to allow member states, including Ireland, to conduct security assessments of candidates on Italian soil. Security screening is an integral element of our procedures in line with the commitment we gave at the time we opted in. While we are not yet in a position to accept any asylum seekers from Italy, our efforts to resolve this issue are ongoing. Despite this, we are making good progress and will have fulfilled two out of our three commitments by the end of this year - all of our commitments under resettlement and also our relocation commitment to Greece. In fact, we have already surpassed our commitment to relocate asylum seekers from Greece.

The Commission recognises Ireland as being one of only seven member states to have fulfilled their resettlement pledges from July 2015. We have gone even further by doubling our resettlement numbers and at the recent Commission pledging exercise we have pledged to admit 600 programme refugees in 2018. This represents the largest commitment ever made by the State in a single year.

People arriving in Ireland under the Irish refugee protection programme are provided with a range of supports to help them adapt to life here. During their initial orientation, they are accommodated in one of three emergency reception and orientation centres while their asylum claims are processed. They have access to English language and other supports, after which they are resettled in communities throughout the country. Since 2015, 733 refugees have been resettled in this way. The programme requires a high degree of co-ordination for delivery at the local level with the assistance of resettlement interagency working groups.

Refugees have also been housed in accommodation generously pledged by the Irish public. Following the Government decision in autumn 2015, the Irish Red Cross was tasked with managing all voluntary pledges of accommodation, goods and services from the Irish public. A register collating the offers of housing from the public went live on the Irish Red Cross website in late September 2015.

Under the framework of the national migrant integration strategy we have committed to numerous initiatives supporting the integration of migrants over the next four years. The strategy provides a framework for Government actions to support the integration across policy areas, including education, health, access to public services and social inclusion. Under the asylum, migration and integration fund, €4.5 million has been allocated to 20 projects. Under the European Social Fund, just under €1 million has been allocated to five projects.

The national integration funding programme has allocated almost €2 million over three years to 15 projects and the communities integration fund disbursed €500,000 to 131 small-scale local integration projects this year. We hope shortly to allocate dormant accounts funding to more small projects supporting women refugees into employment. In this way we are working to meet the needs and support the integration of this vulnerable group of migrants.

With regard to family reunification, we fully intend to honour all our commitments under the Irish refugee protection programme and while the relocation strand has not yielded the expected numbers, the Minister and I, with Department officials, have been examining new pathways for people in need of protection following the conclusion of EU programmes. One possibility is family reunification, for which the Minister, Deputy Flanagan, and I intend to bring forward fresh proposals in the near future. Such a programme would concentrate efforts on reunification of immediate family members specifically caught up in conflict zones, and would be in addition to those eligible under the provisions of the International Protection Act 2015.

Following the adoption of the all-party motion last November on the Calais unaccompanied minors, we have made all concerted efforts to provide a pathway here for such unaccompanied minors who wish to come to Ireland and to stay. My colleague, the Minister for Children and Youth Affairs, Deputy Zappone, established the Calais special project within Tusla, the Child and Family Agency. Working with the French authorities, any unaccompanied minors who have been identified as suitable for relocation here have been accepted and provided with the appropriate supports. No unaccompanied minor who has asked to come to Ireland has been refused. In total, 26 young persons have been relocated to date. Some 23 are currently in the care of Tusla and the remainder have been reunited with family members already living in Ireland. Family tracing and reunification processes are under way for those who remain unaccompanied.

In addition, Tusla, which has statutory responsibility for the care of unaccompanied minors, has agreed to take up to 20 unaccompanied minors under the EU relocation programme. To date, six unaccompanied minors, under the stricter Irish definition, have been relocated from Greece but there are relatively few unaccompanied minors available in the cohort of nationalities eligible for the relocation. All strands of the IRPP have had a strong focus on families and children and almost half of the admissions to date have been minors, with almost 85% of this figure aged under 12 years.

Regarding the direct provision and protection process, the committee has recommended that direct provision should be a short-term measure. I and the Government concur with that view. However, first we must understand what we really mean by direct provision, which is the system whereby State services are delivered directly to protection applicants through the relevant Department or agency. In the case of the Department of Justice and Equality, full-board accommodation is offered to applicants while their application for international protection is being processed. Not everyone seeking international protection chooses this offer of full board and many choose to live with colleagues, family or friends in the community, which they are entitled to do.

If the system was simply disbanded, already vulnerable people who we are committed to protecting would join the lengthy waiting lists for social housing or enter the private rental market with little hope of finding affordable and secure accommodation. Direct provision guarantees that anyone who walks into the International Protection Office today will have a bed, food, a shower, medical care information and access to a range of services tonight. He or she will not be forced onto the streets or into emergency housing. I have yet to hear a credible alternative to the current system.

No system is without room for improvement. The Minister and I are working continually with our officials to enhance and develop the facilities and services offered to those in our care. This includes the ongoing implementation of the recommendations in the report of Mr. Justice McMahon and the commitment in A Programme for a Partnership Government to reforming

the system, with a particular focus on families and children. Three progress reports on implementation have been published. The most recent, which was published in July last, shows that implementation of the recommendations now stands at 98%. In addition to this achievement, we remain committed to ongoing improvements in direct provision in the absence of any suitable alternative being proposed since it was first proposed 15 years ago.

One of the key recommendation of Mr. Justice McMahon's report was to address the protracted application process which led to long stays in State provided accommodation. With the commencement of the International Protection Act 2015 last December, we now have a single application procedure. This is the greatest reform to our protection process in two decades. It means that an applicant will have all aspects of their claim, refugee status, subsidiary protection status and permission to remain examined and determined in one process and in the shortest possible timeframe. All necessary resources have been put in place to facilitate this.

The Department also chairs an interdepartmental task force established by the Government to examine the recent Supreme Court judgment on the right of applicants to seek employment. The task force will present its report to Government very shortly and I do not wish to pre-empt the outcome of its deliberations by speculating on what it might propose at this point. Its recommendation will be carefully considered by Government before the State makes its submissions to the court.

Granting access to the labour market could have significant repercussions for direct provision. If an applicant has economic security, the need to be dependent on the State will be alleviated. Deputies should rest assured that the Minister and I are committed to the aspiration of the joint committee to bring about real and positive change for protection applicants. I look forward to the contributions of Deputies to the debate on this important issue. I thank again members of the joint committee for the work they have done on this matter to date.

Deputy Mick Wallace: I thank the Minister of State for his contribution. I am very critical of how Ireland has dealt with refugees who are not in this country as well as those who have come to this country. I mean nothing personal as the Minister of State has shown a strong interest in this matter. However, the role of this Government and its predecessor leaves much to be desired.

Ireland reached an agreement to bring 4,000 refugees to this country. As matters stand, the refugee crisis in Europe and worldwide is probably here to stay. Those who are not fleeing climate change, conflict, torture, starvation and death today will surely flee for these reasons in the years ahead. This will be the case for as long as countries such as Ireland do next to nothing to tackle climate change at home and Ireland continues to support international warfare and destruction by allowing the US military to use Shannon Airport as a forward military base on our soil and pursues trade links with some of the most brutal, oppressive and destabilising forces in the world.

The Government speaks of Ireland's role in the resettlement and relocation programmes as if we were achieving great things for humankind. The agreement to give refuge to 4,000 people is not nearly adequate, yet we struggle even to achieve this target. Addressing the slow movement on some of our commitments, the Minister of State indicated that serious difficulties persist in the case of Italy as the Italian authorities have taken the position that they will not allow An Garda Síochána to carry out security assessments of applicants for relocation on Italian soil. That we have not been able to find a solution to this problem since the start of the

programme is difficult to fathom. Other countries appear to have been able to relocate 8,500 refugees from Italy. Furthermore, the latest European Commission report on relocation and resettlement indicated that bilateral agreements can be arranged between other member states and Italy to have security checks in Italy. I do not know if such an agreement has been reached between Italy and Ireland.

The European Council on Refugees and Exiles, ECRE, recently commented that while the political and legal obstructionism of certain member states was well documented, other opaque and more subtle resistance had taken place, ranging from prohibitive preferences expressed by some member states to delays in pledging relocation places and in the processing and provision of offers by Italy and Greece. ECRE also stated that the use of unlawful refusal grounds and disproportionate security checks had contributed to the disappointing results so far. Given the severe lack of clarity and transparency from the Government about what is happening on the ground in Italy, one begins to wonder if Ireland is guilty of any of these practices.

The Minister of State indicated earlier this month that the numbers eligible for relocation from Italy and Greece are much lower than envisaged under the two Council decisions of September 2015. I am not sure this statement is fully accurate. As the European Council on Refugees and Exiles and others have documented, the pool of eligible applicants has been artificially reduced by the decision automatically to exclude persons who arrived in Greece after the start of the application of the EU-Turkey statement on 20 March 2016, regardless of the nationality of the persons in question. Statistics from the UN Human Rights Commission show that between April 2016 and July 2017, more than 11,000 Syrian and Iraqi asylum seekers arrived in Greece and these persons were eligible for relocation until the end of 2016. The decision to use 20 March 2016 as a cut-off date for relocation from Greece has no legal basis and has deprived these persons of their right to relocation. Many of them have instead been subjected to appalling reception conditions on one of the Greek islands where they remain in limbo.

That Ireland has not voiced any opposition to the EU-Turkey deal is more than regrettable. The Minister went as far as to praise Turkey's positive contribution in dealing with the refugee crisis. The Minister and Minister of State would do well to listen to refugee law scholars such as Dr. Cathryn Costello and Dr. Maria Hennessy who, with many others, have clearly laid out how Ireland and the European Union are riding roughshod over the principles of human rights law in the manner in which we have been dealing with this crisis from the beginning. The EU has very clear legal commitments to refugees, not only in international law but also in internal EU legislation. Sadly, it does not always keep these commitments.

The reference in the EU-Turkey deal to returning migrants who are not in need of international protection suggests such persons will have their protection claims examined and that decisions will be made concerning their return. The terms of the deal are unclear as to whether returns will be of people with protection needs. Moreover, the question as to whether Turkey is a safe place in a legal sense is sidetracked and, as we know only too well, Turkey is not a safe third country.

I do not have time to address all the issues. EU leaders hailed the EU-Turkey deal as a success despite the human cost of the agreement and its non-compliance with international refugee law. Now the deal is being used as a model for engagement with other countries in the European partnership framework with third countries, in other words, poor countries are being bribed to prevent people from leaving. This is a disastrous development. The EU is outsourcing the control of migration to countries such as Libya and Niger to ensure migrants are no longer able

to leave the northern shores of the African continent. Most concerning is that some countries have bolstered their domestic security spending at the expense of basic social services such as health and education.

There have been increasing reports of incidents between Libyan coast guard vessels and humanitarian rescue ships operating off the coast of north Africa. Financed, trained and equipped by Italy and the European Union, the Libyan coast guard is intercepting an increasing number of migrant boats and generally behaving like pirates. Under Operation Sofia, the Naval Service is now involved in training Libyan coast guards and, as such, we are literally training pirates.

To address briefly our problems at home, Deputy Clare Daly and I attended a forum this week at which we listened to the voices of people who are in direct provision or have just recently left it. It was amazing and, I assure the Minister of State, heart-rending to listen to their stories and first-hand experiences. Five individuals made presentations on different aspects of life in direct provision, namely, the right to work; life in direct provision and the external impact; life in direct provision and the internal impact; education; and mental health and well-being. The right to work and the refusal of the State to allow people in direct provision to work extended across all five topics. Other countries have managed to facilitate this right. Not allowing the people in question the right to work defies rational thinking.

I will itemise a few of their points. Not having the right to work means that they lose work skills and develop a dependency on social welfare payments; they lose the opportunity to develop other skills; it kills opportunity in general; it forces women into prostitution and pregnancy; and it makes it impossible to integrate. Some of them have had educational opportunities, while others have not, but they say the lack of those opportunities leads to a lack of discipline and breeds laziness, given that there is no reason to wake up in the morning. It creates isolation, concern about the future, hopelessness and depression. They also talked about the internal problems in direct provision centres, for example, with management and staff, a lack of trust, imposition of regulations, a loss of freedom, having to share rooms with older people, with food quality and a lack of cooking facilities. They have a sense that they are not in control of their lives which instead are controlled by others. They discussed external problems, including transport issues; hostels being isolated; difficulties in going anywhere; a lack of identification; difficulties in integrating and socialising; sexual harassment; feeling cheap, afraid and unsafe; a lack of access to information and support; not knowing whom to approach for help; mental health and well-being; having no say in their living conditions; being told what to do and when to do it; having their movements monitored; difficulties in getting help; as well as having no jobs, hobbies, schools or families.

We all know that this is not good enough. We are failing these individuals. When we think of the millions of people who left this island to better themselves and get away from poverty and other problems, how, in God's name, can we treat them like this?

Deputy Clare Daly: I will start by thanking the organisations that appeared before the justice committee and helped us in compiling the report - Nasc, the MRCI, Justice for the Undocumented - and all of the people who told us their stories. They helped to shape a report that received unanimous support, including from members of the Minister of State's party.

The five serious suggestions contained in the report are not being proposed as some pipe dream or just for the craic. Everyone who attended our meetings believed it was the right thing for the State to do. The Minister of State's reply to the report was far from satisfactory. He was

previously a member of the committee and made suggestions that supported ours, but what, in God's name, does it say about a society if elected parliamentarians, including members of an all-party body, across two Dáil terms can suggest an amnesty and a regularised programme for undocumented migrants but the unelected government, the Department of Justice and Equality or whoever can long-finger it, can try to throw out red herrings as to why it would not be a good idea? I imagine that I speak for everyone on the committee when I say that is not good enough.

This is the second time one of the key programmes outlined in the report has been proposed by the justice committee, but we believe the issue of the undocumented can no longer be long-fingered. At least 20,000 undocumented individuals are living, working and raising families in Ireland, but they have been left in limbo and are unable to move on with their lives. They are the backbone of the caring sector. In many instances, they are the women who, non-regularised, are looking after old and young people. They cannot even regularise their lives for their own parents or children. It is despicable. The MRCI's proposal - a six-month scheme under which undocumented persons who have been in Ireland could become regularised for three or four reasons - is reasonable. It is not radical or scary and would not require legislation. It could be implemented without delay. I do not accept that we should delay it further. The Government's response to this proposal, that it would somehow have a "pull" factor, is ludicrous. The excuses the Minister of State made-----

Deputy David Stanton: I never said that.

Deputy Clare Daly: This is not personal, as the Minister of State is here in a certain role, but the proposition made was not good enough. Many of the measures look good on paper, but that is all that they do. Let us consider the supports offered to undocumented migrants. I agree with the Minister of State that an undocumented migrant who manages to get into our system is entitled to gold-plated refugee and asylum status, but granting access to the system and putting supports in place is happening too slowly. The system is quaking. I have worked in it. I have put myself forward and spent a year waiting to be vetted as a host for an undocumented migrant. It is ridiculous and crazy that it should take so long to vet someone when there are many people who would happily such these young people into their homes.

I will not echo the points made about direct provision. We met young people who had been in the system. They are fantastic people with so much to offer our society, but that we do not give them the right to work is criminal. We know the court's view on this issue and the Minister of State has referred to an interdepartmental task force, but could the task force, please, hurry up? It is not on. The isolation and the damage being done to individuals in the direct provision system are soul-destroying.

Another key suggestion made in the report involves the introduction of a humanitarian visa scheme to allow persons legally resident in Ireland to be reunited with extended family members who are living in war zones or in danger. There should be a broad-based humanitarian visa scheme for anyone who needs asylum. It is something for which I argued wholeheartedly previously, but the committee's more limited recommendation should be implemented. I have occasionally been contacted by people who are caught up in the family reunification process. One case sticks in my mind because of the frustrating role played by the Department in preventing a young Syrian woman from being reunited with her sick mother and siblings. Over the course of 14 long months which the family spent in limbo in Greece the Department threw every trick in the book at them. At one point, it turned down the application because the Greek authorities, the first language of which was not English, had misstated that the young woman was a recog-

nised refugee in Ireland when she was, in fact, legally resident here. I echo the Chairman's comments on the committee's feelings about such matters. It is irrelevant to a reunification request whether someone is legally resident as a recognised refugee or legally resident for any other reason. A person has a right to family reunification in these circumstances. I support the comments made by the Chairman in clarifying that point in the context of the recommendation made. For the family I mentioned, the hair splitting that continued for months, being left in limbo in Greece and having to deal with thousands more pages of paperwork - with the tolerance of the Greek authorities - were disgraceful.

That the worst named legislation ever passed, the International Protection Act 2015 - not - has closed the door on family reunification, except in limited circumstances, makes the situation even more sickening. At a time when there are record numbers of refugees, taking Nasc's proposal on board becomes all the more urgent. We do not have to develop all the points here. However, when we focus on the recommendations, it would be wrong for us not to look at how Europe has got to this point with refugees and migrants. We should put the debate in its wider context and look at the noose Europe is tying around its borders and the security industrial complex profiting from driving migrants into the sea or back to Libya and Turkey, all fully funded and supported by European Governments. Without taking that on board we miss the real roots of the crisis and are doomed never to come up with a real and sane response to it. Let us face it, in the past four years European policymakers have been operating under some sort of mass delusion that the migrant crisis has come from somewhere unforeseen and that it is like some form of natural disaster. It is not natural at all but has been spawned by the interference in the Middle East and so on. It has been spawned by the increased securitisation of Europe's borders. It is worth remembering that the types of irregular land and sea migrations we see now did not really exist in Europe in the 1990s, in part because there was less interference in the Middle East and so on. The global wars that are under way at the moment, the Schengen Agreement, the tightening of Europe's borders and the massive profiteering arising from that are also to blame.

Europe has spent €11 billion on deportations since 2000. Frontex has seen its budget grow massively since it was founded. Between 2007 and 2013, the EU allocated 60% of its home affairs budget, which is €4 billion, to managing migration, of which half went to policing external borders, compared with the €70 million that was spent on a refugee fund. It is absolutely not good enough.

I think I speak for all of us on the committee when I say we will be actively pursuing this. We will be breathing down the necks of those in the Department to ensure all these recommendations, which are modest and urgently necessary, are implemented. I note the Department has moved on some of them but it is not quick enough and we want to see it elevated on the Department's agenda. The Minister of State has played a role in this before and we appeal for the effort to be redoubled and that we all move to end a completely unacceptable situation.

Deputy Catherine Connolly: I am sharing my time with Deputy Bríd Smith. I would like to praise the Minister of State but I am disappointed by his speech. I know that on a personal level he is very sympathetic to the plight. In a previous speech, he said he was very conscious of the misery and suffering experienced by refugees. He has made many sympathetic and positive statements. However, his defence of direct provision is wrong and he has failed to grasp that the people want to be involved in the solution, for example, in the humanitarian admission programme being put forward by Nasc. It was endorsed by the committee and will get Irish people to sponsor, finance and work closely to bring people into the country. Again, they are ahead of us. In my time in politics, which is quite some time when I include my local experi-

ence, the people have always been ahead of the politicians. Our problem is that we are not listening. We are creating problems and division where there is none rather than building on the generosity of spirit of the Irish people. I fully endorse the report before us. I fully support all the recommendations and I thank the all-party committee for doing it.

I find myself in a strange position. Normally we are in here fighting to try to get results and here we have an all-party committee agreeing on everything. Where is the problem if the committee has looked at everything, listened to all the presentations and come forward with five very moderate proposals? Why is there a problem with that? I would like the Minister of State to depart from the script and look at what this all-party committee has done. It is very unusual that they are all in agreement on very modest proposals. It draws on the best of society, the voluntary groups and the groups that are in the Public Gallery who have worked hard to bring these matters to our attention.

I am quite familiar with direct provision from my work on the Committee of Public Accounts because we have had more than one report on it and it is not an efficient system. Even on a money level, it is not an efficient system. On a human level, it is inhuman. The Minister of State said people are looked after in that system and he has heard no one else come forward with a better proposal. He has admitted it was supposed to be a temporary provision, yet 17 years later we are still incarcerating people. I use the word “incarceration” because it certainly has echoes of the Magdalen laundries and the various industrial and reformatory schools. The same type of language is used, for example, that they should be happy. The Minister of State is shaking his head but that is the message, not only from the Minister of State but more generally.

With regard to direct provision, 37% of the people have been there for more than two years. I understand that one in seven of the residents have status but have no place to go so they cannot get out. Can the Minister of State imagine fleeing from war and all the other horrific conditions, being in direct provision for a very long time and then celebrating getting one’s status yet having to remain in direct provision because there is no place to go? The cost of it is astronomical. The cost of direct provision in 2016 was more than €60 million. A number of small private companies make enormous profits from the misery of people who do not want to be there. They want to share in Irish society. Galway city distinguishes itself as having the highest percentage of non-Irish people. We are the multicultural capital of the country. Prior to 2016, it was almost 20% but since 2016, it has gone over 20%. We want to embrace multiculturalism and we do not want direct provision centres in our city. The one in Salthill is up for sale or has been sold and the residents there have no idea what will happen to them.

I do not have time to go through all the recommendations. I have no hesitation in supporting them.

The Minister of State disappointed me when he spoke about undocumented migrants, saying they brought this upon themselves in the sense that they broke the rules. If the Minister of State listens to some of the presentations given to the committee, he will see how they ended up as undocumented migrants. One is a mother who came here to do her masters degree. Unfortunately she failed her exams and lost her visa. She is working every God-given hour at the most basic work to bring up her children. She is an undocumented migrant. The Minister of State should read it, and if it does not move the heart of the Minister of State or the officials in the Department of Justice and Equality, I do not know what will.

Let us see if Department officials will be moved by factual figures on the impact on the

economy. There are between 20,000 and 26,000 undocumented people in this country. We are only a tiny country and we have 20,000 to 26,000 undocumented, of whom between 2,000 and 5,000 are children. In a survey of 1,000, it showed 89% are in employment. They are keeping many people going in this country by being employed but they receive no benefit from it. More importantly, the State receives no benefit - 66% are in the same job for more than two years; 84% are in Ireland for over five years; and 49% for over eight years.

I could blind the Minister of State with all these statistics but the main point I make is that it does not make sense not to regularise it. There are strong economic reasons for it. They will be paying tax, PRSI and all the other payments we have to make. At a rough calculation, there is €41 million in unpaid tax. What is the cost of deporting every single undocumented migrant? I am running out of time. The Minister of State should have a look at the recommendations and take a practical human approach to the best way out so that we are not dividing and conquering. If we have learned anything from institutional care, it is not to divide and conquer.

The context is that 64 million people have been displaced in recent years, which is the greatest displacement since the Second World War.

Deputy Bríd Smith: Caithfidh mé a rá go bhfuil mé an-bhuíoch don Teachta Connolly as ucht deis a thabhairt dom páirt a ghlacadh sa díospóireacht seo ar feadh cúpla nóiméad.

I will try to make three points in three minutes, which is not easy. The first point was touched on by what Deputy Connolly just said and what Deputy Clare Daly said earlier. We need to realise that this is not an Irish issue but a global issue, the roots of which stem from vicious competition at a level of interference in other countries that is often endorsed or overlooked by our system and internationally by others.

I will just pick one country. Currently the Saudis are bombing Yemen to bits and the only news we heard about Saudi Arabia this week was that it had made some concession to women to allow them to drive. They are forcing people to remain in that country, bombing it to bits and maintaining men, women and children in famine. What is happening in Yemen is repeated in Syria, Palestine and in other countries in north Africa. That is where the influx of migrants is coming from.

I hate this expression “economic migrant”, which is a nonsense. With every hungry belly comes a pair of hands. Everybody is able to make a contribution to society and nobody migrates for reasons other than that they are forced to because they have absolutely no choice. Those in the Gallery or any of the 26,000 undocumented or others who are seeking refuge in this country deserve respect and consideration. They do not deserve to be relegated to a system like direct provision which refuses to allow them carry out the most basic function of humanity, which is to work, and the second most basic function which is to use one’s brain and study. What the hell is that about? By the time this country wakes up and allows them to participate, serious damage will have been done to the mental health of men, women and children who, hopefully, will continue to live in this country.

My second point relates to the undocumented themselves. I am a member of the Joint Committee on Jobs, Enterprise and Innovation, which has just looked at the undocumented in the fishing industry. What is going on in that industry is appalling. The WRC, the instrument of the State, literally trawled the trawlers to examine what is happening. However, it was so under-resourced with a total of 50 inspectors in the entire country to look at what goes on industry that

it could not get to the bottom of what was happening to, mainly, men from Egypt, Bangladesh and from across north Africa who are undocumented and are being treated cruelly on major boats owned and run in this State.

The one person the inspectors found on a trawler was immediately deported. There is no humanity shown or real consideration given to this. It needs greater resources. We have more dog wardens than labour inspectors. We need to deal with the cruelty that is being meted out to the undocumented who the Minister of State said would be dealt with humanely in each case. They are not even being spoken to. No attempt is being made to communicate with them. Unless we start to do that, the rest is all guff. We must allocate the resources to it.

Deputy Ruth Coppinger: I welcome all the people in the Gallery this evening. I hope they could understand the Minister of State who spoke at breakneck speed.

I wish to speak about a Syrian refugee whom I met in Mosney a couple of weeks ago. His own words can bring it home better than I can. He has been in Mosney since June 2016 even though refugees are only supposed to spend a maximum of eight months there. He has a grave injury in his right leg, having been injured in the war. He said:

I have been using crutches for four years. I am disabled. I am a burden to those around me. I am lonely, single and helpless. I need help to cook, clean shower, bathe and so on. My family in Lebanon are in a really difficult situation. They live in a camp in a caravan. It is very cold in winter, very hot in summer. [There is] no healthy water. They do not have income for their needs. I send them what I get.

This man is sending them €20 each week to assist his family. By the way, he has not had treatment for his injury. The supportive environment that the Minister of State suggests everybody gets was contradicted by what I saw.

The Minister of State asked about a credible alternative. The credible alternative is that the State would build houses so that we would not have a housing crisis and that we would let people work. Regarding the claim that we have a commitment to solidarity, the Irish State has a signpost that people really should not seek refuge in this country; that is the purpose of direct provision.

I want to put the discussion into context before going into some of the other issues. We have an increasingly unstable world where war, conflict, climate change and economic disaster are forcing millions of people to leave their homes and seek refuge elsewhere.

The UNHCR has stated that currently 65.6 million people have been forcibly displaced; 28,300 a day flee war and conflict; and 55% of all forcibly displaced people are from just three countries: Syria, Afghanistan and South Sudan. It is not as if this is somehow accidental. It has been created by imperialist intervention in the Middle East. There are wars for political interest and profit. The Syrian war in particular shows us the role of imperial and regional powers which have intervened to support different sides in that barbaric conflict. The EU, the USA and Russia have all financed the war and their arms industries have made massive profits in supplying weapons. That is capitalism now generating war. However, when people flee the war fomented by imperialism, they are met with “fortress Europe”.

Many undocumented live in the shadows where they are afraid to report any incident to the Garda - even serious crimes. We do not have sanctuary cities as the US does, where one can

go and report without fear of being detained, but yet our politicians are beating a path wearing down the red carpet in the White House seeking solutions for our undocumented in the US. That is rank hypocrisy unless we introduce, as is advocated in this report, a regularisation scheme.

I have met undocumented people, many of whom started out being documented and became undocumented for various reasons. As the report shows 84% have lived here longer than five years and 89% are working, usually contributing to the tax system. This needs to be sorted out. Regularising these people would actually benefit all workers in this country. It does not suit any Irish worker to have people undercutting them and being used as exploited labour. Creating a legal status for them would actually benefit Irish workers as well and the trade union movement should be mindful of that. The example has been given of the fishing industry. It is not sufficient to expect an undocumented person to initiate deportation proceedings in the hope of winning an appeal on humanitarian grounds to be considered for regularisation.

Everybody knows direct provision is inhumane and barbaric and puts people in isolation. Obviously my constituency of Dublin West is very diverse. I attended an event in the constituency where I met Syrians. Actually who I met were Irish people who volunteer and help the Syrians out of the goodness of their hearts. They asked me if I would take up their issues. If we have a supportive environment why would a Deputy have to go to Mosney to talk to Syrians who were brought here on an official programme? It is not acceptable. I did not see the support the Minister of State is talking about. They should have social workers and - to use the cliché - a wraparound service so that they do not have to get on to the Syrian-Irish community or contact Deputies.

Family reunification, which is identified in the report, was the number one issue among all those whom I met in Mosney. They were very concerned about the fate of their family members who are in precarious situations, as was the case with the man I spoke about earlier. The problem lies with the Irish definition of a family. For people in Syria and other countries the extended family is the family. However, here it is narrowly classed as adult children aged under 18 and it excludes anybody who is over 18.

I met a number of people who are not allowed to bring their 19 year old or 21 year old child over here, which is splitting up the family. Neither are people allowed to bring siblings or aunts and uncles although they are part of the extended family. Particular distress was expressed by one couple who have two adult children, aged 19 and 21, in Germany. Their son who was 22 years old died during the war, and they had expected they could meet again in Europe and start to rebuild their lives but the Irish Government is not permitting that to happen.

The second issue relates to accreditation. Many of the Syrians I met were highly qualified and included lawyers and pharmacists. I met one man who has not been able to get the Pharmaceutical Society to recognise his qualification so that he can seek work. Surely if the Government brings people over on an agreed programme they should not then have to jump through hoops. Apparently he was told by the authorities here that he must get a letter from the awarding college. That is despite him having his qualification documents. We are talking about political refugees who cannot just get onto the college as they are not supporters of the regime. Could we streamline this process and allow people to take up work in this country? Could we take immediate steps to engage with all the professional bodies to ensure people do not have to go through the same ordeal as the individual to whom I referred?

The war in Syria had an impact on people's ability to complete their education so there are

many young people who might not have completed primary or secondary education. We must assist people in that regard. However, there are also people who have secured places on university courses here but they have to pay the non-EEA fees. A number of colleges have agreed to take people in on a more charitable basis. I met one young woman who has a place in UCD but is going to be housed in Portlaoise. One could ask how she is to get from Portlaoise to UCD every day. That would be a four-hour round trip.

Another key problem is housing. It appears to me that no refugees are being placed in Dublin and I am not sure if anyone is going to Cork. It appears that all of the people are being sent to Sligo, Tullamore and other such places and people will generally be quite isolated. The Minister of State might say they should be grateful but we need to look at the reality of whether such people will be able to get work, have access to supports or have any connections. If a person has a place in UCD and he or she is in Sligo, how will he or she take up the place?

Acting Chairman (Deputy John Lahart): I thank the Deputy.

Deputy Ruth Coppinger: Could I just finish by asking the Minister of State-----

Acting Chairman (Deputy John Lahart): The Deputy's time is up. She should speak quickly.

Deputy Ruth Coppinger: I sent a request to the Minister of State to meet the Syrian representative groups so that we can try to iron out some of the five or six key issues and also some individual cases. Will the Minister of State agree to organise that with us because I have not got a reply back from him?

Deputy Jim O'Callaghan: I wish to share five of my ten minutes with Deputy Anne Rabbitte.

Acting Chairman (Deputy John Lahart): Is that agreed? Agreed.

Deputy Jim O'Callaghan: I welcome the people who are in the Public Gallery this evening. I recognise many of them from the sittings of the committee and the hearings that took place some months ago. I welcome the publication of the report. Deputy Jack Chambers and I were the Fianna Fáil representatives on the committee and we support the report fully and would like to see it implemented.

When the history of the 21st century is written one of the earliest chapters will be on the great migration of the early 21st century. There are times in history when great migrations take place and we are living through one of those occasions at present. Deputy Coppinger referred to the war in Syria. That is one of the major reasons for the great migration we have experienced. Also, 100 years ago there was a great migration after the Russian Revolution when people left that country. These migrations happen on the occurrence of traumatic and terrible events. We experienced it ourselves in this country. The census in 1841 showed that we had a population of 8.1 million. Today we are nowhere near getting back to that, which gives an indication of the impact of the Great Famine on the people of this island.

I wish to focus on one part of the report concerning the undocumented. Sometimes when there is a discussion about migration, asylum and undocumented people it falls back to statistics and the consequences those numbers may have. The benefit of being a member of the justice committee is that we had an opportunity to hear evidence from individuals. We got away from

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statistical analysis. We heard individuals come before us who could give their own life story. I am pleased to note that in the appendix of one of the reports there is an account of the evidence given by Priya who is from Mauritius, who I hope is in the Gallery this evening. She gave an account of what life is like for her as a person who has been in Ireland for eight years and who has brought up two children. She gave us evidence about the lie those children must live when they go to school or are in the local clubs indicating to their friends around them that there is no issue. They appear to every person to be individuals who are as documented or as Irish as anyone else in their school or club but, unfortunately, they have to live with a terrible burden on their shoulders, namely, that they know they can be removed from their lives here at a moment. I know an application to stay on sympathetic grounds exists but nobody should be put through a life that requires them to live on tenterhooks where they realise their status within the country could be lost as a result of an executive decision.

I note what the Minister of State said in respect of the report. I am disappointed with his response in respect of the undocumented. I suspect he probably agrees with many of the findings in the report. I do not know what happens when people go into the Department of Justice and Equality but it seems to be that policy decisions seem to change from what politicians wish to do before they go in there. Ministers get an opportunity to be Ministers for a couple of years. Most of them are forgotten. It is not that they do very little but most of them do very little of long-term recognition. There is an opportunity for the Minister of State to do something that would stand to his credit and be there for many years to come.

One of the reasons the Minister of State said we cannot go down the undocumented route is because there is no reliable way of estimating the actual number of persons who could be involved. Perhaps as a method of starting a process why does the Department of Justice and Equality not begin an inquiry or survey to find out how many undocumented people there are in the country? That is a public service. It would be a benefit. When one thinks of the time we spend recording other issues of irrelevance that is something that does merit a record. Even though the Minister of State has not stated he is in favour of the recommendations in the report I urge him to go back to the Department and say that in order to resolve the issue and to deal with it adequately we need to find out exactly how many undocumented people there are in this country. Once we find that out we could start a process whereby, as Fianna Fáil put forward in 2015, we could have a regularisation scheme. People who have been here for a certain number of years could apply over a short period and it would not have the effect of opening the floodgates, as appears to be the concern in some quarters in the Government. I urge the Minister of State to consider that. I do not think it is fair on the individuals concerned. Children growing up here who are members of clubs and going to school are entitled to have their status regularised. We are doing a disservice to them if we do not. Also, there would be a great benefit in doing that. In 1841 we had 8.1 million people on this island. We need more people here.

Deputy Anne Rabbitte: I thank Deputy O'Callaghan for sharing his time with me. I wish to continue from where he left off in talking about numbers. I welcome the opportunity to speak here this evening and I thank the committee for giving me the opportunity to do so. I can talk numbers because I come from east Galway. The Brazilian community lives in Gort and there is a total of 526 people. The census reported that. The figures came out last week to show there are 526 undocumented Brazilian people living in east Galway. My contribution will be very parochial for the simple reason that this is my community and I am giving them a voice here this evening.

On 3 July 2017 Michael D. Higgins, President of Ireland, at a Fáilte garden party in Áras an

Úachtarán gave a warm welcome to the new citizens of Ireland. He said:

Whatever the road that has brought you here, you are part of an important group who have changed our country in remarkable ways, enriched our culture and our communities, and you have enhanced all our lives. 21st century Ireland is a dynamic and cosmopolitan place, an Ireland that embraces the innovation, opportunity and creative energy that cultural diversity brings.

The President's words reflect the sentiments of many people in Gort, County Galway. Gort is nationally recognised as an example of good relations between local people and new immigrants. The contribution they have made to creativity, social capital, the economy and cultural diversity in this community is hugely appreciated. Unfortunately, because many have become undocumented there is uncertainty as to how Gort and the Brazilian community can continue to enrich each other's lives and futures.

As spokesperson for children and youth affairs for Fianna Fáil, on a regular basis at my monthly clinics in Gort I meet with these undocumented people. One of the cases that I have encountered is that of Beatrice. Beatrice is ten years of age. She is undocumented. She is terminally ill. She cannot get a medical card. I am looking for this medical card since the last day the Dáil sat before Christmas last year. The Christmas lights were about to be turned on in Gort when I spoke with the Minister, Deputy Harris, about this medical card. In fairness to him, he did all he could to help me but, regrettably, he could not jump over the hurdle of Beatrice being undocumented. We have tried three times since last Christmas to get the medical card for this child and it is not there.

Beatrice's story is in the report that has been commissioned by Annie Rosario and the Gort Resource Centre. The report states that, for the people who cannot afford to pay for doctors' fees and expensive medicines, delayed diagnosis and treatment have a negative impact on recovery from illnesses. It highlights that one family in our community with a terminally ill child does not have the means to buy medicine and has no right to a medical card because of her parents' immigrant status.

This year, ten children did their leaving certificate in Gort of whom most of the families had the wrong status on their visa. Those children do not have the opportunity to pursue third level education although they are incredibly bright. Whether it be an apprenticeship or university, why is their opportunity denied? They have attended national and secondary school and have a cohort of friends yet they could not go forward. I also met a lady who was 28 years of age who no longer wanted to work in the kitchen where she was working. She decided she would like to go back and become a beautician. Regrettably, stamp 3 means she cannot have the back to education allowance. Stamp 4 would have meant she could but she is on stamp 3. We have tried the hoops and she cannot jump through them. I am the bearer of bad news in Gort on a monthly basis because no matter what I do for these people, the system is stacked against them.

I welcome what the Minister of State has said this evening. While others might not agree, I welcome the opportunity of a case-by-case approach because I have the cases in Gort. The research is done here. The family resource centre has put in the effort. It has worked closely with the Migrant Rights Council. If the Minister of State wants to undertake a pilot project, I am offering him Gort. I reckon we can overcome some of these obstacles. The Department would be welcome to take Gort and the family resource centre as its opportunity to bring about change.

Deputy Jack Chambers: Like my colleagues on the justice committee, I support the recommendations made here. I thank and welcome the people in the Gallery, who deserve recognition and also rights. Those rights need to be properly progressed by the Government. The committee's report mirrors what the Minister of State, Deputy Stanton, introduced and recommended when he was its Chairman. He probably has *déjà vu*. He is in a different position now, which has more authority and in which he can make a difference. I know that is a statement of pressure, but that is the reality of Government. I hope the Minister of State is not here to reiterate and regurgitate speeches we have heard from his predecessor. As a backbencher, Deputy Stanton's position mirrored that of Deputy Ó Caoláin today. Today, however, the Minister of State is reiterating and paraphrasing the words of his predecessor in the Department of Justice and Equality. That is a problem.

What we are seeing across many areas is that, despite really progressive proposals being brought through, despite engaging with the various interest groups and looking at the international picture and the various human rights aspects involved, Ministers are ignoring everything and going back to the permanent government that exists within the Departments. We can all relate to stories such as those we have heard today. The Minister of State's proposals about doing things on a case-by-case basis is code from the Department for kicking this to touch, probably for a significant period.

To quote the Minister of State, as Chairman of the justice committee he said that the committee was told the current situation could be addressed through a once-off, time-bound regularisation scheme. He said, "Our committee believes that rights of migrants must be respected." I fully believe that he still holds that view and would like to see a type of regularisation scheme. All that has changed is his ministerial position. I have absolute faith in the Minister of State as a Minister. He has a genuine interest in this area and served as Chairman of the justice committee. However, we need to see more than a once-off scheme. We need more than references to Brexit and the international climate. This has been well researched and is being strongly recommended now for a second time. While it might be a case of *déjà vu* for the Minister of State, it is important that we see real progress.

As other Deputies have mentioned, there is a contradiction in Government policy. We go to the US and look for similar rights for Irish citizens who left these shores. The Taoiseach has a new spokesperson with responsibility for the diaspora who wants to ensure that Irish people have rights elsewhere. It is an absolute hypocrisy that we are doing the complete opposite here. The Government cannot promote a changing of rights and status in another state when there is a completely contradictory policy at home. These people deserve regularisation. They deserve their rights and normalisation of their status. They are working and living here and their children are being educated here.

As my colleague Deputy O'Callaghan said, Fianna Fáil introduced a Bill in 2015 to try to push this forward but it was rejected by the Government. The survey by the Migrant Rights Council of Ireland, MRCI, of more than 1,000 undocumented people showed that nine out of ten were in active employment and two thirds of those had been in the same job for two years. Some 85% have been in Ireland for more than five years and half for more than eight years. We need to give the people hope, progress and, to quote the Taoiseach, opportunity in this country. A republic of opportunity means giving rights and hope to people who have come here from further shores.

As was mentioned earlier, 150 years ago there were 8 million people on this island and we

are probably at half that now. The citizens of Ireland left these shores when they were dying in the Famine and due to starvation and other matters that truly affected them. We need to remember those people and the struggles they had elsewhere. Now we are a developed State that has good relative wealth, we need to ensure in respect of those who come here from really difficult scenarios, who seek asylum, who are working here, that we normalise and regularise their status. It is the least we can do for them. That is why the recommendations made by the justice committee try to give hope to those people. It is important that it is not just another report that gathers dust. The previous report from the justice committee did just that. Now we have a Minister of State, who was the previous Chairman of the committee in question, in a position of authority. It is up to him to balance the Department. He has political responsibility and democratic accountability. He has a duty to deliver rights and regularisation for the undocumented in this country. We cannot have more of the same. The Minister of State suggested in his speech that “the recommendations could be acted on in some way”. That is the definition of a generic speech written by a civil servant in order to kick a matter to touch. I do not think it is acceptable. We have a different cross-party Dáil now. The members of the Joint Committee on Justice and Equality, including those from the Minister of State’s party, unanimously endorsed the recommendations of the report.

We want a regularisation programme. We need to hear more than excuses and references to the potential negative effects of such an approach. We need to embrace a regularisation scheme that works. I have referred to the Migrant Rights Centre Ireland statistics that show this can be achieved. Many of those who have been here for a significant length of time are working here and have children here. All we are doing is limiting their entitlements and placing barriers in their way as they look for the rights they deserve, which should be equal to those enjoyed by citizens of this country. We are advocating for Irish citizens in similar positions across the globe. It is an absolute contradiction to be proposing something in another land or state when we are doing the complete opposite here, or at least accepting it to a degree before kicking it to touch.

Although I think the Minister of State wants to see a change here, and has tried to propose something, his speech does not give much hope to the people in the Gallery to be perfectly honest. If thousands of people are considered on a case-by-case basis, most of them will not achieve the status they should achieve. The Minister of State needs to follow the recommendations he advocated in the Dáil over a year ago when he was in a different position. Now is the time to leave a legacy in the Department. As the Minister of State knows, anyone who has the honour of serving in government, having been given a position of authority, needs to take on the people who kick proposals to touch and wait for the next Minister to come along so he or she can hear the same policy contradictions.

I absolutely support the recommendations that were agreed by committee members of all parties and none. They need to be implemented. We need to give hope, status and rights to people who have moved to Ireland because they see it as a land of opportunity. Despite the Government’s rhetoric about opportunity, it is limiting opportunity by putting barriers in the way of people who want to get a better education, see progress in their lives and live and work in a safe society. We should all support such people. The next time this is brought through, I hope the Government will have changed its position. Rather than taking a case-by-case approach, the Government should put in place a potential pilot regularisation scheme, or a full regularisation scheme as we have proposed. We need to give more hope to the people in the Gallery this evening and the people out there who deserve greater protection of their status and rights in 21st century Irish society. We should not forget where Ireland was 150 years ago. We

need to remember that we all have relations elsewhere who have lived that journey. When we are advocating changes elsewhere, we need to have consistency within our own island.

Deputy Seán Crowe: I commend all the members of the Joint Committee on Justice and Equality for completing this comprehensive report. I refer particularly to the Chairman of the committee, my party colleague, an Teachta Ó Caoláin, who has overseen the creation of this report. I join others in welcoming the representatives of Migrant Rights Centre Ireland and Nasc Ireland who are in the Gallery. I also welcome the members of the undocumented community living here and the many people from the Syrian community who are present for this debate.

I hope this report will add significantly and positively to the debate on immigration, asylum and the refugee crisis. I welcome the recommendation in the report that a regularisation scheme for undocumented migrants in Ireland should be introduced in a timely manner. I share this view. As Sinn Féin's spokesperson on foreign affairs, I have lobbied on behalf of thousands of undocumented Irish citizens in the US. I have been in the White House and I have been to the US Congress to meet Congressmen and Senators. I do not believe there is any contradiction in also working on behalf of the undocumented citizens of other countries who are living in Ireland. I do not see any difference in that regard. I am very proud of my involvement in both campaigns.

I commend Migrants Rights Centre Ireland on all the work it has done in this area. Those involved in the centre are probably sick of the amount of cases I have directed towards them. The reality is that many of us ask the people with the expertise to do such work. I would not like to think that I see myself as an expert in this area in any way. I thank the undocumented migrants who have shared their stories as part of the campaign for regularisation. This brave and positive move has helped to put a human face on the undocumented in Ireland.

Regularisation is not just the smart thing to do; it is also the right thing to do. No young person should have to grow up here undocumented, just as no older people should have to live here undocumented. Workers and their families should have the right to move from the shadows and into the open. The undocumented and their families should have a chance to live in dignity and safety, free from the awful worry of the unexpected knock on the door in the middle of the night that tells them they are being brought into custody with the possibility of being put on an airplane to God knows where.

I join other Deputies in commending the committee's recommendation that Ireland's system of direct provision should not be more than a short-term measure. It is unacceptable for individuals to be living within the system on a long-term basis. I think there is collective agreement that this has to end. People should not be spending such lengthy periods of time in the system. People have been languishing in this repressive system for far too long. It is time for Ireland to abolish direct provision and replace it with a system that has human rights and the protection of human dignity at its core. It should be abolished. I am pleased that the committee is of the view that the denial of the right to seek paid employment is demeaning and is a serious infringement of the human rights of the individual applicant.

As other Deputies have said, there is an unprecedented refugee crisis across the globe. According to the UN High Commissioner for Refugees, over 65 million people around the world have been forced to leave their homes because of war, poverty, hunger and oppression. Some of them have been displaced within their own countries and others have been forced to leave their countries over dangerous land and sea routes. Ireland has to take a leadership role in

responding to the refugee crisis. Many of us on the Opposition benches and some people in Government circles believe we are falling short. Many countries with fewer resources than Ireland are playing such a role. I will mention the example of Uganda. An Irish delegation has just returned from there. Uganda has taken in 1 million refugees from South Sudan and provided them with plots of land where they can live and grow food. I could mention many other examples, including countries like Lebanon and Jordan in the Middle East.

While I welcome the reference in the committee's report to the Government's commitment to resettling 4,000 refugees in Ireland, I share the report's view that this is inadequate by comparison to the scale of the crisis. We must look at increasing this number. That is probably not a popular view in certain quarters. As a nation, we have the resources at our disposal to help these vulnerable people while tackling inequality and poverty in Ireland at the same time. Our constraints do not mean we can deal with just one of these issues. It should not be about favouring one group of people at the expense of another. People often ask "what about our own?", but I suggest that if the Government takes a smarter approach and acts on the huge level of goodwill among the population, it will realise that it is not a case of one or the other. We have the resources to look after our own homeless people and others who are living in poverty while also looking after those who have been forced from their homes.

I agree with Nasc's campaign - I am told nasc is the Irish word for link - calling on the Government to introduce a humanitarian admission scheme to give people living in Ireland, either naturalised Irish citizens or legally resident refugees and migrants, the opportunity to sponsor family members who are currently displaced or in conflict zones and bring them here to safety.

I am conscious that many people come to us with their own private cases and I will give an example of just one of those to put a human face on some of the migrants who come here. A man and his wife came in to see me. His father had been beheaded in Mosul and his brother had been killed by ISIS in Mosul. They eventually smuggled the mother and another member of the family to Turkey and he was trying to subsidise that. He wanted to try to get the family to Ireland. He was in a very good job. He is married to a European woman. They have two children who were born in Ireland but there was a difficulty in that regard. He wanted to sponsor his own family. The stories he had to tell were horrific. He spoke about where his mother is now living in Turkey and so on and the difficulties the family are going through. He spoke about having to put on hold extending his own family and waiting in the system for the Department of Justice and Equality to respond to the possibility of bringing his family here. That is just one example, and I am talking in terms of a sponsor. All of us in this House could give such examples.

I firmly believe that members of Irish society - citizens, community and faith based groups, charities and non-governmental organisations, NGOs, business and universities - should be able to co-sponsor the application, providing financial, social and institutional backing and thus improving a person's real life opportunities for integration, easing the financial burden on the host family in Ireland and on the Government. That is done successfully in other countries. I can give examples in Canada and so on.

It is important as part of this debate to again put on the record my complete opposition to the EU-Turkey deal on refugees. Turkey is a country with a deplorable human rights record and a history of discriminating against minorities, like the Kurds, yet in this deal it is deemed to be a safe country of origin by the European Union.

To make matters worse, we are replicating that deal with other countries. Before the Dáil

went into recess for the summer, Sinn Féin spoke out and voted against the Government's motion for Irish involvement in the EU military mission, Operation Sophia, in the Mediterranean. Operation Sophia is primarily a military response to a humanitarian problem. It responds to the symptoms and pushes people back to Libya rather than addressing the causes of the refugee and humanitarian crisis. It also involves training the Libyan coastguard, which has been accused of human rights violations, so that they can return desperate refugees to Libya where they are at the mercy of armed militias. That is what we are sending people back to.

A Médecins Sans Frontières, MSF, recent publication documents significant human rights violations in detention centres in Libya. I have seen the photographs. One would not keep an animal in the overcrowded facilities to which they are sending people. They are appalling. The EU's policy of ring-fencing migrants in Libya must come to an end. MSF's president has said that EU states are knowingly handing people over to criminals. I would go further than that. I would say we are handing over people to rapists, slave traders and murderers. That is the reality for many of these people.

Ireland should not have continued its purely search and rescue mission. It is commended throughout the world, but the direction we have gone on it is wrong. I again call on Ireland to remove itself from the military mission and to end these EU agreements that involve deporting vulnerable refugees back to war torn countries and appalling regimes.

Acting Chairman (Deputy John Lahart): Before I call the Minister of State, and there will be a further speaker after him, do I have the agreement of the House to extend the debate by three minutes to facilitate an additional speaker?

Deputy Caoimhghín Ó Caoláin: Yes.

Acting Chairman (Deputy John Lahart): Thank you.

Deputy David Stanton: Can he speak before me so that I can hear his contribution?

Acting Chairman (Deputy John Lahart): No, he cannot because that would mean-----

Deputy Caoimhghín Ó Caoláin: If I may, my colleague, who is a justice spokesperson, had indicated earlier and wished to also make a brief contribution. Can the Acting Chairman accommodate him?

Acting Chairman (Deputy John Lahart): Yes. He is listed to speak immediately after the Minister of State. If Deputy Durkan is going to take some of the Minister of State's time-----

Deputy David Stanton: No. The problem is that I cannot respond to what Deputy Durkan has to say.

Deputy Caoimhghín Ó Caoláin: Can the Acting Chairman clarify that he is going to accommodate both Deputy Durkan and Deputy Ó Laoghaire?

Acting Chairman (Deputy John Lahart): Yes. On the list I have, Deputy Ó Laoghaire is following the Minister of State.

Deputy Caoimhghín Ó Caoláin: And that I am closing the debate on behalf of the committee.

Acting Chairman (Deputy John Lahart): I do not have any indication of that. We will

have run out of time and I will then ask the Deputy to adjourn the debate.

Deputy Caoimhghín Ó Caoláin: That is the normal procedure that applies. The Chair of the respective committee opens the debate and has a closing slot.

Acting Chairman (Deputy John Lahart): For clarification, the Minister of State has a slot now and Deputy Ó Laoghaire is on my timetable to speak after him. I was then going to facilitate Deputy Durkan for three minutes and then Deputy Ó Laoghaire would close the debate.

Deputy Ruth Coppinger: What time will that bring us to?

Acting Chairman (Deputy John Lahart): My indication is that Deputy Ó Laoghaire is down to close the debate.

Deputy Ruth Coppinger: Why would he close the debate?

Deputy Donnchadh Ó Laoghaire: I just indicated like any other Deputy.

Acting Chairman (Deputy John Lahart): That you wanted to speak.

Deputy Caoimhghín Ó Caoláin: He would not be in a position to do that because he is not a member of the committee.

Acting Chairman (Deputy John Lahart): I thank the Deputy for that clarification.

Deputy Caoimhghín Ó Caoláin: He is a spokesperson on justice.

Acting Chairman (Deputy John Lahart): As indicated, Deputy Ó Laoghaire's speaking slot begins now. It will be followed by Deputy Bernard Durkan, then by the Minister of State and Deputy Ó Caoláin will close the debate.

Deputy Caoimhghín Ó Caoláin: That is fine.

Acting Chairman (Deputy John Lahart): Is everybody clear on that? I am sorry for the confusion.

Deputy Donnchadh Ó Laoghaire: That is a better way of operating this. First, I want to acknowledge all the groups, representatives and other people in the Gallery who have travelled here to listen to this debate. I am sure they have taken it in with interest. It is part of an ongoing dialogue.

I thank the committee for this strong report which contains reasonable recommendations that should be taken on board. I have stated previously that I do not believe the State's response to the refugee crisis has been adequate. While I am of the view that the Government could and should have committed to taking on a more substantial number of refugees, it is also the case that even with the numbers that have been committed to, the numbers that have arrived are quite paltry.

Specifically on the issue of the unaccompanied minors, on 11 November last a motion was passed by this House that was the result of a specific campaign entitled Not on My Watch, which shone a light on the issue and brought it before these Houses. It successfully highlighted the plight of unaccompanied minors in Calais particularly but also elsewhere. A motion was passed to relocate 200 of those unaccompanied minors. My understanding is that only 30% of

that relatively small target has been reached.

I appreciate the briefing that was offered by the Department of Justice and Equality and the Department of Children and Youth Affairs some months ago that highlighted some of the difficulties. I recognise that it may be true that there are people who have a desire to go to Britain or Germany ahead of Ireland. That may be a real issue but, nonetheless, 30% of 200 is quite a modest number and I believe more could be done to offer people who are unaccompanied and in a very difficult situation a home in Ireland. I believe many of them would be glad to take that up.

An issue that was highlighted in the report was family reunification. I express my support for recommendation No. 2. My understanding is that there was provision for a stronger right to family reunification under the Refugee Act 1996 but that the international protection legislation of 2015 has somewhat reversed that and made it a more stringent, difficult test for people to be able to reunify with their families. In my view, naturalised citizens who have immediate family currently living in danger and conflict zones and have family members who have been displaced should be allowed to be reunited with their loved ones. Quite often these people have left absolutely horrific situations, and there is a need to take account of the context in this regard. The following point, quoted in the report, is made by Nasc:

The ... Government's response to date, to take 4,000 refugees and asylum seekers over two years, while commendable, is simply not enough to account for the millions who are displaced worldwide, or the thousands of children that now live at risk throughout Europe. And it does not even begin to account for those who have been forced to remain in conflict zones [such as Aleppo, Mosul], Yemen, South Sudan, Eritrea.

I share that view and support the point made by Deputy Wallace that this issue is not specific to these conflicts. The issue of migrancy and refugees and how the State deals with it will be an ongoing issue politically, socially and morally for us in this State.

There is also reference in the report to the manner in which the system is administered and what might be described as a very limited use of discretion. A decision is outlined here whereby someone who was well established here and had a job received a letter from the Irish Naturalisation and Immigration Service, INIS, issued in 2015 and his application for a visa for his parents was refused, despite his father being in the later stages of Alzheimer's. The INIS letter questioned the degree of destruction in Syria, stating: "It is noted that central Damascus has been relatively unscathed by the war in Syria." I recognise that officials in the Department and in INIS are constricted by policy and that there is only so much discretion they can show. Nonetheless, I find it very difficult to understand how this description was included in correspondence sent to someone whose father was ill and living in Damascus, a place ravaged by the civil war, and how reunification was not considered in this case. The report also states there is almost an adversarial approach to the people who make an application, which is reflected in the previous quote. Ms Fiona Finn, chief executive of Nasc, is quoted in the report as saying:

The Act will mean that many refugees are going to have to move from the refugee family reunification process to the immigration framework. Under that framework, of every ten applications [submitted], eight will be refused.

There is therefore a very clear difficulty in the scope and application of family reunification as it stands and it needs to be expanded quite considerably.

The issue of the undocumented is also touched upon in the report. The Minister of State said it is difficult to account for the number of undocumented persons. Nonetheless, on the basis of his own speech, I believe we can accommodate even the upper limit. Those numbers are not that high. These are people who are already, to many varying extents, integrated into society, many of them are working, and there is no reason to believe we cannot accommodate even the upper estimate that has been outlined already. As Deputy O'Callaghan said, it is worthwhile for the Department to explore the numbers involved and try to get under way the policy of regularising the undocumented. Migrant Rights Centre Ireland has outlined that this is not an unpopular decision. In 2015, 69% of the Irish public supported regularisation of undocumented migrants, which echoes the point made by Deputy Rabbitte, that in many instances the public is ahead of public policy.

The last primary point I wish to make concerns direct provision. We had a debate on this in, I think, February, to which both the Minister of State and I contributed. Whatever the initial intentions of the policy, it has mushroomed into something quite beyond what was intended. It is a form of warehousing people. It is not a place in which it is fair to expect people to raise a family. It is certainly not fair to expect people to live there for several years with great uncertainty over their status, and it is debilitating in terms of people's sense of independence, sense of autonomy and self-esteem. I welcome the judgment that was made regarding the right to work, and I hope the Department will engage with it constructively. I believe many residents in direct provision would be very keen to engage with it. I recognise there is a housing crisis but I believe that people should have the right and entitlement to source their own accommodation if they can. Ultimately, the solution to direct provision, while people are waiting for their applications to be processed, is a life that is integrated in the community and people working, volunteering and studying in the community, providing as best as possible in their own lives for their own families.

On that specific point, I raised a further point during that debate which in some ways seems like a matter of detail, but for many residents I believe it is very important. I refer to the ability to cater for oneself. In the debate I raised with the Minister of State the fact that 128 people could be accommodated in self-catering facilities, according to the Reception and Integration Agency, RIA, statistics from January. I think he felt at the time that there had been an expansion and progress regarding the ability of people to cater for themselves. However, I checked the statistics for August just before I came down to the Chamber and there is the same number of places. Perhaps it is categorised differently - I do not know - but it certainly is not clear. What is very clear in the RIA statistics is that there are 128 self-catering accommodation places.

The recommendations that have been outlined are very reasonable, can make a substantial difference to the lives of thousands of families and individuals in Ireland who have come here seeking a better life and to that opportunity which the Government is so keen to speak about, and can offer them greater dignity.

Deputy Bernard J. Durkan: I am glad to have the opportunity to speak and I recognise the facility the Acting Chairman has offered me. I strongly support the report of the committee on the basis that we in this country, more than any other country on the face of the earth, must know more about emigration than anyone else - both forced emigration and unforced emigration, including economic emigration.

There are two categories we should consider. I know the committee has done this already and I support its work. The first are the people who have been on stamp 4 for ten or 12 and

up to 20 years in some cases, on whose behalf, unfortunately, I have had to write and raise parliamentary questions *ad infinitum*. The time has come to release them from stamp 4 status and give them the required citizenship. At least on stamp 4 they can work, have done so and are willing to do so. Unfortunately, and very sadly, they were precluded and excluded from third level education. It was the most ridiculous decision at the time that I have ever known to ensure they could never go beyond second level. Unfortunately, in the cases of both those on stamp 4 and undocumented children, there have been situations in which parents, to improve their children's circumstances, have borrowed money from undesirable sources to fund various third level qualifications and have paid a high price for it.

I mention very briefly the undocumented, who are a very sad group of people, some of whom, again, have worked in this country for up to 20 years, albeit unofficial or without permission. Nonetheless, they worked and paid their taxes and continue to do so, and they are not always all that well received when they make applications for regularisation, as I well know. In numerous cases they have been sent around in circles to comply with what appears to be an unending maze of bureaucracy, and I do not say that lightly as I have had, unfortunately, only too much experience of it. I have seen very sad situations of undocumented children who, with their parents, seem open to abuse and have been vulnerable and open to exploitation of various forms. It is very sad in any country, in any part of the globe, that such situations have not been addressed at this stage. They need to be addressed as a matter of urgency.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): Again, I thank the committee for the report and for bringing forward this debate. I also want to recognise the people in the Public Gallery, many of whom I know. I want to focus on the recommendations in the report, although the debate has gone far and wide into other issues, including global issues, and rightly so, and I am not being critical of that. I will go through the report's five recommendations. On the undocumented, the report states that applications should be administered on a case-by-case basis. Some colleagues criticised that, so perhaps they had not read the report. I said in my speech that we have asked officials from the Department to take forward this work and that this would mean a sector-by-sector approach in the context of our international commitments. Therefore, we have asked the officials to look at this to see what we can do.

I believe everyone would agree we need an immigration policy of some sort in the country. We just cannot open the borders and say everyone who wants to live and work here can come in. We must have an asylum policy and it has to be clear. If the committee has recommendations about how we can refine it, that is fair enough, and I would like to see that. However, I do not think anyone would disagree we need to have an immigration policy. We cannot just open the doors; no country does that.

As I said, if anyone arrives tonight at one of the ports or Dublin Airport and says he or she wants asylum, he or she will get a bed tonight, straight away, and food, heat, protection and medical assistance. I am concerned about what Deputy Coppinger said about a refugee who is not getting treatment and I would like details on that to find if we can do more on it.

With regard to family reunification, I said that we are looking at ways of increasing the number of people we can bring in. The Minister, Deputy Flanagan, and I intend to bring forward fresh proposals in the near future. We are looking at it and are committed to it. I said we would concentrate efforts on reunification of immediate family members specifically caught up in conflict zones. I heard someone say that, in different countries, families can be defined in

different ways, and there may be ten or even 50, 60 or 70 people in a family. It is a question of where we draw the line. If the committee can give us guidance on that, I would be interested. Nonetheless, I have committed to change in this area.

On the Calais situation, we have been working closely with the French authorities. The figure in the motion that was agreed was “up to 200”, not 200. No unaccompanied minor who has asked to come to Ireland has been refused. To give some up-to-date information, Tusla assessed and screened an additional five unaccompanied minors from Calais on 23 September, which will bring the number up to 31. The work is ongoing. While it is difficult to locate these children, we have not refused anybody who has been identified and who wants to come here from Calais, as the motion put forward. That has not been done.

Regarding relocation and resettlement, we have submitted a pledge for 600 refugees for 2018, which is the largest number we have ever put forward, and we are working hard to bring in these people. There are challenges with accommodation, as we know. At the moment there are 150 spare beds left in the direct provision centres. Colleagues come into the House and say, “Shut down direct provision”. There are 4,800 people tonight who have a bed, heat and food. If Members are asking me to shut that down, where do they go? Do they end up on the streets or sleep rough? If somebody can bring forward a realistic alternative, I am all ears. I have been engaged with NGOs and community groups about community resettlement and integration with communities, which was mentioned. If, as in Canada, Britain and other places, communities want to come together and support families who want to come here as refugees, we will work with them. I have met the NGOs on a number of occasions and have asked them to come forward with proposals on that. In fairness, they are working on that and we will work with them. That is ongoing.

This debate has been extremely useful and it is very important. I am concerned about criticism of direct provision. I have visited almost all the centres and have met many of the people living there, and one will of course find some people who are disgruntled. The idea of the International Protection Act is that it will cut down the length of time people have to stay in the centres. What was happening before was that the decision process went on and on, and it could take years before the final decision was made. We now want to make that decision within nine months or a year at a maximum, so people will know where they stand at the end of that time. At the moment, there are a number of people in direct provision centres who have permission to remain and we want to encourage them to stay in Ireland and to find their own accommodation. We are working hard on that and if colleagues can assist in any way in identifying accommodation, please let us know. We also have some people in direct provision centres who have been through hoop and loop, as I would call it, in the legal system and have been told that they have not proven a right to be in Ireland. That goes back to my original point about immigration policy. They have been issued with deportation orders and they should not be here, but they are taking up space in these centres which we badly need for genuine asylum seekers. They are not asylum seekers any more; the decision has been taken and they should leave the country. The obligation is on them to leave, voluntarily, as most do when they are told their case has not been successful.

Reference was made to accreditation of qualifications. We are aware of that and are working on it but it is not an easy matter, as was outlined. We are trying to come forward with ways of making accreditation easier and faster but we must make sure we can line up the skills and qualifications people get in other countries with what is required here under law. We do not want a situation where we accredit somebody as having a professional skill but then find they

do not have skills to that level. The Deputy would be the first to come after me if we did that. We are working on that under the integration strategy. We have published that integration strategy, although I am not sure if the committee has had a chance to examine it and perhaps give some indication of its views. It is quite comprehensive and a lot of work went into it.

We have looked at the right to work. As the committee knows, the Supreme Court has passed judgment and an interdepartmental task force is working on that. We are taking it very seriously and we hope in time to be in a position to respond to that, as required.

Those are the main points. I dealt with family reunification, which we will work on. We have sent people to Greece, Lebanon and Italy under our commitments, given we have voluntarily opted into these. We are on or ahead of target on some of the commitments we have entered into and we have given further commitments. The Italian situation was mentioned, perhaps by Deputy Bríd Smith. What we want is very light-touch security. We just want gardaí to sit in on the interviews with the people who want to come here to ascertain that everything is as it should be. That is our policy. We have worked very hard with the Italians to try to make that happen. They are not willing to do that but we live in hope that we can do it, given we are anxious to bring people in. In the main this involves Eritreans in Italy who are qualified under the scheme.

All of our hearts go out, given the ongoing situation across the world, to the 65 million people displaced. What is going on is appalling. We have sent our Naval Service to the Mediterranean to rescue people and try to save lives, and it has done that. I have met many Naval Service personnel and I want to commend them on the work they are doing. They have been really moved and touched by what they have seen, especially when they have had to bring dead bodies out of the water, which is really shocking.

The House should rest assured that we are working as hard as we can. I was quite moved by the debate. The Deputies who spoke did not play politics with this. They were genuine in their views and raised some very interesting questions and points, to which we listened carefully and will take on board. Again, I thank the Chairman and members of the committee for the work they have done, and I commend them on that. Let us work together to see how we can move forward with all these issues.

8 o'clock

Deputy Caoimhghín Ó Caoláin: Go raibh maith agat. I thank all Deputies who contributed to what I hope will prove a worthwhile debate. Knowing the Minister of State, Deputy Stanton, as I do, having spoken to him on this issue on a number of occasions and having listened to his closing contribution, I can only hope that his opening contribution was not of his authorship. I do not believe that it reflects the views that the Minister of State has expressed previously. In his opening contribution the Minister of State said:

The Minister for Justice and Equality and I have examined the Oireachtas committee report with a view to identifying what elements, if any, of the recommendations could be acted upon in some way. We have asked officials from the Department to take forward this work. This would mean a sector by sector approach in the context of [what the Minister of State refers to as] our international commitments.

As a committee, members were unanimous. I emphasise this because it is important that it was right across the board - Government, the Opposition, all parties and Independent voices. We unanimously indicated that these international commitments do not go far enough. We

want the Government, on behalf of the Irish people, to meet our international responsibilities, which is a much different situation. The Committee on Justice and Equality wants the Government, the State apparatus and agencies to strive for and deliver our responsibilities in this regard and not our already stated commitments, which are largely unfulfilled.

In the opening contribution to the debate the Minister of State, Deputy Stanton, and the Minister, Deputy Flanagan, have dismissed our recommendation urging the introduction of a structured regularisation programme for people who are undocumented. The Minister of State has come back a little bit, having listened to the contributions in the debate and he was more reflective of his own personal disposition in his closing contribution.

The Minister of State spoke in his opening remarks of “any number of unintended and expensive consequences” of such a programme. Let us be very clear. I have no reason to believe that any of the people in Ireland who are undocumented, from whatever age profile, are undesirable in any way and many of them are children. This includes Irish born children within these families. They live very sadly. As parents we must think seriously about this. They live a very shadowy life with family, with school friends and within the communities where they live. This is absolutely wrong. I want to emphasise that they too are children of our nation. In his opening contribution the Minister of State has offered them neither remedy nor hope.

With regard to the term “unintended consequences”, more than two in three of these people are in full-time employment, of those who are surveyed among the undocumented population. Regularisation would offer increased contributions from PRSI and USC returns for the Exchequer, including from the employers in these instances who are using their labour to avoid making their respective contributions as Irish citizens.

What of the Irish people who are undocumented in the United States of America? The Minister of State’s message in his opening contribution this evening is, I believe, a slap-down to them and to their families here at home. The Minister of State has offered them no remedy and no hope. He cannot expect others to do at his behest or bidding what he is not prepared to do himself. I remind the Minister of State that he said:

We should not forget that people usually become undocumented through their own conscious actions or omissions. Such persons are subject to the rule of law on the same basis as anyone else in the State, including our citizens. They are obliged to honour their immigration conditions and to leave the State when their permission to be here ceases, and they are responsible for ensuring that they have the appropriate permission...

The current Administration in the United States of America could not say it any differently. We need to show that we actually mean what we say. We can demonstrate that we are indeed a people who care for displaced peoples and we can demonstrate our international credentials on this issue by first extending the hand of friendship and warmth of welcome to people who are undocumented in our midst. Under Ireland’s refugee protection programme, established for almost two years, we have only accommodated access to our shores for 1,337 people. This is significantly short of the 4,000 originally committed to. This does not reflect our awareness, as a people, of the crisis that exists in the lives of so many people who are fleeing conflict and the threat to their safety and their families’ safety. The Irish people want us, as the Government and its agencies, to operate on their behalf to respond in a much more serious and speedy way. Two years on it is time to move up another gear in this respect.

28 October 2017

I reiterate the clarification I advised earlier in recommendation No. 2 from the Report on Immigration, Asylum and the Refugee Crisis around family reunification. It is very important. We called on the Government to introduce a humanitarian admission programme with transparent and clearly defined criteria to deal with visa applications in a more sensitive way and to offer a safe and legal route for people to flee conflict zones and be reunited with family members in Ireland. It is very important to recognise that within that statement it was the committee's clear intention to recommend that this facilitation be extended to all people who are legally resident in the State and not just those who were naturalised, as was referenced in the first sentence of recommendation No. 2. I put the Minister of State on notice that this was the intention of the committee members and I will notify him formally in writing, on behalf of the committee, in the coming days. I ask the Minister of State to note that point.

The Minister of State made reference to the interdepartmental task force to consider the Supreme Court decision *vis-à-vis* the denial of the right to work to those who are in the direct provision centres. Will the Minister of State advise us in this regard? I know he will not get the chance to come back in to this debate now but maybe he will take the time to drop me a note. The Oireachtas Joint Committee on Justice and Equality would like to know the construct of that interdepartmental task force. Who are its members? What Departments are represented? Is it at ministerial level, is it at official level or is it mixed? Will the Minister of State indicate its membership and perhaps he will be more precise around his expectation to receive the report of their consideration on the Supreme Court judgment? I believe there is a lack of certainty in the words that he has indicated to us.

For the record, with regard to the Minister of State's closing remarks, the committee did not call for the closure of the direct provision centres, although some may well indeed close. I can assure the Minister of State that every committee member held absolutely to the recommendations put forward. Some of the centres might well deserve to be closed but we urged that their use should only be for short-stay purposes. We were quite considered in that regard. Gabhaim mo bhuíochas leis an gCathaoirleach agus le gach ball a ghlac páirt san díospóireacht tábhachtach seo.

Question put and agreed to.

Acting Chairman (Deputy John Lahart): I thank the staff for facilitating the additional time. I also thank all the visitors to the Public Gallery for observing the debate.

The Dáil adjourned at 8.10 p.m. until 2 p.m. on Tuesday, 3 October 2017.