



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 14 Nollaig 2017

Thursday, 14 December 2017

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Ceisteanna - Questions

Priority Questions

Information and Communications Technology

1. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the status of the roll-out of the public service information and communications technology strategy; the amount that has been spent on it to date; the estimated amount to be spent; the security implications and data protection steps that have been taken; and if he will make a statement on the matter. [53464/17]

Deputy Dara Calleary: I would like to ask the Minister about the status of the public service information and communications technology strategy, particularly the work being done to ensure citizens' personal data are secure, especially at a time when data privacy is under such a threat.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): The 18 step action plan sets out the approach to implementing the public service ICT strategy and momentum on the 18 steps continues to be maintained under the leadership of the Civil Service ICT Advisory Board and its associated working groups. In addition, last week the Government chief information officer held a joint sectoral meeting with the ICT and business transformation leaders' group from the Department of Health, the HSE, An Garda Síochána, the Department of Education and Skills and the Department of Housing, Planning and Local Government to look at opportunities for joint working across the broader public service.

The key deliverables which can and should be progressed on a State-wide basis include a first version of a Government digital services gateway, a Government data centre strategy, an open data initiative, the development of common services for Departments and a formal plan for adoption of the use of MyGovID to enable citizen access to public services. The Deputy may also wish to note that many of these actions, particularly the development of MyGovID and the digital services gateway, are encapsulated in the e-government strategy launched in June and align very well with European Commission developments such as the digital Single Market, the e-government action plan and the general data protection regulation, GDPR.

It is expected that the Department will have spent €19.1 million in implementing the strategy between 2015 and the end of this year. The expenditure represents both current and capital investment in building and supporting a range of infrastructures such as the Government networks service, the build-to-share common applications and the private Government cloud platforms. A further €7.5 million has been provided in budget 2018 for the roll-out of the strategy.

As the Deputy will be aware, the implementation of the EU general data protection regulation is being led by the Department of Justice and Equality, while the Department of Communications, Climate Action and Environment takes the lead on the issue of cyber security. The Department of Public Expenditure and Reform continues to work closely with the national cyber security centre, the State's national governmental computer security incident response team. As mentioned, the strategy consists of a range of projects, each of which will ensure the appropriate data protection and cyber security measures are implemented for the services deployed. In delivering the range of initiative the Department operates a strength-in-depth approach to cyber security and protecting ICT systems, infrastructure and services and continues to work to mitigate emerging threats, risks, vulnerabilities and cyber security issues.

Deputy Dara Calleary: The Minister of State says the Department of Justice and Equality is the lead Department. Is the sum of €19.1 million attached to the Department of Justice and Equality or the Minister of State's Department? Has there been any major cyber attack during the past 12 months on information held by the State? Will the Minister of State give an update on the Data Protection Commissioner's investigation into the use of the public services card? Has there been engagement on it between the Department and the Data Protection Commissioner?

Deputy Patrick O'Donovan: I will address the last aspect first. Six Governments have been in office since the concept of the public services card came to fruition and almost 3 million cards have been issued to date. As a Government, we are conscious that we want to ensure there will be a single point of entry for those accessing services. We collect the information once, maximise the opportunities to avail of it and continue to roll out the card. As the Deputy will have seen recently, we have further plans in that regard. The card is in complete compliance in the use of the Standard Authentication Framework Environment, SAFE II, and MyGovID. The Department of Public Expenditure and Reform will have €19.1 million to cover the cost involved.

Deputy Dara Calleary: I support the concept of the public services card. Will the Minister of State update me on the Data Protection Commissioner's investigation? In the past 12 months has there any major cyber attack, of which he is aware, on any Government body?

Deputy Patrick O'Donovan: I am not aware of any such attack. In the context of the data sharing and governance Bill, about which we will consult the Opposition after Christmas

when we have dealt with other legislation on which we are consulting it, we will be conscious of the need to take concerns into account. While the Data Protection Commissioner is not going to give a clean bill of health, the commissioner has been given sight of the revised heads of the Bill. We have taken into account what happened in the pre-legislative scrutiny process on governance and data-sharing, the establishment of a governance board and the need to ensure we will have all of the checks and balances required as enunciated both at the committee and directly to the Department. The will be fleshed out further with the Opposition after Christmas.

Question No. 2 replied to with Written Answers.

Capital Expenditure Programme Review

3. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the progress of the capital review; if the ten-year plan will outline funding beyond the 2021 timeframe; the way in which it will co-ordinate with the national development plan; if it will incorporate a review of the role of PPPs; and if he will make a statement on the matter. [53590/17]

Deputy Dara Calleary: The capital review plan has been announced many times. Will the Minister provide an update on it? I am conscious that he intends to link the capital review with the national planning framework, a document which is extremely flawed. It is only in the consultation phase. Will the roll-out of the national planning framework delay the national capital plan?

Minister for Public Expenditure and Reform (Deputy Paschal Donohoe): As previously outlined to the Deputy in response to his parliamentary question on this matter in September and at other points, I will bring forward a review of the capital plan that will highlight some key themes which will closely inform and be incorporated into the analysis leading to finalisation of the new ten-year plan for public capital investment for the period from 2018 to 2027. The themes include confirmation of the central role of public capital investment and addressing overheating risks, as well as supporting social progress, the need to align public capital investment with a changing demographic profile, the critical importance of public capital infrastructure in meeting the essential requirement for balanced regional growth and promoting the societal transformation required to achieve climate action objectives, responding to Brexit, driving value for money and having in place strong business cases to underpin important projects. Based on this analysis, the review of the capital plan identified a number of key sectors as priorities for investment including transport, education, housing and health.

Consequently, between 2014 and 2021, public capital investment in Ireland will have more than doubled and as set out by the Irish Fiscal Advisory Council, this will see public investment in Ireland moving to among the highest in the EU. Capital expenditure will reach €7.8 billion in 2021, which is 3.5% of gross national income (Star), GNI*, and 11% of total voted expenditure.

As I have said on a number of occasions, it is my intention and that of the Government to integrate the capital plan with the national planning framework. The latter, as the Deputy correctly said, is out for consultation.. I believe that consultation will conclude quite soon. Once that is finished, we will finalise the national planning framework which will, in turn, determine the capital plan and we aim to publish both early in the new year.

Deputy Dara Calleary: While I know it is not the responsibility of the Minister's Depart-

ment, the national planning framework is a document that is causing serious concern. It has laid out choices with regard to the cities that are being selected but is leaving everything else to the regional assemblies in terms of spatial planning and, one would imagine, in terms of capital investment. Were we to publish the national planning framework in the first quarter of next year, there still would be a lot of work to be outlined for those areas and towns that have yet to be selected. Will the projects within the capital plan be put on hold until the full national planning framework is published or will the Minister go ahead with a capital plan in the context of the current version of the national planning framework?

Deputy Paschal Donohoe: We will go ahead with a capital plan once the input from the current consultation on the current draft plan is assessed and if any of it is taken on board. As for what the capital plan will look like, as Deputy Calleary is aware, the planning framework highlights a number of cities at present and beyond that, the framework will be influenced and led by regional assemblies. I do not anticipate that the ten-year capital plan will be able to detail every capital project undertaken in the country over the next decade. Work will need to go on at a regional level to translate the national planning framework into a reality, county by county. It is only when that work is done that we will be able to determine the full allocation of all of the planned expenditure. The capital plan will have a balance between identifying a number of projects and funds to ensure that the national approach is delivered, while still leaving flexibility in respect of many other parts of our State.

Deputy Dara Calleary: The International Monetary Fund, IMF, published a review of our infrastructure earlier this year and was generally positive about a lot of our infrastructural projects. However, it did state that the differing sectoral approaches to infrastructural development was an issue. It also noted that the state of our infrastructure was a barrier to progress. I presume the plan will deal with that but how are we going to deal with the differing sectoral approaches? Are we going to take an all-of-Government approach to infrastructural development and lay down certain standards? In that context, I welcome the fact that Luas cross-city came in under budget. Will the lessons of that project be learned and transferred across all capital spending?

Deputy Paschal Donohoe: There are two learnings that I have taken from the Luas cross-city project. The first is that if one has a State body that is led strongly with the right expertise in place and with a really clear mandate that is supported politically by its line Department, it can deliver complex projects on time and under budget. It is worth emphasising that Luas cross-city is a light rail project that, by and large, was built in the middle of our capital city and the complexities involved in that were immense. That is certainly something that I will be keeping in mind when we move forward.

Regarding the public investment management assessment, PIMA, report prepared by the IMF, the Deputy is correct that the IMF points out that in some areas, infrastructure is an impediment to realising all that we could do economically and socially. I have said the same on a number of occasions already. However, the IMF also said that in other areas, the quality and quantity of our infrastructural stock is positive. In response to the Deputy's questions on sectors, I intend that the capital plan will be multisectoral but there will be a balance. It is not realistic or achievable for the Government to say how every cent that may be available to the country will be spent over the next decade. We have to allow business cases to be made and we have to allow the national planning framework to be transferred into a reality in regions as well. As I said, we want to highlight and identify some key projects and then to create a framework for others.

Climate Change Policy

4. **Deputy Eamon Ryan** asked the Minister for Public Expenditure and Reform his plans to revise the national capital plan in view of the climate advisory committee's report on the shortcomings of the national mitigation plan; and if he will make a statement on the matter. [53817/17]

Deputy Eamon Ryan: To continue the conversation about the national capital plan, how are we going to make it green? How is the Government going to respond to the climate advisory committee's damning criticism of our national mitigation plan? We are not doing anything, it seems. The latest Environmental Protection Agency, EPA, figures show our emissions rising across all sectors, particularly in transport. The plan within the national planning framework is all about inter-urban motorways. There are no public transport projects listed other than the metro. There is nothing else planned. What is the Minister going to do to change that?

Deputy Paschal Donohoe: I would urge the Deputy to hold his fire with regard to public transport until he sees the plan. He has already made up his mind even though the plan has not been published yet. He has many powers but I did not realise that he had the ability to read my mind.

Deputy Eamon Ryan: I have read the national planning framework.

Deputy Paschal Donohoe: We might ask the Deputy to make some other predictions for the new year.

Deputy Kevin Boxer Moran: The lotto numbers would be good.

Deputy Paschal Donohoe: I urge the Deputy to wait until the plan is published before he makes his mind up on the nature of investment contained therein. I have said on a number of occasions that I recognise the value of public transport. However, I also must recognise that there are multiple reasons for going ahead with road projects. Much as I would like it to be, public transport cannot be the answer to connectivity for all parts of our country. We have certain road links that need to be safer and of a better quality than they are at present. If I do not respond to that need, I run the risk of creating other difficulties in the future.

If the Deputy looks at the four-year capital allocations the Government has just published, he will see that the Department of Transport, Tourism and Sport received more than €1 billion extra. The Department is prioritising and focusing on many projects, including public transport. In the recent budget, an additional €200 million in capital funding was allocated to the Department of Communications, Climate Action and Environment for the period up to 2021. This has allowed for a step change in efforts to achieve Ireland's energy efficiency targets and renewable energy objectives in the context of moving towards a low-carbon environment.

As I have said on a number of occasions, an objective of the plan that is being drafted at present to ascertain what progress we can make from a planning and capital point of view towards genuine sustainability.

Deputy Eamon Ryan: There is nothing in the national planning framework or in any recent Government publications about the DART interconnector, light rail for Cork or Galway or any of the public transport projects the Green Party would want in our cities. I cannot read crystal balls or predict the future but I read Government documents and ask parliamentary questions

and I see nothing happening. I have listened to the climate advisory committee, which has indicated there is a problem. Does the Minister admit that we have a problem with rising emissions? In a recent priority question, I asked about the price of carbon and the Minister said that in the capital plan assessment, the price for carbon is €7 per tonne. I asked every serious economist I could find, experts in the field, about this and they all replied that if we were serious, we would be doing what the World Bank and the European Investment Bank are doing and setting the price at €40 per tonne immediately. Will the Minister do that and run it as a rule through his capital plan? Does he admit that we have a problem, with emissions rising across every sector? I can see nothing in the Government's plans to tackle this. He said that we have done this, that and the other in the budget but it is not working. Will he admit that? What will he do to change?

Deputy Paschal Donohoe: I want our country to do better on climate change. The national planning framework will not reference capital projects. It is not its role to do so, rather it is the role of the capital plan. The capital plan will make provision for how we can do better in responding to the challenge of climate change and that is something we need to do.

As the Deputy is well aware, the long-term response to all of this is how we better plan and organise our country. A major element of the national planning framework at the moment is how to ensure that cities are developed in a more sustainable way. If we get sustainable development and higher densities of population in our cities, that facilitates, in turn, the roll-out of more public transport projects. In turn, that facilitates the delivery of a better kind of planning to ensure the mistakes of the past are not repeated in the coming years.

Deputy Eamon Ryan: I bring to my case again the Citizens' Assembly. The assembly did a fantastic job. There was exasperation among the assembly members at the lack of leadership from within Government. Sticking to the area of transport, one of the recommendations of the assembly was to switch the transport budget, currently under the watch of the Minister, from 2:1 in favour of roads over sustainable transport modes. The assembly members said this would show that the Government is serious about change and would back up its words.

It is not only about climate change. The policy is not working. This city is gridlocking. It is being killed at the moment for the lack of public transport expenditure. If we are serious about creating living cities that are vibrant economic and low carbon, then the Government should do what the Citizens' Assembly said and switch the transport budget ratio so that it is 2:1 in favour of sustainable transport rather than roads. Will the Minister commit to this Citizens' Assembly proposal as one of the ways in which we can start changing things?

Deputy Paschal Donohoe: As the Deputy will no doubt be aware – I am sure he has welcomed it – we have just had the opening of Luas Cross City this week. That is an example of the kind of public transport of which we need more.

I am aware of the recommendations of the Citizens' Assembly, but the assembly has the ability to consider each item in isolation whereas I do not. I have to pull everything together in the aggregate. I have to ensure all of the expenditure plans across all of Government equate to a figure that equals the amount of tax we are going to raise and the additional funding that we are going to borrow.

Moreover, I have to deal with issues with the Minister for Transport, Tourism and Sport, Deputy Ross, and his Department in respect of road safety, regional connectivity and how we can do that in an affordable way. I emphasise again my strong intention that when we publish

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the capital plan in the first quarter of next year, and I intend to publish it early in the first quarter, it will have an even more strengthened investment component to deal with the challenge of climate change.

An Leas-Cheann Comhairle: We will move on to Question No. 6 now even though Questions Nos. 5, 9 and 18 are grouped together. We will wait until we get to Question No. 9 for them.

Other Questions

Question No. 5 taken after Question No. 6.

Flood Prevention Measures

6. **Deputy Aindrias Moynihan** asked the Minister for Public Expenditure and Reform if he will report on the progress of flood defences in an area (details supplied); the next step in the works; and if he will make a statement on the matter. [53473/17]

Deputy Aindrias Moynihan: I have raised this issue of concern for Baile Bhuirne residents time and again in the House. They are concerned about flooding from the Sullane river anytime there is heavy rain. Residents need to see some progress. The issue has been ongoing since 2011, when we saw the initial designs, yet six years on, no works are in place. We need to see a plan of the works. The issue with the pearl mussel has already been set aside and resolved. There needs to be work and action at this point. We need to get an update on where flood defences for Baile Bhuirne stand.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): The Baile Bhuirne and Ballymakeera scheme is currently at outline design stage and the preferred options for the scheme are being finalised.

A submission to the National Parks and Wildlife Service was approved, allowing the scheme to progress to site investigations, at which point the results will inform the preferred options of the scheme. A surveying contractor was appointed in September 2017 to carry out a site investigation survey. On-site survey works were completed in November 2017 and the results of the site investigation will determine the preferred options and assist in developing realistic costings.

It is proposed to hold a second public information day followed by a public exhibition of the preferred scheme in the first half of 2018. When these stages are successfully completed and the proposals are broadly accepted by the public and stakeholders and the scheme is deemed technically, environmentally and economically viable, it will proceed to detailed design stage and secure formal confirmation by the Minister for Public Expenditure and Reform under the Arterial Drainage Acts.

My office continues to liaise with Cork County Council and local representatives on the scheme. I assure the Deputy that my office has included provision for the estimated costs of the proposed works in its financial profile in the period up to 2021.

Deputy Aindrias Moynihan: The detailed design was due in 2016. That was after the National Parks and Wildlife Service had cleared everything with the pearl mussel. A second exhibition was due in spring 2017. Again, when works were under way in the summer, the exhibition was expected at the end of 2017. Is there now further slippage? When will we get to detailed design stage on this scheme? Has a cost-benefit analysis been conducted at this point?

Numerous agencies have looked at this, including the National Parks and Wildlife Service, the Office of Public Works, the Department, fisheries organisations and various consultants. Even the Railway Procurement Agency has looked at the scheme, yet we seem to be nowhere near getting it built.

We are in much the same position as we were in 2011 and 2012 after the first exhibition. We need to see concrete works in place. Is the plan moving away from flood defences to digging in the river? Can the Minister of State confirm what kind of works are being lined up? Will we see the next exhibition in the spring in spite of the fact that it has slipped repeatedly?

Deputy Kevin Boxer Moran: As Deputy Moynihan is well aware, I was in Cork. I have visited most areas throughout the country, but I have visited Cork in particular because of this scheme. Since I came into this office in the past four and a half months I have made a high priority of several schemes, and this scheme is one of them. I assure Deputy Moynihan and the people that this is at the forefront and I intend to deliver on the scheme.

There were issues relating to the pearl mussel. We held extensive negotiations with the National Parks and Wildlife Service. It has been criticised, but the service has worked closely with my Department. I am happy to inform Deputy Moynihan that the scheme will start, hopefully, towards the end of next year. Deputy Moynihan should trust me.

Deputy Aindrias Moynihan: Tá sé fíorthábhachtach do mhuintir Bhaile Bhuirne agus do mhuintir Bhaile Mhic Íre go mbrúfaí chun cinn leis an gcosaint ar na tuilte ón Sulán. Is ábhar mórbhuartha é do mhuintir na háite agus teastaíonn uathu go mbrúfaí chun cinn leis gan a thuilleadh moille. Has a cost-benefit analysis been conducted on the scheme at this point? If not, why are we going so far down into it without doing that? Surely, if the analysis had been conducted earlier, it would raise the red flag and allow us to get on with it quickly. So many homes are impacted. The national primary road is impacted and the possibility of schools and businesses flooding also arises. It would really raise the profile if the cost-benefit analysis was carried out. It would be recognised as a high-profile scheme.

I acknowledge that the Minister of State has been around the Cork area. It is good that he is taking a hands-on interest. I am keen that the Minister of State would also take a hands-on interest in this scheme in Baile Bhuirne and push it on as quickly as possible. We have seen so many delays all the way through since 2011. The fresh water pearl mussel has not been a major issue for us in so far as we can live together. There are solutions that can work around that. We need to get the different agencies moving on it.

Deputy Kevin Boxer Moran: I know this is an important issue for Deputy Moynihan and the people he represents, especially the people in that area. I assure Deputy Moynihan that everything will be done to deliver on the scheme. I assure Deputy Moynihan that since I came into office, I have highlighted several schemes throughout the country, and I see this scheme as important. I have talked to the people who have made representations in this area. I want to deliver on this scheme for Deputy Moynihan and the people of the area.

An Leas-Cheann Comhairle: We will move on now to Question No. 9, which is grouped with Questions Nos. 5 and 18.

Freedom of Information Legislation

5. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform to outline his plans to reform freedom of information legislation. [53245/17]

9. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform if he has satisfied himself with the functioning of the freedom of information system in place under the Freedom of Information Act 2014; if he will consider amending section 44 of the Act to confer power on the Minister to instruct the Information Commissioner to carry out a review of the operations of the Act; and if he will make a statement on the matter. [53475/17]

18. **Deputy Mick Wallace** asked the Minister for Public Expenditure and Reform if he has satisfied himself that section 27 of the Freedom of Information Act 2014 is functioning properly; if all agencies that come under freedom of information legislation following the Act are applying fees and charges for FOI requests in an open and transparent manner; if guidelines are issued to the agencies with regard to calculating fees and charges; and if he will make a statement on the matter. [53476/17]

Deputy Mick Wallace: The questions relate to the current freedom of information legislation. Is the Minister satisfied that the legislation is functioning properly? Will the Minister consider amending section 44 of the Act so that he can instruct the Information Commissioner to carry out a review of the operation of the Act?

My interactions with numerous freedom of information departments, State bodies and Departments lead me to believe the legislation is not working. I do not believe this so-called world-class legislation is offering the transparency and accountability promised.

11 o'clock

We discussed this in September and the Minister stated he was not against the idea of looking at it. I am wondering what he thinks at this stage.

Deputy Paschal Donohoe: I propose to take Questions Nos. 5, 9 and 18 together.

As specified in section 43(3) of the Freedom of Information Act 2014, the Information Commissioner is fully independent in the performance of his functions, including those under section 44 of the Act. I have reviewed this area and I have no plans to amend the Act to allow for a Minister to instruct the commissioner in this regard. To do so would adversely affect the important independent role of the commissioner.

However, as Deputies may be aware, an extensive review of the operation of the freedom of information, FOI, framework fed into the development of the Freedom of Information Act 2014 which introduced a modernised, consolidated, restructured and more accessible system. The Act, alongside an FOI code of practice, seeks to bring about greater efficiency and consistency and promote best practice in the operation of FOI throughout public bodies.

Section 27 of the Freedom of Information Act 2014 relates to fees and charges. Among the

key reforms of the Act was the removal of the requirement to pay upfront fees for making requests to public bodies and the significant reduction in the cost of applying for internal reviews and appeals to the Information Commissioner. In addition, in relation to non-personal requests, a minimum threshold of €101 was introduced below which no search, retrieval and copying fees can be charged. This means that if a request is focused and takes no longer than five hours to search for, the requests will be processed free of charge. However, I, as Minister, have no role in monitoring or policing of individual decisions, including in relation to fees.

For the information of the Deputy, some 30,417 FOI requests were processed by public bodies in 2016. It is a record number and a doubling of the number reached under the previous Act, with 73% of those requests granted either in full or in part. It is also worth noting that in only 3% of cases did requesters avail of the review mechanism available to them.

Deputy Mick Wallace: Speaking of charges, there needs to be a reform of the system. It lacks consistency in how search and retrieval fees are estimated or applied across various State bodies or Departments under FOI. Certain Departments are looking to charge crazy fees and it acts as a deterrent. Even though the Minister is telling me that the numbers are up, I would like to see what exactly is being retrieved.

I put in an FOI request to the Department of Employment Affairs and Social Protection on correspondence between the Department and the Office of the Data Protection Commissioner and the Road Safety Authority since 2010. I was given an estimate that the services of four staff members would come to a total of 654.5 hours search and retrieval work on my request and they were charging €20 an hour. The total bill was to be €12,912, not including photocopying. That, obviously, was a little on the prohibitive side and put me off somewhat. It is worth looking at.

Before I forget, if the Minister is writing to Santa Claus, will he ask him for two tickets for Spurs v. Juve and he can bring me to London for Christmas?

Deputy Eugene Murphy: Now there is one for the Minister.

An Leas-Cheann Comhairle: The Minister will oblige at a price.

Deputy Aindrias Moynihan: They have a lot in common.

Deputy Paschal Donohoe: Deputy Wallace and I have that in common anyway.

On his point in relation to a freedom of information request, there is an economic cost involved in meeting freedom of information requests. I am sure what the Department told the Deputy is correct, that it would take four civil servants that period of time to meet his request which means there is other work that cannot be done by them. As a result, it is reasonable to outline and charge applicants a portion of that cost. However, as the Deputy will be aware, we have brought in a minimum threshold and if the request takes no longer than five hours to search for, it will be dealt with free of charge.

The freedom of information legislation, despite the point made by Deputy Wallace, has yielded to him and others huge insights into both good things and challenges in our country.

Deputy Mick Wallace: Another area worth looking at is the recording of records. Neither the FOI Act nor the National Archives Act 1986, which covers Departments' records, specifically require Departments or State bodies to make records in the first place. We now have a situation where civil servants are recording less and less and are not taking minutes of meetings

all the time or notes of calls.

I was looking at a document entitled Governance Framework of the Department of Public Expenditure and Reform, the Minister's own Department, written in 2016. It states, "It is proper to maintaining a meaningful record of the department's activities to regularly thin out the documents you work with and to retain only those that provide for efficiency and contribute to transparency, accountability and a meaningful archival record." I take it that "thin out" is another word for shredding. It needs to be looked at. Currently, it is only an offence under the FOI Act to destroy a record after a request has been received in relation to that record. We have a situation, for example, where NAMA can destroy all the emails of staff 12 months after they have left and it is not illegal. Is that right? Should it be that way? Does the Minister agree this is information that is in the public interest? Surely it is hardly good enough that NAMA should be allowed to destroy it after one year.

Deputy Paschal Donohoe: I cannot comment on the particular incident that the Deputy has referred to in relation to NAMA because I am not aware of it. I cannot comment on something unless I have more information on it. By and large, public bodies should be retaining all of their records that support decisions, either in relation to individuals or policy matters.

However, it is the case, certainly at political level, that the existence of freedom of information legislation has had an affect on the way Ministers communicate with their Departments and how they detail matters. I myself see it. It has happened to me. If I make a comment on a particular matter, the comment, when revealed under FOI, can then be interpreted in any way people see fit. There was an issue recently where I made a point in relation to the number of SNAs in the State. I merely made the point, in the context of a document I was assessing, that we now have more SNAs than gardaí. Within hours of that being revealed under FOI, I was being attacked for not appreciating the value of SNAs which, of course, I never said. It is a reality that freedom of information legislation has affected the ability of people like myself to communicate on matters like that.

In relation to freedom of information, Departments should be retaining all records on either individual or policy matters unless there is an exceptional circumstance to say they should not.

An Leas-Cheann Comhairle: As Deputy Wallace has another question grouped, he is entitled to one more supplementary.

Deputy Mick Wallace: The previous Minister for Finance, Deputy Noonan, gave permission for NAMA to destroy information a year after staff had left. Would the Minister consider looking at that, if he was not aware of it? I get the impression from the Minister's previous reply that he thinks information should be on record. It is in the public interest that it is available. NAMA is a public body. Would the Minister consider looking at it in order to change the current arrangement?

Deputy Paschal Donohoe: As I said, I will not comment on the NAMA matter that Deputy Wallace has raised with me until I have more information on it and I can see was that decision taken and why. When I have had a look at that, I will be in a position to comment better on the matter.

An Leas-Cheann Comhairle: We are going back to Question No. 7. Deputy Barry was just coming in the door. There has to be a penalty and the penalty is that we will go straight to the reply.

Public Service Retirement Age

7. **Deputy Mick Barry** asked the Minister for Public Expenditure and Reform the way in which he will ensure that public servants who opt to work until 70 years of age will be doing so out of a desire to work as opposed to feeling compelled to do so for economic reasons; and if he will make a statement on the matter. [53259/17]

Deputy Paschal Donohoe: The Deputy will be aware that last week the Government decided to increase the compulsory retirement age from 65 to 70 for public servants recruited prior to 1 April 2004. I announced this on Wednesday last with the Ministers of State, Deputies O'Donovan and Moran. The decision to remain at work beyond the age of 65 will be completely voluntary on the part of the employee. There will be no change to the minimum pension age, that is, the age at which a public servant can retire and receive his or her pension. Once the necessary legislation is commenced, public servants, when they reach the minimum pension age, will be free to retire and receive their pensions at the time of their choosing but will also be free to continue in work up to the age of 70. This will enhance the options available to employees as they approach retirement.

The gap between the current compulsory retirement age of 65 for the pre-2004 cohort and the age of eligibility for the contributory State pension, which is 66, is one of the key policy considerations which gave rise to the changes I announced last week. The pensions of post-1995 public servants are integrated with the contributory State pension. This results in a situation where the pensioner generally applies to the Department of Employment Affairs and Social Protection for social welfare benefit, which is usually jobseeker's benefit, for the intervening year. Many pensioners are not comfortable with that arrangement because they are required to register for social welfare benefits despite the fact that they have retired. Pensioners feel that they have earned their pensions and should not have to sign on as jobseekers for that period. Many would prefer to continue to work until normal State pension age rather than engage in such a process. This process is likely to become more protracted as the age of eligibility for the State pension increases in 2021 and 2028.

Many public servants want to continue to work beyond the age of 65 because they are fit and healthy and have the ability to contribute further. Others might not feel the same. This decision recognises the rights and interests of both groups.

Deputy Mick Barry: Public servants will now be able to work until the age of 70. The question is whether they will be compelled to do so or whether they will do it out of a desire to work. The Minister says that the decision for those public servant workers is completely voluntary. I put it to him that he has put in conditions which mean it is not completely voluntary. I will list three: the increased take in the form of the now consolidated public service pension levy; the replacement of half final salary with half career average earnings; and the breaking of the automatic link between salary and pensions post-retirement and its replacement with periodic non-automatic links with the consumer price index. Any reasonable analysis would show there is an economic push factor that will force many public servants to work until 70, long after they would wish to be the case.

Deputy Paschal Donohoe: If I came in here and told the Deputy that I am going to create a socialist republic in which the means of production are owned by every citizen of Ireland and would guarantee basic State income for everyone, it would not be good enough for him. This is a progressive measure that has been well recognised, appreciated and noted by unions, those

they represent and civil and public servants across the State. There is no coercion or compulsion; it is entirely voluntary. As the Deputy well knows, the issues he has just raised have nothing to do with this decision. They are concerned with trying to ensure that our pensions in the future are on a more solid and sustainable footing. If they were not on a solid and sustainable footing in a few years' time, the Deputy would be the first into the Dáil to lambaste the Government for not making the right decisions. His kind of government - and his abdication of responsibility and continued commitment to rhetoric - takes no account of the fact that this is a good decision, as recognised by many.

Deputy Mick Barry: That was a very interesting reply. If the Minister comes into the House to propose a socialist republic with public ownership of the means of production, I will second his proposal.

Deputy Thomas P. Broughan: Hear, hear.

Deputy Mick Barry: I bet, however, that the Minister would not do it. He is a defender of the capitalist system and the rule of the 1% elite. Despite all the bluff and bluster from the Minister, many people will be smelling a rat here. It is well known that the Government intends to bring the State pension age up to 68. It is not a wild leap of the imagination to suspect that the ultimate aim of the Minister and the political establishment is to eliminate the difference between 68 and 70 and make the latter the normal retirement age. When we have that socialist republic, which we will have, we will reduce it to 65 years and below so that workers will have a decent lifestyle. That is very different from what is on offer here.

Deputy Dara Calleary: No one will have to work.

Deputy Paschal Donohoe: The chances of a socialist republic coming about will always be significantly reduced by the unwillingness of the Deputy and those in his party to take any position of responsibility or to ever seek to enter office to better those whom we represent and take the inevitable consequences involved in holding public office. I do not know who the Deputy is looking at over here when he speaks about the establishment.

Deputy Mick Barry: I am looking at the Minister.

Deputy Paschal Donohoe: I am not a member of any establishment. I represent the people of Dublin Central. I do not represent the 1% of which the Deputy speaks. I am trying to make good decisions, which involve compromise, for the betterment of all. This is a sensible decision. The Deputy is right that there will be changes in the retirement age between 2021 and 2028. This is about ensuring that we have a State pension that is at a good level and affordable for all. This is trying to do the right thing by people who work and by those who will depend on the State pension and the non-contributory State pension in the future. These are not the actions of an establishment but of a Government that is trying to do the right thing by ordinary people.

Question No. 8 replied to with Written Answers.

Question No. 9 answered with Question No. 5.

Voluntary Sector Remuneration

10. **Deputy Joan Burton** asked the Minister for Public Expenditure and Reform if his Department provides funding to organisations (details supplied) to facilitate pay restoration; and if he will make a statement on the matter. [53432/17]

Deputy Joan Burton: This question relates to workers paid out of the public purse, particularly in hospices but also in other section 39 organisations, who voluntarily took pay reductions during the country's darkest hour when the economy crashed. As these salaries are entirely funded out of the public purse, what are the Minister's plans to make a declaration on providing properly for pay restoration for these people who took a hit in the public interest? When will the Minister restore their wages?

Deputy Paschal Donohoe: The particular work of these organisations in the community and voluntary sector is greatly appreciated, particularly in light of their commitment, dedication and hard work. The organisations deliver a wide array of much-needed support services at community level to a very varied range of users on a day-to-day basis throughout the year.

The Deputy will be aware, however, that the organisations to which she refers are concerns and operations in respect of which my Department does not have actual corporate responsibility or direct involvement. Let us bear in mind the number of people involved. As non-public servants, the staff of such organisations could exceed 100,000. There could be more than 100,000 individuals working in these sectors. Some 300,000 people are working directly for the State. As many as one third more could be working for these organisations. These individuals did not fall within the application of the FEMPI legislation, which involved reductions in pay and increases in pension contributions for public servants. It is correspondingly the case that current public service pay policy does not extend to such organisations. This is a matter for those organisations, which are self-governed and accountable to their management for their own financial resources. It is not the case that many of these organisations are entirely funded by the State. Many of them have their own sources and streams of funding.

Since the Deputy raised the matter with me - she and Deputy Calleary have done so on a number of occasions - I sought to deepen my understanding of what is involved. It is not a uniform case that all of these organisations cut wages. Some organisations did cut wages, which I acknowledge, but others did not. Other organisations may have changed the number of people working for them or made changes to find cost savings elsewhere. A huge number of these organisations come within the remit of the Department of Health, not to mention those that come with the remits of the Departments of Employment Affairs and Social Protection and Children and Youth Affairs.

Deputy Joan Burton: As the Minister knows, my correspondence on this has been particularly directed to the hospices. He knows St. Francis Hospice, which serves my constituency and his. The other sources of funding the Minister refers to are the donations of the public in each area to develop, build and rebuild the absolutely vital services for people in the last stages of terminal illness. Not only that, but the hospice movement has evolved in an absolutely wonderful way in recent years. Nowadays it has service level agreements with big general hospitals to provide a hospice service where people could be dying under bright lights in a ward full of people. The Minister can make a declaration and there is a precedent in respect of the salaries of school secretaries. I do not deny there are problems with some organisations but the Minister must address this.

Deputy Paschal Donohoe: On foot of the Deputy raising this matter, I asked the Department to do some work for me to tell me how much funding goes to section 39 organisations and what has been the trend in that funding over the past few years. I also asked for an update on whether organisations implemented pay reductions that were consistent with the financial emergency measures in the public interest, FEMPI, and if so how they did that. I acknowledge and am familiar with the work of the hospice movement and with the hospice the Deputy refers to.

In 2016 just over €1 billion was made available to section 39 organisations. I then asked for an assessment of how that had changed over the past few years. Between 2014 and 2016 that figure has gone up by 15%. I then asked the Department to tell me whether, for organisations that did go ahead and implement wage reductions, there was any consistency in that. The complexity of this matter arises from the fact that there is not. I have no evidence to say that organisations that, for example, did decide to pass on the pay reductions passed them on at the same time as they were made within the public service. We have to make an assessment that it happened at the same rate as in the public service. That is why it is very difficult for me at this point to give the declaration the Deputy is asking for.

She was good enough to acknowledge the complexity of this issue. It is deeply complex and potentially involves up to 100,000 people in organisations in the State.

Deputy Joan Burton: Last week we in the Dáil passed a Supplementary Estimate for the Department of Health of €195 million, which is additional to the huge extra funding that has been put into that Department over recent years. I do a lot of voluntary work for the hospice, as do so many other citizens. The hospices in Limerick, in Milford, in my area, in Raheny, which is in Deputy Broughan's area, and in Cork are all recruiting staff nurses, doctors and other staff from the general HSE system. I do not think it is the Minister's intention but he is in effect asking somebody who leaves, for example, Connolly or Beaumont hospitals to go to St. Francis Hospice in Raheny or Blanchardstown to take, from this year on, a reduction of up to 3% in basic pay. Does the Minister as a manager understand the difficulty that poses for the hospices? It is almost impossible to continue to recruit with a drop in pay levels for those transferring.

An Leas-Cheann Comhairle: As there is a lot of interest in this question, under Standing Orders I can call on others for brief supplementary questions.

Deputy Dara Calleary: I want to express my frustration because I sought to table this issue as my first priority and the Minister's office transferred it to the Department of Health. I thank Deputy Burton for tabling it.

The HSE wrote in the immediate aftermath of the FEMPI legislation, in 2010, to all of these section 39 organisations and withdrew the equivalent amount of the FEMPI reductions in public service from their budgets. There may not have been a direct link between FEMPI and the section 39 organisations but they and, more importantly, their employees paid the FEMPI price. Now that we are reversing FEMPI, and it was the HSE that made the link not the Department of Public Expenditure and Reform, it affects the hospice movement and all sorts of other organisations. We are telling them they took the hit for the State but now that we are in a position to give the funds back to State employees, we will not do the same for them. Can the Minister share the work his Department did with us here in the House so that we can actually see what organisations are playing ducks and drakes with this?

Deputy Thomas P. Broughan: The Minister's response to Deputy Burton is disingenuous.

I am familiar too with the hospice movement. When the Irish Wheelchair Association, IWA, and Rehab came in here they showed how they had cut salaries in step with FEMPI, as they were asked to do at the time. The Minister may not be aware that the IWA took a case to the Labour Court recently and was vindicated. The trade unions obtained a decision that workers in that organisation should get a 7% rise in salary. I raised this at one of the first Leaders' Questions taken by Deputy Varadkar when he became Taoiseach. There is a clear case for this House to do justice to these very valuable 100,000 workers.

Deputy Paschal Donohoe: The Department of Health and in particular the HSE will receive additional funding next year of over €580 million. Deputy Burton referred to the Supplementary Estimate of €180 million that went through the House some days ago in respect of health, a portion of which was to continue to fund an access plan later this year but most of it was to continue to contribute to the funding of essential day-to-day services.

Giving an answer that recognises the complexity of an issue is not the same as being disingenuous. They are different things.

Deputy Thomas P. Broughan: For many of those the Minister is employing his response is disingenuous.

Deputy Paschal Donohoe: I have not attempted in any way to under appreciate the contribution these workers make or the value of these organisations. I am making the point that the funding available to these organisations has gone up substantially over recent years. I have every reason to expect that upon publication of the HSE service action plan funding for those organisations will go up again next year, as it has in previous years. If organisations have made changes in payment to their staff during the period of FEMPI cuts taking place for those who worked directly for the public service those organisations should re-engage with their staff now. There are 100,000 individuals working in this sector across a wide variety of organisations but they do not work for the State and I cannot single out one sector, such as the hospices, which do great work because every other sector will expect the same ruling to be applied to them. This is why it must be a matter for the employers to work out with their employees.

Public Procurement Regulations

11. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform his views on whether the guidelines for public procurement are being applied consistently throughout the public service; the specific measures that have been implemented to ensure that there is adherence to the rules on public procurement; and if he will make a statement on the matter. [53462/17]

Deputy Dara Calleary: The Minister and I have had several discussions on procurement and particularly on making it a friendlier process for small business. Is he happy that the guidelines for public procurement are consistent across the public service? Is he happy that those rules are being applied? Will he comment on an issue that arose overnight, the spending of €135,000 by the Central Bank on a lighting installation in its new headquarters? Is that a good use of taxpayers' money?

Deputy Patrick O'Donovan: I thank the Deputy for his question. As he and the rest of the House know, public procurement is governed by well-established European Union, EU, and

national rules and guidelines. The aim of these rules is to promote an open, competitive and non-discriminatory public procurement regime which delivers best value for money.

As Minister of State at the Department of Public Expenditure and Reform with special responsibility for public procurement, I launched new public procurement guidelines for goods and services in July this year. These guidelines replace previous guidelines published by the Department of Finance and take account of 2014 EU directives on public procurement, as implemented in Ireland. The purpose of these guidelines is to promote best practice and consistency of application of the public procurement rules relating to the purchase of goods and services. The guidelines form part of the national procurement policy framework, which consists of five strands. These are legislation, policy, capital works management framework for public works, general procurement guidelines for goods and services and more detailed technical guidelines, template documents and notes issued periodically by the policy unit of the Office of Government Procurement.

These new guidelines are aimed at demystifying some of the more complex rules and procedures around public procurement and making them more accessible to both contracting authorities and suppliers. They are intended to serve as a tool kit for practitioners and a general reference document for suppliers. They have been written in plain language with a view to providing a clear appreciation of the rules and best practice attached to the various stages of the procurement process from specification through to selection and award stages, and through to the contract management stage. They promote and reinforce improved best practice, standardisation and consistency of approach among public procurement practitioners. The guidelines facilitate public bodies in meeting their corporate governance requirements relating to procurement. However, it is the responsibility of each contracting authority to ensure they comply with EU and national rules relating to public procurement.

Public procurement practices are subject to audit and scrutiny under the Comptroller and Auditor General (Amendment) Act 1993 and the Local Government Reform Act 2014, and Accounting Officers are publicly accountable for expenditure incurred. Individual contracting authorities are responsible for establishing arrangements for ensuring the proper conduct of their affairs, including conformance to standards of good governance and accountability with regard to procurement.

I do not have the details of the last point mentioned by the Deputy. I did not hear of it overnight but I will certainly have my office and the Office of Government Procurement look at it and I will facilitate the Deputy with an answer later.

Deputy Dara Calleary: I thank the Minister of State. It is in this morning's *Irish Mirror* and I recommend that the Minister of State look at it. It sends a very bad signal as people are still struggling. We have discussed the shortage of money for section 39 organisations but in some sections of the State there is a level of extravagance.

I acknowledge the work being done by the Minister of State and his office in "demystifying" procurement. What complaints procedures are in place and are the complaints procedures around procurement demystified for people who want feedback on why they failed or lost a contract? What is the Department doing to ensure small businesses can access Government procurement? I have quoted the case before of libraries - I know this relates to the Department of Housing, Planning and Local Government - that buy their books centrally. This inhibits small, independent publishers from getting access to local libraries because of the manner in

which procurement in libraries is done. There are countless examples of small and niche businesses being excluded from Government procurement because of the way rules are applied. What is their avenue for getting involved with procurement and complaints?

Deputy Patrick O'Donovan: Deputy Calleary has acknowledged before that the vast majority of Government expenditure on procurement is spent in the State. It is in excess of 90%. Of that, over 50% is spent with small and medium enterprises, SMEs. I chair the SME section within the procurement element of the Department of Public Expenditure and Reform. We meet regularly and tease out matters that representative organisations of the SME sector have. There are a number of matters we are working through, particularly in the communications area. We will launch a more user-friendly communications strategy early in the new year to identify how people would best facilitate their own business with respect to procurement.

We do not disagree with the Deputy's comments on appeals. That is why the tender advisory service is being updated so people can get proper feedback when they do not succeed. It is important to say it is ultimately the awarding contract authority that has the responsibility for managing the contract and not the Office of Government Procurement, which deals with the implementation of frameworks.

The Deputy raised the matter of library books and I appreciate that. I come from a place where local journals are very important but those Limerick journals might not be as important in County Louth. The same would apply in Mayo. It is something on which we are reflecting to see if we can reach an accommodation.

Capital Expenditure Programme Review

12. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which, in the context of the capital review programme, he expects to be in a position to make provision for the projects previously identified as being integral to crucial infrastructure investment; if he will extend the remit; and if he will make a statement on the matter. [53471/17]

157. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which investment in infrastructure is likely to remain part of reform within the public sector while meeting necessary objectives to facilitate economic requirements; and if he will make a statement on the matter. [53942/17]

Deputy Bernard J. Durkan: In the context of the capital review, what is the extent to which the Minister has managed to identify the most critical elements of infrastructure with a view to completing them in a reasonable period?

Deputy Paschal Donohoe: I propose to take Questions Nos. 12 and 157 together.

As I announced in budget 2018, the Government has allocated significant increases in public capital investment amounting to €4.3 billion over the period 2018-21. This was in addition to the additional €2.2 billion for housing already allocated prior to that for the implementation of the Action Plan for Housing and Homelessness. These funding allocations were informed and advised by the detailed analysis and assessment carried out in the context of the recent review of the 2015 capital plan, *Building on Recovery*, which I published in September. Consequently, between 2014 and 2021, public capital expenditure in Ireland will have more than doubled and

as set out by the Irish Fiscal Advisory Council, this will see public investment in Ireland moving to among the highest in the European Union, EU. I am satisfied this new planned level of public capital investment represents an appropriate balance between the need for additional investment to realise the economy's long-term growth potential, the capacity of the economy to deliver sustainable public infrastructure consistent with fiscal and macroeconomic sustainability and the need to adhere to the responsible and reasonable spending.

In the meantime, the delivery of a large number of public capital investment projects and programmes is proceeding. The position relating to any individual project is a matter, in the first instance, for the relevant responsible Minister and the review of the 2015 capital plan includes an update for each Department setting out the significant progress already being made in implementation. A copy of the review has been supplied to all Deputies. My Department also published a major projects tracker, providing an update on progress on all projects above €20 million.

Deputy Bernard J. Durkan: I thank the Minister for his reply. Has the Minister placed special emphasis on the need to identify particularly sensitive infrastructure items with a view to recognising the fundamental elements they present in terms of delivery to a wider circle? To what extent does he see the possibility of advancing those as a priority?

Deputy Paschal Donohoe: It is a priority and we want to advance a number of projects we believe will benefit many of our citizens. I would point to what we want to achieve in the housing area, where signs of progress are beginning to become tangible. We need to see more of that happening next year. I look at parts of Dublin with which I am familiar and see, for example, the opening of Broome Lodge in Cabra. Tomorrow morning we will confirm the project will go ahead at Mary's Mansions, in the heart of Dublin's north inner city. It has long needed further investment and the set of homes there needs more support than is currently available. We need to move ahead with hundreds of these types of projects across the length and breadth of our country. There has also been the completion of the Gort to Tuam road and the Luas cross-city project. I know the Deputy has a strong interest in road projects in his own county.

Deputy Bernard J. Durkan: They are very important.

Deputy Paschal Donohoe: We will see them move ahead soon.

Deputy Bernard J. Durkan: I thank the Minister. If the Minister intends going in that direction, will favourable consideration be given to requisitions from the various bodies whose responsibility it is to deliver in these projects, whether they relate to road, rail, bridge or elements of health and education services? To what extent will he sympathetically deal with those in the event of the responsible bodies and Ministers approaching him for advancements or expedited processes?

Deputy Paschal Donohoe: We could be on tricker ground there.

Deputy Bernard J. Durkan: That is why I asked the question.

Deputy Kevin Boxer Moran: We were going well for a minute.

Deputy Paschal Donohoe: From my extensive experience of this issue in recent years, it is one that will increase next year and beyond. Understandably, every Government agency only considers expenditure needs in its own area of responsibility. When all of that is added together,

though, it represents a figure the Exchequer is not capable of meeting. If we could meet it, there would be a separate issue regarding the ability of our economy to translate those projects into reality on the ground because of the need to have workers available to do the work and projects delivered in a way that does not contribute to prices rising even further within our economy.

I have noticed a trend in recent years. There are a number of Departments whose demands, when combined at budget time, usually exceed by multiples all of the money that is available to the Government on budget day. I am beginning to notice that this is even more the case for Government agencies. If left to their own devices, each of them would make a pitch for nearly all of the additional resources that are available to the Government. We must monitor that and manage the balance carefully next year.

Deputy Bernard J. Durkan: I might be able to help the Minister with that.

Civil Service Reform

13. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on the Civil Service People Strategy 2017-2020 and on the way in which this is being delivered to create a high-performing Civil Service; and if he will make a statement on the matter. [53255/17]

Deputy Thomas P. Broughan: Obviously, we have all been reading Our Public Service 2020-----

Deputy Paschal Donohoe: Excellent.

Deputy Thomas P. Broughan: -----which is a fine summary of the work of our 315,000 public servants, to whom we are greatly indebted, across all of the key sectors of the public service - health, education, security and so on.

I wish to ask about this matter because the public service resource is our people, the men and women who are all around us in the Chamber today, in Departments and throughout the Republic. How will the great slogans and 18 actions contained in “Our Public Service 2020” operate in terms of the three pillars of the HR function, those being continuous professional development, strengthening performance management and promoting equality, diversity and inclusion? One wonders why we do not achieve equality, diversity and inclusion all the time as we recruit. How do we manage the outstanding people who work for us?

Deputy Paschal Donohoe: I am delighted that the Deputy has read the document. It was great to launch it earlier this week with the Secretary General of my Department.

Deputy Thomas P. Broughan: The Minister did not invite me.

Deputy Paschal Donohoe: Now that I know the Deputy has such an interest in it, we will make sure to invite him to the sequel and other events that happen in the run up to it.

Deputy Thomas P. Broughan: Okay.

Deputy Paschal Donohoe: As the Deputy knows, this is the third iteration of what we have been doing in terms of Civil Service reform. In direct answer to his question on how we will make these things happen, two developments will allow for much of that. I will then conclude

with an observation on the interesting point that the Deputy made about diversity and inclusion.

First, we will soon set up a public service management leadership board, an entity that will have all of the senior leaders, not only in our Civil Service, but across the public service, coming together on a regular basis to review progress in delivering this plan. That is not something that we have done previously. It is separate to the Civil Service Management Board, which considers how to implement Government decisions, policy and so on. This will all be about how we bring that document to life.

Second, we now have a chief HR officer, who is looking to roll out consistent HR practice across all Departments. In the next three years, HR sections in Departments will be strengthened and supported more from the centre, which is the Department of Public Expenditure and Reform, to make that strategy happen.

It is interesting that the Deputy made a point about inclusion. I have noticed, as recruitment into the Civil Service has returned to reasonable levels in recent years, the significant quality and diversity of young civil servants who have joined. This is encouraging for the future of the Civil Service but we cannot take it for granted. We are examining ways of better recruiting on university campuses, for example.

Deputy Thomas P. Broughan: I welcome the Minister's establishment of a public service development board, if that was the name mentioned, but a basic point must be acknowledged. The report includes the findings that our Civil Service ranks as first in the European Union as the most professional and least politicised public service, ranks sixth for the quality of our public administration and ranks fifth in terms of the perception that government decisions are implemented effectively. Reading this is heartening, given the fact that the austerity and cut-backs across the public service since 2008 and 2009 were devastating.

I wish to address some issues specifically. Is the Minister concerned that, for specialist areas in the public service, salary structures, rewards and so on are insufficient? Yesterday, Members were discussing the Department of Defence and how some specialists needed by the Defence Forces, for example, in the medical corps, are not available.

An Leas-Cheann Comhairle: Do we have another question?

Deputy Thomas P. Broughan: Regarding professional development, is there a role in Ireland for third level specialist colleges like those in, for example, France, where the cadre of leading civil servants receive continuous professional education?

An Leas-Cheann Comhairle: The Deputy has asked his two supplementary questions.

Deputy Paschal Donohoe: The Deputy asked a number of questions. We will also have a strategic advisory board, whose job it will be to oversee the implementation of the strategy.

Regarding salary levels and the retention of specialists, there could be an issue with a number of specialist roles across the public service. I have asked the Public Service Pay Commission to investigate the matter, beginning with the health service. I met the commission and its chairman, Mr. Kevin Duffy, a number of weeks ago. That work is under way. I must be careful that any decision we make regarding individual roles does not unravel or adversely impact on the integrity of our overall pay policy.

The answer to whether I believe that a specialist university is required beyond what we

already have is “No”. We make great use of bodies like the Institute of Public Administration. My Department has started running a number of diplomas and certificates in specialist areas to support the professional development of our staff.

An Leas-Cheann Comhairle: Does Deputy Broughan have another question?

Deputy Thomas P. Broughan: Just a follow-up. The report stresses service delivery and public feedback. There is incredible dissatisfaction among our constituents with the delivery of a modern health service or the delivery of any kind of social housing pipeline. People are much happier with the delivery of basic services in other areas, for example, education and the Civil Service generally. Is communication with the public something on which the public service is relatively weak and that needs to be strengthened in order that people are aware of the acute dissatisfaction with many areas of service delivery?

Deputy Paschal Donohoe: The Deputy is right, in that the strategy points to customer engagement as something that we need to do even better in future. It is something we have begun to do a lot of work on over the past 18 months. The two examples I offer to the Deputy are, first, the survey the Minister for Health launched during this week regarding the patient experience for people looking to enter hospital and, second, the publication earlier in the year of a customer satisfaction survey for businesses that engage with the Civil Service. We did that by focusing on businesses. I was very pleased to see that, across a range of different areas, businesses felt they were getting fair and effective treatment from the Civil Service, with a particular focus on the professionalism of and role played by the Revenue Commissioners.

Flood Relief Schemes Status

14. **Deputy James Browne** asked the Minister for Public Expenditure and Reform the status of the development of the Enniscorthy flood defence scheme; and if he will make a statement on the matter. [53251/17]

Deputy Kevin Boxer Moran: The River Slaney-Enniscorthy flood relief scheme is being progressed by Wexford County Council as the contracting authority, with funding by the Office of Public Works.

Good progress is being made in advancing the scheme and a significant amount of the necessary ground work to inform the detailed design of the scheme has been carried out to date. Further work is required on the technical and cost aspects before the scheme is ready to be brought to a public information day. It is planned, however, to hold a public information day, on which the current design of the scheme will be outlined, in quarter 2 of 2018. Subject to a satisfactory outcome to the public information day, it is anticipated that the scheme will be ready to be submitted for confirmation or formal ministerial approval and to go to tender in quarter 3 of 2018. Subject to formal confirmation of the scheme by the Minister for Finance and for Public Expenditure and Reform, we hope to commence construction in late 2018.

Deputy James Browne: As the Minister of State is aware, Enniscorthy has been prone to consistent flooding and there has been extreme flooding in the town on numerous occasions, most recently in 2015 during Storm Frank. Obviously, the townspeople, including the business owners, are distraught every time this happens. The town lies in a valley and the flooding does huge economic damage, but the psychological damage to business people and those living in

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the area is also significant. We are very anxious that this scheme is advanced as quickly as possible. One of the first things I did when I became a member of the town council was to help to try to resurrect the scheme, to which people had previously objected. It is very important for the town that it be advanced as quickly as possible.

Deputy Kevin Boxer Moran: I will visit the area very shortly, as the Deputy is aware. The Minister of State, Deputy D'Arcy, has also contacted me in this regard. I assure Deputy Browne that this is a top priority for the Government and me.

Deputy James Browne: I thank the Minister of State. It is very welcome that he is coming to Wexford and I know he is very interested in the area. When he comes to Wexford, I am anxious that the Minister of State should visit the Enniscorthy flood relief scheme, which can be a good news story if it is advanced. I particularly want to praise the staff of the council, Slaney rescue services personnel and the members of the other blue-light organisations, who, on every occasion there are extreme weather conditions in Enniscorthy, risk their lives to help local people.

Deputy Kevin Boxer Moran: I am happy with that.

Questions Nos. 15 and 16 replied to with Written Answers.

Flood Relief Schemes Data

17. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform the flood relief projects undertaken in 2017; the projects planned for 2018; the status of CFRAM; and if he will make a statement on the matter. [53461/17]

Deputy Dara Calleary: I ask the Minister of State to provide an update on the status of CFRAM and on the major projects that are planned. I do not want a long list of everything the Minister of State has done, which I am sure he had planned to give, just an update on CFRAM and the major projects planned for 2018.

Deputy Kevin Boxer Moran: I could, of course, mention many schemes. Since I was elected, Deputies have raised a huge number of issues in respect of CFRAM. In 2017, five schemes were completed. There are seven schemes ongoing at present and ten are planned for commencement in 2018. I would also acknowledge the minor works scheme, under which 60 projects have been completed in 2017. The latter is a considerable improvement on the position this time last year.

The Deputy has referred to Crossmolina on many occasions. I assure him that the Minister for Rural and Community Development, Deputy Ring, has been living in my offices for the past while. I do not hear Deputy Calleary praising the scheme that has been announced to a value of €10 million for the people of Crossmolina.

Deputy Dara Calleary: Give me time.

Deputy Kevin Boxer Moran: I assure him and all other Deputies that I made a commitment regarding CFRAM. It is nearly complete and people will see the outcome.

Deputy Dara Calleary: Given the season, I was going to be nice to the Minister of State

and acknowledge that he has woken up many people in the OPW. I hope that continues. I acknowledge the progress on CFRAM. If the Minister for Rural and Community Development, Deputy Ring, has been living in the Minister of State's office, I have been living in his ear in respect of this matter. However, it is important that it actually happens and that progress is made. The difficulty for people in Crossmolina and so many other communities is that, in the coming weeks, their properties could still be flooded, depending on how the weather goes. We need to keep the pressure on and keep the foot on the pedal. I have no doubt that the Minister of State will do so. If he does not, Deputy Eugene Murphy will have something to say.

In many cases, the maps being used for CFRAM have been misappropriated by insurance companies seeking to turn down cover or to use them as an excuse to increase premiums. Is the OPW dealing with that issue and dealing with insurance companies that are using the very valuable work being done under CFRAM as a reason to increase premiums in certain areas?

Deputy Kevin Boxer Moran: I assure the Deputy those maps have not been made public and that insurance companies are not using them. At the same time, I know what the insurance companies are doing. The Minister of State, Deputy D'Arcy, and I met representatives from Insurance Ireland in the past couple of months. As Deputy Calleary is aware, my job is to defend and protect homes throughout the country. This matter also falls within the remit of the Department of Public Expenditure and Reform and the Minister of State, Deputy D'Arcy. We are working closely with Insurance Ireland to ensure that wherever people need cover, it will be provided.

Question No. 18 answered with Question No. 5.

Question No. 19 replied to with Written Answers.

Public Sector Reform Implementation

20. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the degree to which his Department plans to incorporate further reforms throughout the services with a view to achieving better value for money, improved economic impact and delivery of services to the public; and if he will make a statement on the matter. [53472/17]

Deputy Paschal Donohoe: Since the first public service reform plan was published in 2011, a comprehensive programme of reform has been implemented and this continues to be a key priority. This is important as the performance of the public service has major implications for the management of our finances and for economic development and employment creation.

The public service reform plan for the period 2014 to 2016 put the public ever more to the centre of what we do, both in terms of service delivery and of transparency, openness and accountability. The final progress report on this plan, published in July 2017, was sent to all Deputies and is also available at www.reformplan.per.gov.ie. The report set out a wide range of improved services for the public and savings across a range of projects. Work continues on implementing reforms initiated under the 2014-2016 plan, including the ambitious programme of reform initiated under the Civil Service renewal plan and other sectoral reform programmes. The plan aims to create a more unified, professional, responsive, open and accountable Civil Service that can provide a world-class service to the State and to the people of Ireland.

As the Deputy may be aware, my Department has been developing a new phase of public service reform, called Our Public Service 2020, which was published earlier this week. This will build on the achievements of the last six years and set a path for improvements beyond 2020. It aims to deliver better outcomes for the public, to support innovation and collaboration and to build public service organisations that are both resilient and agile.

Deputy Bernard J. Durkan: I thank the Minister for his reply. Does he remain satisfied regarding the extent to which ongoing reforms are likely to continue to be of benefit in a meaningful way to the public, the public sector and the taxpayer in general?

Deputy Paschal Donohoe: Yes, I do, although it is not something we can ever take for granted. It is the case that many of the reforms initiated in recent years in our State were instigated at a time of deep crisis. What we need to do now is to anchor the reform efforts of the Government and the Department of Public Expenditure and Reform more to the desire that all of our civil and public servants have, which is to do a good job for the people they serve. From dealing with many Government Departments, I know that those who work in front-line services in particular are motivated by the desire to provide a good service to our citizens.

12 o'clock

We must have a reform agenda in place that makes it even easier for them to do so.

An Leas-Cheann Comhairle: If Members are agreeable, there is sufficient time to accommodate Deputy Niamh Smyth's Question No. 21, which is taken with Question No. 33, if we proceed directly to the Minister's reply and the Deputy confines herself to one supplementary question. Is that agreed? Agreed.

Office of Public Works Projects

21. **Deputy Niamh Smyth** asked the Minister for Public Expenditure and Reform the progress by his Department in acquiring the new site identified in recent months for Bailieborough Garda station; and if he will make a statement on the matter. [53256/17]

33. **Deputy Niamh Smyth** asked the Minister for Public Expenditure and Reform his plans for the Office of Public Works to purchase property for State organisations in counties Cavan and Monaghan; the stages in negotiation for each; and if he will make a statement on the matter. [53257/17]

Deputy Patrick O'Donovan: I propose to take Questions Nos. 21 and 33 together.

The Office of Public Works and the Chief State Solicitor's Office continue to progress the acquisition of the preferred site for this project as a high priority and expect the process to reach a conclusion shortly. The Minister of State, Deputy Moran, is happy to confirm that the contracts for sale have been executed by both parties and final completion of the acquisition process will take a number of weeks. Until the process is fully completed, he is not in a position to identify the particular site or advise on the timeframes for further stages of the project. He has requested the Office of Public Works to inform the Deputy once the acquisition process is complete and give her details of the property at that time.

The Commissioners of Public Works in Ireland do not at this time have any further property

purchases planned for Cavan or Monaghan.

Deputy Niamh Smyth: I thank the Minister of State for his reply. An announcement was made regarding this project more than two years ago, but no progress has been made in the meantime. Gardaí in Bailieborough are working in terrible conditions, in portakabins and dilapidated buildings. It is unfortunate that the Minister of State cannot confirm the location of the site but I am pleased that the acquisition is complete. Will he undertake to ensure this project is progressed as quickly as possible? We need to see bricks and mortar being put down, not more announcements from the Government.

Deputy Patrick O'Donovan: When the Office of Public Works placed advertisements in both local and national media seeking submissions from property owners, 17 responses were received. As with all major public contracts, the construction of the new Garda station will be tendered openly and all builders and contractors, including locally based firms, will have the opportunity to tender for the works. I appreciate the Deputy's frustration but she will understand that we must adhere to the procedures that apply within the Office of Public Works, the Garda housing unit, An Garda Síochána and the Department of Justice and Equality. I will refer her concerns to the Minister of State, Deputy Moran, who has responsibility for this area. I am sure he will correspond directly with the Deputy.

Written Answers are published on the Oireachtas website.

Leaders' Questions

An Leas-Cheann Comhairle: Before we commence, I ask Deputies and Ministers to respect the clock.

Deputy Michael McGrath: Over the course of discussions today and tomorrow, the European Council is expected to give formal endorsement to the move from the first to the second phase of negotiations on the United Kingdom's departure from the Union. Although we hardly need it, we had another reminder last night of how divisive this issue is in the UK with an embarrassing parliamentary defeat for its Government. One consequence of this vote is that the timeframe for agreeing a deal is potentially compressed even further, even though it was already tight.

Fianna Fáil broadly welcomes last week's deal as it pertains to the island of Ireland. However, given the vastly different interpretations being put on that deal, we must accept that the most difficult Brexit negotiations are still ahead of us. The putting into effect of the commitments secured last week as part of a final, legally binding written agreement will be a major challenge. The clock is ticking and with the UK set to leave the EU in just over 15 months time, the imperative in the coming months will be to achieve as much certainty as possible for Irish businesses trading with the UK. It is generally accepted that there is less than a year to agree a transition agreement and the framework of a future relationship.

In her speech in Florence last August, the British Prime Minister, Mrs. Theresa May, called for a transition period of two years. Given the level of complexity involved across different sectors and the amount of detail that must be worked out as part of that process, two years is nowhere near adequate or realistic. If one takes the aviation sector, for example, where forward planning has to be done many years in advance, it is clear that the business community must be afforded a long lead-in period to whatever the new trade arrangements will be. Will the Tánaiste confirm what length of transition period the Government will seek as part of the

phase 2 negotiations? Will he give an assurance that throughout the transition phase, however long it is, the UK will remain part of the Single Market and the customs union and that the terms of trade, on both a North-South basis and an east-west basis, will remain unchanged and unimpeded?

On the question of what can be achieved in phase 2, the President of the European Council, Mr. Donald Tusk, has said that while an agreement on a future relationship can only be finalised and concluded once the UK has become a third country, the EU will be ready to engage in preliminary and preparatory discussions with the aim of identifying an overall understanding of the framework for that relationship. People will want to know what this means in practice. Is it the Tánaiste's understanding that there will be no talks at all on the details of a future trade deal until the UK leaves the Union in March 2019? It is undoubtedly the case that the EU stood by Ireland in phase 1. What reassurances has the Government received that the same solidarity will apply in phase 2 on the critical question of trade, given the enormous economic exposure of the State to changes in that area?

The Tánaiste: First, when people see the text of the guidelines agreed by leaders, which are to be published tomorrow morning, they will clearly see the determination on the EU side to ensure there is no slide-back from the commitments that were made in phase 1. This applies to issues of particular Irish concern, as well as other issues. It is very clear in the wording that the negotiations in the second phase will not proceed or continue unless there is clear evidence that the commitments which were made in phase 1 will be followed through and given legal effect. I expect to see the EU develop, early next year, a draft withdrawal agreement which offers reassurance that the commitments made under phase 1 will be implemented.

I agree with the Deputy that we need to give businesses certainty as soon as we can. While I have very strong views on what I would like to see as the outcome of the phase 2 process, regardless of that outcome, businesses need time to adapt to any new realities. I have said a number of times that if there is a significant difference between the trading environment today and the trading environment post Brexit, then we will need a number of years to allow businesses to adapt to that change. We need time, too, to negotiate the detail of a new trade deal. Any expectation that the full detail of a new trade partnership or arrangement will be concluded in full and be in place by next October or November, as some parties are suggesting, is simply not realistic. What is possible by next October is to have a framework agreement within which we can set the parameters for a new trading environment between the United Kingdom and the EU. The Government's position is that we want this framework to deliver an environment as close as possible to the *status quo*, with no barriers to trade between the EU and the United Kingdom.

In the absence of agreement, and if the British Government decides to pursue the course of action it has outlined many times, namely, to leave the Single Market and customs union as well as the EU, there will, of course, be problems to address. Such an approach would mean that some of the commitments made in phase 1 in the context of those decisions will be triggered and will have to be part of any withdrawal agreement.

I expect the transition period will take longer than two years. There is nothing in the guidelines that commits the EU to a specific time period, although there is a recognition that the UK has requested approximately two years. An agreement on that matter will be part of the discussions early next year.

Deputy Michael McGrath: The Government is right to guard against any potential back-

sliding away from the deal that was announced last week. Translating it into binding legal text in a draft written agreement would be an important step in that regard. What has been said over the past number of days makes that even more important. I am seeking to clarify the Government's position on the question of the transition period. Ireland is now, hopefully, about to commence the phase two negotiations. The Tánaiste has said that he favours a transition period of up to five years. Perhaps the Tánaiste will clarify this and confirm it as the formal position of the Government as we enter into the phase two negotiations. However long the transition period will be, is it the EU and the Government's position that the UK would remain within the Single Market and the customs union during that period so there is a defined transition window? We know what we are working towards but while that window is open, firms and businesses could have that certainty. My key point is to clarify the Government's position on the duration of the transition period as we go in to these negotiations.

The Tánaiste: The Government and I believe that the longer the transition period, the better. That period will need to be closer to four or five years than two years. The time that is needed for a transition period will also be determined by the approach of the United Kingdom towards these negotiations. If the UK wants to negotiate a Canada style free trade agreement, it will take a number of years. If the UK wants or chooses an option that keeps the United Kingdom much closer to the Single Market and the customs union in the future, it may not involve as much change, and therefore may not involve as long a transition period.

Let me be very clear that the transition period, however long it is, or the adaptation period as some people call it, will involve Britain remaining as part of the Single Market and customs union as it is today. The guidelines will be crystal clear on this at tomorrow's meeting. The full EU *acquis* will apply. The only difference will be that Britain will not have a presence within the EU institutions as it has today. Everything else remains intact. This will give certainty during that period for businesses operating between Ireland and the UK.

Deputy Mary Lou McDonald: Today and tomorrow, the Taoiseach will attend the meeting of the European Council in Brussels. We are all aware that this meeting is absolutely crucial to our economic, political and social future. The Government has decided to endorse the joint report from the EU Commission and the British Government and last Friday morning the Taoiseach described that report as "rock solid and cast iron". While acknowledging the positive language in the joint report, Sinn Féin warned that it fell far short of what is needed to truly protect the national interest, North and South.

Sinn Féin also cautioned that the commitments made were not legally binding and that the Government needed to be very careful in its dealings with the Tory Government. Over the days that followed, our caution was proven to be well founded. The British Government spokesperson on Brexit, David Davis, went on television last Sunday and stated that the joint report was merely a "statement of intent". Senior officials from the Department for Exiting the European Union at Westminster have already rowed back on the British commitments. They have claimed that full alignment will only apply to six areas of North-South co-operation as set out in the Good Friday Agreement. The looseness of the joint report was further highlighted when, on Monday the EU Commission confirmed that the joint report is not legally binding. They described it as "a deal between gentlemen". This is hardly the language of rock solid and cast iron agreements. The backsliding the Tánaiste referred to earlier has already started.

We are left with a set of contradictions. The first is the claim that there will be no hard border in Ireland, but Britain is leaving customs union and the Single Market and wishes to

drag the North of Ireland with them. The second contradiction is the claim that there will be no denudation of rights for citizens, but Britain is leaving the jurisdiction of the European Court of Justice. The third contradiction is the claim that there is no threat to the Good Friday Agreement, but we are facing the biggest social and political rupture to impact on our island in generations. There is a huge square to be circled here and relatively little time in which to do it.

I met with cross-community sectoral groups in Belfast last Monday. I can tell the Tánaiste that they are feeling far from assured, clear or certain about their future. We have clarity only on one aspect; that nothing is cast iron or rock solid. The Tánaiste referred to negotiating guidelines and the possibility of a draft withdrawal agreement being published next year. I want to ask the Tánaiste about a more immediate concern. Will the Tánaiste indicate whether the Taoiseach will seek additional assurances from the British Prime Minister and our EU partners before allowing the talks to move onto phase two? Will the Tánaiste seek these assurances over the next two days? Will any such assurances be put in writing and published? Will these assurances be legally binding?

The Tánaiste: I would caution against taking a line from some political commentary as outline facts. What we have in writing is what people should look at and see. This is the commitment the British Government has made to 27 EU countries, not only to Ireland, and to EU institutions at the most senior level. Those commitments are cast iron in my view and in the view of the EU negotiators and the EU institutions within the EU Union at Council and Commission level. The Deputies have seen very strong commentary in response to the ambiguous comments that were made last weekend, which created concern in Ireland and elsewhere. David Davis has subsequently clarified those comments and unfortunately Deputy McDonald has chosen to not quote him in that regard. Rather than trying to raise unfounded fears, we need to reassure communities living in the Border regions. This is what the Government is trying to do. We received very clear assurances in writing last week. As of tomorrow morning we will also have clear reassurance in the EU guidelines around how the EU is going to approach phase two to make sure the commitments will be honoured in full. The wording on that in the first paragraph of the guidelines will be very clear to ensure no back sliding from the commitments made last week. If that was to happen, it would prevent phase two from going ahead. It is not a question of whether phase two can be completed in the absence of the commitments being honoured; it would not progress at all if there is no evidence to show that the phase one commitments are being faithfully translated into legal terms as quickly as possible.

I share some of the concerns of many people in the Border counties. It is the Government's job to make sure we can reassure people on the basis of what has been agreed, in black and white and in writing. We intend to ensure that the hard won negotiating successes of last week in respect of the wording agreed between the British Government and the EU task force is factored into the phase two process so that we can provide reassurance for people who live in the Border counties, and to reassure the many others on the island of Ireland who are concerned about it.

Deputy Mary Lou McDonald: The remarks I have made to the Tánaiste are based in full on exactly what he has secured in writing. I have simply reflected to him the fact that no sooner was the ink dry on those agreements and assurances that the British side was rowing back, or backsliding to use the term from earlier. I am not seeking to cause a difficulty for the Tánaiste, I am seeking to get the very assurance that he says he also seeks. The Taoiseach will attend the EU Council and it is clear that matters will now advance to phase two. This fact is not being contested.

Will the Taoiseach ask for additional assurances over the next two days? Will any such assurances be legally binding? Will any such assurances be contained in the conclusions of the European Council? Under no circumstances should the fate of this island, its economic, political or social well-being, be left to whims of the British Conservatives and the vagaries of whatever position it might or might not take on any given day. I am sure the Tánaiste will agree that it would be irresponsible to allow a scenario like that to play out. Will the Taoiseach ask this of the Council and will we have, by close of business tomorrow, legally binding assurances which would be welcomed across the island?

The Tánaiste: The European Union works on the basis of rules, treaties, precedent and negotiated agreements. What does not work is negotiation where a third party changes mid-stream or does not follow through on commitments made in writing. We have had very strong messaging this week from the European Parliament, from European institutions, from the General Affairs Council, from Michel Barnier himself in terms of the task force, all saying the same thing about what the EU side understands was agreed last week. Let me be very clear, Ireland's strength is being part of the EU team, 27 countries acting together, ensuring that we move ahead together. We will not look for bilateral agreements with the UK in the context of the broad negotiations-----

Deputy Mary Lou McDonald: I did not suggest that.

The Tánaiste: What we will look for and get is a very strong set of guidelines tomorrow which will ensure that if phase 2 is to progress, the commitments made during phase 1 will be fully followed through and, where appropriate, will need to be translated faithfully into legal terms as soon as possible.

Deputy Maureen O'Sullivan: Recently, there has been great recognition and support for those men and women who have had the bravery to find their voices to highlight their experience of abuse, incidents of sexual assault, rape and pressure on them to perform sexual acts in return for favours. Some of those who have come forward recently with their stories and allegations tell us that those incidents occurred before they were 18 years. Many allegations involve high profile figures from the political world, film, theatre and music and we have seen similar revelations in Ireland. The victims who have made allegations recently are in a place in their personal lives where they can confront what happened to them because they know that today they will be believed and they have a good chance of getting justice. That is such an important part of the recovery process but I want to remember those who were not believed and those who did not get justice or support for one reason or another. Because they did not get justice, they continue to suffer every time an allegation of abuse is made, when they relive that abuse.

In March 2015, I raised the issue of those who made accusations against their swimming coach with then Taoiseach, Deputy Enda Kenny. I raised it because they never had justice. There were 27 allegations of indecent carnal knowledge of minors, which took place some years ago, against this individual who was their coach. I can imagine the bravery of those who came forward over 20 years ago when it was a very different atmosphere. In spite of the great efforts of An Garda Síochána, that came to nothing, there was no justice. Some weeks ago I watched the RTÉ documentary made in 2006 in which some of the victims told their stories. The journalist in the documentary followed the individual accused of the abuse to America where he has been living. Recently, through the work of an investigative journalist, Irvin Muchnik, through freedom of information requests, through a court hearing and through a settlement, it has become obvious that mistakes were made both in the US and Ireland. Irvin

Muchnik sought to find out why American authorities allowed George Gibney into the United States and why Irish authorities and Irish individuals facilitated that.

An interesting thing to emerge from the settlement was that, through a freedom of information request, the US authority on citizenship and immigration services, a subdivision of the Department of Homeland Security, released four pages relating to George Gibney and withheld 98 pages. I am asking that in light of that court hearing and settlement, that the appropriate officials in both this jurisdiction and the United States have a conversation in the hope that justice might finally be realised for those victims.

The Tánaiste: In common with the Deputy, the Government wants to see justice for victims of all cases of sexual abuse, including this case. I understand that the person referred to was the subject of an investigation in the early 1990s, as the Deputy said, before they departed this jurisdiction for the United States. As a result of judicial review proceedings in 1994, the State was unable to extradite the person due to the time lapse between the occurrence of the alleged offences and the making of the complaints by the injured parties. More recent investigations were conducted in 2003 by members of the National Bureau of Criminal Investigation. These investigations resulted in no prosecutions being directed.

The Deputy will understand that there is a limit to what can be said on individuals who have not been convicted, even where they have been accused of terrible crimes. In general, An Garda Síochána is responsible for the protection of the public and there are robust and well established procedures for dealing with persons who may pose a threat to others.

This morning, after the Deputy raised this issue with me earlier, I read an article in yesterday's edition of *The Times* on the case, which suggests that new evidence may come into the public domain in coming days. We will note that with interest and act on it if we can but I am also conscious that this may be subject of a future legal action and want to be careful about what I say.

This is a case we will continue to follow closely and the Deputy's questions about the circumstances which facilitated George Gibney moving to the United States need to be clearly understood. This morning is the first time my Department or office has had any correspondence on this issue. We will follow it closely and provide the Deputy with any information that may come to light.

Deputy Maureen O'Sullivan: I will make three points on this. First, although there is a contrast between then and now in relation to the atmosphere for victims to speak out, the common denominator is how perpetrators use their position of influence and power to manipulate young people. Second, I do not think time should be a factor here. Yesterday, we had an exchange about the hooded men, which occurred almost 40 years ago. We know people involved in Justice for the Forgotten, regarding the Dublin and Monaghan bombings, who are waiting for 43 years. The victims of George Gibney are still waiting today. We should respect them in the same way that we respect other legacy cases. It should be the same for the victims of George Gibney.

With the help of Oireachtas staff, I have been drafting legislation which I hope will be supported when it is introduced in 2018. The legislation would see that Ireland, like Australia, would do its best to limit the ability of those holding Irish passports who have been convicted of child sexual abuse from travelling to countries which have lax or no child protection laws

and guidelines, but where there is a thriving industry in both child prostitution and the use of children in pornography.

The Tánaiste: As I said, I do not want potentially to prejudice any case that may be taken in future. Unfortunately, sometimes time is a barrier in bringing successful convictions. I do not want to say that is the case in this particular instance, because I do not know, but the State will do all it can to try to bring individuals to justice who have been accused of sexual abuse. It is important to say that in this case there was no successful conviction. A case was taken but it was not concluded. As a result, we need to be careful about how we speak about the case in the context of any possible future case. Because of what I read in yesterday's paper, I expect new material or evidence may come into the public domain. We will have to see where that takes us as regards the investigations of An Garda Síochána.

Deputy Catherine Martin: The housing capital budget under Rebuilding Ireland for 2017 was last week increased by the Minister, Deputy Eoghan Murphy, by €100 million to €1.4 billion. However, an answer to a recent parliamentary question confirmed that the total spend on additional social homes from all sources since 1 July 2016, in the form of acquisitions, Part V, local authority builds and approved housing body builds, was €583 million. This would indicate that only approximately €500 million has been spent out of €1.4 billion for building and acquiring new units in 2017. Can the Tánaiste tell the House where the remaining almost €1 billion is going? In June this year, in a reply to a parliamentary question the Minister, Deputy Murphy, pledged that 2,284 units would be delivered in 2017. I have gone through the quarterly report for Rebuilding Ireland, which was published last week, to identify every single unit which was completed or site-finished in the first three quarters of 2017 and it is clear that only 809 units of the 2,284 have been completed.

In the UK the quantity spent on rental assistance is about five times that of the housing capital budget. As the Government here is clearly not building enough houses, is it the Government's intention to move further towards the UK model? If it is, there are serious health warnings. There is no point drifting towards an entirely rental-oriented approach to housing when, at present, fixity of tenure is completely inadequate and when a lack of inspection or an enforceable standards regime results in the horrific living conditions we saw on "Prime Time" last month. The fact that one in three tenancies in the State is financially rent assisted is just adding pressure to further rent increases for all, making Dublin simply an unattainable place to buy or rent.

I am concerned about the inept governmental policy response to date. The incoherence of all this policy implies that what may have happened is that Rebuilding Ireland, launched last year, was rapidly abandoned as a plan by departmental officials without them telling the Tánaiste or the Minister, Deputy Eoghan Murphy. The Tánaiste is now defending a plan which is not there or, if it is, is certainly not working. Where is the €1 billion going? Given the new numbers, why can the Tánaiste not accept that Rebuilding Ireland is not succeeding and will not succeed in effectively tackling the housing crisis?

The Tánaiste: This is territory in which I am personally very interested. It is going to be some time before people see the full benefits of Rebuilding Ireland but we have dramatically increased funding for social housing and there is a multi-annual commitment of almost €6 billion to add 50,000 new social housing units to the national stock, which would be a 30% increase over four or five years. That takes time and it is not just measured in new builds. Next year, we will see 3,800 new build houses and 600 private sector-built social house units purchased

under Part V, 600 voids returned into use, 900 acquisitions of existing homes and 2,000 long-term leases. It is a combination of a series of different approaches that are realisable. Going from building 200 or 300 social houses to building 7,000 or 8,000 in the space of one year is not doable.

While we build up capacity to dramatically increase the number of social housing units that are being delivered through local authorities, approved housing bodies, AHBs, and the private sector under Part V, there is a significant reliance on supporting people in the rental market. This year we will see about 21,000 social housing solutions put in place, many under the housing assistance payment, HAP, which is an improvement on previous support programmes for the rental sector. We know this puts pressure on the rental sector, which is why there is a need for rent caps at present, which we introduced last year. Some 65% of rental properties are in rent pressure zones and the tenants in those properties cannot be asked for an increase of more than 4%, despite the pressures of the market.

We have very significant pressures in the housing market, both in rental properties and those for purchase, because of a dramatic lack of supply, supply which has not been delivered for nearly a decade. Over time, we will solve that by increasing supply in the private sector, the affordable sector and social housing and by ensuring we bring a lot of vacant properties and sites back into use by using methods with which I am sure the Deputy is familiar. People cannot expect this problem to be solved overnight and we have to ensure that while the new strategy and the significant funding behind it builds a capacity in the construction sector to significantly increase delivery of housing, we try, in the meantime, to manage a rental sector that is under significant pressure .

Deputy Catherine Martin: It is hard to believe the figures the Tánaiste is giving for next year when the figures the Government has given for this year show that, of a target of 2,284 houses, only 809 were delivered. There is a huge disconnect between the narrative and reality. The harsh reality is that 8,000 people are homeless. The tragic reality is that 3,000 of them are children and the stark objective reality is that Rebuilding Ireland simply is not working. There were only 809 builds in 2017, of which 303 were direct local authority builds in 18 different authorities, meaning 13 local authorities did not complete a single house in 2017. Of the 98 completions in Dublin, 76 were rapid builds for families on the increasing homeless list, which leaves a grand total of 22 units in the greater Dublin area for a waiting list of 40,000 people. How is the capital housing budget being adequately spent if the greater Dublin area only saw 22 units built in the first nine months of this year? It is time to think outside the box and for the Government to accept that Rebuilding Ireland is not working. This is an emergency and a crisis. Surely an objective analysis of the Government's response should be results-driven. The results speak for themselves and they are appalling. It is time for a new direction and a new plan.

The Tánaiste: One thing we do not need is to try to start all over again with a new plan. We have a plan that is under way.

Deputy Catherine Martin: It is not working.

The Tánaiste: It is working. I will give the Deputy some statistics because those supplied by the Deputy are simply not true. At the end of the third quarter of 2017, 12,300 social housing units were advancing through various stages of delivery. There were 3,700 homes across 190 sites under construction nationwide and 2,000 in the final stages of contract award in a further

90 schemes which will move to sites shortly. The idea that there were 22 new social houses in Dublin is nonsense.

Deputy Catherine Martin: There were 22 completions. That is a fact.

The Tánaiste: If the Deputy looks at what is happening in the private sector, she will see a 48% increase in commencements and a 50% increase in planning applications. The fast-track planning changes we have made for housing estates of over 100 units is getting huge interest from developers and is putting An Bord Pleanála under pressure to deliver results. We are seeing a sector gearing up again to deliver significantly more homes, which is what we need, and we are seeing the local authority and AHB sectors also gearing up significantly, with a lot of money behind them coming from the State. For the first time in many years, money is not the obstacle to social housing delivery. Capacity is the obstacle.

Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): It is proposed that No. 13*d*, motion re referral to joint committee of proposed approval by Dáil Éireann of Planning and Development (Amendment) Regulations 2018, shall be taken immediately after the motion re presentation and circulation of Revised Estimates 2018, without debate. No. 29*d*, motion re report of the Joint Committee on Transport, Tourism and Sport under Standing Order 114 on the proposal for a regulation of the European Parliament and of the Council amending Regulation No. 1073/2009 on common rules for access to the international market for coach and bus services - COM (2017) 647 - shall be taken immediately thereafter without debate. No. 13*e*, motion re change in ministerial rota for parliamentary questions, shall be taken immediately thereafter without debate. This will be followed by the suspension of the sitting under Standing Order 25(1) for 40 minutes. The weekly divisions shall take place on the conclusion of the Recognition of Irish Sign Language for the Deaf Community Bill 2016 in the Seanad or at 7.07 p.m., whichever is the earlier, and shall be followed by the Road Traffic (Amendment) Bill 2017 - Second Stage (resumed), and No. 34*a*, statements on the McCartan report on the Stardust disaster, will take place at 7.52 p.m. for two hours.

An Leas-Cheann Comhairle: Is the recommendation of the Business Committee agreed? Agreed.

Council of Europe: Appointment of Representatives

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I wish to inform the House that the following persons have been selected and nominated as representatives and alternates from Ireland to the Parliamentary Assembly of the Council of Europe until the end of 2018:

Representatives: Senator Joe O'Reilly, leader of the delegation; Senator Maura Hopkins, and Deputies Barry Cowen and Seán Crowe. Alternates: Deputies Seán Canny and Robert Troy, and Senators Rónán Mullen and Colette Kelleher.

Questions on Promised Legislation

An Leas-Cheann Comhairle: I ask the Members for their co-operation. There are quite a few offering and I am anxious to facilitate everyone, but it is a long day and we only have 15 minutes.

Deputy Michael McGrath: I raise the matter of the insurance (amendment) Bill in the context of the ongoing fallout from the collapse of Setanta Insurance. Almost 1,600 claims remain outstanding and policyholders now face their fourth Christmas with this issue hanging over them. In certain cases, people are being informed that they will be held personally liable in respect of any shortfalls on outstanding claims. That is ridiculous and it must be addressed. The Bill, as drafted, will not resolve the issue. We will seek to table amendments that will resolve it when the Bill comes before the House. When is the insurance (amendment) Bill being brought forward?

The Tánaiste: My information is that work on the Bill is under way but we do not have a definitive date for it. I will try to get the Minister to come back to the Deputy on that.

Deputy Mary Lou McDonald: I take the opportunity to wish the Leas-Cheann Comhairle a very happy Christmas.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Mary Lou McDonald: Yesterday, we received the very good news that the Joint Committee on the Eighth Amendment of the Constitution had voted to recommend that the amendment be repealed. It was a very positive move for everybody, particularly the women of Ireland. This comes after decades of disaster and suffering to which the amendment, at a minimum, contributed. I hope the referendum vote will come quickly and that we can have a comprehensive, respectful and democratic debate, concluding with the removal of the eighth amendment from the Constitution. It is an opportunity for a new generation to have our say on a matter of fundamental social importance. Can the Tánaiste set out what happens next? What is the timetable envisaged for, on the one hand, the publication of legislation on the repeal referendum and, on the other, the timetable for any heads of legislation on the substantive issue of abortion or termination guidelines and law?

The Tánaiste: I also take the opportunity to wish everybody in the House a happy Christmas.

An Leas-Cheann Comhairle: The Tánaiste will get no extra time if he has not done it for me personally.

Minister for Justice and Equality (Deputy Charles Flanagan): That is the spirit.

The Tánaiste: As Deputy McDonald knows, this is a three-stage process to which we, as a Government, committed quite some time ago. The Citizens' Assembly carried out comprehensive work and this led to the establishment of a committee which has been ably led and chaired by Senator Catherine Noone, who has done an extraordinary job on a very difficult issue. The committee voted yesterday on the key issues but it will not publish its report until next Wednesday. People should wait to read the report in full before making judgments. Certainly, I will wait until I have had an opportunity to read the report in full. The Taoiseach has given a commitment - as has the Government generally - to the effect that we want to hold a referendum on

this issue as early as May 2018. However, there will first be a need for the report to be debated fully in the House. My understanding is that the debate will take place in January. The report will then need to go to the Government for consideration as to how we proceed on foot of that debate.

The Minister for Health, Deputy Harris, has made it very clear that he needs to work with the Attorney General to put together the heads of a Bill. That is detailed work which needs to be done to create a context and environment for a referendum. There will also, of course, be a need for legislation to facilitate the referendum itself. My understanding is that the Minister for Health would like to have a lot of that work done by the middle of March. There is a great deal of work to do next year. My appeal to Members is that it is up to the House to give a lead to the rest of the country as to how this issue should be debated and how we should respect different perspectives and opinions which are honestly held so that we create the right atmosphere in which the country can make a decision, as opposed to some of the experiences we have had in the past in the context of this issue.

Deputy Brendan Howlin: I welcome the Tánaiste's clarity on that matter and I share his views on the work of the committee and its Chair. I wish to raise another matter. It is six months since the Minister for Education and Skills set out an approach to remove religion as a criterion in the school admissions process. This was after a public consultation process which ran from January until March. It is 18 months since the Dáil debated the Labour Party Bill on the issue which was produced by my colleague, Deputy Burton. Despite taking a year, the Bill passed to the committee last summer but we are halfway through another school year with no progress having been made on this agreed change. In January, schools across the country will finalise the intakes for next year. That means another year will have passed without action. Very simply, when will we see legislation on this matter? Will the Minister advance his own proposals or allow the Labour Party Bill to proceed to enactment?

Minister for Education and Skills (Deputy Richard Bruton): As Deputy Howlin well knows, the admissions Bill developed originally by his party's Minister and then published by the Government did not contain any provision to change the rules on admission on grounds of religion. Indeed, the Bill also did not contain any provision to allow the Department to designate schools which should open special autistic spectrum disorder, ASD, units. The consensus in the committee which discussed the Bill was that we should bring forward amendments in those two areas. I have developed proposals to do so which are currently with the Attorney General. I will bring the proposals to the House at the very earliest opportunity. The Deputy will appreciate that there are complicated constitutional issues involved in the drafting of this legislation and we must be careful to get it right. I assure the Deputy that there is no unnecessary delay.

Deputy Paul Murphy: To return to the issue of abortion, yesterday's committee votes were historic, particularly those relating to the repeal of the eighth amendment and access to abortion on request up to 12 weeks. What happened yesterday represents a victory for all of those who have fought for decades for the right of women to choose and it takes us to the next step. The Government says it is still committed to a referendum in May. Will it agree to expedite the relevant legislation as quickly as possible? The legislation for repeal is extremely simple. Last year, we published and brought to Second Stage - on which it was defeated - a one-page Bill to delete the relevant Article from the Constitution, which is a simple matter. As opposed to going through this long process, we could debate the relevant legislation in January.

The Tánaiste: I do not mean this as a slap-down but, frankly, it would be helpful if people were not declaring victories on anything. This issue is going to divide households across the country and people should talk in a respectful tone about both sides of the argument in an effort to advance a consensus across the country that can result in a successful referendum. Of course the Government will prioritise and try to expedite legislation to facilitate the timeline the Taoiseach wants the Government to follow, which is to hold a referendum in May. That will be very tight, however, given the demands to put legislation in place and to get the balance right in that legislation, as well as the need to bring forward legislation to facilitate the establishment of a referendum commission and all the other things that must happen before a referendum can take place. As the Taoiseach said this week, the Government wishes to hold a referendum in May and we will work to that timetable.

Deputy Mattie McGrath: I wish you a Leas-Cheann Comhairle, every Member and all the staff a happy Christmas.

I compliment the Minister of State at the Department of Health, Deputy Jim Daly, on working with the Rural Independent Group when we brought forward a motion on the fair deal scheme. I welcome the changes announced last night and thank the Government for incorporating them. However, they have not gone far enough. For farm families and self-employed business people, 100% of their assets apart from the house, the land or the business, is taken into the reckoning for the evaluation. It should be 10% as it is with the private houses of everybody else. It is discrimination against farm families and business people. We are seeking a meeting with the Minister of State, Deputy Jim Daly, to try to resolve this because it is the main issue. It will render farms and businesses unviable if the scheme continues assessing them at 90% for the three years. People will not be able to pay it. While I welcome the move, it will require further work. I thank Maura Canning of the IFA for all her input on this.

The Tánaiste: Primary legislation will be required in this area and the Minister of State, Deputy Jim Daly, will have to bring it forward. There will be an opportunity for the Deputy to raise specific issues during the debate on that legislation next year, if and when it is brought forward.

Deputy Declan Breathnach: The heads of the housing (regulation of approved housing bodies) Bill were approved in September 2015 and the pre-legislative scrutiny was completed in February 2016. There are over 6,500 people employed in housing bodies. Last year the housing bodies built 669 houses, while local authorities built 430 in the past 18 months. With the appointment of an independent regulator, does this legislation envisage proper synergies between the local authority housing departments and these bodies? There are 547 such bodies and, according to a reply I received to a parliamentary question, 13 of them are employing over 6,500 people. This has become an industry. I have thought long and hard about the problems with housing over my 25 years in local government. If we had 6,500 people working together with the diminished number of employees in the local authorities, many of the problems we have with housing would not exist.

An Leas-Cheann Comhairle: What is the question?

Deputy Declan Breathnach: Will the regulator provided for in the legislation be able to provide proper links between the local authorities and the housing organisations to ensure they are all working to deliver the houses that are required?

An Leas-Cheann Comhairle: What is the response to the question?

Deputy Declan Breathnach: I wish to finish, a Leas-Cheann Comhairle, in the spirit of Christmas. Nobody spoke about the vacant houses around this country-----

An Leas-Cheann Comhairle: Santa will not be coming to some of your colleagues.

Deputy Declan Breathnach: -----prior to my election to the Dáil. Now everybody is talking about them.

Deputy Dessie Ellis: That is not true.

Deputy Declan Breathnach: It was talked about for 25 years but nothing was done about it.

An Leas-Cheann Comhairle: Please, Deputy. The Tánaiste should focus on the simple question on the independent regulator.

The Tánaiste: I cannot discuss the content of that legislation. However, there is a commitment to deliver new legislation, and much work has been done on it, to provide for standards and a proper register for approved housing bodies, AHBs. It is important to say-----

An Leas-Cheann Comhairle: If we are going to expand the debate, I will end it in three minutes. Deputies can blame their colleagues and the Ministers, not me.

The Tánaiste: It is a short comment.

An Leas-Cheann Comhairle: No, I am being very fair. That is my problem, Tánaiste.

The Tánaiste: There is a role for local authorities and AHBs in delivering social housing. Many fantastic projects have been concluded in the last number of years through good AHBs. The legislation being brought forward is about standardisation and ensuring the AHB sector is properly regulated.

Deputy Eugene Murphy: I wish to raise the lack of roll-out of broadband. This relates to the communications management agency Bill, which will provide for a single entity to manage the State's commercial communications contracts, including the national broadband plan contracts. This issue is an absolute mess, particularly in rural Ireland.

An Leas-Cheann Comhairle: A question, Deputy.

Deputy Eugene Murphy: I will give a brief example from my parish-----

An Leas-Cheann Comhairle: A question, Deputy. You are a national politician.

Deputy Eugene Murphy: -----where the 043 and the 071 lines meet half way. The 071 line is within 200 m of the end of the 043 line, but the six houses between them cannot get broadband. The Minister should not laugh at this.

The Tánaiste: I am not laughing.

Deputy Eugene Murphy: I am referring to the Minister for Education and Skills, Deputy Bruton. He lives in the city. I live in rural Ireland where people do not have the service. People are moving their businesses from rural Ireland to the towns. It is not a laughing matter. I am

aware that the Minister, Deputy Bruton, was opposed to decentralisation and everything else, so he does not have much time for rural people. He can keep smiling.

An Leas-Cheann Comhairle: I call the Tánaiste.

Deputy Eugene Murphy: There is a distance of 200 m within which six houses cannot get broadband. A young man who has a business there will have to move it or close it down. This is disgraceful. When will broadband be rolled out throughout the country?

An Leas-Cheann Comhairle: Does the Tánaiste have the information?

The Tánaiste: I assure the Deputy that rural Ireland is a priority for the Government with regard to broadband and a range of other matters. I will ask the Minister for Communications, Climate Action and Environment, Deputy Naughten, to contact the Deputy directly on the specific issue he raised.

An Leas-Cheann Comhairle: I know I will get co-operation from Deputy Eamon Ryan.

Deputy Eamon Ryan: The Government has given a commitment to provide for the ability of refugees to work here, as was recommended by the Supreme Court. Can the Minister outline how he envisages that being introduced? When does he expect provisions to be put in place to allow refugees to work and what broad conditions will regulate it?

An Leas-Cheann Comhairle: Deputy Danny Healy-Rae tells me he has a question on the same issue. We will see.

Deputy Danny Healy-Rae: The Government committed to taking in 4,500 refugees. We are told that 55 men are being moved into Linden House on New Road in Killarney. There has been no consultation with the local authority or the Garda, whose station is on the same road. There are community schools and national schools, including the Presentation convent school and St. Brendan's College, on the same road. Some 55 men are being put into one house. There was uproar in the House after a television programme which highlighted large numbers of people staying in a single house in Dublin.

An Leas-Cheann Comhairle: What is the promised legislation?

Deputy Danny Healy-Rae: The Minister of State with responsibility for this, Deputy Stanton, is present. Will he consult with the community, the Garda and the local authority or will he take this high-handed action without giving local people a say in what is happening?

Minister for Justice and Equality (Deputy Charles Flanagan): I assure the Deputy that, in accordance with my practice, I will not give an answer that might be regarded as high-handed. The residence the Deputy refers to was closed in 2011. Consideration is now being given to re-opening it. I do not have details on the local issues involved but I will be happy to convey the Deputy's concerns that there should be an engagement with local public representatives.

Deputy Danny Healy-Rae: It does not have capacity for 55 men.

An Leas-Cheann Comhairle: Please, Deputy Healy-Rae.

Deputy Charles Flanagan: On the broader issue raised by Deputy Eamon Ryan, the Government intends to have this matter resolved in accordance with the wishes of the Supreme Court by late spring next year. The Government has made a decision to facilitate the right to

work of asylum seekers and applicants for refuge in the country.

1 o'clock

I hope the business would facilitate an early debate in the new year on this issue. I acknowledge the interest of Deputy Ryan in particular as well as that of other Deputies but it is the firm intention and commitment of the Government to have this matter resolved in late spring. There are complexities involved but I would hope that the House would have an opportunity to debate the Government plan early in the new term.

An Leas-Cheann Comhairle: The next three speakers are Deputies O'Loughlin, Durkan and Munster.

Deputy Fiona O'Loughlin: The first line in section ten on page 86 of the programme for Government, which deals with education, states that education is the key to giving every child an equal opportunity in life and that no child should be left behind. I could not agree more. The key phrase there is "every child". I am standing here on behalf of seven children and their parents who do not have access to education. These children are students in Scoil Na Naomh Uilig in Newbridge who have moderate special needs. They will be leaving this school in June, and they have had an excellent opportunity and start in their educational life. This is not just starting now.

An Leas-Cheann Comhairle: Deputy please.

Deputy Fiona O'Loughlin: For nearly the past year, I have working with the parents to try to find places.

An Leas-Cheann Comhairle: We are four minutes over.

Deputy Fiona O'Loughlin: There are no secondary places available. The special school does not have any availability. Parents are looking at going to Dublin or Carlow. This is causing huge frustration for the parents.

An Leas-Cheann Comhairle: I ask the Deputy to co-operate. Can I make one statement?

Deputy Fiona O'Loughlin: My point is that we need to have something.

An Leas-Cheann Comhairle: I do not want any insinuations from any Members of the House on either side that I am prioritising. The list is here. Members should not make any suggestions. If the Minister of State, Deputy Cannon, decides it is a different issue, that is for me to decide. I call on the Minister for Education and Skills or the Tánaiste, whoever wants to respond.

Deputy Tony McLoughlin: I have my hand up.

An Leas-Cheann Comhairle: The Deputy may have had his hand up. I do not-----

Deputy Tony McLoughlin: The previous speaker-----

An Leas-Cheann Comhairle: Is Deputy McLoughlin insinuating that I am not being impartial? If he is, I will deal with it; otherwise, he should withdraw it.

Deputy Tony McLoughlin: What I am saying is-----

An Leas-Cheann Comhairle: It is not what the Deputy is saying; it is what I am saying. I will deal with it.

Deputy Tony McLoughlin: I will not withdraw anything because what I am saying is that I have put my hand up on many mornings here and all the luck is on the right hand side. There is no luck on the Government side.

An Leas-Cheann Comhairle: That completes Questions on Promised Legislation. We will move on.

Deputy Fiona O'Loughlin: Will I get an answer?

An Leas-Cheann Comhairle: Is one of the Ministers prepared to answer that?

Deputy Richard Bruton: In respect of the placement of any child, the special needs organiser will seek to assist a parent in finding access to a place. If the Deputy wants to provide me with the information, I will seek to have it followed up on her behalf.

An Leas-Cheann Comhairle: I promised I would take Deputies Durkan and Munster and then that is it.

Deputy Dessie Ellis: The Leas-Cheann Comhairle promised me-----

An Leas-Cheann Comhairle: I know, but accusations have been made against the Chair.

(Interruptions).

An Leas-Cheann Comhairle: Accusations have been made against the Chair that have not been withdrawn.

Deputy Bernard J. Durkan: I raised this issue previously in the context of the Central Bank (Consolidation) Bill regarding the possibility of including in the legislation provisions to deal with the increased vigour with which third party lenders are pursuing borrowers. This will result in the repossession of family homes, small businesses and small farms and will create a huge problem for the housing market in terms of homelessness. What is the possibility of doing this in the near future?

The Tánaiste: The legislation the Deputy may be referring to is the Central Bank (Consolidation) Bill where there will be an opportunity to raise some of these issues when it is being debated. That Bill is being worked on at the moment but we do not have a specific date for publication yet.

An Leas-Cheann Comhairle: I call Deputy Munster. In the spirit of Christmas, I will take the other Deputies but I will deal with impartiality at a later stage.

Deputy Imelda Munster: In the section relating to a focus on rights and improving the lives of people with disabilities in the programme for Government, the Government acknowledged that there are increased mobility costs for people with disabilities. It is bad enough that people with mobility problems who require assistance have to give anything from 24 to 48 hours notice of their intention to travel but, on top of that, Iarnród Éireann insists that those with travel passes who wish to reserve a seat must pay €5 per journey. That is €10 for a return journey despite an EU regulation that prohibits it. Will the Tánaiste look into this matter and seek to give a commitment to address this sort of inequality?

The Tánaiste: If the Deputy sends me a note with the detail of what she has just raised, possibly with some examples, I will pursue it with the line Minister.

Deputy Dessie Ellis: There is a very serious issue relating to 1,300 medical card patients in the Finglas medical centre in Finglas village who have been left high and dry because their GP has given up his GMS contract. They are now being forced to go long distances to a new GP who has taken up this contract. Many of these patients are elderly people or people with disabilities and there is not even a bus service to bring them there.

An Leas-Cheann Comhairle: Promised legislation.

Deputy Dessie Ellis: They have until the end of this month when the panel will be frozen until March 2018. As these contracts are included under legislation, are there any plans to review or even change this legislation and has this been brought to the Tánaiste's attention? Does he agree that, at this time of the year, this is an absolute blow to people in the Finglas area? It involves the GMS contract.

The Tánaiste: I know there are ongoing consultations with GPs, although not necessarily on this specific case but certainly on the broader issue. Again, if the Deputy wants to send me a note on the specific case, I will certainly pass it on to the Minister for Health.

Deputy Tony McLoughlin: Page 143 of the programme for Government states that the Government will use appropriate avenues to express its perspective on the UK's membership of the EU. Can the Tánaiste advise me as to what has happened with the British Government directly as of yet? Has this taken place? Could he also advise me how the Government has tried to persuade the British Government and the DUP that leaving the customs union and the Single Market should be reconsidered by the UK in its entirety?

The Tánaiste: I expect that the British Government will have a very active debate on this issue in the coming months because under the details that will be published tomorrow, there will be a clear understanding that, by March, there will be an update of those guidelines, the content of which will be determined by the British Government's approach to phase two negotiations, in other words, the kind of trade relationship it wants between the EU and the UK in the future. That debate will obviously bring into focus some of the issues the Deputy raised today. For months, the Irish Government's position has been that we would like to see the British Government take a position whereby it is part of an extended customs union and Single Market to allow for barrier-free trade between the UK and the EU. We believe that is in the best interests of Ireland and the UK.

Deputy John Brady: I thank the Leas-Cheann Comhairle for his fairness and wish him and everyone else a happy Christmas. Last week, the Government announced that it was bringing forward plans to increase the retirement age from 65 to 70 for public service workers. It is a small step in the right direction but it does not go far enough. The Minister for Public Expenditure and Reform brought forward interim arrangements to allow those public service workers to retire. Those interim arrangements include conditions that those employees have to retire first before being re-employed and can only be re-employed on a lower pay scale. There are serious concerns about this. It is giving the message to those who want to remain in the workforce that they are not wanted. Who was consulted in respect of bringing forward these interim arrangements? When will we see the legislation to govern the extension of retirement age?

The Tánaiste: The Deputy will have to ask the Minister for Public Expenditure and Re-

form about that issue. He is the Minister who is dealing with the detail of it. The Government decision to increase the mandatory retirement age across the public sector from 65 to 70 makes a lot of sense and has broad support in the House. It cannot happen instantly because there is a process to be followed to bring it about. In the meantime, the Minister wants to put interim arrangements in place. The Deputy will have to talk to the Minister directly about the detail of the consultation process. I can certainly ask the Minister on the Deputy's behalf.

Deputy Aengus Ó Snodaigh: For the 12th time since it was promised in October 2012, I will ask about legislation to transfer the digital hub from State control to the control of Dublin City Council. When will we see that legislation? Anytime I ask, I am told it is ongoing.

Fad is atá mé ar mo chosa, ba mhaith liom beannachtaí na féile a ghuí ar an Tánaiste agus ar gach duine eile, agus cur leis an spiorad atá sa Teach inniu agus séasúr na Nollag romhainn.

An Leas-Cheann Comhairle: Go raibh maith agat.

A Deputy: The Deputy should be careful not to start a fire.

Deputy Aengus Ó Snodaigh: Níl aon cheol ag teacht amach as.

An Leas-Cheann Comhairle: Even on RTÉ, they mention flash photography. I warn Members there is flash photography in the House.

The Tánaiste: The Deputy should make sure there are no loose ends to the wiring. I congratulate the Deputy on his Christmas spirit. It got a few smiles in the House for a change, which is always good.

We do not have a date for the legislation on the digital hub but I will ask the Minister to come back to the Deputy on it. I am sure the Deputy will get a photograph in a newspaper tomorrow.

An Leas-Cheann Comhairle: I suggest to the Whips that they consider questions on promised legislation and there should be guidelines-----

The Tánaiste: Some guidelines on-----

An Leas-Cheann Comhairle: -----on questions on promised legislation. Perhaps we could extend the time. The Ceann Comhairle referred to it yesterday. Perhaps we should consider the number of people who contribute. We will do an exercise on it to show that those who are accusing me of not giving them time got their fair share over the past number of months.

Deputy Eugene Murphy: As one who often takes the Chair, there are people who say the Leas-Cheann Comhairle is the fairest.

An Leas-Cheann Comhairle: We move on now to serious business.

Microgeneration Support Scheme Bill 2017: First Stage

Deputy Brian Stanley: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the growth of electricity production from micro generators through a supplier obligation to provide a tariff

for electricity exported to the grid.

We are staying with the issue of power and electricity following on from Deputy Ó Snodaigh's tie. The Bill I am introducing is about making the transition from fossil fuel to renewable energy. It will allow small-scale household production of electricity through solar or wind energy production. It will allow any excess electricity produced by small-scale micro-generators, whether households or farms, to be fed into the grid and for householders to be paid for it, which is currently not provided for. We are lagging way behind on this issue. Why are we not harnessing and utilising solar power from people's rooftops and small-scale wind and other sources? This Bill aims to grow the renewable energy sector and to add more renewable energy sources to allow citizens to play their part in expanding the sector.

Climate change is affecting us seriously. A report published last week shows that sea levels around Ireland are rising. Since 1990, they have risen at the rate of 3.5 cm per decade. That is not disputed. The report is supported by a number of sources. That is 10 cm since 1990. Seasons are warmer and average rainfall has increased by 5% across the State. Deputies from western counties will know it has been higher in the west. Recent weather patterns have been erratic. We have had Storm Ophelia and flash floods in Donegal and parts of the west of Ireland. In recent weeks, we have had serious flooding in Mountmellick and Portarlinton in County Laois. A huge amount of rain has been falling in short periods. Our greenhouse gas emissions are rising. There has been a rise of 7% over two years according to the Environmental Protection Agency.

We are supposed to be reducing our emissions by 20% by 2020. I remind Deputies it is two years away. What is happening? We have increased them by 7% over the past two years. In terms of our 2020 targets, we are not even at the races. We are falling way short. Not alone are we destroying the environment and adding to global warming, but we will face substantial fines in two short years. We are one of the most dependent countries in the European Union on fossil fuel imports. That is not only relevant in terms of our environment, but also in terms of security of supply. It will become very relevant post-Brexit. We wish everybody well in the negotiations and hope we get a good outcome.

There will be an issue of energy security. Small-scale renewable energy is used right across Europe and the world and we have to start doing it here. There has been virtually no attempt by successive Governments to expand our portfolio of renewable energy. We have completely lacked vision not only in Government but right across society. Up until now, we have relied almost completely on large-scale wind farms to do it. It is an intermittent and unreliable source. We are not saying it should not happen or that we should not use wind but it is an intermittent source. To take climate change seriously and to end the use of fossil fuels, we need to use all of the renewable energy sources available. Small-scale home-generated electricity alone will not solve the issue but it will form part of the solution. Why not allow households to produce their own energy and earn from the excess power fed into the grid? Germany and other countries are doing it. There is immense potential in varied small-scale renewable energy sources. We are one of the most expensive states for electricity. That is a fact. Having households and even small businesses produce their own electricity would allow us to reduce bills and it would also allow some payback in certain cases. Going forward, we also need to change our transport use. We have fewer than 2,000 electric cars on the road in the State. In Sinn Féin, we see a future in which people will be able to charge their cars at home from their own renewable sources. There are economic and environmental benefits to that.

If we are to take climate change and job creation seriously, increase our security of supply and allow ordinary householders to play their part, we need to urgently use all the resources available. It is essential that the potential of home generated electricity provided for in the Microgeneration Support Scheme Bill is brought forward. I appeal to the Government and the House to support it. We have often been accused of not bringing forward solutions. It has not happened so much in the past two years, but members of a previous Government used to stand up and shout it across at us. Here we are trying to provide an environmental and economic solution and a solution to global warming. I urge everyone to support the Bill.

An Leas-Cheann Comhairle: Is the Bill opposed?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Brian Stanley: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Bail (Amendment) Bill 2017: First Stage

Deputy Jim O'Callaghan: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Bail Act 1997, and to provide for related matters.

The Bill seeks to amend the laws that operate with respect to bail and the granting of bail. At present, bail can be refused if it is the case there is a threat or it is believed an individual may commit a crime in the future. That change happened as a result of an amendment to the Constitution made at the end of the last century which was given legislative effect by the Bail Act 1997. Part of the reason I am introducing the Bill is the very real fear and concern in many parts of the country of the threat posed from burglary and aggravated burglary.

Recently I was at a public meeting in Cavan at which many harrowing accounts were given by individuals of acts of burglary and aggravated burglary that were committed against them and their families. It is not just an issue that affects rural communities. We read in the paper and online today that an individual in Terenure, which is in my constituency, was taken from his home and brought to an ATM. Money was forced from him in that way. There is a very real and legitimate fear and concern in our society about burglary and aggravated burglary. I am conscious there is not one solution to the issues. Very many of the solutions rest on resources but we cannot ignore the fact that many of the crimes committed are committed by people who are on bail or who previously committed offences. We note from statistics available to us that in 2016, 13% for all crimes were committed by people out on bail, an increase on the previous year which was 11%. Data from the Irish Prison Service recidivism study show that a recidivism rate of 79.5% exists among persons in prison for burglary and related offences. That is the highest rate for any offence and is considerably above the overall recidivism rate of 62%.

I note that the Government recently strengthened the bail laws. That was introduced through the House. We need to revisit it and need to tighten them even further.

This legislation proposes amending section 2 of the Bail Acts as they exist. Under the law at present where an application for bail is made by a person charged with a serious offence, a court may refuse the application if the court is satisfied that such refusal is reasonably considered necessary to prevent the commission of a serious offence by that person. The Oireachtas is entitled to strengthen that test. This legislation proposes that instead of it being discretionary, it would be mandatory on a court to refuse bail if the court is satisfied that such refusal is reasonably considered necessary to prevent the commission of a serious offence by that person. It is not removing consideration of the issue from a court, but it is stating that the Oireachtas believes it is appropriate and necessary for bail to be refused in circumstances where the court believes it is reasonably necessary to prevent the commission of a further offence.

The Bill also seeks to further amend section 2B of the legislation which will have the effect that the consideration of factors to be considered by a court in refusing bail should be limited. If an individual has already been convicted of a serious offence and is applying for bail in respect of another offence, the presumption should be against the grant of bail. If bail is to be granted, we state in a further section that it should only be granted in those circumstances if the candidate for bail is subjected to electronic monitoring.

We need to recognise that electronic monitoring exists in our criminal justice system. However, I am sure the Government will agree it is not used as effectively as it could be. It is used to a much more widespread degree in Northern Ireland where it is very effective. If the option for an individual is that he or she remains incarcerated or is subject to electronic monitoring, most individuals would favour the electronic monitoring because they retain their liberty, but are subject to scrutiny and monitoring by the State at that stage.

That is the legislation we seek to introduce and we hope to bring it forward for Second Stage in due course. I would welcome any proposals or amendments Members of the House might have.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Justice and Equality (Deputy Charles Flanagan): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Jim O'Callaghan: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Estimates for Public Services 2018: Referral to Select Committee

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I move:

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That, notwithstanding Standing Order 182 of the Standing Orders of Dáil Éireann relative to Public Business, Revised Estimates for the Public Services for the year ending 31st December, 2018, be presented to the Dáil and circulated to members and be referred to Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3).”

Question put and agreed to.

Planning and Development Regulations: Referral to Joint Committee

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I move:

That the proposal that Dáil Éireann approves the following Regulations in draft:

- (i) Planning and Development (Amendment) Regulations 2018,
 - (ii) Planning and Development (Amendment) (No. 2) Regulations 2018,
- and
- (iii) Planning and Development (Amendment) (No. 3) Regulations 2018,

copies of which have been laid in draft form before Dáil Éireann on 13th December, 2017, be referred to the Joint Committee on Housing, Planning and Local Government, in accordance with Standing Order 84A(4)(k), which, not later than 25th January, 2018, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.”

Deputy Mattie McGrath: May we comment on that?

An Leas-Cheann Comhairle: No. We have already agreed that this would be without debate.

Question put and declared carried.

Report on Proposal for a Regulation of the European Parliament and of the Council: Motion

An Leas-Cheann Comhairle: I call on Deputy O’Keeffe, Vice Chairman of the Joint Committee on Transport, Tourism and Sport, to move the motion.

Deputy Kevin O’Keeffe: I move:

That Dáil Éireann:

(1) notes the agreed Report of the Joint Committee on Transport, Tourism and Sport under Standing Order 114 on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1073/2009 on common rules for access to the international market for coach and bus services - COM (2017) 647, which was laid before Dáil Éireann

on 13th December, 2017, in accordance with Standing Order 114(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services - COM (2017) 647 does not comply with the principle of subsidiarity for the reasons set out in section 4 of the Report; and

(3) notes that, pursuant to Standing Order 114(4), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”

I wish to voice my disappointment and concern at the lack of urgency that the Department of Transport, Tourism and Sport and the Minister, Deputy Ross, have given to this legislation.

An Leas-Cheann Comhairle: We took a decision - you took a decision - earlier that this would be taken without debate. It is merely a matter for you, as Vice Chairman of the committee to move the motion.

Deputy Kevin O’Keeffe: Go raibh maith agat.

Deputy Mattie McGrath: On a point of order, we are here talking about road safety Bills and everything else. We are paying lip service to rural buses. This has a direct impact on rural buses. I am a member of a rural transport scheme.

An Leas-Cheann Comhairle: Hold on.

Deputy Mattie McGrath: No. This has been languishing there for six months.

An Leas-Cheann Comhairle: It may well be-----

Deputy Mattie McGrath: It would be more appropriate for the Minister for Transport, Tourism and Sport to bring this legislation forward-----

An Leas-Cheann Comhairle: I want to make-----

Deputy Mattie McGrath: -----and allow some freedom in the market for private bus owners-----

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

Deputy Mattie McGrath: -----to deliver a service in rural Ireland.

An Leas-Cheann Comhairle: Please-----

Deputy Mattie McGrath: It is very important.

An Leas-Cheann Comhairle: In the spirit of Christmas-----

Deputy Mattie McGrath: In the spirit of Christmas I will sit down, but it is shameful that it has been hanging around for so long.

An Leas-Cheann Comhairle: Let me be very clear. I want to make two points. The House

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decided earlier that this would be taken without debate.

Deputy Eugene Murphy: Absolutely.

An Leas-Cheann Comhairle: You have agreed and allotted time so there is no question about it. We have to take it and-----

Deputy Mattie McGrath: Time to make a point of order.

An Leas-Cheann Comhairle: That is not a point of order.

Deputy Mattie McGrath: Happy Christmas.

Deputy Kevin O’Keeffe: I was only making a statement.

An Leas-Cheann Comhairle: In addition, I understand that Deputy Mattie McGrath’s name is almost first in the list to contribute to the legislation and we were here until 11.15 last night.

Deputy Mattie McGrath: It is taking too long; we cannot get in.

An Leas-Cheann Comhairle: You, unfortunately, did not get in, but you will get in, if it is taken today.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Employment Affairs and Social Protection, shall be set down to Ministers in the following temporary sequence:

Minister for Public Expenditure and Reform

Minister for Culture, Heritage and the Gaeltacht

Taoiseach and Minister for Defence

Tánaiste and Minister for Foreign Affairs and Trade

Minister for Finance

Minister for Housing, Planning and Local Government

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Education and Skills.”

Question put and agreed to.

An Leas-Cheann Comhairle: We now have the Appropriation-----

A Deputy: No.

An Leas-Cheann Comhairle: I think we all need a rest. Beidh sos againn ar feadh 40 bo-maite. Tá súil agam go mbeidh mé ar ais sa Chathaoir ach, ag an phointe seo, guím gach rath agus bliain úr faoi mhaise ar gach duine.

Deputy Mattie McGrath: Maith an fear.

An Leas-Cheann Comhairle: Bainigí sult as an bhriseadh.

Sitting suspended at 1.27 p.m. and resumed at 2.07 p.m.

Appropriation Bill 2017: Order for Second Stage

Bill entitled an Act to appropriate to the proper supply services and purposes sums granted by the Central Fund (Permanent Provisions) Act 1965, to make provision in relation to deferred surrender to the Central Fund of certain undischarged appropriations by reference to the capital supply services and purposes as provided for by section 91 of the Finance Act 2004 and, for the purpose of maintaining a sufficient amount of moneys in the Paymaster General's supply account so as to enable the discharge of particular liabilities, to make provision for repayable advances from the Central Fund.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I move: "That Second Stage be taken now."

Question put and agreed to.

Appropriation Bill 2017: Second and Subsequent Stages

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

Minister of State at the Department of Finance (Deputy Michael D'Arcy): The Appropriation Bill 2017 is an essential element of financial housekeeping that, as Deputies are aware, must be concluded by the end of the year.

There are two primary purposes of the Appropriation Bill. The first purpose is to provide authorisation in law for all of the expenditure that has been undertaken in 2017 on the basis of the Estimates, which were voted on by the Dáil during the year.

Section 1 and Schedule 1 set out the amounts to be appropriated for supply services. These relate to the amounts included in the Revised Estimates for 2017 voted by the Dáil on 30 May this year and the further Revised Estimates and Supplementary Estimates voted by the Dáil last Thursday, 7 December. In aggregate, these Estimates amount to €46.8 billion. The comparable amount in the Appropriation Act 2016 was €44.6 billion. The amount to be appropriated this year, therefore, represents an increase of €2.2 billion or 4.9% on last year's net voted expenditure. Over 80% of this increase is in the areas of housing, health and education.

Housing is a key priority for Government. Including appropriations-in-aid, the sum appro-

apropriated for the Department of Housing, Planning and Local Government will have increased year-on-year by just over 50%, with gross expenditure on the housing programme increasing by an estimated €0.5 billion to €1.3 billion this year.

Compared to the amount provided for health in 2016, the Appropriation Bill amount for 2017 represents an increase of approximately 5%. In line with the commitment to delivering improvements in the health service, spending on our health services is already at record levels. In 2016, Ireland ranked sixth in terms of health care spend *per capita* out of all OECD countries. Given the scale of gross voted expenditure of an estimated €14.8 billion in 2017, a key challenge is to ensure value for money to maximise the impact of the increased expenditure.

An effective education system delivers significant benefits for the individual and for society. It is also vital to keeping our economy competitive and attracting investment. The sums appropriated for education in the 2017 Bill represent an increase of almost 5% on the comparable amounts for 2016. Including expenditure on the national training fund, this brings gross spend on education to over €9.5 billion in 2017. In aggregate, taking into account expenditure of the Social Insurance Fund and the national training fund, total gross voted expenditure is forecast to total over €58.5 billion in 2017. This represents a significant investment to support the delivery of essential public services and to provide for the necessary infrastructure to support social and economic progress. A key challenge as we continue with a policy of providing sustainable and prudent increases in public expenditure will be to ensure value for money from this expenditure in order to maximise the benefits for society.

The second key purpose of the Appropriation Bill is to provide a legal basis for spending to continue into 2018 in the period before the Dáil votes on the 2018 Estimates. If the Bill were not enacted before the end of December there would be no authority to spend any voted monies in 2018 from the start of January until approval of the 2018 Estimates, since this authority for 2018, as contained in the Central Fund (Permanent Provisions) Act 1965, is based on the amounts provided for in the Appropriation Act 2017 itself. Under the rolling multi-annual capital envelopes introduced in budget 2004 Departments may carry over, from the current year to the following year, unspent capital up to a maximum of 10% of voted capital. This reflects the difficulty in planning for major capital projects and provides some flexibility for Departments.

The Appropriation Act determines definitively the capital amounts which may be carried over to the following year. The aggregate amount of proposed capital carryover from 2017 into 2018 is €70.3 million, which represents just under 2% of the total Exchequer capital programme of €4.6 billion for 2017. The amount carried over from 2016 into 2017 was €76.5 million. The proposed amounts in unspent capital to be carried over by Vote are set out in Schedule 2 of the Bill.

The 2018 Revised Estimates Volume, to be presented to the House today, will set out detailed financial and key performance information for Departments and offices. In Part II of the Estimates, for each Vote availing of the capital carryover facility a table is included listing the amounts to be deferred by sub-head. In line with last year's Appropriation Act, section 3 of the Bill includes a specific provision to allow for an advance, not exceeding €200 million, from the Central Fund to the Paymaster General's supply account, with this advance then being repaid to the Central Fund in January 2018. The need for this provision arises as certain Exchequer liabilities and social welfare payments, in particular child benefit, which will form part of the supply services for 2018, are due for payment by electronic funds transfer on 1 or 2 January 2018. With the banking system closed on 1 January 2018, funding will need to be in place in

departmental bank accounts before the end of this year to meet those liabilities on a timely basis. In addition, An Post needs to be pre-funded before the end of 2017 in respect of certain payments due between the first and the fifth day of January 2018, in order to transfer payments from the Department of Employment Affairs and Social Protection to their network of Post Offices throughout the country.

I remarked at the outset that the Appropriation Bill is an essential element of housekeeping which those of us in the Dáil are required to undertake. The passing of the Bill will authorise in law all of the expenditure that has been undertaken in 2017 on the basis of the Estimates voted on by the Dáil during the year. The passage of the Bill will also ensure that payments funded from voted expenditure in 2017 such as jobseeker's allowance, disability allowance, non-contributory State pension, nurses' pay, teachers' pay and all other pay and pensions funded from voted money can continue to be funded in 2018 in the period before the Dáil approves the 2018 Estimates. While this is a somewhat technical Bill, it is vitally important. I commend it to the House.

Deputy Dara Calleary: We will be supporting the Bill. As the Minister of State said it is a very technical Bill, but it is important. The recent discussions around a potential election highlighted the importance of this Bill. They also perhaps highlighted an issue as to whether or not this is the most effective way to be doing business in this day and age. We bring this Bill in on the very last day of the session and if it does not pass many things will fall. From the point of view of prudence and keeping our legislation up to date it might be worth looking at.

The Minister of State mentioned some of his priorities, including health, education and housing, and used the usual phrase of "record spending". There are record problems, in housing in particular. If we are to do anything in 2018, we should build houses. Spending money on HAP is not adding anything extra to the stock. We can talk about extra money and record amounts of money, but at the end of the day we still have thousands of children in emergency accommodation and people dying on our streets. If we are here again this time next year talking about record allocations for housing when it is not making a blind bit of difference on the ground then there is no real point in being here.

There was a story this morning about the Central Bank spending €135,000 on a lighting fixture for its new headquarters in the docklands. It shows that a sense of extravagance is creeping in around the use of taxpayers' money again. It needs to be cut out now and a clear signal should go to all Government Departments and agencies. That kind of extravagance has no place. We have problems in health, housing and education. That kind of extravagance is completely ridiculous and is an insult to people on housing lists, health waiting lists and people who are waiting on payments the length and breadth of the country. The Minister needs to send a very strong signal from the Department of Finance that this cannot happen.

Deputy Jonathan O'Brien: We also will be supporting the Bill. Deputy Calleary outlined the importance of it. It gives authorisation in law for all of the expenditure covered by the Estimates which were dealt with in May of this year and also the Supplementary Estimates which were dealt with on 7 December. The Bill is coming before the House now because it could not be brought before the Supplementary Estimates are in. Deputy Calleary's point about looking at how we approach this is valid, because if a general election had been called the week before last this is one of the Bills that would not have been able to proceed, along with the Finance Bill and the Social Welfare Bill.

The Minister of State spoke about record spending and mentioned health and housing as areas of priority. Unfortunately the issue of housing has dominated the political agenda again this year, in particular homelessness. We have had a number of deaths this year. It is really not a matter of spending, but a matter of policy. The quicker Government realises that the policies which are articulated and put forward are not working the better everyone will be. We cannot have a situation where, despite all of the policy proposals put forward to deal with housing, the number of people who are entering homelessness is on the increase. The number of young people under 25 entering homelessness has gone up again this year and very sadly and tragically the number of people who have died on our streets this year is greater than it was last year. That is a very damning indictment of Government policy.

The Bill also allows for certain expenditure in 2018 to be able to happen because of the way the new year and bank holidays are falling. Certain social welfare payments must be made, as the Minister of State outlined. For that reason this Bill is important. If this Bill was not passed child benefit and social welfare payments would not be paid at the start of the year because they would not have been authorised in law. While it is a very technical Bill it is very important legislation and we will be supporting it.

Deputy Joan Burton: While the Minister of State reeled off a list of impressive statistics and amounts, the Government is somewhat in denial about the scale of some of the problems associated with some of these headings, which are deeply worrying to concerned members of Irish society. I will start by referring to housing. I listened to one of the two Ministers for housing we have had in less than two years. This is a structural problem with this Government, and with Fine Gael in office. It is now so focused on spin that people are not being left in jobs long enough to see matters to completion. They do not have time to build up authority with civil servants so that they can be in leadership positions and inspire people in order to actually get the job done.

I was on the first trip on the new Luas line a few days ago. When in Cabinet, I argued very strongly for spending on public transport. Without that kind of spending, we will not be able to give people the quality of life they need. I was astonished when I passed Dominick Street and heard both of the Fine Gael Ministers who have been responsible for housing, Deputy Coveney and his successor, Deputy Eoghan Murphy, refer to that huge vacant site within a stone's throw of Stephen's Green. I thought building was under way. I had not been in Dominick Street on foot for a few months. I was astonished to discover that nothing has happened.

Having seen the Dominick Street site lying empty, I raised the issue of another site with both Deputies. It is called O'Devaney Gardens. By the way, there are beautiful flats further up the way at the corner of Dorset Street. The city council has now boarded up all of the lower levels, which used to be for the use of older people. It is now starting to board up the upper levels and is doing so in the midst of a housing crisis of the scale the city and the country are facing. I want to pause. The Minister is saying that more money has been allocated. I accept that. That is good, but where is the management leadership to get the job done in respect of housing? We have had two different Ministers responsible for housing in less than two years. That is a shocking commentary on the Government. I went up to O'Devaney Gardens to check progress, because that is the area I am from. It is a beautiful site beside the Phoenix Park. It has a public road running through it which would allow building in any corner. It is beside St. Bricin's, very close to Arbour Hill, so it is in a beautiful, highly desirable part of Dublin. There are many transport options there. Even Heuston Station is only a stone's throw away. Weeds are growing everywhere. There is absolutely no sign of a brick being placed on a brick.

Increasing numbers of people are becoming homeless because more of the banks are re-possessing houses. When I was Minister for Social Protection, I spent time with the Simon Community and the housing authorities in Cork on several occasions. I agree with Deputy Jonathan O'Brien. It is shocking to see that homelessness is now spreading in a way not seen heretofore. Cork has been very good at looking after its own people. The Simon Community, other organisations, those involved with Penny Dinners and so on have been very good at looking after rough sleepers or people with other issues. Will the Government have a meeting in the new year to show some leadership in the management of expenditure so that we can start getting results?

I spoke to the Minister earlier about the dreadful situation in respect of the publicly-paid employees of section 39 organisations and he was quite honest. He very kindly went through an explanation. However, the explanation provided by the Minister for Finance, Deputy Donohoe, was all about process rather than people. There is now a problem. If a nurse, a doctor or another member of staff transfers from one of the hospitals in Cork to work in the hospice, from the beginning of next year his or her pay will be sharply lower than the pay he or she got when working in the hospital. The Minister said that we cannot identify whether some people took a cut. This is a nightmare for the people trying to run these organisations, which include Rehab, the Irish Wheelchair Association, the Western Care Association, and the hospices in Cork, Dublin and Limerick. Rehab employs approximately 10,000 people. It is the job of the Minister to find solutions. We have now analysed the problem over a long period.

All of those organisations, particularly the hospices, have asked for meetings with the Minister and the Minister for Health. There has been no reply. They do not seem able to meet anybody. I believe that all three speakers present here, on behalf of our respective parties, would ask the Minister if he could not sit down with these organisations. He gave us many technical reasons for not acting and I appreciate that he did so, but can he not sit down and work out who is and who is not entitled to pay restoration? The Minister said that some people did not take the cuts. That is possibly true, but he can still make a declaration.

Finally, on education and housing, we have nowhere near enough apprentices in training. As we get the money together, we will have nobody to build the houses or the apartments. Will the Minister please address that from a leadership management point of view?

Deputy Mattie McGrath: I too am delighted to be able to contribute. Like other speakers, I wonder what would have happened if we had the election nobody wanted but which almost arrived. Where would it have left us in respect of this Bill? It is being debated at half past the 11th hour - on the second-last day of this current session - as we head towards a new year. I think it is imprudent and improper that it is being stuck in here at the end of session given the huge and important amount of money being made available for appropriations across all Departments. This is not the right way to do business.

The former Taoiseach, Deputy Enda Kenny, made a promise during the talks. The Minister was there and was listening to him. He said that we would have to change because of the new situation arrived at after the election and the new scenario that had presented itself. He said that the whole public service would have to change to match that. I believe he was genuine, but we have not seen this change. The wheels of State are still turning as if there had been no change and no election. I am not attacking the officials but this whole system must change.

We have the Business Committee, which the Ceann Comhairle does a fine job of chairing.

We worked very hard to set it up as a result of the work of the Sub-Committee on Dáil Reform. On that committee, we do our best to deal with any legislation that comes forward. I received an earful from the Minister for Transport, Tourism and Sport, Deputy Ross, a few minutes ago. One would think I was in control of the Business Committee. I am only one member representing our group. I am not preventing his legislation passing Second Stage. The Minister's comments were very unfair but I can deal with that when I am speaking on the Road Traffic (Amendment) Bill 2017. This kind of legislation comes through the committee and did so this morning. We agreed on it but anything could happen. The sky could fall in or the election could have happened. Where would we have been then? Would there be any money in any accounts to pay anybody in different Departments? To use other parlance, we are sailing close to the wind.

The amounts involved here are staggering. As the Minister of State said, in 2016 Ireland ranked sixth out of all OECD countries for *per capita* health care spend. Given the scale of gross voted expenditure of an estimated €14.8 billion in 2017, a key challenge is to ensure value for money to maximise the impact of the increased expenditure. The health budget has increased every year since I was elected, apart from the years when there were very serious cut-backs, but the outcomes have got worse. There are some very good outcomes when people get into the system, which all Members acknowledge, but there is chaos in terms of accident and emergency departments and waiting lists for simple operations on knees or hips or ophthalmic and cataract treatment. My colleagues, Deputies Danny Healy-Rae and Michael Collins, have organised for a busload of people to travel to Belfast this Saturday to get their cataracts treated on foot of an EU directive. Some of those people have been waiting four or five years for treatment. It took exposés by RTÉ and TV3 to get people to understand the sheer scale of the waiting lists. The EU directive exists but we are told it could disappear if Brexit goes ahead in all its incarnations and the UK ceases to be part of the EU, which would be a tragedy for Ireland. People have to organise the treatment themselves and most funding is organised through credit unions, which I thank. The treatment must be paid for upfront but people will get the money back from a health budget. I am told it will not come from the current budget and I would love to know from which one it comes. There seems to be endless money available. There was a response within five weeks. Many people cannot afford the treatment. I salute those Deputies for organising that endeavour. Buses will also travel up to Belfast in January and February. This is a great initiative and is made easier by the good motorway. Those people are delighted that they will be able to read the newspaper and see their crops, their loved ones and so on. They are nearly blind. We are happy to appropriate money into health to allow for such ventures.

Members are aware of the exposé in regard to consultants who work very limited hours. Many eminent consultants with whom I deal are very good but there are many, as was revealed, who conduct private business in public hospitals. Barry Desmond of the Labour Party - I am not sure whether he is still alive but I hope he is - was a Minister when I was only a buachaill óg and fought against the practice of consultants in the 1960s and 1970s working in public hospitals and using State-provided equipment. That should not have been allowed. A vet, dentist or any other practitioner has to have his or her own equipment, surgery, X-ray machine and equipment. Why should the State provide money for some consultants who earn enormous sums? While such consultants generally treat people well from a professional and medical perspective, some of them believe they are mighty people and treat others with utter disdain. At times, patients are barely permitted to talk to them. Why should the State provide them with assistance?

The outcomes in health have become worse. A line has been crossed. As regards orthodon-

tic treatment, there are teenage girls in Tipperary who want to go to secondary school and are embarrassed to be out in public but have to wait four or five years for treatment. There are not enough psychologists available in the HSE. There is no mental health service in Tipperary, which is one of the finest and biggest counties in Ireland and which has a significant population. It has had no mental health services since A Vision for Change was implemented. It should have been called A Vision for Horror. People from south Tipperary and as far north as Thurles are expected to go to Kilkenny for treatment while people from north Tipperary are expected to go not to Limerick but, rather, to Ennis, where the mental health facilities are completely full and patients from Tipperary are not wanted. There are no facilities for transport for business, which is very important, as Members know, in the context of a person suffering from depression or mental illness. If a person has a psychotic episode, he or she ends up in the already vastly overcrowded accident and emergency department system.

We are coming up to the capital review of expenditure for the next period and more money will be thrown at hospitals without getting any meaningful outcomes. The Minister yesterday announced that HIQA will now have powers to close hospitals. Where will people go after hospitals are closed? Where will people go for treatment if we shut any more hospitals that are overcrowded and bursting at the seams? We can appropriate all that money and it is lovely to talk about the vast amount of money available and many good things are happening but there are also many bad things and much dysfunctionality and no accountability within the HSE.

Money is being thrown at the housing problem. All Members know how many housing Ministers there have been in recent years. Although it is Christmas and I do not want to be too hard on her, Deputy Burton will remember that when her colleague, Deputy Kelly, was housing Minister he promised to build skyscrapers to the moon that were going to be completed in weeks, not months. We saw very little action in that regard.

Deputy Joan Burton: Some 4,000 houses were opened up while Deputy Kelly was Minister.

Deputy Mattie McGrath: I am surprised Deputy Burton did not mention that when she was speaking on the issue. Deputy Kelly could not build a hen house in Toomevara or a dog house in Carrick-on-Suir and did not do so. It was all spin and talk. Members know of the Taoiseach's new spin unit. Deputy Kelly did not need his own spin team but he still has it and the ego to go with it. However, houses were not built while he was Minister. There have been too many Ministers for housing, with five or six in recent years, and there has been no continuity while people are dying on streets all over our country. Cork is affected, as is Clonmel, my home town in Tipperary. I am contacted by homeless families every couple of days. No progress is being made on housing although money is being thrown at it. It is pointless to do so when the outcomes are no better. We have lost the will, vision and capability to build social houses. It was left to private developers for decades and all Members know where that got us. It is now not profitable to build them. It must be profitable. I am neither in the pockets of nor a supporter of developers, but they need to be able to make some modicum of profit.

Before and since the publication of the programme for Government, Members have called on the Government to address the issue of vacant shops and premises in the middle of towns which have become desolate and to recognise that they could be turned into living accommodation without development charges or fees for planning or change of use. Some action in that regard was today announced by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. That would create a living town again and go some way towards solv-

ing the housing crisis. I do not know when the Government will do simple things such as that. It could instruct county managers to waive fees. If it is worried about giving breaks to builders, the VAT incurred during construction could be returned to the people who want to buy or lease such premises and do them up and buy all the materials. Such people would spend that money in towns and villages and improve the local economy in that way. A vision of what needs to be done seems to have been totally lost, which is very sad.

I will not address the issue of the Central Bank and the new chandeliers that have been installed there. I thought that kind of morass was gone with the recession but it has crept back in because no action has been taken. There has been no legislation to deal with bankers or to stop the Central Bank spending a scandalous amount of money on lighting. It is time the lights were turned off on those people.

Minister for Finance (Deputy Paschal Donohoe): I apologise for missing the contributions of Deputies Calleary and Jonathan O'Brien and some of that of Deputy Burton but I have been updated on what was said. Deputies Calleary and Jonathan O'Brien queried whether this is the correct way to handle such legislation. This is how such legislation is always handled and it is done at this time of the year. That is because it is only at this point in the year that the issue of any Supplementary Estimates is settled. All Estimates for all Departments, including Supplementary Estimates, have been scrutinised by the relevant committees. They have gone through committees and we are now seeking to give legal effect to the spending of that money this year and the passage of the Bill then allows the spending of money for next year, which is crucial. It takes place now because it is only at this point in the parliamentary cycle that we are clear on the nature and magnitude of the Supplementary Estimates. For example, any funding that may be required in the areas of housing and health can only be dealt with at this time. It happens at this point every year. Everything has already gone through the relevant committees.

I acknowledge it is a very high level of spending. In many areas, we are returning to the level of spending we had at other points in our history. It would be great if Members, in particular Deputy Mattie McGrath, could give recognition to the very fine things that are happening in our country and which are enabled by the spending of this money. In recent weeks, for example, we have seen the great success of young Irish students in numeracy and literacy. We have also seen that life expectancy in Ireland has increased because of breakthroughs in how we handle ageing, heart disease and lifestyle changes. These are just some examples of all the very positive things that have been enabled by successive Governments - obviously, I point to this one and that which preceded it - in spending money to try to make progress on the path taken by our State.

This is not to say that we do not have difficulties; of course we do. However, the acknowledgement that we have significant and severe difficulties should not come at the expense of failing to say that we are making progress in some areas, because we are doing so. Yes, we have difficulties in respect of housing and our health service, but there is also the fact that housing output will increase next year. The Government of which Deputy Mattie McGrath was a member allowed social housing to be delivered by the private sector. When the private sector then completely collapsed, we did not have the capacity to deliver that housing. We are now rebuilding that supply. I see this, for example, on the northside of Dublin. Last week, for example, I witnessed the launch of Broome Lodge, 80 new units of sheltered accommodation available in the heart of Dublin 7. Similarly, we will start making progress tomorrow on St. Mary's Mansions on Railway Street and Foley Street, a housing project that has been crying out for support for a decade. We all wish this could have happened sooner, but the work is under

way and we are now putting a huge amount of resources into housing and into efforts to ensure we make progress on the commitment that everyone in this House has - and which the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, certainly has - to tackling this issue.

Regarding health, it is a fact that amid many of the difficulties to which Deputies have referred, waiting lists in a number of key areas are beginning to decline. It is also a fact that while the recent patient survey published by the Minister for Health, Deputy Harris, this week pointed to things we want to change, it also pointed to things that are happening in our hospitals and primary care centres that are good for patients and that deliver the kind of support and health care they need at vulnerable points in their lives. We are seeking authorisation for a very large amount of money; the amount that would be authorised by the Bill is €46.8 billion, which is an increase of almost 5% on the sum authorised in respect of the Appropriation Act 2016. In recent years, we have increased expenditure by 15% to respond to the issues we have. We have accompanied this through reform of our public services. An example in this regard is the 2020 public service reform plan I launched earlier in the week. Passing the Bill would give legal authorisation to spend money this year. Crucially, this would then allow us to spend money from 1 January to meet our citizens' needs.

Question put and agreed to.

Bill reported without amendment, received for final consideration and passed.

An Leas-Cheann Comhairle: The Bill, which is certified to be a money Bill in accordance with Article 22.2.1° of the Constitution, will now be sent to the Seanad.

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) Deputies Thomas Byrne, Jackie Cahill, Pearse Doherty and Fiona O'Loughlin - to discuss reports that up to 257 additional schools been excluded from the DEIS programme; (2) Deputy David Cullinane - child psychology services in the Waterford area; (3) Deputy Donnchadh Ó Laoghaire - to discuss the issues raised in a "Prime Time" documentary on the Irish courts; (4) Deputy Mick Wallace - to discuss problems with the acquisition of land by IT Carlow for a new campus in Wexford; (5) Deputy Paul Murphy - to discuss Capita plc's refusal to implement a Labour Court recommendation; (6) Deputy Martin Kenny - to discuss difficulties with rehabilitation services at the National Rehabilitation Hospital; (7) Deputy Gino Kenny - the need to provide the medication Kuvan for those living with phenylketonuria, PKU, here; (8) Deputy John Lahart - to discuss the impact of Luas cross-city since it began operation and for the Minister to outline the pre-planning process, agencies involved and actions being undertaken to mitigate disruption as a consequence of its introduction; (9) Deputy John McGuinness - the need for the Minister for Health to outline the action he will take to address long waiting times for psychiatry services in St. Luke's General Hospital, Kilkenny, and for community mental health services in the county; and (10) Deputy Brian Stanley - the need for flood prevention measures in Mountmellick and other areas of Laois.

The matters raised by Deputies Thomas Byrne, Jackie Cahill, Pearse Doherty and Fiona

14 December 2017

O'Loughlin, Deputy Paul Murphy and Deputy Martin Kenny have been selected for discussion.

Technological Universities Bill 2015: Order for Report Stage

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I move: "That Report Stage be taken now."

Question put and agreed to.

Technological Universities Bill 2015: Report Stage

Bill recommitted in respect of amendments Nos. 1 to 3, inclusive, 33, 34, 48, 49, 51, 52 and 54 to 57, inclusive.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I move amendment No. 1:

In page 7, line 9, after "authorities" to insert ", and investigation into the performance of functions,".

Amendment No. 1-----

Deputy Thomas Byrne: Are the amendments grouped?

An Leas-Cheann Comhairle: Amendments Nos. 1 to 3, inclusive, 33, 34, 48, 49, 51, 52 and 54 to 57, inclusive, are related and will be discussed together. It is only necessary to move amendment No. 1 for now, which the Minister of State has already done.

Deputy Mary Mitchell O'Connor: This is the first of a number of technical amendments relating to investigator powers. The amendment specifically provides for the inclusion in the Long Title of the Bill of a reference providing for the investigation into the performance of functions regarding institutes of technology, including the Dublin Institute of Technology. This provision is comprehended in the function and governance of technological universities, TUs, as referenced in the Long Title of the Bill. Amendment No. 2 is another technical amendment, providing for the inclusion in the Long Title of a reference providing for the investigation into the performance of its functions in respect of the Dublin Institute for Advanced Studies and its three constituent schools of Celtic studies, cosmic physics and theoretical physics, and the National College of Art and Design. Amendment No. 3 is a further technical amendment providing for the inclusion of references to the Acts governing the Dublin Institute for Advanced Studies and its three constituent schools and the National College of Art of Design. The Institute for Advanced Studies Act 1940 and the National College of Art of Design Act 1971 are being amended to provide for the power of the Minister to appoint an investigator into any matter specified concerning the performance of the functions of those institutions.

Amendment No. 33 arises as a consequences of issues highlighted at the Committee of Public Accounts, which required reports and subsequent reviews, concerning the operation of several higher education institutions. The committee's deliberations highlighted the necessity

for more flexible investigative powers to be provided to the Minister for Education and Skills to deal with such matters. This provision will enable any matter or concern relating to a technological university to be investigated and a draft report to be prepared by the investigator. The report will be provided to the Minister, the Higher Education Authority and the governing body of the TU, as well as any person the investigator deems it necessary should receive the report or part of the report. Having considered any representations made within a 28-day period, the investigator will finalise his or her report and furnish it to the Minister and the Higher Education Authority as soon as practicable thereafter. The provision requires the co-operation of both leadership and staff, as well as contractors, consultants and advisers, with the investigator. Specifically, the investigator shall be entitled at all reasonable times to enter a TU, institute of technology or other referenced publicly funded higher education institution on any matters regarding the performance of its functions and shall be afforded every facility by that body, including access to all records concerning the performance of its function.

Amendment No. 34 provides that the governing body of a technological university shall furnish to the Minister any information requested by the latter concerning the performance by the institution of its functions. The Minister may provide any such information furnished to him or her to an investigator. However, the Minister shall not be permitted to request information from a TU in regard to the specific matter being investigated during the period of the investigation, up to and including the furnishing of the final report by the investigator to the Minister.

In order to provide consistency in respect of the various referenced institutions, a number of amendments which mirror amendment No. 34 are required. Amendment No. 48 proposes to replace section 15 of the Dublin Institute of Technology Act 1992 to provide the same power to the Minister to appoint an investigator to examine the performance of its functions by the DIT. Amendment No. 51, in the same vein, amends the Regional Technological Colleges Act 1992 to facilitate the same investigatory function in respect of the institutes of technology. Again, provision is made, in amendments Nos. 49 and 52, such that the Minister shall not request information during the period beginning on the appointment of the investigator and ending with the furnishing of the final report.

The power to appoint an investigator is likewise extended to include the Dublin Institute for Advanced Studies and its constituent schools of Celtic studies, cosmic physics and theoretical physics. This is done by way of amendment No. 54, which inserts a new section 29A into the Institute for Advanced Studies Act 1940. Amendment No. 55 specifies that the Minister may provide information furnished to him or her by the Dublin Institute for Advanced Studies and its constituent schools to an investigator. However, the amendment stipulates that the Minister shall not request information during the period beginning on the appointment of the investigator and ending with the final report.

Finally, amendment No. 56 extends the power to appoint an investigator to the National College of Art and Design by way of the insertion of a new section 15A into the National College of Art and Design Act 1971. Amendment No. 57 extends the power to the Minister to provide information furnished to him or her by the National College of Art and Design to an investigator. Again, the amendment stipulates that the Minister shall not request information during the period beginning on the appointment of the investigator and ending with the delivery of the final report.

Deputy Thomas Byrne: I welcome these provisions. There has been some loss of confidence in aspects of the governance of the third level sector, as was highlighted in the discus-

sions that took place at the Committee of Public Accounts and in issues reported in the media. I also refer to the University of Limerick in this regard. In some cases, there was a great deal of defensiveness on the part of sector representatives when confronted with the concerns being expressed. When I make the case generally, or even to colleagues, that the third level sector needs more funding, which it undoubtedly does, some people immediately respond that we should first look to how the institutions are spending their current allocation.

The investigatory provisions the Minister of State is proposing to insert by way of these amendments will help to restore confidence on a range of issues. Will she comment on why it was decided in the past week or so not to extend these provisions to the university sector? I wonder if doing so would affect the State's balance sheet, which might be the reason it is not being done. I would appreciate a clarification from the Minister of State in this regard.

3 o'clock

Deputy Mick Barry: Concerns have been raised in Cork, and I am sure in Kerry also, in respect of the Technological Universities Bill 2015 and the proposed merger of the Cork Institute of Technology and the Institute of Technology Tralee to form the Munster technical university. Workers in these colleges are expecting job losses, and I believe they are probably right to expect job losses. The best that the Higher Education Authority, HEA, can offer at the moment is to say that it does not envisage job losses. This seems to be a rather slippery form of words. It does not take a genius to work out that rationalisations in administration and academic staff could follow this proposed merger. I ask the Minister a direct question. The HEA has said that it does not envisage job losses but is the Minister prepared to be more precise and give a guarantee that there will not be job losses? Is she prepared to deny to the union concerned that there will be job losses and will the Minister give a guarantee to the House and the workers in this regard?

On the superannuation issue, the employee self-service, ESS, pension scheme is the lower tier pension scheme for education workers who were recruited after 2015. It is an inferior scheme because it provides workers with a career average pension as opposed to a final salary pension. I note that this is the scheme for new recruits under the arrangements as planned in the Bill. It amounts to an endorsement of a two-tier system and discrimination. I ask the Minister to give a guarantee that there will not be job losses in the institutes in Tralee and Cork with the formation of the Munster technical university.

Deputy Mary Mitchell O'Connor: Deputy Thomas Byrne asked about the investigatory provisions relating to universities. Important technical issues have come up which are being considered in respect of university governance, autonomy and control of the impact on the classification of universities in terms of a wider, national fiscal policy. These technical issues will be considered by the Department of Education and Skills, in conjunction with the Departments of Finance and Public Expenditure and Reform. For consistency right across the higher education sector, it is intended to provide for the power in relation to universities at a later stage. The enactment of the Technological Universities Bill 2015 is a priority for the Government and I do not want to delay the passage of the Bill in any way. I have, therefore, decided to proceed with the introduction of the investigative power into performance of functions across the institutes of technology and the technological university sector, and in respect of the Dublin Institute for Advanced Studies and the National College of Art and Design.

Deputy Barry asked about jobs losses. The whole concept behind us forming technological

universities, TUs, is to improve the sector right across the State. There have been problems with specific institutes of technology and by doing this, not only are we offering more to the student who is the most important person in these institutions, but I believe that jobs will be safer in strong, technological universities to which students will apply and in which they will want to finish their studies. Currently we find that students are dropping out and there is no continuum of education across the sector. In the technological universities, students will be able to do levels six through to ten. We envisage that this will strengthen the technological universities and that by doing this, jobs will be preserved and saved.

Deputy Thomas Byrne: I strongly criticise Deputy Barry for coming into the Chamber and throwing this red herring into the debate at the last minute. It casts a slur on all Deputies who support this legislation. If the Deputy had taken a minute to read section 50 of the Bill, he would see a specific section about the transfer of staff. There are no jobs losses and this is provided for by law. It is scandalous that Deputy Barry has come here today and thrown this red herring into the debate. He is frightening the horses down in Cork and elsewhere that jobs are going to be lost. It is outrageous and it is typical of the way the far left operates in Ireland.

I would not support the Bill if I thought there were job losses involved. The Teachers' Union of Ireland, TUI, would not support the Bill or have balloted their members if that was the case. I do not know if Deputy Barry is aware that the union put a ballot out with an information sheet on this issue. The Deputy could have looked at section 50 and studied the law before he came into the Chamber talking nonsense. It casts a slur on all Deputies who support the Bill. We are facilitating the Government on the legislation. We support it and we are pushing for it. Deputy Barry is not just criticising the Government, but he is also criticising Fianna Fáil and I take that personally on behalf of the party.

Deputy Mick Barry: I am well aware that when I criticise the Government I am, in passing, criticising Fianna Fáil on this issue. Deputy Byrne has said that my comments are scandalous, represent a red herring and are typical of the far left. The Deputy, however, does not remark on the fact that a significant body of trade union opinion among the workforce in the Cork and Tralee institutes of technology has genuine and serious concerns that the merger will be used to bring about job losses. I ask that the Leas-Cheann Comhairle ask the Minister to answer the question. It was not whether the Minister thought jobs will be safer. The question was if the Minister would give a guarantee to the House and to the workforce and the workers with genuine concerns that there will no job losses. I await the Minister's answer to that specific question.

Deputy Mary Mitchell O'Connor: I reiterate that I am not in the business of guaranteeing anything. We have spent years bringing in this Technological Universities Bill, and I thank the TUI which voted in favour of technological universities. The regional remit of TUs is being strengthened in this Bill. With regard to staff transfer to the TUs, I have been very clear in what I have said. I reiterate that the Technological Universities Bill will strengthen the education on offer to students and, if one thinks about it logically, in doing so, jobs will be safer. It is very easy for Deputy Barry to stand up and throw that out, but we have worked with the unions and we have discussed it with them. I believe the lecturers and staff in those institutes of technology, who are hoping to get technology university recognition, want the very best for their students. That is what this Department is about; the student and then the lecturers.

Deputy Mick Barry: I have the answer. There is no guarantee.

Deputy Thomas Byrne: I would like the Minister to clarify this. With all due respect to

the Minister, section 50 of the Bill does provide a guarantee. I ask that the Minister reconsider her point on not being prepared to give a guarantee. If one reads the legislation, in my view, it is utterly clear.

Deputy Mick Barry: I would like to hear that one word.

Deputy Mary Mitchell O'Connor: Let us look at the section on the transfer of staff.

Deputy Thomas Byrne: The Minister should be as clear as possible.

Deputy Mary Mitchell O'Connor: The Bill states: "Every person who, immediately before the designated day (a) was a member of the staff of the dissolved body shall, on the designated day, become and be a member of the staff of the merged institute and (b) was a fixed-term employee of the dissolved body shall, on the designated day, become and be a fixed-term employee of the merged institute for the duration of his or her contract of employment." That is written in the Bill. What I was alluding to was that sometimes, courses change. That has happened in the past. This provision guarantees those jobs which will move from the institutes of technology to the technological universities. If a course becomes defunct, there can be an issue. That is what I am talking about.

Deputy Mick Barry: That is precisely what I am talking about.

Deputy Mary Mitchell O'Connor: Pardon?

Deputy Mick Barry: That is precisely what I am talking about.

Deputy Mary Mitchell O'Connor: I cannot hear the Deputy, I am sorry. Can the Deputy repeat it again?

An Leas-Cheann Comhairle: We can return to the Deputy if he wishes.

Deputy Joan Burton: As someone who worked in the Dublin Institute of Technology for almost 20 years, I wish to recognise and acknowledge all the work that has gone into the proposal to establish technological universities in Ireland by various people in different colleges around Ireland.

It is the Minister of State's job to be able to allay people's fears. One thing in the institutes of technology which has been partially resolved, particularly by the work of the Teachers Union of Ireland, TUI, in a constructive and lengthy contact and debate with the Department of Education and Skills. Some people may have concerns about section 50(1)(b) and section 50(2) because they want reassurance and clarity about status. This is because, in recent decades, there has been a shift in how staff are appointed to various positions within the third level sector. This is not only in institutes of technology but also the universities. Recently, there was a suggestion that in future, university presidents may have much higher salaries. At the same time as the Government indicated it is favourably disposed to the new Garda Commissioner receiving an annual salary package of around €250,000 annually, which is a lot of money to most people, there were indications that the heads of colleges and universities might similarly be in line for such salaries. The Minister of State should clarify this. I do not know what stage this proposal has reached.

Many young people are at various stages of undertaking PhDs while others have recently been awarded PhDs. Many find that they are being effectively being appointed at assistant

lecturer level. The salary that goes with being at assistant lecturer level is modest. People would earn far more working in the information technology sector, in the commercial business sector, as accountants, lawyers or finance experts. Many people want to pursue an academic career. There is concern that in the transfer from one type of institution to another, there might be people whose terms and conditions are at risk. There has been a creeping development, I suspect influenced by the UK, where some of the leadership in third level institutions have people on contract terms that do not equate to tenure for long periods and perhaps even over a lifetime, whereas tenure used to be the common experience in Irish third level institutions. This could work out fine for people in some cases but it does not for others and it does not work fine for those who are among the 30-somethings who also need to buy a house and need status and confirmation of salary terms and conditions to be able to get a mortgage. There is a question of status within the institution for those without tenure. There has been a vast change internationally on the matter of status. It also applies to ancillary staff. I have often met people from the institutes of technology and the universities who might work in the library, for example, which is critically important especially in institutions where research is dominant. Their terms and conditions are being changed as institutions evolve. It is important to send a clear message. The technological university development will be really good for institutes of technology. It will allow them to grow and prosper and become more of a magnet for foreign direct investment into their local area. They are very attractive to people who have qualified in trades who can then progress to become engineers, professional accountants or other professionals and go up the ladder of achievement, but it needs to be directed.

Another thing which must be addressed are the complaints, which have come from as high a level as head of department, is that there has not been enough consultation with and information given to the senior staff in the institutions who are the leadership therein. These are the people on whom the Minister of State will rely to develop and lead this vision. I have seen people, whose achievements for their institutions and their students I really respect, query why they are not being included in a process. The process seems to be run out of the offices of the presidents.

Many years ago, I was on the original steering committee for the Grangegorman project. It was very difficult to explain the vision of the Dublin Institute of Technology being an institution with 20,000 students, for this city and country, that would open up career or academic progression, regardless of a person's background. It would offer the kind of progression that exists in countries such as Germany and Austria, where someone can begin as an electrician and go right up the ladder to become head of engineering in the institution, whether it is a university or an institute of technology. These heads of department, many of whom have made a similar progression and for whom I have the utmost respect, are saying that they are not sufficiently involved or consulted.

On the other end, I could take the Minister of State to my constituency, or indeed her own, and introduce her to people who, having committed to a PhD and an academic career, find it extremely difficult to get an established post. The Minister of State must speak on this to those two different sets of people who have only the best of ambition and intention to progress. The Minister of State said that this was all about students. People who have given their lives and are now heads of department, as well as those who are starting on a career to which they are totally committed, all need more information and contact from the Department and a greater indication of what is going to happen. I fought in Cabinet for the new Luas to stop at Grangegorman, which it now does, and this will transform not just the DIT, but the whole area. Leadership is

required from the Minister in the really important job she has to do. She has to reach out to the different sets of people who have genuine questions.

Deputy Thomas Byrne: The Minister has thrown a spanner into the works in the debate today. I read section 50 as stating, in the plainest possible language, that there is a guarantee that everybody who has a job will continue to have one. I am supporting the Bill on that basis. If the Minister contradicts that and says she cannot give that guarantee, then Fianna Fáil cannot support the Bill - it is as simple as that and I ask her to clarify the position.

Deputy Mary Mitchell O'Connor: All staff are transferring to the TU under section 50 and this Bill guarantees those jobs. I read it into the record.

Deputy Thomas Byrne: The Minister said she was not giving a guarantee.

Deputy Mary Mitchell O'Connor: I cannot understand why the Deputy did not hear. It states:

Every person who, immediately before the appointed day—

(a) was a member of the staff of a dissolved body shall, on the appointed day, become and be a member of the staff of the technological university

Section 50 is very strong and strengthens the negotiations for staff. It defines their tenure and section 54 is also very strong.

Deputy Thomas Byrne: Can the Minister give us a guarantee?

Deputy Mary Mitchell O'Connor: I hate giving a guarantee because I could be knocked down the minute I go out the door.

Deputy Thomas Byrne: My and the TUI's understanding is that there is a guarantee.

Deputy Mary Mitchell O'Connor: The guarantee is there. It is not a guarantee from a Minister but it is in black and white in the Bill. I have also read it into the record on two occasions.

I thank Deputy Burton for bringing up the issue of doctoral education. We have a national framework for doctoral education which was launched in 2015. The framework articulates nine principles for doctoral education in Ireland and has been endorsed by the Irish higher education institutions, as well as the main research funders. Its aims are to facilitate consistent excellence in the quality of postgraduate education, to enable and encourage higher education institutions to work more closely in the delivery of an improved learner experience and outcome, and to maximise the employability of doctoral graduates across a broad range of employment sectors by ensuring that the acquisition of discipline-specific knowledge is complemented by the development of transferable skills to underpin the international standing of the Irish doctoral award. In 2016, QQI commissioned an expert panel to report on quality assurance for research programmes. We want the best for our doctoral programmes and we have set up two national negotiation forums with unions where issues can be raised. We have strengthened postgraduate study for our doctoral students.

Deputy Mick Barry: The issue is whether there will be job losses in the institutes of technology, specifically Cork and Tralee, but also more generally, on foot of this Bill and the merger

into the Munster technical university. Job losses could happen in different ways. They could happen on day one as a result of the merger or they could happen down the road, such as later in year one or in year two. The Minister was asked a straight question and, in the answer she gave, she quoted section 50 of the Bill, which seems to give a clear indication that there will not be job losses on day one. We can put that in the bank, but then we must ask whether the way this could work out will lead to job losses down the road, and the Minister is far less clear in that regard. On top of saying she hates to give guarantees, she said that, sometimes, courses change. In that context, she is not able to give a guarantee about job losses.

It does not take a rocket scientist to work out that courses will change on foot of this merger. If there are two almost identical courses in college A and college B and all the students are grouped together from different locations with teleconferencing, it would lend itself to changes in the courses which take place. Resources from one course could be freed up and both lecturing and administrative staff could be affected. Incidentally, such a development, far from improving standards for students, would lower standards but that is not the main issue. Notwithstanding the fact that the TUI has signed up to this, there are more than one or two TUI members who have questions and concerns about this and these concerns are genuine. I do not think they will have been lessened in any way by the comments of the Minister because she seems to be saying that there is a guarantee for day one while, a little bit down the road, the picture is not so clear and no guarantees can be given. For Solidarity, that is not good enough, even if it is good enough for the Government. The issue in this debate is whether it is good enough for Fianna Fáil. Is Fianna Fáil going to vote for the Bill on the basis of a somewhat half-hearted guarantee or is it not? The ball is in Fianna Fáil's court.

Deputy Thomas Byrne: I do not answer to the far left but I will wait to hear what the Minister says on section 50 before committing because a spanner has been thrown into the works. We want to support this and get the legislation through. We want to support staff and the TUI, as well as the agreement it reached with the Department. We want to get these universities started and to ensure section 50 is properly explained on the floor of this Dáil by the Government.

Deputy Mary Mitchell O'Connor: The Deputy wants the word "guarantee". I am saying that section 50 guarantees the terms and conditions of current staff and fixed-term employees.

Deputy Mick Barry: The spanner is still in the works, Minister.

Deputy Joan Burton: I understand the Minister to be saying that, legally, this has the effect of being a transfer of undertakings, which has happened from time to time in respect of various public bodies that transferred. My question is on something that does not feature in the Bill and maybe we will come back to it in the new year so I will flag it for the Minister. Does the Minister of State have concerns about what is happening to very talented people who are either completing their PhDs or in the middle of same and their capacity to get stable, recognised employment? Section 50(1)(b) refers to a fixed term employee. Does the Minister of State have data on the institutes of technology and other institutions as to how many staff working there over long periods lack full staff positions? While they rightly have to run their own institutions, it has suited some college presidents to vary their budgets to have some people on full staff terms and conditions which others do not enjoy. The Minister of State may well tell the House that this is not a feature of the Bill, but it is one of the issues she has to address as an office holder. If she does not, many of these people, who are among the brightest and best, will end up leaving the country or going into other fields where their skills are recognised and remunerated.

The document from which the Minister of State read is a general one on how postgraduates are to be treated. I do not even think that is being done, by the way, in some of our universities. It does not apply either to how some women are being treated in our universities where their rate of promotion is significantly lower than that of men. That has been addressed in part by the courts and in part by a number of other bodies. These issues are really important for the quality of our third level institutions. What is the Minister of State saying to staff who are in those positions and where tenure is weak or non-existent? What about promotion by gender, where women are not numerically represented as well as men? We have a lot of women staff in colleges and universities at the lower levels but they are not necessarily going up the promotion ranks. Again, it means losing out on a lot of talent. What are the Minister of State's thoughts on this important issue for the country as we progress? Our third level sector is a major draw for foreign direct investment because of the calibre of those who have been educated and trained here. Institutes of technology are vital to attracting more foreign direct investment to Tralee, Sligo and Mayo and as such we need clarity that the people employed in these institutions will get contracts.

The Minister of State did not address the point I made about ancillary staff in libraries, laboratories, research centres, services and administration in colleges. Is the Minister of State saying that what was traditionally understood as a transfer of undertakings operates at a 100% level for all of these people and not just for the academic staff?

Deputy Thomas Byrne: I accept what the Minister of State has said on section 50 and the guarantee she has given. I am glad that has now been resolved as far as Fianna Fáil is concerned. As a by the way comment, I cannot see how one could go further than what is in the legislation. I am much happier now that the Minister of State has clarified and explained that.

Deputy Mary Mitchell O'Connor: I thank Deputy Burton. If she has specific examples, I would be very pleased to look at them. She has definitely raised gender and equality within third level institutions. I have set up a task force and on Committee Stage I accepted an amendment from Deputy Thomas Byrne to address gender balance on academic councils and to provide that at least 40% of a governing body of a technological university shall be women. The Bill also provides in section 12 that in making regulations relating to the conduct of elections, seeking nominations for appointments and the appointment of members to a governing body, a technological university shall have regard to the objective that at least 40% of members shall be men and 40% shall be women.

On 6 November 2017, I noted my concern about women progressing to professorships and I remain concerned. Only 19% of women are at professor level across the institutes and we have never had a woman president in 425 years of the university sector. I have set up a task force to look at this directly and to come back with solutions. Ms Máire Geoghegan-Quinn produced an excellent report in 2016 and the task force is going through its recommendations to establish how we can ensure that women come to the fore as they should. Organisations which recognise male and female talent are much better. That is what I want from my task force. As to any specific examples the Deputy has, the legislation guarantees at section 50 the terms and conditions of current staff. I am happy with that. It is there in black and white.

Deputy Joan Burton: Has the Minister of State had a chance to read the correspondence from the heads of department in DIT? If so, what is her response?

Deputy Mary Mitchell O'Connor: To which correspondence is the Deputy referring? We

get letters every day.

Deputy Joan Burton: This matter has been widely disseminated in the media. The correspondents have expressed their concerns about the process.

Deputy Mary Mitchell O'Connor: The correspondence was not sent to the Department, it was sent to Professor Tom Collins.

Deputy Joan Burton: As Minister of State, did Deputy Mitchell O'Connor take an initiative to have it brought to her attention, read it and find out what the contents were? These are very important people in their different institutions. Has no one in the Department interacted with them?

Deputy Mary Mitchell O'Connor: Each consortium has a consultation process for staff and students. I have put a great deal of effort into this, as has the Department.

Deputy Joan Burton: I accept that.

Deputy Mary Mitchell O'Connor: I have been in education for 31 years and I am from outside Dublin. I believe technological universities represent the best way forward for the regions. For staff and students, these will be stronger organisations. In good faith, that is why we have put a very strong Bill forward. It addresses all the issues that have come up via the unions, lecturers and students. This has not happened over a year or the six months I have been in the job. This has been going on for years and a great deal of effort has gone into it. We have been through the Dáil before, but the Minister, Deputy Bruton, put it back on Committee Stage to find the optimal solutions for students and lecturers. The document I have here is a very strong one and it addresses the issues the Deputy raises. If there are specific examples, the Department and I are more than willing to look at them.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 2:

In page 7, line 10, after "Technology;" to insert the following:

"to provide for investigation into the performance of functions of the Institute for Advanced Studies and its Constituent Schools and the National College of Art and Design;"

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 3:

In page 7, between lines 23 and 24, to insert the following:

" "Act of 1940" means the Institute for Advanced Studies Act 1940; "Act of 1971" means the National College of Art and Design Act 1971;"

Amendment agreed to.

Bill reported with amendments.

An Leas-Cheann Comhairle: Amendments Nos. 4, 7, 22, 25, 29 to 32, inclusive, 39, 43 to 47, inclusive, and 50 are related and will be discussed together.

Deputy Mary Mitchell O'Connor: I move amendment No. 4:

In page 8, between lines 35 and 36, to insert the following:

“ “pensionable public servant” shall be construed in accordance with Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012;”.

This is a technical amendment, the first of a number of related amendments, which inserts a new definition of “pensionable public servant” into section 2 of the Bill. There is no substantive change to the provisions relating to the superannuation of staff of a technological university from those agreed on Committee Stage. However, on the advice of the Office of the Parliamentary Counsel, OPC, this is part of a technical placement of sections of the Bill which splits the provisions to more clearly delineate and clarify the superannuation scheme entitlements between staff already in an institute of technology which becomes part of a technological university in section 51 and any staff newly appointed to a technological university in the future, who are provided for in section 15.

In related amendment No. 22 provision is made that, upon appointment of the technological university, a pensionable public servant shall become and be a member of the education superannuation scheme 2015 or Statutory Instrument No. 290 of 2015. There is no impact on a member of staff in another institute of technology who transfers in due course to a TU. Such a person’s superannuation entitlements are protected and the person will carry his or her entitlements with him or her.

Amendment No. 43 is a related technical amendment to delete section 51(2), which is being moved to section 15(1). This is being done to delineate between the superannuation entitlements of pensionable public servants’ superannuation newly appointed to a TU as opposed to those of existing staff of an institute of technology which merges upon a successful application for TU designation. This latter category of staff may be members of a relevant superannuation scheme or the single public service pension scheme and shall upon the appointed day establishing the TU continue to be a member of such scheme in accordance with its terms and conditions.

Related amendment No. 44 is a technical drafting amendment recommended by the Office of the Parliamentary Counsel.

Amendment No. 45 is a technical amendment to delete the definition of “pensionable public servants”. This definition is now provided for in section 2 on interpretation.

Amendment No. 46 is a technical amendment deleting “(S.I. No. 290 of 2015)”. With other amendments this will be referenced earlier in section 15(1) and does not require to be repeated.

Amendment No. 29 is the first of a number of technical amendments relating to provisions regarding borrowing, guaranteeing and underwriting loans by the technological university. The amendment amends section 22 and provides that an údarás shall, rather than may, from time to time with the approval of the Minister, the Minister for Public Expenditure and Reform and the Minister for Finance make rules to be complied with by a technological university in respect of any borrowing, guaranteeing or underwriting. This provision will require the údarás or the HEA to make rules rather than leaving this to their discretion. This wording was agreed following consultation with the Department of Public Expenditure and Reform and the Department of Finance. It clarifies the requirement for the HEA to make rules with the consent of relevant Ministers.

Related amendment No. 30 provides for the requirement for a technological university to obtain the prior approval of the HEA, and that such consent is subject in turn to the consent of the Minister, which consent is subject to the prior consent of the Minister for Public Expenditure and Reform and the Minister for Finance, before borrowing, guaranteeing or underwriting. This wording further clarifies the controls on borrowing, guaranteeing or underwriting by a TU. It was agreed following consultation with the Department of Public Expenditure and Reform and the Department of Finance.

Amendment No. 31 is a consequential amendment arising from an additional subsection being inserted into this provision.

Amendment No. 32 inserts a new provision requiring a TU to comply with the provisions of section 67 of the Credit Institutions (Stabilisation) Act 2010, which relates to the prohibition of certain secured borrowings. This is being inserted following further consultation with the Department of Public Expenditure and Reform and the Department of Finance.

In addition, there are a number of other technical drafting amendments. Amendment No. 7 is a technical amendment to reflect that campuses of a TU or campuses of applicant institutes may be located in more than one region. The rewording of the definition was requested by the Teachers' Union of Ireland and I am happy to provide further clarification on this issue.

Amendment No. 25 is a technical drafting amendment merging two subsections into one subsection. It is recommended by the Office of the Parliamentary Counsel.

Amendment No. 39 corrects a typographical error in the Bill.

Amendments Nos. 47 and 50 are technical amendments to amend an erroneous reference in the Bill and to delete "11" and substitute "12".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 5 and 6 are related and may be discussed together. Amendment No. 6 is an alternative to amendment No. 5.

Deputy Catherine Martin: I move amendment No. 5:

In page 9, to delete lines 26 to 28 and substitute the following:

“ “student union”, in relation to an institute or technological university, means an independent body established by students, with a written constitution ratified by students in a referendum to promote the general interests of students of an institute or technological university and which represents students, both individually and collectively, in respect of academic, disciplinary and other matters arising within the university;”.

This amendment provides a definition of a student union as an independent body democratically elected by students for students. The Bill's current definition of student union bizarrely allows the technological university to define any student representative body whether it is democratically elected or not. Obviously there are huge concerns and I have met numerous students' unions about this. The Bill also requires the union to be recognised by the technological university before it can be defined as a student union. My proposed amendment defines a student union as an independent body democratically elected by the students for the students. It requires that a representative group for students should not have to rely on a TU to recognise

it, but on the students who recognise it by voting for it.

Deputy Kathleen Funchion: This issue arose on Committee Stage. It is an important one because historically, students have always been represented by their student union and it is really important that a student union has autonomy from the institution and the university. To me, it is very similar to a workplace situation where workers decide whether to join a trade union and have representation through that trade union. The current wording regarding a representative body brings to mind an institution basically trying to put in its own body instead of actually recognising the student union. There has been a lot of talk today about staff but not much about students, who are obviously really important in all of this. The wording of my amendment and that of Deputy Catherine Martin's amendment goes a lot further to recognise the autonomy of a student union and how important it is that students are represented and a student union is given a mandate by students. If this amendment does not pass, we will see an erosion of student rights, which I would regret, so I hope people will support this amendment. It is something that student unions feel very strongly about and it is an important amendment.

Deputy Paul Murphy: I support these amendments, which are vital in terms of defending student unions as representative, independent institutions of their members, which means they can operate effectively to represent their members on whatever issues arise instead of the potentially Orwellian scenario of the technological university deciding which body it will be dealing with and what body it denotes as a student representative organisation. A very worrying example of where this can lead can be found in Institute of Technology, Tallaght, ITT, where the student union has been very effective. For example, it recently led a successful campaign to defend a students' crèche that was faced with closure as a result of cutbacks. In recent weeks, ITT has made moves to cut the full-time student union secretary position, a position that plays an important role in terms of dealing with administrative, secretarial issues for the student union. The institute of technology has just unilaterally cut that, which is a massive cut to the resources available to the student union and means that instead of being able to deal with the issues they are meant to be dealing with, the student union sabbatical officers are drowning in paperwork, which is quite a conscious decision by the institute of technology. The cutting of the position undermines the ability of the student union to offer essential services to the student body and the result is unacceptable backlogs in services and essential facilities effectively being closed. That student union is campaigning to maintain its independence and resources so that the institute of technology does not have the capacity to just cut and damage the ability of the student union to operate. I ask the Minister of State to comment on that situation if possible, to support the student union campaign to have that position restored and to endorse these amendments, which are vital.

Deputy Thomas Byrne: I have met the student unions and I have to say that I am shocked by some of the stories I have heard about student unions not being recognised and colleges putting obstacles in their way. I have heard that anecdotally about a number of colleges and I think that is very wrong. However, I have explained to the student unions that I am not sure this legislation is the right place to place a definition of a student union. I, along with Fianna Fáil, am open to considering separate legislation on the recognition of student unions. Obviously, a bit of work will have to go into that. Perhaps somebody on the Oireachtas Committee on Education and Skills could look at it because a fair issue has been raised. I worry that we are setting up recognition of a student union or legal rights in the definition of it here and I am not sure that would do it or would be good enough. I see the point colleagues are making and I respect them but I think I will sit this one out today. My commitment is definitely there and I have

told the student unions that I will work with them to make sure that type of practice is changed. The types of practice outlined by Deputy Paul Murphy today or the types of practice that other student unions have outlined would not be affected by this definition. I am not denigrating anyone. Deputies Paul Murphy and Funchion raised fair points. If what Deputy Paul Murphy is saying is correct, that would be very wrong but this would not change it. If that is happening, it must be changed and we should be working on that. I will suggest to the Chairman of the Oireachtas Committee on Education and Skills that we work on the fair points that have been raised but I would have thought that if this is accepted today, it will just delay the Bill. I do not know whether we can do so but I want to do everything possible to get this through as soon as possible and if possible, today.

Deputy Kathleen Funchion: As I have experience of working in a trade union, I know we are not going to solve everything by an amendment or wording but it certainly gives greater protection to student unions. If this amendment is not passed, we will see universities and institutions nominating representative body “X”, whoever that might be, and students would be then be forced to either accept it or have no representation. We are going down a very dangerous path. I accept that it does not solve all problems but student unions do have some recognition and this merely involves adding three or four more sentences to what is in the Bill. I do not see how it would delay the Bill any further. It is an amendment that is quite progressive and makes a lot of sense. If we are looking at our education system and trying to make it somewhat progressive, we should be looking at representing students. There was a lot of talk about the TUI and staff, and that is very important but we need to take the student voices into account. I feel strongly that having a representative body does not go far enough. It leaves the power to decide who will represent students completely in the hands of the institution when the students should be making that decision.

Deputy Catherine Martin: I reiterate what my colleagues said and thank them for speaking in support of my amendment. As it stands, the Bill would lead to the oxymoronic situation where a group would be defined as representing students because the technological university states that and recognises it but an independent body established by students and whose members are democratically elected by students would not be considered representative. We need to strive to protect the students.

Deputy Mary Mitchell O’Connor: Student union members are elected to office by their peers and are autonomous in that sense. However, it is not unreasonable that student unions, in interacting with a technological university, should be recognised by the technological university. This makes practical sense as otherwise there could be a multitude of fragmented and sectional representative bodies of individuals seeking to advance particular issues. The successful interaction of the student representative body with the technological university will be based on mutual co-operation to achieve the resolution of any particular issues.

In seeking to amend the definition of student union to include reference to an independent body, the definition in Deputy Catherine Martin’s amendment does not reference accountability for funding channelled to that body. There must be an appropriate balance between autonomy and accountability. Officials from the Department of Education and Skills have had initial discussions with USI regarding the potential development of a framework for student unions. Work carried out in Scotland has been highlighted as a possible model. I cannot accept Deputy Martin’s definition of a student union because the current definition also includes the reference to other student representative bodies, which ensures the possibility of there being more than one student representative body being provided for. In terms of that proposed amendment, the

definition relates to the independence of the student union but does not reference accountability, as I have said. There must be appropriate accountability. My officials have had the discussions with USI. They are trying to produce a framework that is acceptable for students.

I cannot accept amendment No. 6 in the name of Deputy Funchion. We are providing a technical definition to ensure clarity in the context of issues relating to representation. The current definition does include the reference to other student representative bodies. As I have said, that ensures that the possibility of there being more than one student representative body is provided for.

4 o'clock

In terms of the proposed amendment, the definition relates to the independence of the students' union but does not refer to accountability. We cannot accept amendments Nos. 5 or 6.

An Leas-Cheann Comhairle: The only Deputy who may respond is Deputy Catherine Martin, if she wishes.

Deputy Catherine Martin: I do not accept that. The amendment is needed to protect the students' union as an independent body democratically elected by the students. We cannot allow a situation in which it depends on the technological university to recognise it and have no regard to the fact it can be democratically elected by the students for the students.

Amendment put:

<i>The Dáil divided: Tá, 36; Níl, 42; Staon, 30.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Bruton, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Broughan, Thomas P.</i>	<i>Burke, Peter.</i>	<i>Browne, James.</i>
<i>Buckley, Pat.</i>	<i>Byrne, Catherine.</i>	<i>Butler, Mary.</i>
<i>Burton, Joan.</i>	<i>Canney, Seán.</i>	<i>Byrne, Thomas.</i>
<i>Collins, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>
<i>Coppinger, Ruth.</i>	<i>Coveney, Simon.</i>	<i>Calleary, Dara.</i>
<i>Crowe, Seán.</i>	<i>Creed, Michael.</i>	<i>Casey, Pat.</i>
<i>Cullinane, David.</i>	<i>D'Arcy, Michael.</i>	<i>Cassells, Shane.</i>
<i>Ellis, Dessie.</i>	<i>Deasy, John.</i>	<i>Chambers, Lisa.</i>
<i>Fitzmaurice, Michael.</i>	<i>Deering, Pat.</i>	<i>Curran, John.</i>
<i>Funchion, Kathleen.</i>	<i>Doherty, Regina.</i>	<i>Donnelly, Stephen S.</i>
<i>Harty, Michael.</i>	<i>Durkan, Bernard J.</i>	<i>Dooley, Timmy.</i>
<i>Healy, Seamus.</i>	<i>English, Damien.</i>	<i>Fleming, Sean.</i>
<i>Howlin, Brendan.</i>	<i>Farrell, Alan.</i>	<i>Haughey, Seán.</i>
<i>Kenny, Gino.</i>	<i>Fitzgerald, Frances.</i>	<i>Lahart, John.</i>
<i>Kenny, Martin.</i>	<i>Griffin, Brendan.</i>	<i>Lawless, James.</i>
<i>McGrath, Mattie.</i>	<i>Halligan, John.</i>	<i>McGrath, Michael.</i>
<i>Martin, Catherine.</i>	<i>Harris, Simon.</i>	<i>Martin, Micheál.</i>

Dáil Éireann

<i>Mitchell, Denise.</i>	<i>Heydon, Martin.</i>	<i>Moynihan, Aindrias.</i>
<i>Munster, Imelda.</i>	<i>Humphreys, Heather.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Murphy, Catherine.</i>	<i>Kehoe, Paul.</i>	<i>Murphy, Eugene.</i>
<i>Murphy, Paul.</i>	<i>Kyne, Seán.</i>	<i>O'Dea, Willie.</i>
<i>Nolan, Carol.</i>	<i>Lowry, Michael.</i>	<i>O'Rourke, Frank.</i>
<i>Ó Broin, Eoin.</i>	<i>McGrath, Finian.</i>	<i>Rabbitte, Anne.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>McHugh, Joe.</i>	<i>Scanlon, Eamon.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>McLoughlin, Tony.</i>	<i>Smith, Brendan.</i>
<i>O'Reilly, Louise.</i>	<i>Madigan, Josepha.</i>	<i>Smyth, Niamh.</i>
<i>O'Sullivan, Jan.</i>	<i>Mitchell O'Connor, Mary.</i>	<i>Troy, Robert.</i>
<i>Quinlivan, Maurice.</i>	<i>Murphy, Eoghan.</i>	
<i>Ryan, Brendan.</i>	<i>Naughten, Denis.</i>	
<i>Shortall, Róisín.</i>	<i>Naughton, Hildegard.</i>	
<i>Smith, Bríd.</i>	<i>Neville, Tom.</i>	
<i>Stanley, Brian.</i>	<i>Noonan, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Catherine Martin and Kathleen Funchion; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Deputy Kathleen Funchion: I move amendment No. 6:

In page 9, to delete lines 26 to 28 and substitute the following:

“ “students’ union” means an independent body established by students, with a written constitution ratified by students in a referendum to promote the general interests of students of an institute, merged institute or technological university, and which represents students, both individually and collectively, in respect of academic, disciplinary and other matters arising within the institution and provides services to them, including commercial services at competitive rates;”.

Amendment put:

<i>The Dáil divided: Tá, 36; Níl, 43; Staon, 28.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>

<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	<i>Brassil, John.</i>
<i>Brady, John.</i>	<i>Bruton, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Broughan, Thomas P.</i>	<i>Burke, Peter.</i>	<i>Browne, James.</i>
<i>Buckley, Pat.</i>	<i>Byrne, Catherine.</i>	<i>Butler, Mary.</i>
<i>Burton, Joan.</i>	<i>Canney, Seán.</i>	<i>Byrne, Thomas.</i>
<i>Collins, Michael.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>
<i>Coppinger, Ruth.</i>	<i>Coveney, Simon.</i>	<i>Calleary, Dara.</i>
<i>Crowe, Seán.</i>	<i>Creed, Michael.</i>	<i>Casey, Pat.</i>
<i>Cullinane, David.</i>	<i>D'Arcy, Michael.</i>	<i>Cassells, Shane.</i>
<i>Ellis, Dessie.</i>	<i>Deasy, John.</i>	<i>Chambers, Lisa.</i>
<i>Fitzmaurice, Michael.</i>	<i>Deering, Pat.</i>	<i>Curran, John.</i>
<i>Funchion, Kathleen.</i>	<i>Doherty, Regina.</i>	<i>Donnelly, Stephen S.</i>
<i>Harty, Michael.</i>	<i>Durkan, Bernard J.</i>	<i>Fleming, Sean.</i>
<i>Healy, Seamus.</i>	<i>English, Damien.</i>	<i>Haughey, Seán.</i>
<i>Howlin, Brendan.</i>	<i>Farrell, Alan.</i>	<i>Lahart, John.</i>
<i>Kenny, Gino.</i>	<i>Fitzgerald, Frances.</i>	<i>Lawless, James.</i>
<i>Kenny, Martin.</i>	<i>Griffin, Brendan.</i>	<i>McGrath, Michael.</i>
<i>McGrath, Mattie.</i>	<i>Halligan, John.</i>	<i>Moynihan, Aindrias.</i>
<i>Martin, Catherine.</i>	<i>Harris, Simon.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Mitchell, Denise.</i>	<i>Heydon, Martin.</i>	<i>Murphy, Eugene.</i>
<i>Munster, Imelda.</i>	<i>Humphreys, Heather.</i>	<i>O'Dea, Willie.</i>
<i>Murphy, Catherine.</i>	<i>Kehoe, Paul.</i>	<i>O'Rourke, Frank.</i>
<i>Murphy, Paul.</i>	<i>Kyne, Seán.</i>	<i>Rabbitte, Anne.</i>
<i>Nolan, Carol.</i>	<i>Lowry, Michael.</i>	<i>Scanlon, Eamon.</i>
<i>Ó Broin, Eoin.</i>	<i>McGrath, Finian.</i>	<i>Smith, Brendan.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>McHugh, Joe.</i>	<i>Smyth, Niamh.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>McLoughlin, Tony.</i>	<i>Troy, Robert.</i>
<i>O'Reilly, Louise.</i>	<i>Madigan, Josepha.</i>	
<i>O'Sullivan, Jan.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Quinlivan, Maurice.</i>	<i>Murphy, Eoghan.</i>	
<i>Ryan, Brendan.</i>	<i>Naughten, Denis.</i>	
<i>Shortall, Róisín.</i>	<i>Naughton, Hildegarde.</i>	
<i>Smith, Bríd.</i>	<i>Neville, Tom.</i>	
<i>Stanley, Brian.</i>	<i>Noonan, Michael.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Ross, Shane.</i>	

	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Kathleen Funchion and Catherine Martin; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 7 in the name of the Minister has already been discussed with amendment No. 4.

Deputy Mary Mitchell O'Connor: I move amendment No. 7:

In page 11, to delete lines 1 to 3 and substitute the following:

“(2) A reference in this Part to a region includes a reference to each of the regions in which the campuses of a technological university or, as the case may be, applicant institutes are located.”.

Amendment agreed to.

An Leas-Cheann Comhairle: Before we move on to amendment No. 8, I remind Members who were not here this morning that the weekly divisions will take place on the conclusion of the Recognition of Irish Sign Language for the Deaf Community Bill, which will be at 6.45 p.m. or, if delayed, at 7.07 p.m., but we will have the votes before 7 p.m.

Deputy Mary Mitchell O'Connor: I move amendment No. 8:

In page 11, line 31, to delete “citizens” and substitute “individuals”.

Following our discussions on Committee Stage, this amendment provides that the functions of a technological university provide programmes of education and training that reflect the needs of individuals in the region in which the campuses of the technological university are located.

Amendment No. 26, which is related, also arises from the debate on Committee Stage. This amendment provides that the strategic development plan of a technological university shall specify the plans to provide programmes of education and training that reflect the needs of individuals in the region in which the campuses of the technological university are located.

Following consultation with the Office of the Attorney General, the word “individuals” is considered more appropriate to encompass the broad scope of population and meets the concerns of Deputies. I thank Deputies Kathleen Funchion, Catherine Martin and Thomas Byrne for engaging with my officials on this issue following the Committee Stage discussion. Deputy O’Sullivan and Deputy Burton were also notified of the change.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 9 arises out of committee programmes.

Amendments Nos. 9, 10, 24, 27, 35 to 38, inclusive, 41 and 42 are related and may be discussed together.

Deputy Mary Mitchell O'Connor: I move amendment No. 9:

In page 11, line 32, to delete “the professions and other stakeholders” and substitute “the professions, the community, local interests and other stakeholders”.

This amendment is the first of a number of related amendments and it provides that in addition to the needs of business, enterprise and the professions, the functions of a technological university also provide programmes of education and training that reflect the needs of the community and local interests. I had previously sought an amendment relating to the community but withdrew that amendment on Committee Stage. This amendment follows discussion on Committee Stage and relevant consultations with Deputies Kathleen Funchion, Catherine Martin and Thomas Byrne. Deputy O’Sullivan and Deputy Burton were also notified of the change.

In similar vein, amendment No. 10 provides that in addition to collaborating with business, enterprise and the professions, the functions of a technological university also provide for collaborating with the community, local interests and other stakeholders in the region in which the campuses of the technological university are located. Again, I had previously sought an amendment on the issue of the community, but withdrew the amendment at Committee Stage.

Amendment No. 24 promotes the involvement of the community and broader local interests in the functions of the academic council.

Amendment No. 27 broadens the scope of the strategic development plan to take account of providing programmes of education and training, the needs of local interests as well as the community and other local stakeholders. As such it covers a wider breadth of interest groups and strengthens the provisions of programme development in this regard.

Amendment No. 35 provides for the widening of those groupings which can be involved in the development and delivery of programmes for students at a technological university. The wider scope also includes community and interest groups.

Amendment No. 36 provides that applicant institutes demonstrate to the satisfaction of the advisory panel at the time that they apply for an order under section 33 that the innovation and research has positive social and economic effects on the community and local interests in the region in which the campuses of the applicant institutes are located.

Similarly, amendment No. 37 provides that applicant institutes demonstrate to the satisfaction of the advisory panel that the applicant institutes have strong links with the community and local interests in the region in which the campuses of the applicant institutes are located, as well as with businesses, enterprises and the professions.

Amendment No. 38 provides that applicant institutes also demonstrate to the satisfaction of the advisory panel the capacity to reform effectively the functions of a technological university. In particular they must demonstrate that they have developed and have procedures in place to develop programmes further that respond to the needs of the community, local interests and other stakeholders in the regions in which their campuses are located.

Amendment No. 41 was agreed at Committee Stage but I withdrew it to include a reference to local interests. This amendment provides for those matters to which the Minister shall have

regard in relation to an application under section 26 as to whether he or she will make an order under section 33. This section incorporates these elements of section 16 of the Technological University Bill 2015, as initiated, which would previously have formed part of the considerations by the Minister when determining whether a merger was appropriate but which now will be used to consider an application made under section 26.

Amendment No. 42 was also agreed in Committee Stage, but again I withdrew it in order to include a reference to local interests following the discussion with Deputies at Committee Stage. This is broadening the scope of local interests for inclusion in the needs of a wider number of stakeholders, to be served efficiently and effectively by the proposed technological university. The Minister shall now have regard to whether the needs of students, businesses, enterprise, the professions, the community, local interest and other stakeholders in the region in which the campuses of the applicant college and applicant technological university are located would be more efficiently and effectively served if the order was made.

Deputy Thomas Byrne: I am not going to hold this up. There was a major debate.

It is worth noting the presence of the Irish sign language interpreter. What a wonderful day this is. That debate will happen later and we thank everybody for their presence.

On the Bill at hand, there was an extensive debate at Committee Stage, and I thank the Minister for acknowledging the role that everybody had in coming up with a formula of words. The Minister and officials came back to us, we engaged and the Bill was improved. I am grateful for that. We will be accepting the amendment as the Minister set out.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 10:

In page 12, line 16, to delete “the professions and related stakeholders” and substitute “the professions, the community, local interests and related stakeholders”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 11, 12, 28 and 40 are related and will be discussed together.

Deputy Mary Mitchell O'Connor: I move amendment No. 11:

In page 12, between lines 32 and 33, to insert the following:

“(i) developing and promoting strong social and cultural links, and links supporting creativity, between the technological university and the community in the region in which the campuses of the technological university are located,”.

This group of amendments arises from our discussions at Committee Stage and provides for references to links supporting creativity and creative organisations to be included in a number of sections of the Bill.

Amendment No. 11 provides that technological universities will develop and promote strong social and cultural links, including links supporting creativity between the technological university and the community in the region in which the campuses of the technological university are located.

Amendment No. 12 broadens the range of organisations with whom a technological university shall foster close and effective relationships. I am now including a reference to creative interests in order to ensure the broadest sweep of artistic and creative community interests are encompassed in this provision.

Amendment No. 28 provides for the development of strong social and cultural links and links supporting creativity between the technological university and the community as part of the strategic development plan of a technological university. I am also seeking to ensure that the links are strengthened to ensure creative influences are involved in this provision.

Amendment No. 40 also results from the discussion with Deputies at Committee Stage. This amendment provides that applicant institutes have procedures in place to develop further and promote as a technological university not alone strong social and cultural links but also links supporting creativity.

Deputy Thomas Byrne: The amendments are very important and I thank everybody for their engagement.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 12:

“(V) organisations representing the social, creative and cultural interests of the community in the region in which the campuses of the technological university are located,”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 13 to 15, inclusive, are related and will be discussed together.

Deputy Catherine Martin: I move amendment No. 13:

“In page 13, line 9, to delete “where practicable” and substitute “in so far as possible”.

Amendment No. 13 seeks to delete “where practicable” and insert “in so far as possible” in its place when it comes to critical thinking and diversity in technological university education. I believe this would strengthen the commitment of the university to contribute to the promotion of the economic, cultural and social development of the State, to respect diversity of value, beliefs, traditions and all other aims listed in subsection 1(K)(iii). It seeks to bring the language of section 9(1)(k)(iii) into line with the language in section 9(1)(h)(ii). I raised this issue at Committee Stage and I would like to thank the Minister. She gave a commitment to engage with me and she did, as did her officials, and I thank her for doing that so constructively.

Our amendment simply seeks to ensure that life-enhancing skills, such as analytical, critical thinking and diverse views, are protected and promoted as part of the university experience have a role in wider society.

Amendment No. 15, by deleting “or” and substituting “and” in line three of page 14, will ensure that in the formulation of procedures for dispute resolution the technological university must consult with every trade union and staff association recognised by the university. This just tightens up the current language which leaves open the possibility that the technological university could consult with a trade union without consulting the staff association.

Deputy James Lawless: I welcome amendment No. 14 from an tAire Stáit. Deputy Thomas Byrne and I had proposed similar amendments prior to Committee Stage. In particular the amendments sought to broaden the definition beyond cultural and social and to include scientific and technological advances within the remit of the university. It seems to be a core function of a technological university to contribute to that advancement in the State. I was recently privileged to visit the Fraunhofer Project Centre in DCU, which is a very good example of scientific and technological advancement within the model envisaged for technological universities. It is a core function of a technological university and it makes perfect sense to include it in the Bill. I thank the Minister of State for making that amendment, as suggested by Deputy Byrne, and I support the amendment.

Deputy Mary Mitchell O'Connor: I can accept amendment No. 13, proposed by Deputy Martin. The advice from the Office of the Parliamentary Counsel is that the words “where practicable” have no substantive difference from the words “insofar as possible”. I appreciate the Deputy’s preference for standard terminology and the phrase “insofar as possible” so I am very willing to accept that amendment.

On amendment No. 15, which is also proposed by Deputy Martin, the aim of this provision is to ensure that procedures are established by the technological university for the resolution of disputes and that each trade union, staff association and student union shall be consulted. The key issue is that staff and students are consulted on the procedure. I accept that amendment.

On amendment No. 14, following discussion on Committee Stage, I have reflected on this amendment which was withdrawn by Deputies Lawless and Byrne. I now consider the expansion of the provision so that in the performance of its functions a technological university shall, where practicable, also contribute to the promotion of the scientific and technological development of the State, as well as the economic and cultural development, as reasonable and appropriate. I thank Deputies Byrne and Lawless for engaging.

Amendment agreed to.

Deputy Mary Mitchell O'Connor: I move amendment No. 14:

In page 13, line 10, to delete “cultural and social” and substitute “cultural, social, scientific and technological”.

Amendment agreed to.

Deputy Catherine Martin: I move amendment No. 15:

In page 14, line 3, to delete “or” and substitute “and”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 16 is in the joint names of Deputies Catherine Martin and Kathleen Funchion. It arises out of proceedings on Committee Stage. Amendments Nos. 16 and 23 are related and will be discussed together.

Deputy Kathleen Funchion: I will very briefly speak on amendment No. 16. This amendment basically seeks to extend the protection currently awarded to staff under this section to students. We had a detailed discussion on this on Committee Stage and unfortunately our amendment was not agreed at that time so we are raising it again today. It is important to ensure

that students are given the same protections. As I said earlier, and at the risk of sounding like a broken record, a lot of this relates to students. We have heard a lot of talk about staff but not so much about students.

On amendment No. 23, it is currently at the discretion of the institution whether it chooses to involve students. We are calling for a legislatively set minimum level of student input into the academic council. Unfortunately, as the provision is currently worded, there could be a situation where a university decides that it is appropriate not to have any student involvement on the academic council. While people will say that will not be the case, one always comes across one or two scenarios where it might. I do not think it is too much to ask that we have not less than four representatives or 10% of the membership of the council, whichever is greater, nominated by the students' union in accordance with its own procedures. That is more than reasonable.

Deputy Catherine Martin: Amendment No. 16 will ensure that both students and staff will have their academic freedom protected. This is especially important for doctoral students, who are working on the cutting edge of scientific, cultural, social and technological development and who should feel free from discrimination or pressure to conform. Universities are about more than jobs. They are also about creating hubs for the development of innovative ideas and concepts which advance our world and culture as a whole. International recognition is also more likely to come to a university if it does not put a brain freeze on its students and academics.

Deputy Mary Mitchell O'Connor: I do not accept amendment No. 16. The principle of academic freedom is a defining characteristic of high quality higher education and research throughout the world. This Bill rightly ensures that academic freedom shall apply in technological universities in the same way as it applies in universities. It is understood internationally that academic freedom applies to the academic staff of higher education institutions. Extending academic freedom to students would put technological universities in a different position from their peers, both within the State and internationally.

In addition the whole doctrine of academic freedom is based on protecting the security of employment of tenured academics. As students are not employees their time within the institution is, by definition, limited and there are appropriate policies in place within institutions to protect students.

An Ceann Comhairle: If I may interrupt the Minister of State, the time provided for this legislation has now elapsed. I ask the Minister of State to propose the adjournment of the debate.

Deputy Mary Mitchell O'Connor: I propose the adjournment.

An Ceann Comhairle: I thank the Minister of State. We now proceed to consideration of the Recognition of Irish Sign Language for the Deaf Community Bill 2016. We are awaiting the arrival of the Minister of State at the Department of Health, Deputy Finian McGrath. Tá sé ag teacht.

Deputy Mary Mitchell O'Connor: I understood we were to debate until 5 p.m.

An Ceann Comhairle: Are Members amenable to continuing until such time as the Minister of State, Deputy McGrath, arrives so that we are not wasting parliamentary time? Would the Minister of State like to conclude on these amendments?

Deputy Mary Mitchell O'Connor: The Ceann Comhairle will have to bear with me while I find my speaking notes.

Deputy Thomas Byrne: I was indicating.

An Ceann Comhairle: We will hear Deputy Byrne and then we will return to the Minister of State.

Deputy Thomas Byrne: I was indicating to the Ceann Comhairle before he said the time was up.

Deputy Mary Mitchell O'Connor: I am ready to continue. We were talking about tenure. I had said that as students are not employees their time within the institution is, by definition, limited. This issue includes the right to free expression. Any claim that this right has been restricted, or any fear that voicing a contrarian opinion would invite academic retribution, can be better challenged through the existing charters and policies, which set out a detailed process for consideration and redress where necessary. I understand that such policies and processes have been already agreed with student representatives at local level and that they have been formally adopted by each of the academic councils.

Amendment No. 23, tabled by Deputy Funchion, proposes changes to section 15 of the Bill, which provides for the composition of the academic council of a technological university. As I outlined during the Committee Stage debate, section 15 provides that the governing body of each technological university, including its student members, shall have the flexibility to decide the overall number of members the academic council should have, including the number of students.

Deputy Thomas Byrne: The concept of academic freedom - particularly for the staff of a third level institution, a university or a technological university - is so crucial and so important for democracy, freedom of thought, the development of ideas and social progress that to dilute the concept of academic freedom for staff by inserting student academic freedom, as the Members propose, would be wrong. We should vote against the amendment to ensure that the academic freedom of staff is not diluted. However, as I have said, Fianna Fáil will support legislation on the recognition of students' unions. The concept of student academic freedom could be explored in that context and I would have no objection to it being done. However, academic freedom is so crucial to society that it should not be subject to a different regime in our technological universities than in the remainder of our third-level institutions. It is probably premature to pass the amendment. The matter should be the subject of separate legislation.

Debate adjourned

Recognition of Irish Sign Language for the Deaf Community Bill 2016 [Seanad]: Second and Subsequent Stages

Minister of State at the Department of Health (Deputy Finian McGrath): I move: "That the Bill be now read a Second Time."

I am delighted to speak on the Bill. I am also delighted that consensus was achieved on

it in the Seanad, leaving very little work to be done in the Dáil before it can be referred to the President for signature. I commend Senator Mark Daly, Fianna Fáil and members of the deaf community on the work that was put into achieving that consensus. I particularly want to mention Grace Coyle, Senator Mark Daly's parliamentary assistant, for her dedication, perseverance and endless patience in seeing the Bill through to this point. I also commend Deaglán Ó Briain, Jennifer O'Connell and my adviser, Gerry Maguire, for their amazing and professional work on the Bill.

As I mentioned in the Seanad, the Government's approach to amending the Bill is to keep and strengthen the three key features that need to be in legislation. Those are: to ensure the retention of the important recognition by the State of Irish Sign Language and that users have the right to use it; to place a duty on public bodies to provide Irish Sign Language interpretation at no cost to the user when access to statutory entitlements is sought by a person; and to provide a clear statutory right to use Irish Sign Language in court proceedings.

I reiterate for the House that, in response to concerns raised by the deaf community - all of whom present in the Gallery I welcome to the House for this very important debate - the commitments relating to Irish Sign Language in the national disability inclusion strategy I launched last July were strengthened. In addition to providing for the extension of the Irish Sign Language remote interpretation service to evenings and weekends and supporting this legislation to ensure that all public bodies provide Irish Sign Language users with free interpretation when accessing or availing of their statutory services, we will ensure that the Sign Language Interpretation Service, SLIS, will be resourced to increase the number of trained sign language and deaf interpreters. A quality assurance and registration scheme for interpreters, for whom ongoing professional training and development will be provided, will be established. I am delighted to confirm that an allocation of €327,000 in 2018 has been made available to SLIS via the Citizens Information Board for that work.

Much work was put into improving the Bill in the Seanad and, as I said, there are very few amendments for the Dáil to consider. One substantive amendment to the Bill has been proposed following discussions between myself and Senator Mark Daly. In regard to specific detail on the number of hours per annum, the Bill, as published, proposed that users of Irish Sign Language be provided with an annual allocation of interpretation for non-public sector purposes, to include GP visits and social and cultural activities. That level of detail and prescription is not appropriate to primary legislation, which point was accepted by the Senator in negotiations. I again thank him for his co-operation. Although he agreed in the Seanad to the deletion of the provision, which is contained in section 7, that was on the basis that the issue would be further considered in the Dáil. I accept that sign language users suffer extreme social isolation. That argument was put forward by the deaf community and the Senator and I accept it. Provision of support so that sign language users can visit the GP and engage in social, cultural and other activities would be a humane and worthwhile initiative to combat that isolation and improve well-being and mental health. However, that cannot be regulated through detailed prescription of annual numbers of hours in primary legislation as was originally proposed. I am delighted to confirm that I have secured the agreement of the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, for the provision, in principle, of funding to Irish Sign Language services in that regard.

The intention for 2018 is to develop guidelines as envisaged in amendment No. 15. SLIS, working with its funder, the Citizens Information Board, will be tasked with scoping out how a model for such a scheme would operate and preparing draft guidelines for consideration and ap-

proval by the Minister for Employment Affairs and Social Protection. The intention, subject to the progress of that work, is to aim to trial an approach towards the end of 2018. In that context, a sum of up to €50,000 may be made available from within existing resources to meet any pilot project costs incurred towards the end of next year. Following the pilot project, more detailed proposals and revised guidelines will be developed and they will inform future annual funding requirements, subject to the consent of the Minister for Public Expenditure and Reform, Deputy Donohoe, in the normal way.

The Office of the Parliamentary Counsel has examined the text of the amendment originally suggested by Senator Mark Daly and advised that it should be recast as per amendment No. 15. The Senator and I engaged in further discussions and it is now an agreed amendment. As agreement has been reached on an approach to funding, which is the remaining outstanding issue, and as it is a very real issue for the deaf community, I am happy to present the amendment by agreement.

The Office of the Parliamentary Counsel has advised that a number of technical amendments should be made to the Bill, as passed by the Seanad. They include: moving a regulation-making power adding new public bodies from definitions in section 2 to a substantive section of the Bill; a technical recasting of the regulations in respect of notice to be given by a user of Irish Sign Language seeking to avail of free interpretation services and ancillary matters in section 5; an internal reorganisation of the review of the Act in section 9; and changing the Title of the Bill to the Irish Sign Language Act 2017, which is crisper and more user-friendly. Those amendments have been discussed and I hope we will be able to agree them on Committee Stage.

It is appropriate to reflect at this time of year on the significant progress that has been made on disability issues over the past 12 months.

5 o'clock

The task force on personalised budgets, which I launched in 2016, will report to me shortly on a personalised budgets model, which will give people with disabilities more control in accessing health-funded personal social services, thereby giving them greater independence and choice in accessing services which best meet their individual needs. The task force is an important part of the process of progressing the Government's objective to provide services and supports to people with disabilities that will enable them to have greater independence in accessing the services they choose and improve their ability to tailor the supports required to meet their needs and plan their lives. This is an important issue in the context of choice and equality for all citizens.

In April of this year the Make Work Pay report was launched, and many its 24 recommendations already are being actively advanced by all Departments. In some cases the Government has gone beyond the recommendations of the report in support of people with disabilities. For example, the report identified transport as being critically important for people with disabilities who are considering returning to work. On foot of this recommendation, it was decided that a person in receipt of a long-term disability payment may retain his or her free travel pass for five years.

In budget 2018, I secured an increase in the allocation for disability services to €1.763 billion, which is an increase from the allocation of €1.688 billion in 2017. As a result of my securing additional funding of €92 million for disability services in 2017, this year saw the al-

location of an additional €10 million for the provision of services for 1,500 young people leaving school and rehabilitative training this year; the development of alternative respite models with €1 million in targeted funding; the reconfiguration of residential services supported by €20 million in capital funding and to be further supported by the service reform fund; and quality improvements to increase compliance with the national standards for residential services for children and adults with disabilities.

Deputy Margaret Murphy O'Mahony: I will share my time with Deputies O'Loughlin and Browne.

Fianna Fáil is delighted to support, and to have initiated, the Recognition of Irish Sign Language for the Deaf Community Bill 2016. This is a hugely significant day for the deaf community as this legislation will empower them by placing Irish Sign Language on a statutory footing. It is a massive advance for their civil and human rights. On enactment of the Bill, the State will recognise the right of Irish Sign Language users to use Irish Sign Language as their native language. Designating Irish Sign Language as a native language will empower the deaf community by permitting the language to be used in legal proceedings. It will also require the State to provide interpreting services for students who use Irish Sign Language. Importantly, it will also require public bodies to provide Irish Sign Language users with free interpretation when availing of or seeking access to statutory entitlements and services. This will make it easier for members of the deaf community to communicate with State institutions.

The Bill was originally put together by Senator Mark Daly, working with the Irish Deaf Society, including members of the deaf community, some of whom were from my native county of Cork. The Bill covers a wide range of topics, including recognition of Irish Sign Language and the rights of members of the deaf community. Three times my party colleague, Senator Mark Daly, introduced Irish Sign Language legislation in the Seanad and now, on the third attempt, he has succeeded. I commend his persistence. I also acknowledge the work of Ms Grace Coyle, who works with Senator Daly. She worked very hard on the Bill.

As I said, the Bill was drawn up in collaboration with the Irish Deaf Society, which has campaigned for more than 30 years for recognition of Irish Sign Language as a major aspect of equality for deaf people in Irish society. Irish Sign Language is the primary language of the deaf community in Ireland, and approximately 50,000 people communicate in the language. It is the native language of the deaf community, a visual language with its own unique grammar, and it is a language not only of the hands but also of the face and the body. Until now it has had no official status in Irish legislation, and it has been a crucial objective of the Irish Deaf Society to secure such recognition. This week this goal will be achieved.

I hope this legislation is just the start and not the end of this journey. I particularly hope that official recognition of the language will transform the lives of deaf people, especially deaf children. Before I was elected to this House, I worked as a special needs assistant, so I particularly welcome section 5 of the Bill, which provides for educational supports for deaf children. In this, as in so much else, early intervention is critical. There is no reason deaf children should not have the same educational outcomes as those of the rest of society, yet the proportion of deaf children who progress to higher education, for example, is half the proportion of the wider community. I hope this Bill will be able to address such issues. In the years ahead we must closely monitor and evaluate the progress of young deaf people and be prepared, if necessary, to come back here and improve this legislation. I ask the Minister of State to work on core funding for the Irish Deaf Society, which does Trojan work. I, too, am happy to commend the Bill to the

House. I compliment the Minister of State on his work and I reiterate my congratulations to the Irish Deaf Society, many members of which are in the Gallery, and to Senator Mark Daly for making this happen.

Deputy Fiona O'Loughlin: I extend a warm welcome to all the members of the Irish Deaf Society who are in the Gallery with their families. It is a very proud and significant day for all of them. I also welcome the fact that we have an interpreter in the press gallery. I was very frustrated one day when I had hoped to hold a meeting with Eddie Redmond of the Irish Deaf Society and the Houses of the Oireachtas Service could not and would not provide an interpreter. I hope that will all change with this Bill. Today is a very significant day after a very long campaign lasting more than 30 years, and I commend again the Irish Deaf Society and Eddie Redmond, Senator Mark Daly and the Minister of State on bringing the Bill to where it is today. It has been the culmination of a very long struggle.

The right to use one's own language is an important human right that each person in the Gallery should have and will have when this Bill is passed. Purely because of a lack of communication over the years, the deaf community has suffered. Deaf people have through the years become one of the most marginalised groups in society, facing barrier after barrier at every stage of their lives, preventing their full participation as equal citizens. When we look back over the research, we see and must acknowledge that deaf people have faced higher unemployment rates, lower educational attainment, poorer health rates, higher risk of mental health issues and significantly decreased economic mobility. Please God, this will end. There will still be barriers and battles, but when the Bill is passed I hope life will be an awful lot easier for all of those in this community.

What will legal status in respect of Irish Sign Language, ISL, achieve? There are a number of reasons it is important for us to accord such status. From what we can see, ISL users will have more legal rights, better access to public services through ISL, which is hugely important, better education for deaf children, better third level education and training for deaf adults and better interpreting quality and monitoring. These are just five reasons the Bill is so incredibly important to all of those in the Gallery and those whom they represent. There is no doubt but that the Bill, when passed, will make a positive and meaningful difference to the quality of life for Irish Sign Language users, both the 5,000 who use it constantly and the other 40,000 who use it as a means of communication. I commend the Bill to the House and am proud to stand with colleagues in supporting it.

Deputy James Browne: I welcome the members of the deaf community who are in the Visitors Gallery for this historic occasion. This Bill was introduced in the Seanad by my Fianna Fáil colleague, Senator Mark Daly, in 2013. It has been a long road to get to where we are today, but it shows what can be achieved when we work together and persevere on an issue of huge importance to our society. The Bill provides civil rights for the 50,000 members of the deaf community in Ireland and, crucially, places responsibility on the State to deliver those rights.

From my experience as party spokesman on mental health, I welcome these provisions, which include an onus on the State to provide interpreters in all public services, including hospitals, as a means to enable members of the deaf community to gain the help they may need when suffering from poor mental health. The provision to provide funds to support users of Irish Sign Language, ISL, in accessing social and cultural events is likewise particularly welcome. These changes will facilitate ISL users to play a full and unencumbered part in Irish

society, which will have a positive impact on their mental health.

These provisions will have huge benefits for members of the deaf community in my own county of Wexford. I give a special mention to Our Lady of Lourdes secondary school in New Ross, which contacted me earlier this year when pupils were doing a project on ways to bring about improvements in areas of social neglect, for which they chose to focus on the provision of services for the deaf and hearing impaired. It is through projects like this and the awareness created by deaf community campaigns that we have got to where we are today. I congratulate the deaf community on their achievement and the Minister of State, Deputy Finian McGrath, and his officials on the important part they have played in progressing the legislation. I thank Senator Mark Daly and his assistant, Ms Grace Coyle, on their work in initiating the passage of the Bill through the Houses.

Deputy Caoimhghín Ó Caoláin: This is an historic day which has been a long time coming for the deaf community in Ireland. Míle comhghairdeas to all of those who campaigned for decades to achieve recognition for Irish Sign Language. A special word of thanks must go to Senator Mark Daly for his great work on this issue. I take the opportunity, too, to commend the Minister of State, Deputy Finian McGrath, on his introduction of the Bill in the Dáil for final approval. Maith sibh uilig to everybody who has played a part in getting us here today. Sinn Féin has long supported the campaign by the Irish Deaf Society and other campaigners for official recognition of ISL. The language is of great importance to members of the community in Ireland, their families and friends. This legislation is incredibly important in terms of the rights and entitlements it affords to citizens who are deaf.

Irish Sign Language is a language of the face, hands and body. It has been in existence for hundreds of years and was developed from within the deaf community in Ireland. It is one of our two indigenous languages, with the other, Gaeilge, being our first official language. ISL is unique to Ireland and differs from sign languages in other countries. There are approximately 5,000 deaf people in Ireland who use ISL daily. In addition, approximately 40,000 hearing people use the language regularly or on occasion. The right to use one's language is a human right. Unfortunately, we in Ireland are accustomed to the mistreatment and lamentable decline of Gaeilge. The failure to give official recognition to ISL before now is another example of the disgraceful treatment of our indigenous languages. Irish Sign Language was formally recognised in the North of Ireland in 2004. The Good Friday Agreement requires equal respect in both jurisdictions for all rights bestowed in either jurisdiction. That equality will finally be in place for the Irish deaf community in this State with the passage of this legislation. While we are on the topic of equality and language rights, I take the opportunity to record our support for those campaigning in the North for an Irish language Act, Acht na Gaeilge.

In October last year, in my capacity as Chairman of the Oireachtas Joint Committee on Justice and Equality, I was honoured to launch a report fully endorsing the formal recognition of ISL. During the course of our hearings on this issue, the committee heard of the extent to which the deaf community experiences exclusion and isolation through the lack of sign language provision. One witness described that experience as one of "extreme marginalisation", extending from the personal level right through to interactions with key organs of State such as the education system, Courts Service, health service and the Oireachtas. Those of us blessed with hearing take for granted the most simple of things like listening to music, hearing our telephones ring, watching television, accessing State services and communicating with our health providers. We all recall the infamous Storm Ophelia, which hit our shores some weeks ago. Those of us with the gift of hearing were provided with 24-hour news coverage of the storm's

progress. Every effort was made to keep us informed and safe, but the same consideration was not given to those in the deaf community. It was only when contact was made with the national broadcaster to point out that the service did not cater for the needs of deaf people that an interpreter was finally provided. This is just one recent example of how the deaf community is continually let down. The introduction of statutory targets regarding the accessibility of TV programming, as provided for in the Bill, is very welcome.

In my contribution at the launch of the justice committee's report, I made reference to a very sad chapter in the recent story of the deaf community in Ireland and those most seriously impacted among its number. I dedicated the event, which took place in the Leinster House audiovisual room on 13 October 2016, to the memory of brothers Daniel and William McCarthy whose remains were discovered at their Millrose Estate home in Bluebell in west Dublin just weeks before the report's launch. Their tragic passing exemplified the need for a formal recognition of Irish Sign Language. The message from this Chamber today is that Daniel and William are still in our thoughts.

The passing of this Bill will mean that deaf people in Ireland are finally able to access State services in their own language. It will mean every public body having to devise and implement an action plan to promote the use of sign language within the organisation. It will also permit the use of sign language within the courts. In addition, the Bill advocates for the establishment of an Irish Sign Language council, which would regulate sign language interpreters and teachers. All of these provisions will make a huge difference in the lives of many. The legislation represents a massive step forward and I am delighted to have played my part, however small, in its coming into being.

Deputy Donnchadh Ó Laoghaire: Déanaim comhghairdeas leis an Aire agus le gach a bhí páirteach sa Bhille seo thabhairt chun cinn. Is Bille tábhachtach é a thabharfaidh aithneas agus éifeacht don teanga agus a thabharfaidh cúnaimh do dhaoine é a úsáid i ngníomhachtaí leis an Stáit.

We discussed the report of the committee 12 months ago. As on the previous occasion, I started my contribution in Irish to illustrate a specific point. Irish is my native language. It is a language of which I am very proud and which I have spoken since I was a child. Despite the complaints I might have regarding the status, promotion and funding of the Irish language, it is officially recognised in the Constitution. I have the right to use my native language in our courts and when engaging with public services. While the manner in which that is done is not perfect and there are many flaws, I am aware that these are privileges that the deaf community in Ireland does not currently enjoy. Users of Irish Sign Language do not enjoy those privileges in respect of what is their native language. This Bill changes that and, as a result, it is welcome.

I commend the Minister of State and Senator Mark Daly on their work in respect of the Bill. I also commend Grace Coyle, the Senator's parliamentary assistant. I worked with Grace in a newsagents many years ago. It is a small world. I also commend Deputy Caoimhghín Ó Caoláin who made this Bill a priority at the Joint Committee on Justice and Equality, which brought forward the report.

It is extraordinary that the campaign for the recognition of Irish Sign Language has taken so long. It has been 30 years since the matter was first raised in the European Parliament by Eileen Lemass, a former MEP. It is extraordinary that it has taken so long to reach this point. The greatest congratulations of all are owed to those who were involved in campaigning, the

many people who are in the Public Gallery tonight, the Irish Deaf Society and, specifically, the Cork Deaf Club, which was very active in canvassing me and all Deputies and Senators in Cork city and county. There are many people in this institution who deserve to be commended on the passing of this vitally important legislation, but the greatest congratulations are due to the aforementioned groups for their perseverance.

The legislation is important in terms of its symbolism and its recognition of the language. It is also important in the context of its practical effect. Deaf people have been marginalised in the areas of employment, education and opportunity. It is essential that the legislation will now give equal opportunities to members of the deaf community in all those areas and that it will give practical effect to the recognition of the language.

Deputy Ruth Coppinger: I welcome those in the Public Gallery. They are more than welcome. I am sure this Bill is very important to them. It is the result of years of campaign work and pressure from the deaf community. They are the people who fight for resources for their community and for the recognition of the language and the culture. The deaf community has experienced many years of discrimination and isolation. The State's education system marginalises their language and this has resulted in social isolation of the community. Members of the deaf community should be very proud of their campaign work and in their achievement of having Irish Sign Language recognised as a language.

Solidarity-People Before Profit will support this Bill, but we also believe that there must be far stronger provision for Irish Sign Language as a full, official language of the State with legal obligations on those outside of the public sector also. The deaf community will have to fight - as do other communities - for the resources to make this recognition a reality. I am particularly happy to contribute to this debate because of Deaf Village Ireland on the Navan Road and the important role it plays in the life of the constituency I represent in Dublin West. Deaf Village Ireland forms the boundary of the constituency and many people who are deaf live in the area and have links with the local community on the Navan Road.

Irish Sign Language is indigenous to Ireland. The language should be valued as part of the deaf community's culture and as Irish culture. Irish Sign Language is used by 5,000 people in the State. The actual figure is thought to be much higher as a result of the fact that family members and work colleagues also use it at some level. Some estimates indicate that 20,000 to 50,000 people use the language. In the 19th century it was the dominant view that sign language should be discouraged because it was believed to be a barrier to integration. This was a mistaken belief. People were forced to fit in to the education system rather than the education system fitting their needs. It was an utterly backward idea.

Knowledge of sign language in general, and of Irish Sign Language, is essential for interaction with wider society. This interaction with education means that members of the deaf community often have lower literacy levels than the rest of society. In that context, 80% of adults in the community have same literacy level as eight or nine year olds. For the rest of society, the figure is 25%. The resources are not available to the community to fund Irish Sign Language education for their families. This means that members of the deaf community can often find it difficult to communicate with their own families and those closest to them. One survey indicates that 71% of deaf people are unemployed. They are fully capable of working productively but cannot hear, or have difficulty hearing, and use a different language. It is also difficult to get interpreters. There are approximately 60 to 70 interpreters in the State. Their number must be greatly increased. In Finland, there are 500 registered interpreters. The deaf community now

needs to fight for massive investment to bring about the appointment of teachers and interpreters. Grown adults should not have to rely on family members to interpret for them.

While Solidarity-People Before Profit welcomes the Bill as an achievement for the deaf community, we need to keep active to fight for resources. The State has failed the Irish language and there are no legal obligations on private companies to use Irish, despite it being an official language of the State. The same could happen with Irish Sign Language. The deaf community has won this recognition but it will need to remain vigilant. Solidarity-People Before Profit believes that Irish Sign Language should be more than recognised, it should be an official language of the State. This would place the onus on the State to provide it and ensure that measures are carried through. There should be education for Irish Sign Language in all primary schools, even if it is at a very basic level. If there was a widespread knowledge of their language, it would open up the world of deaf people. There should also be targets for the public service providers - especially those in the areas of health and education and the Garda - to have a certain number of people with the knowledge of Irish Sign Language. A legal obligation should be placed on large private sector companies such as banks, supermarkets and utility companies to have a knowledge of Irish Sign Language among their staff. If courses and training were available I believe this would be taken up enthusiastically by many workers. It would break down many of the barriers faced by people who are deaf.

With this Bill, there are important gains for the deaf community. It comes in the context of many minorities, such as Travellers and the LGBT community, demanding their rights. However, we need to go much further.

Deputy Richard Boyd Barrett: The word “equality” has been used a lot in political and public discourse lately. This is a very positive development. Obviously, the marriage equality referendum was an enormous step forward for the LGBTQ community. Equality was the watchword. We need to fight for equality because there has been so much inequality. A host of groups in Irish society have been denied real equality as citizens of the Republic. This has been true for women, for the LGBTQ community and, critically, for people with disabilities. It is a matter of continued frustration for many Deputies that 11 years after agreeing to ratify the UN Convention on the Rights of Persons with Disabilities, Ireland has still not done so. Members of the deaf community have fought for the recognition of sign language and for full equality as citizens for decades. It is a shame on our society that, to date, we have failed to achieve that genuine equality. It is a particular shame that during the period of austerity that deaf services and advocacy groups were victims of cuts, as were many other services for people with disabilities. The struggle of the deaf community has finally paid off and today we are taking a significant step forward with this Bill. Senator Mark Daly deserves commendation on that, but the greatest credit should go to the sign language and deaf community which has fought so long and hard for this recognition. In a Chamber where we must often be critical and where we are often frustrated, it is good that we can celebrate a positive development and a step in the direction of equality.

The measures in the Bill address critical areas where there has not been equality for the deaf community: recognition of Irish Sign Language as a distinct language and culture, the lack of full and equal access to education, the lack of resources to learn through sign language, lack of access to media communications because there is not enough sign language interpreting in the Irish media, more generally the access to public services, and the need to regulate sign language interpreters and make sure that we have sufficient interpreters in all areas of the public service, politics, media and critically in education. These are all matters addressed in this Bill, and all

are needed if we are to move towards equality. These must all be backed up with resources, but having these things enshrined in law places a legal obligation on the Government, politicians and the State to ensure that recognition of equality.

Deputy Coppinger's observation on the private sector is important. This is a first step for the State and for public services to ensure access and equality, but it is something that needs to be extended across society so that the equality exists in all areas of employment and all engagements with employers and private sector actors along with the resources and services.

I commend the sign language and deaf community. Let us now move forward to the full equality that the community deserves.

Deputy Joan Collins: Before this evening's debate, I went back over information that I had gathered over recent years in relation to the campaign by the deaf community to have Irish Sign Language, ISL, recognised. I found the Irish Deaf Society's list of the ten main reasons that Irish Sign Language must be recognised by the State as a language of this country, which are as follows: there are 5,000 deaf people using ISL daily, and an additional 35,000 hearing people; for regular ISL users, it is an innate and integral part of their personality; ISL is the only natural and fully accessible language for deaf children - it does not hinder any ability to learn how to speak or listen; there is no national register of ISL interpreters and ISL teachers and furthermore there are no accreditation or monitoring systems; ISL has been in use for centuries despite repressive attempts to destroy the language; service providers such as Government bodies are not legally obliged to respect Irish Sign Language - they will translate information into English and Irish but rarely into ISL; the motion calling on the Government to recognise ISL has been passed by more than 40 local authorities; there is no automatic right for deaf people to have an ISL interpreter in the justice system; no deaf child can fully learn ISL, as not all teachers are fluent or even qualified in ISL; and there is no access for deaf people to emergency or helpline services in ISL.

Tonight is a brilliant night for the deaf community to see this situation changed in legislation. I commend Senator Mark Daly on this, but more importantly I ask the Ceann Comhairle to indulge us somewhat this evening. Every now and then we can hear applause from the Gallery and it would be appropriate if we took a moment for the deaf community to applaud themselves because it was its campaigning work over the past 30 years that has brought this about. Well done to all.

We know what this Bill will initiate. It will allow more access to public services and education. The State will be obliged to provide interpreters in schools and in broadcasting and it will allow the deaf community to have interpreters in courts and the health services. This is just a start and I hope that from now on we will have more resources for the deaf community to advance their rights, equality in the public and private sector and its absolute human right to have its own language.

Deputy Clare Daly: It is nice to finish the year, almost, on a positive note. Like everyone else, I am delighted to see this Bill before the House tonight. There is no doubt that a huge number of people have campaigned on this issue for so long. It was a great shame that it was voted down by the previous Administration. There are over 70 million users of sign language worldwide and after this legislation is passed, Ireland will be among a small group of countries which have given legislative recognition to native sign language. It makes an incredibly nice change for us to be at the forefront of something rather than dragging up the rear as we are so

often.

I also very much welcome the Minister of State's announcement about the ratification of the UN Convention on the Rights of Persons with Disabilities. I urge that this happen as soon as possible.

There can be no doubt that this is an historic day. I salute the work of Senator Mark Daly and members of the deaf community, although the issue is also bigger than the deaf community. It is not only about the rights of the deaf community to access public services, which of course should be the case, but also the right of the hearing community to be able to interact with our brothers and sisters in the deaf community. From that point of view, while we can bank this legislation here today, I make no apologies for exercising my prerogative as a legislator to put forward amendments to push this forward further. I know it will not be dealt with today and that is absolutely fine, but on behalf of my friends who are deaf and others in the hearing community, the fact that the State is recognising Irish Sign Language today is great. We will bank that and we will build on it because it is only the start of recognition for people from the deaf community.

I have some concerns because Irish Sign Language is a first language and we should be pronouncing that proudly. It is not just a tool to access public services. It is a first language and it is important that more emphasis be placed on that fact. Deafness is not a disability, it is also a culture and ISL is a language and a vital part of that culture. Most, but not all, deaf people use ISL as their first language. That was not always the case as it was repressed in our school system a long time ago, which inflicted a great deal of damage and it was a wrong inflicted on deaf people. The lack of recognition also had a negative effect in ingraining discrimination against deaf people. We should proudly proclaim today that ISL is an indigenous language. It is unique; it is not a second language to its users and it is not imposed on them by outside forces. It was not invented by an authority or a Department or in a school curriculum, rather it was developed in a holistic fashion and it has evolved through use over generations, just like spoken languages. It has a grammar, syntax, colloquialisms, dialects and, like all language, it is regulated by the unique culture and heritage of the geographic area from where it comes. Sign languages cannot ever have an international set of visible signals that can be read universally.

I was surprised by the title of the Bill, which is the Recognition of Irish Sign Language for the Deaf Community Bill, and I am glad the Minister is changing it as it is too narrow. The whole country needs to recognise sign language and everybody, deaf and hearing, should recognise that Irish Sign Language, ISL, is a language. As others have said, 5,000 deaf people in Ireland use it as well as hearing people, with a total of over 40,000 users. We should encourage this and I have tabled amendments, though they have been disallowed, to require all the children in our education system to be exposed to ISL. In this way, we can all communicate with each other as brothers and sisters, hearing and deaf.

I have tabled another amendment which I will deal with later on. I am a bit concerned about a narrow approach to ISL as a tool for social services and I made this point when we discussed the report of the justice committee last year. Section 3(1) refers to the right to use Irish Sign Language as a person's native language and to the corresponding duty on all public bodies to provide ISL. While the bodies have such a duty, the language exists regardless of this duty and we should recognise that, rather than confining the provisions to the question of access to services, though that is critically important. It is necessary to ensure that adequate steps are taken to end the marginalisation experienced by members of the deaf community. We, as hear-

ing people, must step up and recognise that the language belongs to all of us and we should encourage other hearing people to learn and access it. Having reached the historic stage of recognising ISL as a language, we need to build on that and ensure it is incorporated in our education system, our health system and all the services we provide. The report published by the justice committee last year stressed the importance of a system of registration and regulation of ISL interpreters, deaf interpreters and ISL teachers and I am glad to see that this is in the Bill. Hopefully, the Department of Education and Skills will also aim for this because it is key in moving this forward.

I welcome the move and congratulate all those involved in this historic day when, at last, we give recognition to ISL. Hopefully this is just the beginning of a process where the deaf community march forward and its members claim their right to equality as equal citizens of Ireland.

Deputy Mattie McGrath: I am delighted chun seas suas agus cúpla focal a rá ar son an Bhille sin. I issue a céad míle fáilte roimh gach éinne sa Gallery and to the interpreters suas anseo in the press gallery. I am delighted to see so many people here. This is a timely piece of legislation and I send my comhghairdeas mór leis an Seanadóir Mark Daly and his assistants and to the Seanad and the justice committee for dealing with it so expeditiously. I thank an tAire Stáit, Deputy Finian McGrath, for coming here and taking part in such a good-spirited debate with the emphasis on granting a right to all people with this disability. I hope it is passed unanimously, though I can see there are some amendments. If it passes tonight it will not be before time. Pádraig Pearse once said that a nation was not a nation without its language and I agree with that. There has been a shameful denial for a long time and it is shameful that we have not recognised ISL or provided the facilities for people who have issues with hearing or cannot hear. I am sure some people in this House, including the Ceann Comhairle, have at times wished they could not hear me but sin scéal eile. It is nearly Christmas and I wish all Members, including the Ceann Comhairle, and all the staff a happy Christmas.

On behalf of the Rural Independent Group, Deputy Michael Collins and I support this Bill. Everybody has spoken highly of the Bill and it is nice to hear unison, at least on one issue. The right to use one's own language is a basic human right. We give lip service to it at times and we are criticised for reports that are published in our national tongue but I make no apology for doing that. I compliment the Irish Deaf Society and its members for lobbying and fighting the good fight to get to this stage. They should not have had to fight for these things but sadly, there is not equality in every area. The deaf community feels a great sense of isolation and neglect. Some of us occasionally get problems with our hearing but we have no idea what it is like to hear and exchange words. I thank the interpreters who work with the society for their engagement. This is about a right and they have been discriminated against. I hope that once the legislation is passed there will be no further delays or prevarication but that it is expeditiously put through. The resources also have to be put with it so that the necessary supports can be given to the people who need them.

As Deputy Clare Daly said, all children, at least those in national schools, should be encouraged and able to understand ISL. The Irish language was beaten into us in my time at school, meaning we rejected it, but it is important that all children, from naíonraí and play-schools to first, second and third level, should be better able to understand our friends and colleagues, as well as acknowledge their rights. It is also important that all public bodies implement the legislation and assist with ISL. They should have a cohort among their staff who can deal with deaf people efficiently because the latter deserve that. We should not just talk about this and pass the Bill - we must ensure the money is put behind it so that it is embraced by everyone.

Deputy Michael Collins: I am delighted to have the opportunity to speak on this Bill this evening. I commend Senator Mark Daly and his colleagues in the Seanad on bringing this Bill forward. I welcome the Irish Deaf Society, whose members have come in large numbers. It is a great day for them and they deserve this moment.

I am happy to support this Bill, which gives legal recognition for its use in legal proceedings and requires the provision of interpretation into Irish Sign Language by public bodies, as well as providing for related matters. As it stands, Irish Sign Language has no official status in Irish legislation and a vital aim of the Irish Deaf Society is to get recognition and to uphold the status of ISL in Ireland, particularly in education where its acquisition as a first language by deaf children is vital. This Bill aims to grant that official recognition, which will benefit 5,000 deaf people in Ireland who use Irish Sign Language as their first language. In general, approximately 40,000 people will communicate in ISL with their deaf family members and friends. It is important that our society does its best to integrate all people and communities, be they deaf, blind or other. The Bill is a vital way to do that. It is unfortunate it has taken as long as it has to get to where it is today. I see exactly what pain and suffering these people have experienced, which is very similar to what people who have cataracts suffer. Approximately 8,000 people, most of them elderly, have been left without a simple cataract procedure that can be carried out in this country. As I said on Leaders' Questions the other day, the State would rather see them go blind than resolve this issue. That is why there are buses leaving west Cork on Friday for Belfast to seek a solution. Deputy Danny Healy-Rae, myself and our colleagues in the Rural Independent Group have done a great deal of work in that regard.

Irish Sign Language is the indigenous language of the deaf community in Ireland and it is different from the British and American sign languages. Ireland has its own unique language, culture and traditions which are recognised all over the world. As such, I cannot see how we could fail to give our own sign language the same recognition. Public bodies such as the HSE, educational institutions and the State broadcasters have a responsibility to provide for their deaf customers. To date, these customers have felt neglected where services have failed to meet their needs by providing a competent person to communicate through the medium of Irish Sign Language. Irish Sign Language should be taught in national schools to allow those with Down's syndrome, autism and other non-verbal children to communicate and feel accepted in our society as opposed to lost in their own worlds. In the USA, staff of McDonald's have learned sign language so that the deaf community would feel welcome and normal, as they are. How many stroke victims lose the ability to speak? If sign language were more widely taught in the community, locked-in syndrome for the victims of stroke would not be an issue. If sign language were taught, it would help doctors, hospitals and the wider community. If we can teach foreign languages to communicate with those of other nationalities, why can we not teach sign language to help our own? I ask Members to imagine being unable to hear or communicate for a day. It is a lot easier to learn when a child is young and learning feels natural.

Many children are deprived of access to sign language and risk never reaching their full potential. I know of a child in Cork who was discovered, soon after being born, not to have the vital auditory nerves which transmit sound information from the middle ear to the brain. It made him one of a handful of deaf children who cannot benefit from any kind of hearing aid technology. His family was met with a multitude of barriers but his father knew he was a bright boy and that as a family they needed to knock down the barriers to achieving his potential. The family switched their focus squarely to learning Irish Sign Language and their son was sent to a school 80 km away, which distance demonstrates, again, the other barriers that confront

deaf people. The family did not give up on their son's right to achieve his potential. I hope the Government is in a position to accept this necessary legislation to progress the integration of the Irish deaf community in our society.

Deputy Catherine Martin: Tá an Comhaontas Glas fíor shásta tacíocht a thabhairt leis an mBille tábhachtach seo. Ar dtús, I acknowledge and welcome the members of the Irish deaf community to the Gallery, including their interpreters and supporters who have campaigned so long for the recognition of Irish Sign Language. I commend Senator Mark Daly, who is with us this evening, on introducing the Bill in the Seanad. He took the initiative, ran with it and secured the support necessary to bring it before the Dáil. This is an important Bill and today is an important day on which we take a crucial step to recognise the basic right to communicate of more than 5,000 members of the Irish deaf community. As a councillor in Dun Laoghaire-Rathdown in 2015, I received a letter from a constituent called Wendy Murray who was then the chairperson of the Irish Deaf Society. She asked me to table a motion before the council and I was delighted to do so. It received unanimous support. As has happened here today, each councillor spoke loudly and clearly in turn in support of the motion. It is a privilege to stand in the House and speak to the Bill which seeks to make that recognition a reality.

The Irish Deaf Society has stated that the failure to recognise the Irish Sign Language by the State puts the health and well-being of deaf people at risk as they often struggle to avail of vital health and educational services. Many of the private and public services so many of us take for granted are inaccessible to deaf people. It is essential that public bodies be required to provide the necessary interpretive services for deaf people. I cannot even begin to contemplate how frustrating it must be for a person who is deaf to engage with a public body. I refer to simple, daily acts I take for granted like contacting a local authority or departmental office which becomes increasingly frustrating for those who are deaf because there is no one on the other side of the counter who can interpret or communicate with them. Irish Sign Language gives thousands of Irish people the invaluable gift of communication.

The Irish Deaf Society has campaigned for more than 30 years to have Irish Sign Language officially recognised to ensure equality for deaf people. All those people want is to secure the right to full participation as citizens. The availability of services and information, as guaranteed by law, is the only means to ensure that deaf people have the opportunity to access and participate fully in society. I welcome the Bill, which seeks to ensure that members of the deaf community can participate fully as citizens by legally guaranteeing the right to access information in what is their first, and for so many, only language. The Green Party, Comhaontas Glas, is happy to support the Bill.

Deputy Róisín Shortall: At the outset, I would like to communicate something in Irish Sign Language; congratulations to the Irish Deaf Society. This is a wonderful day for everyone in the Public Gallery and it has not come a moment too soon. The Irish Deaf Society's members and their families have been campaigning for this day for 30 years. I welcome the fact that we are now at the point of ensuring that ISL finally takes its place as a fully recognised language in Ireland. I commend Senator Mark Daly and the Minister of State for ensuring that we have got to this point. Senator Daly has been working with the deaf community over several years and to finally get to this day is a wonderful achievement. Irish Sign Language is the native language of the Irish deaf community and it is used by the majority of members of that community and their families and friends. Articles 21 and 24 of the UN Convention on the Rights of Persons with Disabilities note the importance of recognition and the need for states to facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community. Recogni-

tion is an important step towards the realisation by wider society that ISL is not a tool used to overcome a disability but is rather an integral part of the unique linguistic and cultural identity shared by the deaf community.

I am probably the only member of the Oireachtas who holds a diploma for teachers of the deaf. I am fully recognised officially as qualified to teach the deaf but that is not really the case. I qualified many years ago and long before I came into the House, having done the official diploma for teachers of the deaf in UCD. Incredibly, there was no element whatsoever of sign language in the training course.

6 o'clock

When I started teaching in the school for the deaf, St. Joseph's in Cabra, corporal punishment had been recently outlawed. Up to then, however, children in such schools were slapped if they were caught signing. During my time at the school, which is not 100 years ago, there were notices all over the school telling the students they would be fined if they were caught signing. That was an incredibly backward attitude to what is a native language for our deaf community. I call it "backward" at this point with the benefit of hindsight. The thinking in those days was very different. There was a sense that if we concentrated on oralism deaf people would learn to speak and communicate orally and that if people started using signs they would never become oral. Of course, that was to misunderstand the situation entirely. The more enlightened thinking that it was about multiple communication arrived more recently, in the 1980s and 1990s.

It also took a long time for people to recognise Irish Sign Language officially, as opposed to Signed English. When progress started to be made in the late 1980s and 1990s on signing and as signing became more accepted in society generally, people tended to speak about Signed English. Of course, that is not what deaf people use. Deaf people use their native language of Irish Sign Language. It is an important distinction.

I am not satisfied that there is sufficient emphasis in this legislation on ensuring that teachers are adequately trained. Currently, there is no existing training course for teachers of the deaf. Most training is done in Manchester and Birmingham. There is no reason we could not have a training course in this country again. There is also no reason for not insisting on upskilling inservice courses in Irish Sign Language for teachers who currently working with the deaf. That is important.

The Bill proposes to establish training opportunities organised by the Department of Education and Skills for parents, people working with deaf people, guardians and siblings. That is most important. The lack of provision of signing is an invisible but significant barrier to accessing basic State services. The national disability inclusion strategy for 2017 to 2021 includes commitments to extend the remote interpretation service and the establishment of quality assurance and registration. However, we must go further than what is provided for in the Bill. Take the example of access to medical care. The stresses of accessing care in a medical situation are significant so it is important that interpreting services are available for that in the same way as they are available for court appearances. We are very under-resourced at present with regard to the provision of signing and ISL interpreters. We must take a significant step forward by significantly increasing those numbers.

In conclusion, I warmly welcome the Bill. It is a testament to the tireless campaigning by the deaf community over many years. It is a positive step forward but it is only the first step.

I hope it represents a move towards continued engagement with the deaf community as equal citizens and ongoing development of ISL throughout the community.

An Ceann Comhairle: Thank you, Deputy, for that valuable insight. Deputy Micheál Martin wishes to make a brief contribution before I call the Minister.

Deputy Micheál Martin: I appreciate the opportunity. I thank the Irish deaf community for its outstanding work and effort in pursuit of this agenda over many years. In particular, I thank Senator Mark Daly, who has been tenacious and meticulous in advancing this legislation. Indeed, last year I met Senator Mark Daly, the representatives of the deaf community and those who were advising on the Bill to try and chart a pathway forward and to make it clear that we resolutely supported this.

The cultural impact of the passing of this legislation on public bodies and institutions will be profound. The important point of this legislation is not just the legal provision but the cultural change it will usher forward. I recall visiting a primary school in Cork, St. Columba's in Douglas, where many children with hearing impairment were educated. They were amalgamated with a mainstream school. It was wonderful that every child in the school had sign language. That is the type of template one should aspire to have. It was done with great ease and dignity. That cultural impact is very important.

The interpretation dimension of the legislation is critical. It highlights the importance of training for those who can become good quality interpreters. That is an essential component of the Bill and I welcome it. I also welcome the review section. When we pass the legislation it is important that we can reflect in a timely manner on how it is being implemented to ensure it is having practical benefits and that it witnesses improvements and advancements in sign language and in terms of training, interpretation and utilisation both in our courts and by public bodies, so it becomes a habitual occurrence and not something that must be continually sought. I introduced the Education Act 1998 and Irish Sign Language is referenced in that Act, so I am conscious of the need for full implementation.

I congratulate everybody involved. I thank the Minister of State for his accommodation and, in particular, Senator Mark Daly, for seeing this through both Houses of the Oireachtas, please God.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Members for their contributions. I value their suggestions and ideas. I also value the debate about equality and on citizens of the State demanding and getting equality.

Two matters struck me. First, Deputy Clare Daly used the words “bank” and “build”. We must bank on this legislation but there is much building to be done in the future as well with regard to putting in place services for the deaf community. I accept that argument. What Deputy Ó Caoláin said was also important. He congratulated and commended, saying “well done” to everybody. Everybody refers to all of my colleagues across the House and the members of the deaf community, who worked together, and particularly Senator Mark Daly. It was difficult. There were difficult negotiations and a couple of rows, but we got over them in the interests of the deaf community. However, to return to the issue at hand, we must bank and build.

Another matter arose during the debate. I am delighted the Government has decided to proceed with the ratification of the UN Convention on the Rights of Persons with Disabilities. This Bill is part of that process. We are putting in place legislation. The precise timetable and

sequence of events for the ratification will become clearer. We will bring the detailed process back to the Government and the formal process will begin early in the new year. A motion must be passed by the Dáil under Article 29.5.2 of the Constitution, which states, “The State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann”. I appreciate the support today and I would also appreciate the support of the House when that motion comes before the Dáil.

I thank Members for their suggestions. This is an important civil rights issue involving the right to have the Irish Sign Language recognised officially. The rights of citizens are very important but there must be services to support those rights. The debate today is part of that process. The €10 million in extra money allocated in recent days for respite care was another part of the process. We are taking steps in the right direction and, again, I thank all my colleagues for their great support and Senator Mark Daly for his magnificent work on this legislation.

An Ceann Comhairle: It is a great privilege to be presiding on an historic day like today. In respect of Senator Mark Daly and the inimitable Grace who works with him, the only time I have heard public representatives acknowledged in the way he has been today is when they have passed away; it is very good to see somebody recognised during his own lifetime.

Question put and agreed to.

An Ceann Comhairle: When is it proposed to take Committee Stage?

Minister of State at the Department of Health (Deputy Finian McGrath): Now.

Recognition of Irish Sign Language for the Deaf Community Bill 2016 [Seanad]: Committee and Remaining Stages

SECTION 1

An Ceann Comhairle: Amendments Nos. 1 to 9, inclusive, and 12 to 17, inclusive, are related and may be discussed together.

Deputy Finian McGrath: I move amendment No. 1:

In page 3, between lines 12 and 13, to insert the following:

“ “Irish Sign Language” means the sign language used by the majority of the deaf community in the State;”.

In addition to the substantive amendment before us, the Office of the Parliamentary Counsel has advised that a number of technical amendments need to be made to the Bill as passed by the Seanad. Amendment No. 1 involves the reinsertion of a concise definition of Irish sign language into the Bill. The Office of the Attorney General has advised me that this would be a useful inclusion in the Bill. Amendments Nos. 2 to 5, inclusive, 7 and 9 update the reference to the Companies Act and make typographical changes in sections 1, 2 and 5.

Amendments Nos. 6 and 14 move a regulation-making power adding new public bodies from section 2, which concerns definitions, to a substantive section, which is section 6. The Office of the Parliamentary Counsel advises that this is the proper approach to the creation of a regulation-making power rather than having it in a definition section.

Amendment No. 12 tightens up the wording of section 6(1) to ensure that all services pro-

vided by a public body are covered by the Bill. Amendment No. 13 is a technical recasting of section 6(3) which concerns the regulation of notification to be given by a user of Irish Sign Language seeking to avail of free interpretation services and ancillary matters. Amendment No. 16 is an internal reorganisation of section 9, which concerns review of the Act, essentially renumbering the various clauses that follow subsection (1). Amendment No. 17 changes the name of the Bill to the Irish Sign Language Act 2017 as a crisper and more user-friendly Short Title.

Deputy Caoimhghín Ó Caoláin: I welcome the amendments as tabled. As the Minister of State indicated, they are technical. They do not in any way divert the propositions at the core of the Bill from their intended course so I accept them.

Deputy Michael Fitzmaurice: I agree with the amendments. I congratulate the Minister of State on accepting the Bill and Senator Mark Daly on his good work in the Seanad. It will make a huge difference to many people and well done to everyone who has turned out here tonight. I see neighbours of mine and I want to give them a special mention. It is great to see, particularly at Christmas time, that for once, we are all doing something together in the Dáil and working together and that people are not opposing things, as usually happens here with rows. I congratulate everyone on this Bill. We need to make sure it is delivered and ensure that everyone in this country gets a chance from a crèche upwards because we can learn a lot of these things at a young age, such as learning how to sign. It is great what a young child can take in. Well done to the Minister of State on accepting the Bill. I know he has tabled amendments but I do not think there is much objection to any of them because they make the Bill better.

Deputy Margaret Murphy O'Mahony: Amendment No. 17 to section 10 would shorten the Title of the Bill. Unfortunately, we cannot support this amendment. I implore the Minister of State on this very special day not to push this amendment. The Title of the Bill is of great importance to the deaf community. Keeping the word "recognition" shows the symbolic and significant nature of this Bill, and indeed this day. The Minister of State has been a great advocate and an active Minister of State on this issue. I ask him not to move this amendment and to keep the Title as the Recognition of Irish Sign Language for the Deaf Community Bill.

An Ceann Comhairle: The Minister of State, Deputy McHugh, will speak on the generality of matters.

Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Joe McHugh): Gabhaim m'aitheantas chuig an Bhille um Theanga Chomharthaíochta na hÉireann do na Bodhair a Aithint 2016. Gabhaim m'aitheantas agus mo chomhghairdeas leis an Seanadóir Mark Daly agus le mo chomhghleacaí, an Teachta Neamhspleách, Finian McGrath, faoi choinne a gcomhoibriú. Níl muidne ag troid sa Teach seo achan lá. Is lá stairiúil é seo. Aontaím le tuairim an Cheann Comhairle. Gabhaim aitheantas do na daoine atá ag obair ar an aistriúcháin inniu. Cuirim fáilte roimh na daoine uilig. Mar fhocal pearsanta, trí bhliain ó shin ní raibh mé ábalta labhairt leo siúd a bhí ag labhairt Gaeilge i mo pharóiste féin. Ní raibh mé ábalta. Tuigim cé chomh tábhachtach atá sé daoine a bheith ábalta labhairt tríd a dteanga féin. Tá sé thar a bheith tábhachtach. Arís, is lá stairiúil é. Gabhaim mo chomhghairdeas agus mo bhuíochas le achan duine as a bheith ag obair le chéile ar son na daoine sa Ghailearaí Phoiblí, taobh amuigh agus timpeall na tíre.

Deputy Finian McGrath: I thank the Deputies for their comments. As I mentioned earlier, amendment No. 17 provides for the changing of the Title of the Bill to the Irish Sign Language

Act 2017 as a crisper and more user-friendly Short Title. I stress that the recognition of Irish Sign Language is still explicit in the Bill's Long Title and it would be useful to have a citation for a Bill that people will use and that does not have to be abbreviated in ordinary speech. As the House will note, the Long Title of the Bill is an Act to provide for the recognition of Irish Sign Language. The amendment does not take away from that, but it does provide a shorter citation that people will use in practice. That is my personal view. The current Title is a long one which, in practice, people will abbreviate. However, I always listen to Deputy Murphy O'Mahony when it comes to these contributions and I have listened very carefully to other Deputies. I regularly listen to Deputy Murphy O'Mahony speak on other issues regarding services for people with disabilities. Having said that, this is not something on which I wish to divide the House so I will not press the amendment in view of her strong views that she expressed.

An Ceann Comhairle: The deaf community should possibly come to visit us more often if such unanimity can be made to break out.

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 2:

In page 3, line 24, to delete "the Companies Acts" and substitute "the Companies Act 2014".

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 3:

In page 3, line 25, to delete "any Scheme" and substitute "any scheme".

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 4:

In page 3, line 26, to delete "the Companies Acts" and substitute "the Companies Act 2014".

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 5:

In page 3, line 30, to delete "the Companies Acts" and substitute "the Companies Act 2014".

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 6:

In page 4, to delete lines 1 to 5 and substitute the following:

"(h) any other person, body, organisation or group prescribed under *section 6(5)*."

Amendment agreed to.

Section 1, as amended, agreed to.

14 December 2017

SECTION 2

Deputy Finian McGrath: I move amendment No. 7:

In page 4, line 9, to delete “this section” and substitute “this Act”.

Amendment agreed to.

Section 2, as amended, agreed to.

SECTION 3

Deputy Clare Daly: I move amendment No. 8:

In page 4, line 17, to delete “and the corresponding duty” and substitute “which is an indigenous language in its own right used by a sizeable minority in the State and the duty”.

As this is my only amendment that has not been ruled out of order, I will make some points on it and on some of my other amendments. I do not know if somebody has been engaged in mischief over the past number of days or what has been going on in terms of the reaction to me tabling amendments to the Bill. I am not sure who started it or where it started. However, there was a suggestion that some civil servants had a problem with us tabling amendments. I am fully aware of the detailed work that went on behind the scenes through the offices of Senator Mark Daly, representatives of the deaf community and civil servants in preparing the Bill. That is their democratic right. They had a very keen and diligent input into the process. It is our democratic right and responsibility, as Deputies in the House, to use the democratic methods we have to table amendments to improve legislation if we think we can do that. There was never any chance that the tabling of these amendments would scupper or undermine anything or take from the glory of Senator Mark Daly or anybody else. Their purpose was simply to highlight a number of issues we felt needed to be highlighted. I make absolutely no apologies for that.

While recognising the rights of everybody in this process, I acknowledge the rights of everybody outside this process, including the deaf community, who were not at those talks, and the hearing community. This is an issue for everybody. If we are serious about it, we will all take responsibility for it. This amendment is a very simple one dealing with section 3(1) of the Bill which states, “The State recognises the right of Irish Sign Language users to use Irish Sign Language as their native language and the corresponding duty on all public bodies to provide Irish Sign Language...”. It is very important that is accommodated but my amendment seeks to recognise that ISL is more than that. It is not just a vehicle for accessing information; it is a vehicle in its own right and cultural recognition needs to be established. Instead of stating “corresponding duty” just for the sake of it, I am suggesting the words “which is an indigenous language in its own right used by a sizeable minority in the State” and the duty would be on all public bodies to provide ISL. It puts it in its important cultural context. That is why we have moved the amendment. This issue is bigger than just access to services.

As my other amendments have been ruled out of order and I will not take time later on, I will mention the suggestion that was made to me by one of the ushers on the way in to the Chamber. There is a very good sign language programme running in Trinity College at the moment and some of my staff have signed up to do the course in the new year. It is very good. One of the ushers suggested that the ushers in the House and Members should be encouraged and funded to take up that course in order to provide the types of services the deaf community deserves. If

we are really serious, we will see measures like that coming on.

My other proposed amendments deal with opening up the education system and providing access to the broader hearing community to be involved in sign language. I put that forward as a suggestion now in terms of the operation of the Houses. It is something the Minister of State could take up because it will not be addressed later.

An Ceann Comhairle: Does Deputy Ó Caoláin wish to contribute on the matter?

Deputy Caoimhghín Ó Caoláin: Could we hear the Minister of State's response first?

Deputy Finian McGrath: I am aware that some of Deputy Daly's other amendments were ruled out of order. I give her a commitment that it had nothing to do with me or my civil servants. They have reassured me of that. With regard to amendment No. 8, making a clear link between the recognition of Irish Sign Language and the right of users to free interpretation is a positive thing. I do not see the advantage of removing the word "corresponding" and I am not sure why the Deputy is making that proposal. The link is a good idea and should be retained in the Bill.

I am advised the second part of the amendment is unnecessary. It can be taken as a statement of fact and contains nothing to which I would object. It does not contain any new obligation or duty on anyone or confer any new rights. The advice my Department has received from the Attorney General's office is that words in legislation should, in layman's language, have a job to do, should mean something in terms of clarifying a process or creating a duty or a right. This text does not do that and is therefore unnecessary. In light of the advice I have received, perhaps Deputy Daly might agree not to press the amendment.

An Ceann Comhairle: Does Deputy Daly wish to comment?

Deputy Clare Daly: No.

Deputy Caoimhghín Ó Caoláin: I note the Minister's reference to superfluous language in drafting legislation. In all my years here, I have noted quite a lot of superfluous language. That aside, Deputy Daly's amendment makes an important point. It is primarily a statement of fact. I want to acknowledge that. I am disappointed there was any pressure on Deputy Daly in terms of presenting here today. I acknowledge her work and diligence and attention to the Bill. There is merit in it and I want to say well done to Deputy Daly on all her work. I am sure she will make an appropriate call on whether she wishes to press the amendment. It is her prerogative. I wanted to make that point because it is not superfluous language. I happen to concur with it.

Deputy Margaret Murphy O'Mahony: I am aware Deputy Daly has been a supporter of the deaf community and an advocate of Irish Sign Language. However, the amendments have been discussed at length and collaborated on with my party colleague, Senator Mark Daly, the Irish Deaf Society, members of the deaf community and the Minister of State and his officials and we cannot support the amendment put forward by the Deputy.

Deputy Róisín Shortall: I do not know what has gone on behind the scenes here but I do not like it. This is a very important Bill and a lot of work has gone into it. There has been a lot of consultation and it is very welcome. At the same time, we are legislators and when it comes to finalising legislation it is important that everybody is given a hearing on it. The amendment proposed by Deputy Daly would strengthen the Bill. I do not see any reason the Minister of

State would not accept the wording. It makes a statement of fact about ISL being an indigenous language in its own right which is used by a sizeable minority in the State. It is important to state that fact. It strengthens it and recognises it further, not just as a native language but as an indigenous language used by a great number of people. It is not just a small minority thing. It is a welcome proposal. I am concerned that there has been a lot of tick-tacking between Fine Gael and Fianna Fáil on this to the point where they seem to be excluding other people from having an input into this important Bill. Deputy Daly's contribution should be listened to properly and considered and I would very much welcome it.

An Ceann Comhairle: Before I call on anyone else, I want to say it would be an awful pity if we had a discordant approach on this Bill. I was not aware until I came into the Chamber that there was a problem with amendments. Three of Deputy Daly's amendments were ruled out of order on the advice of the people who normally process these things. They were ruled out of order because they were considered to be a potential charge on the Exchequer. There is a constitutional prohibition on legislators other than members of the Government proposing anything that imposes a charge on the Exchequer. I am not aware of anything untoward, exceptional, different or extraordinary in how these matters were dealt with. Very often people who have their amendments ruled out of order are very unhappy but I am afraid there is not much I can do about it.

Deputy Brendan Howlin: I came to the Chamber to express my very strong support of this legislation. Unfortunately, as happens in the Houses, committees and other demands mean we do not all have the opportunity to be present at all debates. The Labour Party and I are very supportive of this measure. I commend Senator Mark Daly and all those who were involved. This is a House of Legislature. The recognition of Irish Sign Language as a unique language in its own accord is a very important advance. I would intrinsically support the amendment in that regard. In my constituency office in Wexford I share premises with the People's College, which runs a number of courses. One of the best-attended courses is in Irish Sign Language, both beginners and more advanced. All of us need to pay more attention to it to ensure that people who are deaf can participate fully in all State services, including in communicating with Members of the Oireachtas in our constituency settings.

I will not be discordant in my contribution. I hope that what is intended in this amendment can be accepted. I express my party's strong support for the thrust of the Bill and all the work done by the Minister of State, the proposers of this legislation in the Seanad and here. I commend all the members of the Irish Deaf Society in advancing a very important fundamental right for them.

Deputy Clare Daly: I thank the Deputies who contributed. My points were in no way a reflection of any decision by the Ceann Comhairle's office or the ruling out of order; I understand fully how that process works and I fully accept it. It was more to do with the fact that because there has been so much dedicated and hands-on work behind the scenes in preparation for bringing the Bill here, between representatives of the deaf community and the Civil Service, there may have been a feeling that anybody else who made suggestions outside that was not to be welcomed. I reiterate the points Deputy Shortall made: our job, as legislators, is to try to improve legislation where we see fit. We, the members of the Joint Committee on Justice and Equality, have been trying to push this and are keen to see it through.

I will not repeat the points. It is self-evident to me. I raised this point when we discussed a report from the Joint Committee on Justice and Equality last year. Public bodies have a duty

to provide Irish Sign Language, but the language exists regardless of that duty. That should be recognised as such without being directly linked to a service approach. They are two separate things and they should be two separate sentences; that is all I am seeking to do. They are statements of fact and not superfluous at all. We do not treat other languages in such narrow terms. We do not connect the use of Irish or English with accessing public services. We automatically understand that people have a right to use those languages in their own right. That is all the amendment seeks to do.

As discussed in the Joint Committee on Justice and Equality, the point is to ensure that adequate steps are taken to end the extreme marginalisation of people in the deaf community. That is a responsibility for us in the hearing community who were not necessarily involved in the backroom talks on this. I echo the points made by my colleagues. I think it is a point of fact and can be contained. I do not see what the problem is.

An Leas-Cheann Comhairle: Before the Minister of State comes in, I remind the House that by order of the House in seven minutes I may be putting one question, which would be my first time to do so. In a sense it is a guillotine, but it is in the interests of getting the Bill passed.

Deputy Finian McGrath: While a lot of discussions took place, nothing untoward took place behind the scenes, as some people have said. I respect the Deputy's democratic right to introduce amendments. I take on board many of her suggestions and I would be very supportive of them.

Regarding amendment No. 8, however, it is important to say it is recognised in amendment No. 1. I am trying to get the legislation through with the co-operation of all the Members. I ask the Deputy not to press the amendment.

Amendment put and declared lost.

Section 3 agreed to.

Section 4 agreed to.

SECTION 5

Deputy Finian McGrath: I move amendment No. 9:

In page 4, line 37, to delete "*in loco parentis*" and substitute "*in loco parentis*".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 10 is out of order.

Amendment No. 10 not moved.

Section 5, as amended, agreed to.

SECTION 6

An Leas-Cheann Comhairle: Amendment No. 11 is out of order as it involves a potential charge.

Amendment No. 11 not moved.

14 December 2017

Deputy Finian McGrath: I move amendment No. 12:

In page 5, to delete line 21 and substitute “statutory entitlements or services provided by or under statute by that public body.”.

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 13:

In page 5, to delete lines 23 to 25 and substitute the following:

“(3) The Minister may by regulations—

(a) provide that where a person intends to avail of Irish Sign Language services provided by a public body, the person shall give the public body such prior notification of his or her intention within such period as specified in the regulations, or

(b) provide for the procedure in relation to the provision of such services by a public body.”.

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 14:

In page 5, between lines 28 and 29, to insert the following:

“(5) The Minister may prescribe as a public body such other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas (being a person, body, organisation or group that, in the opinion of the Minister, ought, in the public interest and having regard to the provisions and intentions of this Act, to be so prescribed).”.

Amendment agreed to.

Section 6, as amended, agreed to.

Sections 7 and 8 agreed to.

NEW SECTIONS

Deputy Finian McGrath: I move amendment No. 15:

In page 6, between lines 1 and 2, to insert the following:

“Support for access to events, services and activities for users of Irish Sign Language

9. (1) The Minister for Employment Affairs and Social Protection may, with the consent of the Minister for Expenditure and Reform, out of moneys provided by the Oireachtas, provide funds to facilitate users of Irish Sign Language with regard to support in relation to access to social, educational and cultural events and services (including medical) and other activities by such users as specified in guidelines made by that Minister of the Government.

(2) Guidelines under this section shall specify the events, services and activities to which the guidelines apply and shall make provision regarding the management and delivery of the support in relation to access to those events, services or activities by users of Irish

Sign Language.”.

Amendment agreed to.

Deputy Finian McGrath: I move amendment No. 16:

In page 6, between lines 1 and 2, to insert the following:

“Report of operation of Act

9. (1) The Minister shall, not later than 3 years after the date on which this Act is enacted and every 5 years thereafter require a report to be prepared on the operation of this Act.

(2) Without prejudice to the generality of *subsection (1)*, a report under this section shall include an assessment of—

(a) whether any amendments to the scope and contents of this Act are necessary or desirable,

(b) whether additional provisions need to be made in relation to supports for a child within the school system whose primary language is Irish Sign Language, and

(c) the qualifications for the minimum level of Irish Sign Language competency for persons who are teaching a child whose primary language is Irish Sign Language.

(3) The Minister shall ensure that persons or organisations that are representative of the interests of the members of the deaf community are consulted on the matters to be considered in a report prepared under this section.

(4) The Minister shall cause a copy of a report prepared under this section to be laid before each House of the Oireachtas.”.

Amendment agreed to.

Section 9 deleted.

SECTION 10

Deputy Finian McGrath: I move amendment No. 17:

In page 6, lines 22 and 23, to delete “Recognition of Irish Sign Language for the Deaf Community Act 2017” and substitute “Irish Sign Language Act 2017”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 18 is out of order as it is a potential charge.

Amendment No. 18 not moved.

Section 10, as amended, agreed to.

Title agreed to.

Bill reported with amendment, received for final consideration and passed.

14 December 2017

An Leas-Cheann Comhairle: The Bill, which is considered to be a Dáil Bill in accordance with Article 20.2.2° of the Constitution, will be sent to the Seanad.

(Interruptions).

An Leas-Cheann Comhairle: It is not usual, but those in the Gallery are very welcome to interrupt proceedings because it is an historic Bill. We were due to have a guillotine at 6.45 p.m., but we did not need it. I thank Deputies for their co-operation.

Online Advertising and Social Media (Transparency) Bill 2017: Second Stage (Resumed)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Online Advertising and Social Media (Transparency) Bill 2017, taken on Wednesday, 13 December 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, 58; Níl, 56; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Brassil, John.</i>	<i>Barry, Mick.</i>	
<i>Breathnach, Declan.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	
<i>Browne, James.</i>	<i>Bruton, Richard.</i>	
<i>Butler, Mary.</i>	<i>Burke, Peter.</i>	
<i>Byrne, Thomas.</i>	<i>Byrne, Catherine.</i>	
<i>Cahill, Jackie.</i>	<i>Canney, Seán.</i>	
<i>Calleary, Dara.</i>	<i>Cannon, Ciarán.</i>	
<i>Casey, Pat.</i>	<i>Carey, Joe.</i>	
<i>Cassells, Shane.</i>	<i>Coppinger, Ruth.</i>	
<i>Chambers, Jack.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Chambers, Lisa.</i>	<i>Coveney, Simon.</i>	
<i>Collins, Joan.</i>	<i>Creed, Michael.</i>	
<i>Collins, Michael.</i>	<i>Daly, Clare.</i>	
<i>Cowen, Barry.</i>	<i>Daly, Jim.</i>	
<i>Crowe, Seán.</i>	<i>Deasy, John.</i>	
<i>Cullinane, David.</i>	<i>Deering, Pat.</i>	
<i>Curran, John.</i>	<i>Doherty, Regina.</i>	
<i>Doherty, Pearse.</i>	<i>Donohoe, Paschal.</i>	
<i>Donnelly, Stephen S.</i>	<i>Durkan, Bernard J.</i>	
<i>Ellis, Dessie.</i>	<i>English, Damien.</i>	

Dáil Éireann

<i>Fitzmaurice, Michael.</i>	<i>Farrell, Alan.</i>	
<i>Fleming, Sean.</i>	<i>Fitzgerald, Frances.</i>	
<i>Harty, Michael.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Haughey, Seán.</i>	<i>Flanagan, Charles.</i>	
<i>Howlin, Brendan.</i>	<i>Griffin, Brendan.</i>	
<i>Kenny, Martin.</i>	<i>Halligan, John.</i>	
<i>Lahart, John.</i>	<i>Harris, Simon.</i>	
<i>Lawless, James.</i>	<i>Healy, Seamus.</i>	
<i>McGrath, Mattie.</i>	<i>Heydon, Martin.</i>	
<i>McGrath, Michael.</i>	<i>Kehoe, Paul.</i>	
<i>Martin, Catherine.</i>	<i>Kenny, Gino.</i>	
<i>Martin, Micheál.</i>	<i>Kyne, Seán.</i>	
<i>Mitchell, Denise.</i>	<i>Lowry, Michael.</i>	
<i>Moynihan, Aindrias.</i>	<i>McGrath, Finian.</i>	
<i>Munster, Imelda.</i>	<i>McHugh, Joe.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>McLoughlin, Tony.</i>	
<i>Murphy, Catherine.</i>	<i>Madigan, Josepha.</i>	
<i>Ó Broin, Eoin.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Murphy, Eoghan.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Naughton, Hildegarde.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Neville, Tom.</i>	
<i>O'Brien, Jonathan.</i>	<i>O'Connell, Kate.</i>	
<i>O'Callaghan, Jim.</i>	<i>O'Donovan, Patrick.</i>	
<i>O'Dea, Willie.</i>	<i>O'Dowd, Fergus.</i>	
<i>O'Keefe, Kevin.</i>	<i>Phelan, John Paul.</i>	
<i>O'Reilly, Louise.</i>	<i>Ring, Michael.</i>	
<i>O'Rourke, Frank.</i>	<i>Rock, Noel.</i>	
<i>O'Sullivan, Jan.</i>	<i>Ross, Shane.</i>	
<i>Scanlon, Eamon.</i>	<i>Smith, Bríd.</i>	
<i>Shortall, Róisín.</i>	<i>Stanton, David.</i>	
<i>Smith, Brendan.</i>	<i>Wallace, Mick.</i>	
<i>Smyth, Niamh.</i>	<i>Zappone, Katherine.</i>	
<i>Stanley, Brian.</i>		
<i>Troy, Robert.</i>		

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

Question declared carried.

14 December 2017

Personal Explanation by Minister of State

An Leas-Cheann Comhairle: The Minister for State at the Department of Housing, Planning and Local Government has informed the Chair that he wishes to make a personal explanation and the Chair agrees.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): In a Topical Issues debate on 22 November I made the fatal mistake of losing my temper with my colleague, Deputy O'Rourke, who raised the issue of housing. During the course of the debate I claimed that he himself was involved in property development. I wish to correct the record to say that he is not involved in such activity and apologise for any offence that I may have caused him during that debate.

An Leas-Cheann Comhairle: Sula n-imíonn na Teachtaí, is dóigh go mbeidh seo an t-am deireanach a bheidh muid go léir anseo le chéile. Ar mo shon féin agus ar son an Cheann Comhairle, guím Nollaig shona agus bliain úr faoi mháise ar na Teachtaí go léir agus ar a dteaglaigh. Níl mé le dul a rá go bhfuilimid ag dul ar laethanta saoire. Táimid ag dul ar bhriseadh.

7 o'clock

Road Traffic (Amendment) Bill 2017: Second Stage (Resumed)

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

Deputy Bobby Aylward: I will start where I finished last night. I thank the Ceann Comhairle. I spoke about this Bill for approximately 15 minutes last night. It will have a big effect on rural Ireland. I do not think the Minister realises what rural Ireland is about and what it means. This drink-driving Bill will have an unnecessary effect on the everyday lives of people in small rural areas. There is no need for this. The existing legislation is strong enough. The Minister does not seem to take that on board. He lives in a big urban area in Dublin. He does not realise how people in rural Ireland live, the problems they face every day or what their situations are.

My party introduced mandatory testing and supported the legislation that decreased the alcohol limits. Our limits are some of the lowest in Europe, so why are we trying to do more? They are some of the lowest in Europe so we have already led the way. Why is the Minister trying to go further and make ordinary people suffer more? The latest proposal from the Minister is to introduce automatic disqualification for three months for those driving with a blood alcohol level of between 50 mg and 80 mg per 100 ml. This offence is currently punishable with three penalty points, provided the driver is not a learner or professional driver and has not previously been found guilty of the same offence. As I said last night, the legislation is already in place to control this but it needs to be implemented. That is the point I am trying to get across to the Minister. These draconian measures he is introducing will make the situation worse and make the penalties more severe. He is forgetting about ordinary people who are trying to live ordinary lives in rural communities. He is upsetting the whole social fabric of those communities.

The Minister is portraying this as a catch-all Bill that will prevent more people from drinking and driving. Our party does not condone drink-driving. I said that last night. Nor are we

prisoners of the Vintners Federation of Ireland, as the Minister has incorrectly alleged. I also said that last night. I am a rural Deputy and standing up for my people in Carlow-Kilkenny does not mean that I am representing the vintners. I am not; I am representing the people who voted for and elected me. It is important to think about that aspect.

There needs to be stronger enforcement of existing laws, as well as an examination of ways to address the full range of causes of road deaths. This was highlighted by a recent “Prime Time” programme, which found that the current legislation governing drink driving is not enforced consistently. That was proven on a programme on RTÉ on Monday night last. I hope the Minister saw it. I saw the programme and I took a lot of comfort from it. There is a huge body of road legislation dating back to 1961 that contains a number of anomalies and inconsistencies. The Minister for Finance, Deputy Donohoe, and the Taoiseach, Deputy Varadkar, both committed to consolidating this legislation during their respective terms as Minister for Transport, Tourism and Sport. This was never achieved, however. In the interim, there continue to be huge disparities in the penalties that apply to drink-driving offences in court. It says everything about the Minister’s real approach to road safety that he has taken more than half a year to commence provisions relating to learner drivers following their successful passage by the Dáil last year. If the Minister was serious about protecting road users, this would simply not have been the case.

Research confirms that drivers with a blood alcohol limit of between 50 mg and 80 mg per 100 ml make up a very small portion of the number of fatal collisions. This is specified in the Fatal Collisions 2008-2012 report of the Road Safety Authority. Just 4.6% of cases involved this level of alcohol. In half of the cases in which alcohol was cited as a contributory factor, the drivers had blood alcohol levels of more than 200 mg per 100 ml, four times the legal limit.

I can read all I like and I can refer to all the statistics all I like. All I am telling the Minister is that rural Ireland is exceptional. I come from rural Ireland and I represent rural people. The Minister does not see the difference. He lives in Dublin and does not see the problems in rural Ireland. I ask him to reconsider this Bill and to consider from where we come.

Deputy Mick Wallace: Ireland is an unusual country.

Deputy Michael Collins: On a point of order, we need a quorum. This is a hugely important matter. Look how many people on the Government side are here to support the Bill.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy Mick Wallace: There is a lot of different legislation going through the House at different times and for different reasons. Neither I nor any other Member believe that people should be allowed to drive when over the blood alcohol limit. To do so is indefensible. No Member would try to defend such behaviour because that would be unfair to those who may suffer because of it. It is positive that a practice that was commonplace is no longer so.

There are very many issues regarding what is at stake, how society is organised in Ireland and how we legislate. As regards housing, Ireland differs from most countries in Europe in terms of one-off housing. It was a bad idea to allow one-off housing all over the country. Many Members may disagree with me in that regard. The argument is often made that if one is born on a farm, one should be allowed to build on that land. I have no problem with that, provided that the new build is constructed near the existing house. Allowing sites in the middle of no-

where to be sold on the open market to whoever could afford to buy them was poor planning and had huge environmental implications.

I remember asking the former Minister for the Environment, Phil Hogan, how many of the septic tanks in Ireland the Department was going to check for compliance. There was a big furore over septic tanks at the time and much concern about the impact faulty tanks were having on the water table. It took me about ten minutes to get an answer out of him. He eventually told me that it was going to check approximately 8% of the septic tanks in the country. I asked him how many septic tanks in Wexford he thought were operating properly and within the rules. He said that the soil is good in Wexford and septic tanks work well there. I told him he was wrong and that although the land in Wexford is good for many purposes, it is not good for percolation. Half the septic tanks in Wexford are contaminating the water table and a link between contaminated water and cancer is not unproven. It is a huge problem in Ireland but the Government is not dealing with it. I have checked the rate at which inspections are being carried out in Wexford. At the current rate, it will take almost 200 years to inspect all septic tanks. Faulty tanks will keep poisoning the water table. It is strange with what issues we become obsessed.

Another outcome of one-off housing is that it would be almost impossible to provide a good level of public transport to all houses in Ireland. That could not be done because houses are all over the place. We do not have a good public transport system anyway. Although small improvements are being made, huge problems remain. I live in a village of several houses in the countryside. I could not leave and return to that village on a Friday or Saturday night using public transport. I accept that it would be difficult to provide that but, given that I live in a village rather than an isolated house, it should be done. In most countries in Europe, if one's home is in a cluster of houses or a village, one can travel to and from it using public transport. However, that cannot be done in Ireland. That will not change in the short term. I am not saying that the Minister should aim to ensure every small village in rural Ireland be serviced by public transport, even on a 20 hour basis, because that is not feasible. However, we must change our attitude to rural Ireland.

There has never been much State investment in indigenous industry. We have taken the lazy approach and been happy for foreign direct investment to provide most manufacturing jobs. Agriculture is a very good indigenous industry but we do not compare well with any European country in terms of manufacturing, although we would in terms of foreign direct investment. There was a time when the Government was able to ask a company coming to Ireland if it would be interested in setting up in a particular area and could suggest a suitable place. However, for a long time nobody has been able to tell foreign companies where they should set up. If the proposed location is not within an hour of Dublin Airport, companies are not very interested. The country is becoming more centralised in Dublin and the surrounding areas while the countryside is more and more neglected. There are fewer jobs available in the countryside and young people who grow up there move to a city as soon as possible in order to find employment. That means that it is harder for banks and post offices to remain open in small towns and small shops are struggling. The State has immense potential to make a difference in those areas.

A targeted and proactive approach by the Government would make a big difference. It should tackle the fact that rural Ireland is dying and try to change it. It should help every village in Ireland to flourish, not just cities and big towns. It should create a situation whereby young people would be able to remain in the area in which they grow up, which is not currently the case. Ireland is not the only country to have these problems but there has been a rapid erosion of rural Ireland over the past 20 years. I am very familiar with some small villages in northern

Italy that have taken a different approach. In one small village with which I am very familiar there is a real local authority. It is called a *comune*. It has some real power to run the local area. It runs the schools, a health service, the libraries, the refuse services and the water services. It organises community festivals. Of the income tax paid in the region, it is allowed to take a certain percentage in order to pay for the work it does. This is regional power. We do not have it. There is a local authority in Wexford but it is powerless and totally dependent on central government to do everything. It waits for handouts from central government. It used to receive motor tax revenue; I do not think it does any more. All it gets now is the commercial rates revenue, to the best of my knowledge. The local authority works out at the start of the year how much money it needs to keep running for the year and it works backwards to calculate the level at which it will set the rates for the year, despite the fact that about a third of those who have to pay commercial rates are either struggling or failing to pay them. It does not make sense. Rates in Ireland are ridiculously high. It is difficult to run a small business in this country. I know several people running small businesses, and it is not easy to make ends meet doing so. We have even built the buildings for some of the people who run huge businesses, foreign direct investment companies coming here, we have put in the infrastructure and we have given them grants to come here. More often than not, we charge them very little tax. However, for an individual trying to start a small business in rural Ireland there is very little State help. Someone I know very well was trying to start a small industry in Wexford in the past year and a half. I inquired here with the Department of Business, Enterprise and Innovation whether grants were available to help someone start up and was told there were. The person trying to start the industry looked into them and found them so prohibitive and restrictive that it did not make any sense even to sign up-----

Deputy Shane Ross: What does this have to do with the Bill?

Deputy Mick Wallace: -----to seek Government help because it did not materialise into anything worthwhile and actually placed restrictions on the individual as to how he would start his company and run it for the first few years. There is not enough help for indigenous industry in Ireland. If there were, it would be good for small communities. It would be good for small communities if we changed our mind about local government. We all know that local government has been problematic, but we told them they were not working very well and that there was a lot of poor practice going on and we took even more of their powers away from them. We took more and more. We took more of their revenue-raising independence. We have watered down the local authority to such a degree that we do not actually have local authorities any more; we have local administration that is dependent on central government for a handout in order to make ends meet. It would make a huge difference if we had real local government. It could be a huge benefit. Since local authorities did not perform well and were disappointing much of the time, instead of minimising them and stripping them of authority and finance, we should have fixed them.

An Leas-Cheann Comhairle: This is a road traffic Bill.

Deputy Mick Wallace: It is all related.

I live in rural Ireland. The Leas-Cheann Comhairle refers to traffic. If a village is on the wane, it is not attractive for any transport company to service it. If there is no transport in or out of it, no one can go anywhere. Are we just going to carry on as if this will work itself out or is it possible we might get a Government that will some day say that things could be different and better organised and that there is a better way of approaching the way in which the State treats

rural Ireland. There is a better way but it will require different thinking.

If I were back building, I would build in Dublin, which is where I was building before, because that is where the work is. I do not blame people for coming to Dublin to make a living because this is where a living is made. The N11 is getting busy every morning again because there is no work in Wexford and we still have over 15% unemployment. I listen to Ministers here tell me weekly that the national figure has fallen under 6%. I am sorry, but it is still over 15% in Wexford. The N11 is getting busy again with people having to drive up and down every day for work in Dublin. The idea that they might find accommodation in Dublin while working up here during the week was a runner in the past but is a non-runner now. It is out of the question because we have a housing crisis and rental costs have gone off the Richter scale because they are unregulated. We do not regulate the rental market or the way in which we supply housing, and there is a price to be paid for this. We talk about addressing climate issues, yet we are clogging up the roads because we will not create work in places such as Wexford and we are forcing the people in Wexford to travel to Dublin, 160 km from where I live, to find work. They cannot afford accommodation in Dublin so they drive up and down every day. This is not great for the environment. In 2007, at the height of the boom, there were 50% more Wexford people working outside of the county than in it, and we are going back there. More and more people are leaving the county again and having to go to Dublin. There is a serious lack of joined-up thinking in the Government's approach to rural Ireland, and that is a fact.

An Leas-Cheann Comhairle: Bogaimid ar aghaidh anois go dtí Fianna Fáil. Tá Deputy Curran ag roinnt a chuid ama leis an Teachta Eamonn Scanlon.

Deputy Shane Ross: On a point of order, I do not know whether it is in order for someone to deliver a speech which never mentions the subject of the Bill at all, which is what we have just witnessed. I would like the Leas-Cheann Comhairle's views on the fact that we are putting up with a filibuster while lives are being lost as a result of this Bill not passing through the House. I ask him specifically not to tolerate the antics-----

An Leas-Cheann Comhairle: I did-----

Deputy Shane Ross: -----of Opposition Members in this regard, filibustering a Bill which is here to save lives and calling quorums before then leaving the House themselves.

Deputy Mattie McGrath: That is democracy.

Deputy Shane Ross: People's lives depend on our doing this work.

(Interruptions).

An Leas-Cheann Comhairle: Deputies must allow the Minister to speak without interruption.

Deputy Shane Ross: Lives are being lost while Members opposite filibuster.

Deputy Mattie McGrath: We have democracy in this House.

Deputy Shane Ross: The contribution by the last speaker had nothing to do with the Bill. The Chair should be stricter in dealing with that type of thing.

(Interruptions).

An Leas-Cheann Comhairle: I have no control in this regard. I did raise it with Deputy Wallace and he told me that it was relevant; creating jobs in the country. The provisions of this road traffic Bill are very clear and the Minister is, of course, anxious to see it progressed through the House. However, I have no control over the length of Members' contributions. My position is that many of the Deputies who wish to speak are genuine in their views.

Deputy Shane Ross: Some of them are totally genuine. However, the last contribution had nothing to do with the Bill.

Deputy Michael Fitzmaurice: On a point of order, while I disagree with Deputy Wallace's view on once-off housing, the point he was making concerned the lack of public transport provision in many areas and the associated difficulties for people in getting where they want to go. Second, I have had my name down to speak on the Bill for a long time, as do other Deputies. We are waiting our turn. When the Minister was in opposition, he was entitled to speak on any legislation that came before the House. Just because he is now a member of the Government, he should not be trying to block others from having their say.

Deputy Shane Ross: There is a blatant filibuster taking place here. Outside this House, lives are being lost.

Deputy Michael Fitzmaurice: If the Minister really is concerned about saving lives, he should concentrate on increasing the Garda presence.

(Interruptions).

An Leas-Cheann Comhairle: I cannot control the length of Members' contributions.

Deputy Michael Collins: On the basis of the disrespect the Minister has shown to the people of rural Ireland, I am calling a quorum.

Deputy Shane Ross: And then the Deputy will leave the House, as he has done on all the previous occasions.

Deputy Michael Collins: We live in a democracy.

An Leas-Cheann Comhairle: A quorum has been called.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Deputy John Curran: I welcome the opportunity to contribute to this debate. Most of my remarks will relate specifically to road safety. Before I begin, I wish to express my objection to the Minister's comments before the quorum was called. For ordinary backbenchers in my party, which has more than 40 Members, it can be difficult to get speaking time. In order not to waste time, I am prepared to share with a colleague rather than rambling on for the whole 20 minutes available in this slot.

Deputy Shane Ross: I was referring specifically to the contribution of the previous speaker and the Members who are calling quorums and then leaving the Chamber.

Deputy Mattie McGrath: The Minister is completely out of order.

An Leas-Cheann Comhairle: Deputy Curran, without interruption, please.

Deputy John Curran: I have listened to colleagues focus on these proposals from a rural perspective, but I intend to deal broadly with the road safety aspect. The record of the Minister's predecessors in office, going back to the late Seamus Brennan and, subsequently, Noel Dempsey, shows what was achieved in this area by my party in government. In 2001, we introduced the penalty points system and, in 2005, mandatory alcohol road tests. The Road Safety Authority was established by a Fianna Fáil-led Government in 2006 and, three years later, it rolled out the installation of safety cameras. In 2010, we introduced the graduated driver licensing system. Our record in this area is strong and I acknowledge the Minister's effort, in bringing forward these proposals, to build on it.

The Bill is specific in its purpose, namely, to introduce a regime of automatic disqualification of three months for drivers found to have a blood alcohol level of 50 mg to 80 mg per 100 ml. It is worth emphasising the point, because there seems to be some misunderstanding in this regard, that it is already illegal to drive with a blood alcohol level of 50 mg or more. What is at issue here is the penalty which applies to that offence. When the Minister introduced the Bill in the House, he said it was about saving lives. In fact, as well as seeking to prevent road fatalities, we need to reduce the incidence of serious, life-changing injuries. It behoves us all to be as honest as we can be in this debate and to address the proposals in view of the evidence available to us.

One of the things that struck me when I was researching this issue is that there is no standard international practice in this area. Different countries have a whole range of different policies on what is and is not appropriate. It is difficult to find scientific evidence that indicates clearly the point at which driving is impaired. A blood alcohol level of 0% is well defined and measurable, but beyond that point things are less clear. Why, for example, have we chosen 50 mg as the threshold when some countries have lower levels? I had expected more of that type of detail and background information from the Minister as he progressed these proposals.

In his opening statement on Second Stage, the Minister outlined the dramatic improvements in road safety since the 1990s. In 1997, for instance, there were 472 road fatalities in the State. Twenty years later, that number looks to be more than halved for this year. The figure is still too high, but the various policies that have been implemented have improved road safety significantly. The Minister went on to say that between 2012 and 2016, 3,000 fixed-penalty notices were issued to drink-drivers in the 50 mg to 80 mg category. In the five-year period from 2008 to 2012, he indicated, 35 people died in collisions who had an alcohol level between 21 mg and 80 mg, of whom 16 had a level of 50 mg or higher. I do not understand why the Minister chose that period to illustrate the numbers. It was right in the middle of this period that the law changed, which meant there were three years where the cut-off was 80 mg and two years where it was 50 mg. That causes confusion rather than adding clarity.

The Minister stated that moving from the current penalty regime to one of automatic disqualification will give clearer direction and a more severe disincentive, which will encourage more people not to drink and drive. The reality, however, is that of the more than 8,000 people who were breathalysed and failed the test in 2016, 93% had a blood alcohol reading above 80 mg, which already incurs disqualification. That is my real concern with this Bill. I do not want to see a false hope put out there that these provisions will dramatically improve the situation. In fact, we are way behind the curve in what we should be doing.

I submitted a parliamentary question to the Minister last March on the issue of road safety. I would have liked an opportunity to raise the matter in the Dáil but we do not get those op-

portunities. The Minister's reply indicated that the number of road deaths in Ireland increased by 15% - from 162 to 188 - in 2016 and compared the increase with what is going on in other countries, such as the UK, France, Denmark, Norway and the United States of America. I never understood why the comparison was offered because there was no rationale given as to cause and effect. In the written reply in question, the Minister said that the main causes of fatalities on our roads are speeding, intoxicated driving, the use of mobile phones and failure to wear seat belts. The Minister also said he intended to introduce further legislation this year. Will the Minister clarify if the Bill before the House is the only such legislation? More importantly, a month ago the Minister indicated that he was going to bring forward amendments on Committee Stage in respect of learner drivers and so on. Given that the reply to which I refer was written in March, I do not know why there was no urgency to deal with the problem. More of the legislation should have been brought forward at the time rather than seeking to deal with the matter in the form of amendments on Committee Stage. In the last part of his reply, the Minister said, "the Road Safety authority is embarking on a wide ranging safety campaign of education and advertising while the numbers serving in the Garda Traffic Bureau will be increased by 10% which will assist with enforcement, and the Gardaí have confirmed that road safety enforcement is a priority for An Garda Síochána ...".

I recently checked what is happening in respect of road safety because a number of years ago I was stopped more frequently and I wondered if I was just lucky, unlucky or what was going on. I looked at the numbers in the Garda traffic corps. On 31 January 2012, there were 931 members of An Garda Síochána attached to the traffic bureau. I will not go through every year but, on 31 January 2017, there were 669 in the traffic bureau. The Minister's reply indicated that there would be a 10% increase, in which case I would have expected to see 700 or 730 members of An Garda Síochána in the traffic bureau. I recently submitted a follow-up parliamentary question to see where the numbers stand because we are still not seeing what we expected to see. On 30 September 2017, the numbers attached to the Garda traffic bureau had dropped from 669 in January to 631. There is a continual drop in the strength of the traffic corps. We can introduce all the legislation we like, but if we are serious about road safety-----

Deputy Mattie McGrath: Hear, hear.

Deputy John Curran: -----the public must be assured that the laws are being enforced and that they will be caught if they drink-drive. It is of far greater urgency to do that than anything else. In 2016, the Minister indicated that the numbers had increased up and I believe there is a direct correlation between less enforcement and increased road fatalities.

The Minister made the specific point that this is a small Bill with one purpose. I am genuinely disappointed that we are doing so little on road safety in the Bill. In is reply to my parliamentary question in March, the Minister clearly indicated that one of the greatest causes of road fatalities is speeding. Some weeks ago, there was a high-profile case in the courts concerning a gentleman who had been caught speeding on the Naas Road - which is not far from my area - and who was fined €400. When we consider the wealth attached to this person, whom I shall not name, it seems that a €400 fine will not act as much of a deterrent. I understand the Road Safety Authority had proposals for graduated fines proportionate to a person's earning capacity, yet none of these proposals is being explored.

The Bill only addresses one very small aspect of the problem. I am disappointed that since the Minister's reply to my parliamentary question in March, this is the only legislation of its kind that has been introduced. We should have done more; we need to do more. I have referred

to matters such as greater enforcement and education and awareness campaigns. The enforcement element is really significant. The number of officers with the Garda traffic is declining year on year and the 10% increase to which the Minister referred in March has not materialised. I do not blame the Minister but it must be remembered that road safety falls under his remit. No matter what he says, during the period in which he indicated that the number of officers in the traffic corps would rise, the exact opposite happened. I fail to understand how this could have happened, particularly when one considers that the replies currently issuing from the Minister's Department are the same and continue to state that road safety is going to be a priority.

Unfortunately, the issues relating to road safety are not addressed in this Bill. The only element that is addressed is the move towards mandatory disqualification. The rationale and the numbers were not very clear in the context of determining an increased risk. The Minister has indicated the figures for a period, which spans the old and the new systems. While coroners' reports can show a level of alcohol in people who are involved in fatal accidents, there has not always been a clear indication that this is the only cause of such accidents. More research and detail are required, not just in the context of the Bill but also from a road safety perspective.

Deputy Eamon Scanlon: I am glad to have an opportunity to speak on the Bill. I come from a rural area and I represent rural people. In general, such people are decent, honest and hardworking. They would do anything to help their neighbours and communities. Usually, these people are elderly and their families are away working. Reference was made earlier to there being no jobs on offer in communities such as those that I represent. There are no jobs there and these people's families have had to move away. The only social life they have is to attend community functions or go to the local pub. If a person goes to his or her local pub, it may be the only contact he or she has with the members of his or her local community besides, perhaps, the postman. The person may have a drink or two and play a game of cards. I know what the Minister is trying to do with this Bill, and nobody wants to see people killed on the roads, but, to my knowledge, there has never been a road fatality in my area that was caused by one of the people to whom I refer.

The Bill will kill a way of life for people. That is genuinely what is happening here. Not only will we do it, we have almost done it already because people are so frightened and concerned. These are responsible and decent people who would not offend or hurt anybody and have never done so.

Deputy Mattie McGrath: They are taxpayers too.

Deputy Eamon Scanlon: Ireland has rules that are stricter than most other countries in Europe. Fianna Fáil proposes to increase the number of penalty points from three to five and to increase the fine to €500 for those caught with blood alcohol limits of between 50 mg and 80 mg. This is a sufficient deterrent because eight out of ten accidents that occurred as a result of alcohol have all involved blood alcohol levels of between 100 mg and 200 mg. Those are the people we need to go after.

Speeding is the other issue. As I went home one night recently, a car overtook me close to a bend on a road with a double white line. I got a fright because there was a line of cars in front of me. When drivers who behave in that way are caught, they should definitely be reprimanded very strongly with a threat of jail. Not only could they cause their own deaths, if anything was coming the other way as they approached the bend there could have been six or seven people killed, including myself. These are the drivers we need to go after, not the honourable, decent

people out there.

When we consider where accidents happen, it is on national primary roads. Some of these roads only have two lanes. There needs to be more investment in roads. There are very seldom road fatalities on dual carriageways but they often occur on national primary roads. The latter should be dual carriageways. Parts of the Mullingar to Sligo road are only wide enough to accommodate two cars or, just about, a car and a lorry. That is a fact. I refer the Minister to the section of N4 from Castlebaldwin to Collooney. There are 27 white crosses on that stretch of about 11 km of road to mark where 27 people were killed, not because of drink but because of speed, possibly, and because the road is not of sufficient quality for the traffic on it. The traffic on that road is constant.

Another issue that the Minister did not look at was phones. If the Minister went for a drive today he would see someone smoking or on the phone and driving at the same time.

Deputy Mattie McGrath: Or doing their make-up.

Deputy Eamon Scanlon: This is causing more accidents than alcohol now. To be fair to most young people today, they are responsible. In my home town, when I go to the pub and see young people there they act responsibly. They are not drinking and driving. The older people might chance it now and again but most people act responsibly. They try to get taxis to take them into town and home again, which is very difficult. As other speakers said, everyone wants a taxi at the same time and that does not work. There is no public transport whatever, where someone in Dublin can go out onto the street and put up his or her hand and there will be a taxi, but there is also the option of taking the Luas, the Dart or a bus. The people who I represent have no opportunity to get transport if they wish to socialise for a night. I am not talking about people who drink heavily, I mean people who might have one or two drinks, who respect the law and have always done so and defended the law. These are the people who we will make criminals out of. It is very wrong and we should look at this again. I do not support what the Minister is doing. I understand what he is trying to do but we should recognise that there are people who are responsible, who might have two drinks and are not road hogs and do not cause accidents.

An Leas-Cheann Comhairle: I have to interrupt the Deputy and ask him to move the adjournment.

Debate adjourned.

McCartan Report on the Stardust: Statements

Minister for Justice and Equality (Deputy Charles Flanagan): The Stardust fire of 14 February 1981 was without doubt one of the greatest tragedies which has ever occurred in this State. Forty-eight young people went out that evening to enjoy a night out with friends and, as a result of this horrific tragedy, they never came home. Many more suffered horrific injuries. Their families have sought answers, and understandably so. Unfortunately, the subsequent Keane tribunal did not give them the answers they needed. It reached a conclusion that the fire was probably started deliberately. This was just one of a series of hypotheses proposed by the

tribunal and should not have been elevated to the status of a conclusion, a point that Judge McCartan makes clear in his assessment report.

The Coffey report identified a way that the public record could be corrected by removing the conclusion that arson was the probable cause of the Stardust fire and this was done by way of a Motion in this House. This was a very important step in removing the stigma that the families believed hung over the victims of the tragic fire. I will return to these issues, but first I wish to set out the actions that this Government has taken to facilitate the investigation of the evidence the committee wished to be assessed.

The programme for a partnership Government agreed in 2016 committed the Government to have full regard to “any new evidence which emerges which would be likely to definitively establish the cause of the fire at Stardust”. Throughout 2016, there was extensive correspondence between the Stardust Victims Committee and the nominated official from my Department with a view to establishing whether any new evidence existed which would be likely to definitively establish the cause of the fire at Stardust, without being able to reach an agreed position. A motion was subsequently passed by this House on 26 January 2017, calling on the Government “to meet with the Stardust Relatives and Victims Committee regarding the new and updated evidence they have uncovered since reviewing Judge Keane’s Report of the Tribunal of Inquiry on the fire at the Stardust, Artane, Dublin in 2006, to have that new and updated evidence assessed urgently by an independent person who has the trust of the families, and if the independent assessment confirms the existence of new evidence, calls on the Government to immediately establish a commission of investigation into the Stardust tragedy of 1981”. The committee identified retired Judge Pat McCartan as an independent person who had its trust, following which officials from my Department contacted Judge McCartan to ascertain his interest or otherwise in taking on the role of assessing the new evidence. Judge McCartan expressed a desire to assist by taking on this role and was appointed by the Government on 7 March 2017.

The assessment process was governed by the Dáil motion and was conducted by Judge McCartan completely independently of Government. The scope of the assessment process tasked Judge McCartan to meet with the Stardust Relatives and Victims Committee regarding any new and updated evidence they have uncovered; assess any new and updated evidence that has been identified; seek Submissions from any party identified in or directly affected by that evidence; recommend, and within 90 days of this process commencing, whether, in the circumstances, the evidence identified is sufficient to warrant establishing a commission of investigation into the Stardust tragedy of 1981.

Judge McCartan began his work on 27 March 2017 and he was provided with the discretion to afford the committee whatever representation he believed was necessary in order for the committee to present its evidence to the assessment process. The relevant daily rates payable were set by my Department and costs were borne by the Exchequer. The requirement for representation was to be assessed by the judge dependent on the nature of the evidence to be presented to him. The committee decided that its case would be presented by its researcher, Ms Geraldine Foy, who produced the committee’s submission to Judge McCartan and costs were paid at a junior counsel rate. The committee also sought and were paid costs for its legal advisor.

It was envisaged that Judge McCartan would conclude his assessment process within 90 days. At that time, the intention was that the assessment process should commence at the earliest possible opportunity, particularly given the commitment in the Dáil motion for the as-

assessment to take place urgently. Judge McCartan confirmed his availability to begin his work immediately, however, the committee chose not to engage with the judge until 3 May 2017 and did not present its submission to him until 6 July 2017. The reasons for these delays on the part of the committee related to the issue of historical moneys they believed they were owed. On that issue, officials in my Department met and corresponded with the committee and its advisors over the course of a number of months. These discussions were conducted separately to the independent Stardust assessment process, as the issue of historical moneys does not fall within the scope of the assessment process.

This matter and an additional matter involving breach of copyright claims were eventually referred to the Office of the Chief State Solicitor by my Department following contact with that office by solicitors acting for the committee in the first instance. My Department subsequently consulted with the Chief State Solicitor's office and also with the Office of the Attorney General in regard to these issues. These matters have since been pursued directly by the Chief State Solicitor's office, acting as my Department's legal advisor, and the legal advisors for the committee. A settlement meeting between the respective legal teams took place on 3 October 2017 without reaching agreement. Most recently, at a further settlement meeting between legal advisors for both parties earlier this week, a final agreement could not be reached. I told the committee when I met it yesterday afternoon that it was open to it to re-enter that process and we would work to try and reach an agreed solution with it. That offer remains open.

As a result of these external issues, there was a delay around the submission of the committee's evidence to Judge McCartan; the judge did not receive the submission within the anticipated 90-day period. Accordingly, it was necessary to extend Judge McCartan's appointment by four months to provide the judge with sufficient time to assess the committee's submission, when it was forthcoming, on 6 July, and produce the assessment report. My Department obtained sanction from the Department of Public Expenditure and Reform to extend Judge McCartan's appointment to ensure the completion of the independent assessment process.

The Deputies will be aware that Judge McCartan's Stardust assessment represents the third assessment of evidence associated with the Stardust fire. The first assessment was the original tribunal of investigation chaired by Mr. Justice Keane in 1981.

8 o'clock

The second assessment was an independent examination of the committee's case for a reopened inquiry and was carried out by Mr. Paul Coffey in 2008, culminating in the production of a revised report in January 2009. In order to establish whether the evidence presented by the committee to Judge McCartan constituted new or updated evidence, it was necessary for Judge McCartan to consider the Keane and Coffey reports and their associated conclusions.

The Keane tribunal concluded that the fire was "probably started deliberately". However, as indicated previously, this was just one of a series of hypotheses proposed by the tribunal and should not have been elevated to the status of a conclusion. The independent Coffey review concluded that the Keane tribunal did not reveal any evidence to support its conclusion that the fire was started deliberately and, as such, Keane's finding was deemed to be only a hypothesis. The Coffey review also concluded that neither the committee nor the Keane tribunal identified any evidence which established the actual cause of the fire.

Judge McCartan's report clarified the differences between the Coffey review report's first

and final versions, given that the committee expressed the view that there were “dramatic” differences between the two versions of the Coffey review report. The committee contended that the first version of the Coffey review report recommended a public inquiry, whereas the final version does not. Judge McCartan identified that 27 paragraphs of the first version of the Coffey review report were changed, when compared with the final version of the report, but most of the changes noted were minor re-wordings. The main difference between the two versions of the Coffey review report, highlighted by Judge McCartan, was that the Government at that time identified a way to correct the public record established by the Keane tribunal and recommended that this solution be included in the final version of the Coffey review report. The judge emphasised that the Coffey review did not recommend a new inquiry into the Stardust tragedy without qualification, that is, only if it was not possible to correct the public record arising from the Keane tribunal.

Following a consideration of the committee’s submission, Judge McCartan identified 17 issues that required examination. According to the judge, only one of these issues - the evidence of Ms Brenda Kelly - could be considered as new or updated evidence. However, he held that the issue concerned does not explain the cause of the fire and merely proposes a hypothesis. As such, Judge McCartan’s report concludes, “Having considered all the material submitted by the Committee, there is no new or updated evidence disclosed in the meaning of the terms of this Assessment and no new enquiry is warranted”.

Judge McCartan informed my Department that he was in receipt of additional, late material from the committee after he had already concluded his report. The judge wrote to the committee via its solicitor, confirming that he twice asked the committee for any further evidence to be submitted but never received a response. Despite having completed his report, Judge McCartan looked at the additional material sent to him. The judge subsequently informed my Department that this additional material did not constitute new evidence. As a result, the judge’s report finding stands.

I would like to say that I sympathise greatly with the committee and all affected families for the terrible loss they have suffered and in relation to their ongoing search for answers over many years. The programme on RTÉ this week was another reminder of the unspeakable grief suffered by the family members. I met with the committee yesterday and understand that the committee is disappointed with the outcome of the independent assessment process. I acknowledge that Judge McCartan’s report does not provide the outcome that the committee was seeking in finding that no commission of investigation is warranted. However, the Government complied fully with the Dáil motion in January to provide for the establishment of the assessment process. The assessment process was conducted completely independently of Government, in line with the Dáil motion. In this regard I acknowledge the work of my Government colleague, Deputy Finian McGrath, who over the past number of years has been anxious to ensure that every avenue has been pursued to reach truth and justice in respect of this issue. I acknowledge his work in respect of the agreed Dáil motion of earlier this year and acknowledge his work to ensure the McCartan-led report was up and running at the earliest opportunity.

I acknowledge the independence of Judge McCartan in the conduct of his work. Judge McCartan interpreted the scope of his independent process within the parameters of the Dáil motion. It was not open to me as Minister, nor to my Department or my colleague, the Minister of State, Deputy Finian McGrath, to interfere with that process or direct the judge in any respect.

Judge McCartan’s assessment report was formally submitted to my Department on 17 Oc-

tober 2017. The report was considered by my Department and was sent to the Office of the Attorney General for advices and guidance. I brought the report to the Cabinet meeting on 7 November 2017, following receipt of those advices. The report was accepted by the Government and furnished to the committee immediately afterwards, prior to publication. I published the report later on 7 November and also laid the report before the Houses of the Oireachtas on the same date in view of the fact that the assessment process was initiated on foot of a Dáil motion.

I would like to express again my gratitude to Judge McCartan for the work he undertook in preparing his report. I am grateful to him for his willingness to undertake this important public service. Judge McCartan indicated in his assessment that the grief experienced by the families:

...must be compounded by the failure of anyone to explain the cause of the fire. Due to the passing of time it is much harder today to find such an explanation and this Assessment must conclude that the cause of the fire may never be known.

The Government has fulfilled its commitment in relation to assessing the new evidence and does not believe that any further investigation will provide the answers that the committee is looking for. Before I conclude, I acknowledge the work of Deputy Finian McGrath and of other Deputies in the local area. I would like, once again, to sympathise with the committee and all of the families affected by the Stardust fire. I understand that each of you will never forget this terrible tragedy and will carry heartbreaking loss and memories with you for the rest of your lives.

An Leas-Cheann Comhairle: One minute remains.

Minister of State at the Department of Justice and Equality (Deputy Finian McGrath): I would appreciate some flexibility. First, as a public representative in this area, I have worked for over 20 years with the Stardust Relatives and Victims Committee, and other families who suffered a tragic loss as a result of the horrific Stardust fire on 14 February 1981 to assist them in their efforts to find answers. This tragic fire caused the deaths of 48 young people and serious injury to another 128, who were mostly aged between 18 and 25 and came from the local area including Artane, Kilmore, Coolock and Edenmore. The Stardust fire was one of the greatest disasters in the history of this State and is seared into the collective memories of all the residents of the north side. It had, and continues to have, a devastating impact on survivors, friends and family members of those killed and injured. I acknowledge the hurt and unbearable loss that those families still feel.

The RTÉ programme earlier this week, “After the Headlines”, reminded the country how much pain and suffering the families have been through. In negotiations over Government formation in 2016, my participation was contingent on the Stardust tragedy being included in A Programme for a Partnership Government and the following was included on page 107 of the final document: “Full regard will be had to any new evidence which emerges which would be likely to definitely establish the cause of the fire at Stardust.”

As outlined by my colleague the Minister, Deputy Charles Flanagan, Judge Pat McCartan’s report followed a motion passed by the Dáil last January which called on the Government to establish an independent Stardust assessment to evaluate the claim of the new and updated evidence presented by the Stardust Relatives and Victims Committee relating to the Stardust tragedy. Judge Pat McCartan was chosen by the committee as an independent person who had the committee’s trust. Judge McCartan was agreeable to taking the role of the independent assessor and was appointed by the Government on 7 March 2017.

My door is always open, as is that of this Government, to find truth and justice for the families.

Deputy Seán Haughey: The fire which took place on the morning of 14 February 1981 in the Stardust nightclub in Artane was absolutely horrific. The loss of life and the widespread injuries sustained by so many people make it one of the greatest tragedies in modern Irish history. Of the 700 young people in attendance that night, 48 never came home and 128 were seriously injured. Devastated survivors and families and the wider local community all struggle to come to terms with the scale of the disaster and its aftermath, and for some the struggle continues.

I too watched the RTÉ documentary last Tuesday entitled “After the Headlines”, in which Charlie Bird recently interviewed some of the families caught up in the fire. It is clear that for some of the families of the victims and the survivors the aftermath of the Stardust fire is still very much a part of their everyday lives. I was 20 at the time of the fire and I have lived in north Dublin all my life. I had been to the Stardust night club on occasion. The 1980s was a bleak enough period and at the time the big employers in the area were Cadbury’s and Tayto. In the circumstances, the Stardust offered some glamour and glitz and was a major social meeting place.

I was first elected to Dublin City Council in 1985 and since then I have tried to assist people to work through many of the issues arising from the fire. We need to assess what has happened since then. At the time, the Keane tribunal was established and it eventually published its final report. It investigated the fire in accordance with the norms and standards of the time and it is fair to say that as a result of modern technology and scientific breakthroughs, a much higher standard applies today. The finding that the cause of the fire was probably arson satisfied nobody and was a slur on the local community and all those present on the night. The Coffey report dealt with this matter and as a result, the Dáil and Seanad passed motions in 2009 to the effect that there was no basis in fact for the finding that the fire was caused by arson. The finding of arson was a mere hypothetical explanation unsupported by evidence. We now have the McCartan report. Judge Pat McCartan’s report is blunt, to say the least; unnecessarily so in my view. Some of his comments on those involved in the inquiry are a bit offensive and uncalled for. I will come to his central findings later.

Subsequent to the fire in 1981, Garret FitzGerald’s Government, with the help of the then Attorney General, Mr. John Rogers, SC, introduced a compensation scheme for those caught up in the tragedy. The payments at the time were just about satisfactory having regard to the norms of the 1980s, but they were certainly not generous by today’s standards. One of the main objectives of the Stardust Relatives and Victims Committee was to ensure that such a fire never happened again. It is welcome that the specific recommendations made by the Keane tribunal led to a complete transformation of our fire safety and protection measures. A new legislative framework was put in place on the enactment of the Fire Services Act 1981.

A campaign for a suitable memorial for the victims was also launched at the time. In 1992, the Government announced that £250,000 would be made available for the construction of the Stardust Memorial Park in Bonnybrook. It is a beautiful park which contains a sculpture of two dancers and a water feature. The relatives find some peace and tranquility among the roses and in the park generally, in particular during the annual anniversary of the tragedy. I congratulate Dublin City Council on the work it has done on that facility. Five victims of the fire remained unidentified for many years but DNA technology has latterly allowed for the successful identification of their remains and made it possible for their families to erect headstones and hold

services for their lost loved ones. I pay tribute to the Stardust Relatives and Victims Committee on its long campaign and hope they can acknowledge some of the small victories they have achieved along the way. However, they have more on their agenda and do not necessarily want any praise from me.

I wish to say something about my late father who was Taoiseach in 1981 and served as a TD for the area for 35 years. I am firmly of the view that there was no conspiracy or cover-up as far as the Stardust fire is concerned. There were no family links or other connections between my father and the Butterly family, the owners of the complex. In their book, *They Never Came Home - the Stardust Story*, Niall Fetherstonhaugh and Tony McCullagh state the following on page 242:

There is little doubt that Haughey was personally devastated by the Stardust disaster and that his concern for the victims was heartfelt and sincere. It is also important to remember that Haughey spent much of the 1980s on the Opposition benches; he was hardly in a prime position to influence Government decisions let alone a cover-up relating to the Stardust. As Opposition leader, Haughey played a key role in eventually securing compensation for the victims by putting pressure on the Fine Gael-Labour Government to establish a special tribunal.

It is a fair and accurate assessment of his position. It should also be said that it is outrageous that Irish law allowed compensation to be paid to the Butterly family after the fire, despite the undisputed evidence that fire exits in the complex were chained on the night. It must have been a very bitter pill for the families to swallow.

The Coffey report recommended that counselling and medical treatment should be afforded to the survivors and the bereaved where necessary and appropriate at the expense of the State. To progress the implementation of this recommendation, the Department of Justice and Equality placed advertisements in national newspapers seeking information on the level of need existing among survivors. The Department also engaged with legal representatives of the Stardust Relatives and Victims Committee in this regard. Arising from the consultation process, the need for the provision of counselling services was identified and appropriate arrangements were made with a number of individuals receiving such services. I hope these arrangements remain in place.

Judge McCartan concluded that there is no new evidence which warrants a commission of inquiry. This conclusion cannot easily be dismissed and is a significant development. The Stardust Relatives and Victims Committee met my colleague, Deputy John Lahart, on Tuesday this week. Deputy Lahart explained that the establishment of the McCartan examination, despite its disappointing outcome, fulfilled Deputy Micheál Martin's previous commitment in this regard. The committee continues to seek some reports on aspects of the Stardust tragedy from the Department of Justice and Equality, including the reports of Mr. Arthur Green, Mr. David Tucker, Mr. Frederick Porges and Dr. John Harbison, none of which have ever been published but relate in some cases to a possible cause of death. The committee also seeks the coroner's report into the deaths of the Stardust victims. The committee is exploring the possibility of the creation of a computer simulation of the Stardust fire into which all evidence can be input. My party will follow these matters up with the relevant agencies and the Department of Justice and Equality.

Unfortunately and sadly, there are now three independent reviews which have found that there is no realistic prospect of coming to a definitive conclusion on the cause of the fire. This

assessment at this time will be very difficult for all of us to accept.

Acting Chairman (Deputy Bernard J. Durkan): Deputies Denise Mitchell, Dessie Ellis, Seán Crowe and Donnchadh Ó Laoghaire wish to share time. Is that agreed? Agreed. There are 15 minutes in the slot.

Deputy Denise Mitchell: I welcome the survivors and families of victims of the Stardust fire to the Public Gallery. Everyone here remembers the night of the Stardust fire and the weeks and months that followed. Something that always stands out for me is my memory of the queues of people outside our local phone box in Darndale trying to get through to friends and family to make sure they were safe. A very dark cloud hung over our community that night and even as a child I was very aware of it. It is a cloud that continues to hang over communities because the families and friends of those who never came home on that Valentine's night have never received closure. The families and survivors have never heard the truth of what happened and they feel let down time and time again by Governments on the issue. These families and the survivors have been living a nightmare for 36 years.

I am sure many Members watched the RTÉ documentary, "After the Headlines", by Charlie Bird last Tuesday night. I commend that documentary and I encourage people who seem to think that these families should put this tragedy in the past and forget about it to watch it. It shows the reality of what this fire did and how it shaped the lives of those left behind. The fire did not just change the lives of the people involved, it also tore families apart. It had ripple effects across communities.

Families feel they were let down by the justice system. One of the survivors told me that in the years after the tragedy her father used to say, "A lot of these kids were from Bonnybrook - I can't help but feel that if they were from Donnybrook we would have gotten to the truth much sooner".

Deputy Thomas P. Broughan: Hear, hear.

Deputy Richard Boyd Barrett: He is right.

Deputy Denise Mitchell: For those who do not know, Bonnybrook is in Coolock on the north side of Dublin.

One of the criticisms of this report from the Relatives and Victims Committee is that experts were not interviewed, including fire experts, forensic pathologists, building experts and key witnesses. That includes the external witness who had made an emergency telephone call that placed the fire on the roof of the building very early. In terms of forensics, the Coffey report and this assessment note that a shirt worn by one of the survivors which was stained with some of the flammable substance dripping from the roof "is no longer available for testing". Given the advances in forensics over recent years, I would have expected that these items of evidence would have been preserved so they could have been re-tested.

It is clear from witnesses that the fire was well established in the roof space from very early. A waitress who gave evidence spoke of how there were at least 50 drums, each containing five gallons of cooking oil, stored in the roof space in breach of fire and building regulations. There were flammable materials piled high in the roof space, planning and fire regulations were broken everywhere and emergency doors were padlocked shut, yet no charge was ever brought against the establishment or the management of the club. That speaks volumes.

I believe the terms of this assessment were too narrow. This was a cul-de-sac, and the Government knew it. The only way to get to the bottom of this tragedy is through a new commission of inquiry. Anything else simply will not do. It has been 36 years. Nobody should have to wait that long to get the truth about what happened to their loved ones.

Deputy Dessie Ellis: I thank the families, friends and relatives, some of whom are in the Visitors Gallery tonight, for their fight for justice and for answers about what happened on that fatal night. The Stardust club was a popular venue for young people in the late 1970s and up to the time of the tragedy on 13 February 1981. I regularly attended events there, along with family, friends and neighbours. It was the place to go in those days for the young people of north Dublin.

On the fateful night of 13 February, over 800 young people were packed into the nightclub looking forward to a great night of fun and entertainment. Little did they know when they left their homes that night that their lives and the lives of others would be changed forever. Sometime after 1 a.m. a fire broke out. The belief is that it was ignited due to electrical faults. It is believed that large amounts of flammable materials stored in the roof fuelled the fire, which spread rapidly. I cannot imagine the fear and panic in the hearts of every young person there when the realisation hit them that they were in the midst of an inferno. It is unimaginable for me, as a parent, to think of those fatal last moments as the young people struggled to find a way out as the flames engulfed the nightclub.

The fire took the lives of 48 young people and injured 128. Today, many bear the physical scars of that night. Many who were there, who were injured or who are among the families of those who lost their lives still bear the unseen mental scars from the tragedy that unfolded. The suffering of the families of those who were lost and injured has not abated. It is as raw today as it was then. The Stardust tragedy had an impact not only on the close community of north Dublin but on the entire country.

What compounds the tragedy and re-traumatises the surviving victims and families is the lack of a proper and thorough investigation of the tragedy. Many questions remain unanswered. Nobody has been held accountable for the events that night. It is unacceptable and appalling that the families of the victims in the greatest loss of life in a fire in the history of the State are still fighting for justice and to get answers as to why their sons and daughters lost their lives on that fateful night. It is a tragedy for which families and survivors are still looking for closure after 36 years. For that reason it is very important that a commission of investigation is established. Many important issues remain to be examined. The issue of culpability must be fully examined as well.

Up to now the tragedy has been investigated in a totally inadequate way by the institutions of the State. This report is also inadequate. It is only through a new commission of investigation that families will get the truth about how their loved ones died.

Deputy Seán Crowe: I welcome the families in the Visitors Gallery. I can only imagine the disappointment they feel after believing that this inquiry would unearth the truth once and for all. I recall speaking on this issue in the House last January. It was my view that the way forward was through a full open inquiry. I recall the Minister saying that night that it was unfortunate there was no consensus on this matter. However, there was consensus. It lasted until the Government tabled an amendment and opted for having this limited inquiry. The failures of the inquiry show that a commission of inquiry is now the only way forward and its outcome

reinforces that view.

Last January, I spoke about being from that generation and the effect the fire had. I can only imagine the effect it had on the families and the survivors. It scarred so many lives and changed all of us. People from that generation were never the same afterwards. I commend all the young people who bravely and selflessly helped their friends that night. I also thank the first responders. Most importantly, I support the families' demand for a public inquiry. It is the only way forward and the only way the families will get justice. I commend the families again on their sterling work on behalf of the loved ones they lost. As somebody from that generation, I admire the consistency and resolve they have shown through the years. I wish them well.

Deputy Donnchadh Ó Laoghaire: I wish to express my sympathy and solidarity with the families and survivors. I commend their resilience. The Minister said the fire was imprinted in the memory of the Irish people. As somebody who was born seven years later, I suppose one learns about it afterwards. If there was anything in addition to the fire that imprinted itself on people's minds, and as one learns about it after the fact, it was the chains on the fire escapes, which were one of the most appalling things about it, but also the fact that the campaign to find justice and truth has been so long, arduous and, unfortunately, without success. I know the Stardust Relatives and Victims Committee is deeply disappointed with the report which states that a new commission of inquiry into the tragedy is unwarranted. I fundamentally disagree with that. It is my view and, I believe, the view of many Deputies that the McCartan report was clearly deficient. If the Government receives a report that is deficient, it should not accept it. Clearly, there were significant flaws in how the work was carried out in that it did not engage with expert evidence, fire experts, medical experts and building experts were not called on; and Dublin City Council was not called on. It is my understanding that this is despite a prior commitment that all those people would be called on. There were others, including Tony McCullough, who were not called on so there are clearly very significant flaws with the report that has been received. I do not think the report in any way allows us to simply draw a line under this and say it is not possible to do anymore and that it will not be possible to find out the truth. Clearly, there is more that could be done. There is more evidence, there are people who could engaged with and there are experts who deserve to be heard and should be heard to find out the full truth.

It has been 36 years since those young people went out on a St. Valentine's night and never came home. No family should ever experience such tragedy but in its eventuality, the very least it deserves is transparency and to be afforded due process. I believe there is much more that can be done to achieve that. If this happened to any of our loved ones, I do not believe we would leave any stone unturned in our pursuit of justice and the truth. We have a responsibility to ensure that this happens and that the Oireachtas lends its full weight to finding out the truth. The McCartan report is clearly deficient and that a full public inquiry is the only way to continue to pursue this.

Deputy Mick Barry: I first want to acknowledge the families of the victims of the Stardust fire present in the Public Gallery who have been campaigning for justice for almost 37 years. The documentary shown on RTÉ last Tuesday night entitled "After the Headlines", which was sensitively presented by Charlie Bird and showed him talking to the families of victims as well as a badly injured survivor about how that tragedy defined their lives to a huge degree, serves as a timely reminder to the wider public of the massive impact the fire had on the national consciousness for those of us old enough to recall it. Not only did young, overwhelmingly working-class people, predominantly from Artane, Kilmore and Coolock, perish that night, 214 were physically injured and by official estimates, 823 people were psychologically traumatised

and-or bereaved factoring in the survivors and families of victims. In recent times, the Stardust fire has been frequently compared to the Hillsborough disaster of 1989 in terms of a disaster befalling a working-class community and with some justification because the similarities are uncanny - working-class victims of lethal corporate neglect with the victims then blamed by officialdom in the first instance trading off anti-working-class prejudice. However, positively, we also see the determination of the families of victims to fight for truth and justice come what may. After a number of false dawns, the Hillsborough families are getting the justice they deserve but the families of the Stardust victims have to fight on. Does anybody believe for one moment that had this tragedy happened at the disco at Old Wesley Rugby Football Club in Donnybrook that matters would not have panned out differently in the aftermath and that if the owners of the premises had kept a vital fire exit locked and chained, they would not be up for manslaughter or worse instead of being handsomely compensated for the fire to their premises? Does anyone believe that had the fire occurred in the Old Wesley Rugby Football Club, that political connections that might have existed between the owners and prominent politicians would have saved their skin when the lives of privileged youth were lost?

There was a genuine hope among the families of the victims and survivors that Judge Patrick McCartan would have approached his task with empathy and real understanding - not least given the fact he was a former Deputy for the old Dublin North East constituency between 1989 and 1992. One might have hoped that he more than any other retired judge would have had a real appreciation of the impact of the tragedy in the community compounded by years of cover up. It is inconceivable that during his time knocking on doors as councillor seeking to becoming a Deputy and then during this three years as a Deputy, he did not on multiple occasions speak to the families of victims and survivors. Maybe with reluctance and justified suspicion, the families back in January agreed on the basis of assurances from the Minister of State, Finian McGrath, who was under the cosh to vote down Deputy Broughan's Private Members' motion, to go down the route of the McCartan exercise. It worked in one sense in terms of getting the Minister of State off the hook for a period of time.

Instead the families were dropped from a height by a 50-page report that did not seriously engage with the evidence assembled by the families and dedicated campaigners such as Geraldine Foy. Even hardened political activists of the left, who would harbour no illusions about the Judiciary, were somewhat stunned by the McCartan report. To our shock, we were presented with something of a hatchet job designed to damage the credibility of Ms Foy, in particular. We are talking about working-class people with limited resources to fight their campaign for justice. Had they the resources to employ medical, engineering and scientific experts, I have no doubt they would have done so. Instead, they have had to rely on goodwill and support on voluntary basis. Retired Judge McCartan could not seem to get over the fact that Geraldine Foy lacked formal expertise in these areas. Whatever Ms Foy lacked on that score was more than compensated by the tenacity she demonstrated in going over the documents and transcripts right back to the travesty that was the Keane report. On the basis of Ms Foy's efforts, even retired Judge McCartan could not contest that the time and location of the fire was different from what had previously been recorded. Basic evidence such as the drawings of the Stardust building that were presented as evidence were flawed. The Minister might comment on the fact that retired Judge McCartan was provided with the resources to obtain expert scientific inputs and opinions into Ms Foy's dossier. Instead he seemed content to subject it to a critique of its literary style as if he was writing for the book review sections of the Sunday newspapers.

Last January, Deputy Broughan's motion should have laid the basis for the independent

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full inquiry the families sought. Instead we were brought on a cruel year-long detour that the Minister clearly hopes will satisfy the wider public. Unfortunately, there were mainstream media columnists in the likes of the *Sunday Times* and the *Irish Examiner* who were all too ready to weigh in behind Judge McCartan and the Government in November. However, I hope last Tuesday's documentary, the support of Deputies

on this side of the Dáil and our Dublin City councillor colleagues and above all, the ongoing efforts of the families will all serve to sustain the struggle.

I want to end by quoting an email my party colleague in the Dublin Bay North Constituency, Councillor Michael O'Brien, received this morning from Maurice Frazer whose sister Thelma and her boyfriend Michael perished in the fire. I think it captures in a few paragraphs the deep hurt and at the same time the resolve that characterises these brave families. It reads:

Hi Michael,

After Minister Flanagan's decision to wash his hands, like many Ministers of Justice before I am deeply depressed and very angry once again. When these feelings hit you, you just want to give up. But my family and I will NEVER give up on my sister Thelma and her boyfriend Michael and the 46 others who were, KILLED by GREED and IGNORED by JUSTICE.

I regret that I cannot stomach going into Dáil Éireann for today's debate. I want you to convey my feelings to the Dáil. I still respect the Dáil [for] which my Grandfather fought ... and was imprisoned for during the times of the rebellion and the fight for Independence, but I cannot help in thinking of what he would think of the Legislators of the past 36 years, denying his Granddaughter her right for Justice.

Deputy Richard Boyd Barrett: As others have done, I welcome and acknowledge the presence of the Stardust families in the Public Gallery. I commend them on their continuing, heroic battle for truth and justice regarding the causes of the fire that consumed 48 young people - their loved ones - in 1981. I do not really understand the McCartan report's conclusions. I have met Pat McCartan and he seems to be a good man but I really do not understand the conclusions. I do not accept his view. The families are right not to accept that there is no necessity for a full commission of investigation and inquiry into the fire and its causes.

One of the key pieces of evidence the families and victims brought forward relates to Brenda Kelly and her evidence that the fire started considerably earlier than the Keane report suggested and that she saw the fire in the roof space. We also know that there were large amounts of combustible material in the storeroom. That does not definitively prove the cause of the fire. However, it radically alters how we might begin to examine the existing evidence and look for new evidence to try to ascertain the causes of the fire. It radically changes matters. McCartan acknowledges that point. I do not have time to look for the quote now but he makes the point that if Brenda Kelly's evidence is correct, then it is likely that the fire started in the roof space. If the fire started in the roof space and there was a large amount of combustible material present, that must be examined. We will have other evidence from people who were in the ballroom that they felt intense heat in the ceiling above them long before there was evidence of fire in the ballroom.

We know that fire and planning regulations were being flouted. All of that justifies a re-examination of all the evidence. That is the point. Geraldine Foy and the families could never

provide conclusive evidence as to the cause of the fire. How could they possibly do so? For McCartan to criticise them for their lack of expertise in being able to definitively prove how the fire started is completely unreasonable. How can Pat McCartan or, for that matter, Mr. Coffey, conclude whether it was possible to identify the causes of the fire? If Geraldine Foy is not an expert, then neither are they. They are not experts so it is unreasonable for McCartan to rub-bish the evidence she uncovered and also her re-examination of the available evidence. If, on the balance of probability - a reasonable legal basis on which to re-examine matters - the best explanation for the rapid spread of the fire is that it started in the roof and there was combustible material present, then that is enough justification to re-examine everything. It is absolutely extraordinary that McCartan says that if Brenda Kelly's evidence is true, the fire started in the roof space. However, he never sought to establish whether that evidence is true.

Many of the other experts and witnesses who could have fleshed out the alternative possibility of how the fire started were never interviewed. Their evidence was never taken into account. That is just not good enough. It is not good enough to criticise the incredible work of Geraldine Foy on the basis that she is not a professional researcher or expert. She never claimed to be either. Part of the battle the families have been having with the Government all along relates to their lack of resources. They had to do this largely on a voluntary basis. What they have done is incredible, particularly in light of the limited resources that were available to them.

What is happening is not good enough. I blame the Government more than I blame Pat McCartan. Why do I say that? The answer is that when the motion relating to this matter was passed, some of us sought to amend it to say we should just have a commission of investigation. We felt that the Government's refusal to facilitate the establishment of a commission amounted to selling a pup to the families. A great deal of pressure was put on the families to say that the McCartan review would achieve what they wanted. It could never do that. It was not possible for it to do that. They were sold a pup for political reasons. Why did the Government not just establish a commission of investigation? There was enough evidence to suggest it was warranted. I do not see how the Government can say anything else.

I appeal to the Government to recognise that we have gone about this in the wrong way. A paper review, which is really what this was - with the only additions being that the victims were met and Geraldine Foy's report was looked at - was never going to be enough. What was necessary was to say that if they had got some serious points and evidence, then a wider and more comprehensive investigation was necessary and this would require a full commission of investigation. I appeal to the Government to reconsider the matter and to give the families the commission of investigation for which they have asked. They will not cease their battle. They have good cause to continue to demand that the commission of investigation for which they have fought so long and hard in the interests of obtaining justice and getting to the truth of what happened to 48 young people in Artane in 1981 be established.

Deputy Thomas P. Broughan: I thank the Ceann Comhairle for this brief opportunity to speak on this important matter. The 37th anniversary of the Stardust tragedy will be on 14 February 2018. The horrific inferno on that night stole the lives of 48 of our young people and left 214 others injured. It occurred in a dance hall with chained and blocked exits. Earlier this week, journalist Charlie Bird brought us back to that terrible night in an RTÉ documentary in which we witnessed again the enduring distress of the victims and their relatives.

In January, I brought a motion before Dáil Éireann calling for the establishment a new commission of investigation into the St. Valentine's night inferno. My motion was supported by

Independents 4 Change, People Before Profit, Solidarity, Sinn Féin, the Labour Party, the Social Democrats and other left-leaning Independents. The Minister of State at the Department of Health, Deputy Finian McGrath, despite being deeply aware of the work of the Stardust Relatives and Victims Committee during the earlier part of his political career, sadly turned his back on the families who lost loved ones and instead supported the Government's amendment to the motion. My motion was defeated by 94 votes to 50 and the version amended by the Government, which effectively called for a Coffey review, part 2, was passed. On 7 March 2017, the Government agreed to the appointment of Pat McCartan, a retired judge, to assess any new or updated evidence uncovered by the Stardust Relatives and Victims Committee. This assessment began on 27 March 2017.

I have now submitted another motion to the Ceann Comhairle rejecting the McCartan report and calling for an immediate commission of investigation. I am very pleased that the new motion is supported by my Independents4Change colleagues, Deputies Joan Collins and Thomas Pringle, and by People Before Profit, Solidarity, Sinn Féin and the Labour Party.

On 17 October, Judge McCartan submitted his report to the Department of Justice and Equality and his conclusion in section 5.106 was that, "there is no new or updated evidence disclosed in the meaning of the terms of this Assessment and no new enquiry is warranted". This conclusion was announced publicly and to the Stardust Relatives and Victims Committee three weeks later on 7 November, and the feeling since that date has been one of devastation, disappointment and despair for the people most affected by the Stardust disaster.

I am also very disappointed to see that Judge McCartan, my predecessor as a Deputy for Dublin North-East, has not recommended a new commission of investigation into the tragedy that has changed the history of our constituency since that fateful night in 1981. Had the Minister of State, Deputy Finian McGrath, and the Government supported my motion in January, the Stardust Relatives and Victims Committee would have had an opportunity, through a commission under the McDowell legislation, for final closure, but instead they were subjected again to an unnecessary Coffey part 2-type examination.

I feel very sad for Ms Antoinette Keegan, Ms Chrissie Keegan, Ms Gertrude Barrett, Mr. Maurice Frazer, Mr. Eugene Kelly, Ms Patricia Kennedy, Mr. Eddie Kennedy, Mr. Paul O'Sullivan, Mr. Jimmy Fitzpatrick and the McDermott family, Bridget, June, Selina and Louise, most of whom along with some others are present with us in the Gallery tonight. They are very welcome. I had always hoped that we would have justice at last for these citizens similar to what recently happened with the Hillsborough disaster for the people of Liverpool and earlier with the Saville inquiry into Bloody Sunday for the people of Derry. Seeking justice for the relatives and victims of the Stardust disaster still remains unfinished business but the Dáil colleagues who have signed the new motion and I will not shirk from pursuing the completion of this fight for justice.

I reject Judge McCartan's report because I always wanted a full commission of investigation under the 2004 legislation. The terms of reference in the Government's amendment for the McCartan assessment were far too narrow and I fear that those terms of reference were set up by the Department of Justice and Equality to produce this negative result. The record of the last almost 37 years is that Fianna Fáil and Fine Gael have simply never wanted a full, transparent and open investigation into the events of that night and - very importantly - the prior conditions which shaped those events.

Wide-ranging forensic research was and continues to be needed and the onus should not be on the Relatives and Victims Committee alone to produce such research. When one thinks of crime reviews, who would ask a committee of volunteers to carry out, and on their own stand over, a forensic investigation? If we saw that in a crime review, we would consider it an outrageous demand to be made on any committee or any voluntary group of citizens.

My office has been contacted a number of times by a distinguished researcher who also submitted evidence and analysis to Judge McCartan but who claims that this evidence was disregarded as he is not a member of the committee. Judge McCartan's interpretation of his narrow terms only seemed to allow him to examine new evidence from the committee.

The terms of reference for the assessment were, of course, linked to the programme for Government statement that "full regard will be had to any new evidence which emerges which would be likely to definitely establish the cause of the fire at Stardust". The Government amendment to my January motion stated:

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

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

As other speakers have said, this seems to have been interpreted by Judge McCartan as meaning that only research carried out by researchers who reported to the committee was to be included. The research that was produced was originally compiled for the Paul Coffey review and later reorganised and expanded for the Judge McCartan review. The research, while very important, is however, only one strand of information or line of inquiry available to investigators on the disastrous circumstances of St. Valentine's Day 1981 in Artane.

There are several other avenues of research which Judge McCartan could have deeply explored had he been appointed to lead a full commission of investigation, as those of us on this side of the House wanted. A seminal outstanding work on the Stardust was produced by the distinguished editor of the *Northside People*, Mr. Tony McCullagh and his distinguished colleague, Mr. Neil Fetherstonhaugh, in 2001. That work, *They Never Came Home: The Stardust Story*, profoundly influenced my own thinking on the Stardust and the references to electrical faults in the complex in the months preceding the disaster raised very serious questions about the operation of the club and the attitude of the local authority, Dublin Corporation, and the fire authorities to building by-laws and fire safety.

In 2006 Ms Rita O'Reilly and the RTÉ "Prime Time" team challenged the fundamental thesis of the Keane conclusions that the fire began in the west alcove. The book and the RTÉ programme led many readers and viewers to seriously question the 1982 report of the Keane tribunal and conclude that a new inquiry was merited and essential.

Many other witnesses have come forward with interesting evidence of their experience of visits to the Stardust in the months and weeks immediately before the fire. The then local and national politicians and Dublin Corporation officials of the day were familiar with the complex, including the former Taoiseach, Mr. Ahern, who lived across the road, and many would have

known the venue at first hand by attending local functions at the complex. Dublin Corporation's Christmas party was held there only a few months before the disaster.

New insights have also been provided recently by fire and engineering experts such as Mr. Paul Giblin, who has been in contact with my office. Mr. Giblin's essential thesis is that fire investigation and fire dynamics research have greatly advanced since 1981. The development of IT and computer graphics has given unique new insights into how fires start and spread, as is apparent in the investigation into the recent Grenfell Tower fire tragedy. As almost 40 years have passed, constituents are baffled as to how Judge McCartan could make any decision without consulting such expertise. As colleagues around me have said, it is astonishing and bewildering. On that very point also, the McCartan assessment is fatally flawed and must be rejected.

The dismissive attitude of sections of Judge McCartan's report to the research and conclusions of the committee's work was uncalled for and unfair, especially given the general volunteer nature of the research undertaken over many years. Many constituents are deeply upset by the rude and dismissive characterisation of important aspects of the committee's report.

Judge McCartan is critical of the committee's reliance on the Keane tribunal and Coffey review, and absence of new avenues of research, but he seems to have believed that the terms of reference for his assessment made it impossible for him to explore the other lines of inquiry, including those I have referenced. I believe he could and should have moved outside these narrow parameters for the assessment and at least asked for the opinion of others acquainted with the Stardust tragedy on the research compiled for the committee. If he felt that research needed to be stronger to justify a new tribunal, as he indicates in his conclusions, he could surely have evaluated it in the context of the overall research already done on the Stardust and in light of the latest fire investigation research.

The key conclusion, of course, of the McCartan report is 5.106, in which he rejects the calling of a new inquiry. In the executive summary of the report, point 1.2 states, "This is the third assessment of evidence into the Stardust Fire." This is somewhat disingenuous as the terms of reference were clearly too narrow for it to be defined as "assessment of evidence" when as I have mentioned, many other avenues of evidence could have been explored by the judge. Mr. Paul Coffey made a somewhat broader assessment which is one reason he provided the Ahern Government with the option of a full commission of investigation, which neither of the two Ministers mentioned tonight. Mr. Coffey said that under certain circumstances there should be a new commission of inquiry and the former Taoiseach, Mr. Ahern, could have gone down that avenue.

Point 1.5 of the McCartan report lays out the principal findings of the assessment as acknowledging that there were differences "between the first and second version of the Coffey Report", but Judge McCartan believes that these did not water down the committee findings despite that. A total of 17 issues were examined in the McCartan assessment and the report states that "Much of the material presented to this Assessment involved proposing a theory as to the cause of the fire". However, Judge McCartan decided that just one of the issues, "could be considered new or updated evidence", and that was the phone call by an eyewitness, Ms Brenda Kelly, to which Deputy Boyd Barrett referred.

9 o'clock

Here, Judge McCartan confirms that: "It is evident that the fire was in the roof space at a

stage earlier than that fixed by the Keane Report”. That is a remarkable finding and echoes the profound and long-held belief of the Stardust Relatives and Victims Committee. Given this statement, however, along with the tone of parts of the assessment, I cannot accept that this should be the last word on the Stardust tragedy. It does not give closure and it certainly does not give justice for the 48 innocent lives lost.

Sections 5.57 to 5.60 on the evidence of an electrical start to the fire are by far the weakest sections of the assessment and no effort was made to evaluate forensically the Stardust committee’s assertions and earlier other evidence on dangerous electrical systems at the Stardust Club, which is very evident in Tony McCullagh and Neil Fetherstonhaugh’s book. Likewise, sections 5.68 to 5.76 of the report, which I have before me, on evidences relating to the “Five Dead Males in the North Alcove” seems to me to miss the key point of this aspect of this terrible tragedy. Those sections remind me of speeches I made over a decade ago when I set out the reasons I believed the conclusions of the Keane report were untrustworthy, unfair and unsafe. A key one of those reasons was the use by Keane of the Fire Research Station of the UK Department of the Environment, which many constituents believed was hopelessly compromised because that agency had also worked for Dublin Corporation.

In sections 5.13 and 5.14, Judge McCartan explores the issues around information that is new evidence and information that supports a new theory as to the cause of the fire and says that only new evidence can support the calling of a commission of investigation. He concludes that unless such new evidence or evidence that was not properly considered by Keane or Coffey can be produced, no new inquiry is warranted. However, had Judge McCartan widened his terms of reference or took the most scope, even within the terms of reference of the assessment, surely there is such evidence and it does justify a new commission of investigation under the 2004 Act.

Many Deputies referred to the Stardust relatives’ and victims’ long struggle for answers and justice. It is reminiscent, as others have said, of the tragedies of Bloody Sunday 1972 and of Hillsborough in 1989. Both of those awful tragedies had earlier inquiries - Widgery in the case of Derry, the Hillsborough inquests and also tribunals - which made totally unjust and unsatisfactory findings for the people of Derry and the people of Liverpool. However, following tremendously focused and valiant campaigns by relatives and survivors of those disasters, which were reminiscent of the campaign of our constituents who are in the Gallery, the families and communities in Derry and Liverpool involved in those tragedies eventually did get justice and closure. Likewise, it is only fair that the single greatest tragedy in our city’s recent history be afforded the same respect.

Many people commented on the different phases of the struggle, first to get very basic compensation in the era of John Rodgers and the then Tánaiste, Dick Spring, and then the campaign to get the beautiful Stardust Memorial Park. I used to dash out of work to go on the picket with Antoinette, Chrissy and their friends outside the office of the then Taoiseach, Charles Haughey, who eventually came up with €500,000 to give us the Stardust Memorial Park.

In the lead-up to the Coffey review we had seven long years of struggle including many meetings with the then Minister for Justice, Equality and Law Reform, Michael McDowell. The subsequent submission by the Stardust Relatives and Victims Committee entitled *Nothing But the Truth* in 2007 to the then Minister, Michael McDowell, who was also Tánaiste, was another turning point in their struggle.

An Ceann Comhairle: Thank you, Deputy.

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Deputy Thomas P. Broughan: Following the publication of the Coffey report, we had the moment in Dáil Éireann when the outrageous slur on the young victims of the Stardust tragedy and all the other young people who attended that night was removed from the Dáil record. I was delighted to read the names of the 48 victims into the record of this Dáil.

An Ceann Comhairle: Thank you very much, Deputy.

Deputy Thomas P. Broughan: If I could just have another minute or two, a Cheann Comhairle. There is a strong belief on the northside that successive Ministers for justice, going back to Ray Burke and down to the incumbent, the Minister, Deputy Charlie Flanagan, have failed the communities of the northside and the relatives and victims of the Stardust tragedy.

An Ceann Comhairle: Thank you, Deputy. You are over time now.

Deputy Thomas P. Broughan: We are a little ahead of time because I do not believe we have the full range-----

An Ceann Comhairle: There is an equality of time made available to everyone.

Deputy Thomas P. Broughan: I just want to conclude. I did not want the McCartan assessment to take place because I feared that it was the Government's plan to kick the can down the road and to narrow the terms of reference so much that it was set up to fail from the beginning. Anyway, what could a Coffey part two exercise achieve? We clearly now need a commission of investigation under the 2004 Act, with the widest possible inquiry and remit across all the lines of inquiry I mentioned, to evaluate all existing research and to encourage everybody who knows anything about the Stardust to come forward.

Before any more time is lost, we must ensure that all witnesses have their say. Almost 40 years have passed since that tragic night and the latest research on fire dynamics and engineering should be utilised to examine what caused the fire in the roof space.

An Ceann Comhairle: Thank you, Deputy.

Deputy Thomas P. Broughan: Only a full new commission of investigation can do that.

I submitted a motion to the Ceann Comhairle's office and I hope that early next year our ministerial colleagues and also the Deputies in Fianna Fáil will have the opportunity of supporting that motion and that we finally get justice and closure for the relatives and victims of this horrendous disaster.

An Ceann Comhairle: That concludes these important statements and our current consideration of the McCartan report on the Stardust disaster. I thank everyone who participated therein.

Topical Issue Debate

An Ceann Comhairle: The first item is in the name of Deputies Byrne, Cahill, Doherty and O'Loughlin, who are not present. The second item is in the name of Deputy Paul Murphy, who is not present. Deputy Martin Kenny is present. Is the Minister of State, Deputy Cannon, dealing with that matter? As the first two Members are not present we will have to pass over those

matters and deal with No. 3 in the name of Deputy Martin Kenny, which is to discuss difficulties with the rehabilitation services at the National Rehabilitation Hospital.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am not taking that matter.

An Ceann Comhairle: Which one are you taking?

Deputy Ciarán Cannon: I am taking Deputy Paul Murphy's matter.

Deputy Martin Kenny: The Minister of State for disabilities has just left the Chamber.

An Ceann Comhairle: It is not my job to ensure that Ministers or Deputies are present to deal with the issues. Who is dealing with the education issue?

Deputy Ciarán Cannon: I am.

An Ceann Comhairle: Okay. Deputies Thomas Byrne and Cahill are present now.

Deputy Thomas Byrne: Can the Ceann Comhairle give us a minute because we were not expecting the statements to end so quickly.

An Ceann Comhairle: No. We are in session and I am sorry but we have to continue.

Deputy Thomas Byrne: I understand that.

An Ceann Comhairle: People are supposed to be monitoring what is happening.

Deputy Thomas Byrne: We were.

An Ceann Comhairle: That is fine. Deputy Cahill is leading off.

DEIS Administration

Deputy Jackie Cahill: I have been tabling questions on the new DEIS programme since October of last year. I have asked general questions, first, to ascertain the criteria being used and, second, specific questions about schools in my constituency of Tipperary and particularly for the five primary schools based in Tipperary town. The principals, staff and management in all schools put forward compelling cases to have their schools included and backed up their case with credible and detailed statistics.

We all understood that the Department was using a new system to decide on the schools that would or would not qualify. We were told that the deprivation index the Department would use would bring fairness and transparency to the whole process. We must remember that the new system no longer allowed input from staff and management of the schools.

When the Minister made the announcement of 79 new schools being added to the programme for 2017 we were very disappointed that Tipperary town primary schools were not included. However, it is at this point that it became clear that the process was in no way transparent or fair. Despite promises of all schools being informed of where they stood, all queries and questions were met with stonewalling answers.

The group of schools in Tipperary town that I am talking about made a strong case even after the announcement and visited the Dáil to press their case. However, at no point in answers that I received to parliamentary questions was I informed that 257 schools nationally had met the criteria but were not included in the announcement. Why did that information have to come to us through the media? Surely that information was relevant, particularly when there was an emphasis on fairness and transparency in the new deciding criteria, the deprivation index. Why was this information not offered up openly, considering all the questions that were being asked inside and outside this House?

What is clear now is that a further 257 schools were identified as qualifying for support, using the new deprivation index, but were not being included in the new DEIS programme. Was that the reason for not offering this information to all concerned? Was this deemed reason enough not to offer this information to all concerned? Surely this was a mistake. Surely these facts would have been better understood if they were shared fairly and transparently in response to questions asked here. More importantly, they would have been better understood if they were shared fairly and transparently with the schools themselves. It would have given the schools a better understanding of how the new deprivation index worked, and would have offered them hope that they could be included in a new DEIS programme in the future.

It is wrong for this process to exclude input from staff and management of the schools. These are the people working on the ground who know the children they are teaching individually, particularly the children who are most at risk. They fully understand the communities these children come from and the difficulties they face, and it is wrong to exclude them. Therefore, at the very least, I urge the Minister to review again the criteria used in deciding who qualifies and to allow input from school staff and management. This episode has shown once again that there is an effort to centralise decision making, and proves that a centrally focused decision-making process is achieved at the cost of fairness and transparency.

Deputy Thomas Byrne: This is an outrageous state of affairs. Deputy Cahill has outlined the situation very well. Criteria were established but they have never been explained clearly to anybody, either in this House or to schools themselves, as to how schools qualify for the DEIS programme. We are simply told that there is an index which relates to the census of 2011 which is applied to get the list of schools. Clearly it was not applied properly. Some 257 schools are revealed as being classified as disadvantaged by the Department and worthy of support, but they have not received that support. I have accused the Minister of dodging questions on this in the past. He has dodged questions in the past, and he is dodging them tonight. It is disrespectful to the House that the Minister for Education and Skills is not in the House tonight. I am certain he is not too far away.

An Ceann Comhairle: In fairness to the Minister for Education and Skills, he is usually here for Topical Issue matters.

Deputy Thomas Byrne: I will take the Ceann Comhairle's word on that, but he is not here tonight to discuss what is a major issue for schools all around the country. Deputy Cahill spoke about the five schools in Tipperary town. There are schools all over the country affected by this, which is why the Ceann Comhairle has recognised this as a huge issue. Those schools do not know why they have been excluded. They do not know the basis on which calculations were made. A review process took place but it has not been implemented at all, as far as I can see. We have no real information about it.

The DEIS programme was announced and launched at the start of this year on the 2011 census figures, just before the 2016 figures became available. The Minister wanted a good news story to start the year. It was rushed out really quickly and it was not ready. Hundreds of schools were left out of the programme, but the Minister wanted to be seen to be tackling disadvantage. He has picked certain disadvantaged schools to benefit from it. We do not begrudge those schools; we want them to benefit from the programme. However, he has excluded hundreds of others. Furthermore, he still has not produced the 2016 calculations. The 2016 figures are available; the Haase and Pratschke, HP, index was published a few weeks ago. It could be done very quickly if the Government wanted to do it. We are told that it is an easy thing to do.

The Government is not giving children the chance they deserve to prosper and to get the best education possible. Teachers are not being given the best possible chance to teach those students. The Government is further entrenching disadvantage in communities around the country. Educational opportunity is not being given to everybody. We need answers to these questions. This is a major source of controversy. It made front page news. This is massive. Questions are dodged on it all the time. I have been asking questions - I have them all here - and Deputy Cahill has been asking questions too. We have never had answers, and if there are 257 schools which are disadvantaged but not on the list, they should be added to the list immediately. Some of these schools will have cases before the Ombudsman, querying why they are not qualified for DEIS status while others are. I would encourage them towards that path.

Deputy Pearse Doherty: I am glad that this matter has been selected and to be in the House at 9.15 p.m. debating this issue. I must record that it is disappointing that the Minister is not here tonight to listen to these concerns and that we are dealing with the Minister for State instead. It is not disappointing for me personally but for the children of the schools I will refer to.

There is no transparency here. When schools in my constituency were not put on the list, schools which in my view and that of teachers and parents should obviously be on the list, I was surprised. Indeed, anybody who knows the area would know about the levels of deprivation and would be able to see that the schools should be afforded DEIS status. When those schools were refused DEIS status I lodged freedom of information requests asking for the scoring for Scoil Naisiúnta Ghort an Choirce or Scoil Naisiúnta Rann Na Feirste. Each request was refused. This speaks to a lack of transparency. We then hear in the national media that internal documents from the Department say that 257 schools should have been on the list and met the criteria but were excluded for resource reasons.

I want to know, on behalf of teachers and pupils in west Donegal, which schools they were. Were they Scoil Naisiúnta Gort An Choirce, which has been campaigning on this issue for many years and which has raised that school's plight with the current Minister and indeed his predecessor? Was it my former secondary school, Pobalscoil Ghaoth Dobhair, which also does not have DEIS status despite the fact that every single primary school in the parish has DEIS status? A child in Gaoth Dobhair is disadvantaged in bunscoil but miraculously is not when he or she goes to secondary school. The same situation applies for Gort an Choirce. The primary school in the parish has not been awarded DEIS status, but when one goes to the secondary school in the parish one automatically has DEIS status, despite the fact that the new figures, released a couple of weeks ago from the census, show that the level of deprivation in that area has actually increased dramatically. Rann Na Feirste is clearly an deprived area, and Meentinadea is in exactly the same situation. There is no rationale whatsoever. These students are not being afforded DEIS status due to what appears to be a penny-pinching exercise. We all know that DEIS status comes with resources and supports that assist pupils in these schools to reach their

full potential.

I would also make the point that the schools we are talking about are schools that are not only in disadvantaged areas but are also in the Gaeltacht agus atá ag iarraidh an Ghaeilge a choinneáil beo. Níl an Stát ag tabhairt an tacaíocht chuí do na múinteoirí, don bhord bainistíochta nó do na páistí, go háirithe, mar nach bhfuil siad ag tabhairt an stádas DEIS dóibh.

Tá sé soiléir do dhuine ar bith atá ag iarraidh na firicí, go bhfuil ceantar Gort an Choirce faoi mhíbhuntáiste agus tá sé níos measa ná mar a bhí sé cúig bliana ó shin. Tá Gaoth Dobhair mar an gcéanna, agus ba cheart go mbeadh Pobalscoil Gaoth Dobhair san áireamh le DEIS. Maidir le Rann na Feirste agus Míin Tine Dé, tá cás láidir ansin go mbeadh status DEIS tugtha díobh. Tá súil agam go ndéanfaidh an tAire athbhreithniú ar an gceist seo go sciobtha.

Deputy Ciarán Cannon: I am taking this debate on behalf of my colleague, the Minister for Education and Skills, Deputy Bruton. If he could be here, he would be. As the Deputies are aware, delivering equality of opportunity in schools, DEIS, is the main policy initiative of the Department of Education and Skills to address educational disadvantage at school level. No new schools had been admitted to DEIS since 2009. A new five-year plan was published in February 2017 and sets out, as a series of actions, the details of an updated DEIS school support programme which builds on existing supports available to schools in a way that sets out initiatives to ensure that stated targets are reached. A key objective of DEIS plan 2017 is the development of a more robust and responsive framework for assessing individual schools.

The new DEIS identification process uses data, including small area population statistics, SAPS, from the Central Statistics Office 2012, as represented in the Pobal small area HP deprivation index - Haase and Pratschke 2012, and centrally held Department of Education and Skills pupil data from the primary online database, POD, and the post-primary online database, P-POD. This approach removes the administrative burden on schools to provide socio-economic data relating to its pupil cohort and ensures consistency and uniformity in the assessment process of schools across both the primary and post-primary system. The HP deprivation index, assesses demographic growth, dependency ratios, education levels, single parent rate, overcrowding, social class, occupation and unemployment rates. That data is combined with pupil data, anonymised and aggregated to provide information on the relative level of concentrated disadvantage in the pupil cohort of individual schools.

This system is also very responsive to changes in school demographics, which was strongly called for by stakeholders, in that this new identification methodology can be updated on an annual basis from the school annual census returns, and every five years following the CSO national census of population. The initial application of the model assessed all schools and found that most schools have pupils from disadvantaged areas but that the concentration of disadvantage varied. The model also identified a number of schools not currently within DEIS, with a very high level concentration of disadvantage. Based on this information, and as a first step in the application of the new identification process, 79 additional schools were brought into the programme and a further 30 schools were identified for increased levels of support. These schools began to receive DEIS supports from September this year. In future years it is intended to extend the DEIS scheme further. This would involve admitting schools which have lower concentrations of disadvantage than this first group. It was in the context of a possible extension of the DEIS scheme at lower concentrations of disadvantage that the number of new schools and the cost that would be involved was estimated. This was the context in which the figure of 257 schools arose. There has been no question of excluding schools.

The first commitment which has been made is to reassess all schools in terms of their identified level of disadvantage, taking into account the updated census data combined with updated school data. The timeline is for this process to be completed by the end of the first quarter of 2018. This will allow new pupils and the changes in the profile of small areas between 2011 and 2016 to be taken into account in measuring the profile of schools. New schools at the high threshold of disadvantage may be identified in this process, and it is intended to bring any such additional schools identified into the scheme at the earliest possible opportunity subject to available resources. It remains the ambition to extend the scheme in future years to support schools and students where there is an identified need.

Deputy Thomas Byrne: The Minister of State gives the excuse for the 257 exclusions that the decisions were made in the context of a lower concentration of disadvantage. First, nobody knows what level of concentration is now required to be in the DEIS scheme. That information has not been given to anyone. We do not know what the level is. Second, the documents show that when the officials were briefing the Minister about this, they never talked about a lower concentration of disadvantage. They simply spoke about further expansion to include 257 schools in band 2 of DEIS. A school either qualifies for band 2 or it does not. It is clear that the officials who were advising the Minister in this case knew that these 257 schools qualified for band 2. There was no question of lower or higher rates of concentrations. There are schools all over the country in this group that qualify for band 2, as the Minister was advised, but that do not receive the supports. There is no evidence that there was any analysis of concentration carried out.

Deputy Jackie Cahill: As Deputy Byrne has said, there is a complete lack of transparency on this issue. As far as the schools in my constituency - the five schools in Tipperary town - are concerned, they met the criteria but have been deprived of DEIS status. From what I can see, this is purely a budgetary exercise by the Department. There is no genuine reason these 257 schools should not have been given the extra resources which DEIS status would have provided. These schools are extremely disappointed at the way they have been treated. I pay tribute to Carl O'Brien from *The Irish Times* for bringing this to our attention. As public representatives, it was very disappointing that we had to find out from the media that these schools were excluded.

Deputy Pearse Doherty: I have been saying it for years and I will say it again. It makes absolutely no sense that the schools which I mentioned - Pobalscoil Ghaoth Dobhair, Scoil Ghort an Choirce, Scoil Rann na Feirste agus Scoil Mhín Tine Dé - are kept out of DEIS status. It does not make any sense whatsoever. The Department has refused freedom of information requests for the criteria it uses. Will the Minister of State explain how every primary school in the parish, every feeder school to the secondary school, can have DEIS status, but the secondary school does not? Will he explain how an area which has increased in deprivation over the past five years still does not qualify for DEIS despite the fact that it is a disadvantaged area and always has been? Every other primary school in the parish has got DEIS status, as has the secondary school. Will the Minister explain that to me, because that is the situation in which Scoil Ghort an Choirce finds itself? Will he explain to me how a proud Gaeltacht school in Rann na Feirste, which is a deprived area, is still denied DEIS status? It does not make any sense. I have asked the Minister to meet me in respect of these four schools. I have asked the Department to publish the criteria. It is denying these children and schools the additional supports. There is never any transparency. The Minister of State says that he will review every school in the first quarter of 2018. When will a decision be made? When he finally realises that these

schools should have been afforded DEIS status, when will the Department make the decision that they will be afforded that status? Will it be at the end of the first quarter of 2018 or will it be in September 2018?

An Ceann Comhairle: I apologise to Deputy Mattie McGrath who wanted to contribute on this issue. The rules around Topical Issue debates are quite clear. The time belongs to the Member who has nominated the topic or to a nominated substitute, so I cannot bring in other Members.

Deputy Ciarán Cannon: On Deputy Doherty's contribution, it is perfectly understandable why there may be primary schools in an area which have DEIS status and post-primary schools which do not have the same status. The Deputy referred to the levels of deprivation within the rural area as a whole. Part of the assessment process consists of an in-school assessment in respect of the levels of educational attainment within each individual school, the pupil-teacher ratio within the school and pupil data - in other words, the ongoing success or lack of success of students within a school. Therefore it is perfectly understandable that there may be a primary school which has poor scores in those areas but that those scores improve when the children move into a post-primary school because that school is run on a more successful model.

Deputy Thomas Byrne: This is completely wrong.

Deputy Pearse Doherty: They are being punished for their success.

Deputy Thomas Byrne: That is new information about the DEIS scheme.

Deputy Ciarán Cannon: That is not the case at all. It is here. That is the first point I want to make.

Deputy Pearse Doherty: Successful schools are punished despite the fact that they are in deprived areas.

Deputy Ciarán Cannon: The whole point of the DEIS programme is to support schools that are less than successful and to ensure that all of our schools nationally reach a certain level of attainment. That is quite a logical approach to take when using scarce resources.

Deputy Pearse Doherty: Does the Minister of State know what DEIS stands for?

Deputy Thomas Byrne: The Minister of State has-----

An Ceann Comhairle: There is no point in tabling Topical Issue matters if we are not prepared to listen. We do not have to like the answer, but we should at least let the Minister of State speak.

Deputy Thomas Byrne: The Minister of State has given incorrect information.

Deputy Ciarán Cannon: I have not. The final point I would make is that the Department of Education and Skills has, for the first time, introduced an objective statistics-based model for deciding which schools merit inclusion in the DEIS programme in order that all stakeholders can have confidence that we are targeting extra resources at the schools that need them and have the highest concentrated levels of disadvantage. The Deputies should be welcoming that. I do not see why people have a problem with that. With effect from September this year, the schools included in DEIS will be those which have been identified as serving the pupil cohorts with the

highest concentrations of disadvantage. The schools which have not been included are those which have not been identified as having those levels of concentrated disadvantage under the new identification model. Prior to any further adjustments to the allocation of DEIS supports, the identification process will be updated to include the most recent and current data available in terms of small area data derived from census 2006, which is again something the Deputies should be pleased about. The update of the associated Haase-Pratschke index was recently published. The plan is to reassess all schools in terms of their identified levels of disadvantage. The timeline for that process of assessment is for it to be completed by the end of the first quarter of 2018. I would hope that in the aftermath of that, having determined which schools are at the most serious levels of disadvantage, those schools will be the first ones to be supported.

Redundancy Payments

Deputy Paul Murphy: I thank the Ceann Comhairle for selecting this topic. Christmas Grinch of 2017 goes to Capita PLC, the parent company of AMT-SYBEX, which has made at least six Unite members compulsorily redundant. We are now two weeks away from Christmas and Capita is refusing to abide by the Labour Court recommendations LCR 21574 which would give those workers, who have up to 20 years' service, five and half weeks redundancy pay per year of service instead of the statutory two weeks. This is a company which employs 73,000 people worldwide. It is a business services provider. It made a profit in excess of £500 million sterling in 2015 and 2016. Most importantly for our discussion here, 40% of its clients in Ireland are in the public sector, including the Department of Justice and Equality, the Personal Injuries Assessment Board, Fáilte Ireland and Irish Rail. It developed and runs Ireland's national postcode system, Eircode, and it has a contract to service Anglo Irish Bank loans on behalf of NAMA.

Replies to parliamentary questions have revealed that Capita currently holds contracts with the State worth approximately €140 million across a range of Departments and State enterprises. However, it treats the industrial relations machinery of the State with absolute contempt. It described the Labour Court redundancy recommendation of five and a half weeks' wages per year for staff who are being let go as inappropriate and not in line with company policy and went on to infer that the workers' decision to be collectively represented by a union of their choice, Unite, had contributed to the negative outcome of their appeal. The inference that a decision by workers to collectively organise in a union was a contributory factor in their dismissal again highlights the significant deficiencies in the industrial relations legislation and the ongoing failure to properly provide for collective bargaining.

The union has written to the Minister for Finance, Deputy Donohoe. There was a protest today, which I attended, outside the Department of Finance, to which another letter was handed in because no substantial response has yet been received to the letter of 18 October. I raise the matter to seek an answer to the key questions being asked by the union. Although the company cannot be made do what is right by the Government and it cannot be forced, as I think it ought, to pay at least the five and a half weeks' redundancy per year of service that was recommended by the Labour Court, the Government should make a policy decision that such rogue employers that refuse to engage with unions, as Capita refused to engage with Unite throughout the process, and refuse to implement the recommendations of our industrial relations machinery should not be facilitated by the State. There should be a policy decision not to award any more public contracts to companies such as Capita that refuse to implement Labour Court decisions

in this way.

Deputy Ciarán Cannon: I thank the Deputy for raising the matter, which I am taking on behalf of my colleague, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, who cannot attend the House this evening.

The Labour Court is an independent adjudicative body under the remit of the Department of Business, Enterprise and Innovation and has discharged its statutory function in the matter. The Minister has no function in respect of the implementation or otherwise of the Labour Court recommendation in the case. The Labour Court recommended an enhanced redundancy package for a group of workers in Capita following a referral by the trade union Unite to the Labour Court under section 21 of the Industrial Relations Act 1969. Although referrals under that section of the Act require the referring party to agree to be bound by the court's recommendation, there is no obligation on the other party to be bound by or accept the recommendation. In this case, the responding party, as is its right, did not attend the hearing of the court and the court did not have the benefit of its position in framing the recommendation. In line with its statutory obligation, the court issued a recommendation based on the information presented to it.

As regards trade union recognition, Article 40 of the Constitution guarantees the right of citizens to freely associate and join unions. It has been established in several cases before the courts that the constitutional guarantee of freedom of association does not guarantee workers the right to have their union recognised for the purposes of collective bargaining. Industrial relations in Ireland is voluntary in nature and it has been the consistent policy of successive Governments to promote collective bargaining through the laws of the country and the development of an institutional framework supportive of a voluntary system of industrial relations premised on freedom of contract and association.

To improve the situation for employees, the Government enacted the Industrial Relations (Amendment) Act 2015 to facilitate employees' rights to engage in collective bargaining. That provides a mechanism through which the fairness of the employment conditions of workers can be assessed where collective bargaining does not take place. It ensures that such workers, aided by a trade union, even where the trade union is not formally recognised by the employer, can advance claims about remuneration and conditions of employment and have them determined by the Labour Court based on comparator companies. Any determinations by the Labour Court in that context are enforceable before the Circuit Court.

The Government always encourages all sides in a trade dispute to engage constructively and in good faith, with a view to all parties involved making every effort to reach agreement and to come to an arrangement that recognises the concerns of both sides.

Deputy Paul Murphy: That was not an answer to the letter written by Unite, the protest held today or the questions I asked. It is very unfortunate that neither the Minister for Finance, Deputy Donohoe, nor a Minister of State at the Department of Finance is available to deal with these queries, which are directed at the Minister.

Capita holds extremely lucrative State contracts that are currently worth €140 million, which is a significant amount of money. It forms part of a small minority of rogue employers that are prepared to disregard the State's industrial relations machinery. Some 95% of all Labour Court recommendations are implemented by employers and Capita is, therefore, in a minority of 5%.

In view of those factors, it is the Government's right to say, as it should, that Capita will not

receive any more public contracts until it agrees to implement the Labour Court recommendation and other recommendations. It is appropriate and right for there to be a public obligation on companies that receive public contracts not to treat their workers in the extremely cruel, Grinch-like fashion that Capita has, nor to disregard the industrial relations mechanisms set up to decide on disputes involving workers.

As regards the more general references made by the Minister of State, Deputy Cannon, to collective bargaining and so on, Capita refused to engage with Unite or attend the Workplace Relations Commission or the Labour Court and is now refusing to implement a Labour Court recommendation. That illustrates a weakness in the so-called voluntarist model of industrial relations in this country. The right for workers to freely organise, become involved in unions and collectively bargain means that if the majority of workers in a workplace join a union, the employer should deal with the union rather than ignoring it and the industrial relations machinery.

Deputy Ciarán Cannon: All Members acknowledge that a redundancy situation in any workplace is difficult for workers and their families. However, we are fortunate to have an industrial relations system whereby the fundamental approach of successive Governments has been one of voluntarism. In general, our laws do not try to impose a solution on parties to a trade dispute but, rather, are designed to help support the parties in resolving their differences. The State has largely confined its role to underpinning voluntarism through the provision of a framework and institutions through which good industrial relations can prosper.

The recommendation in the Capita case was made under section 20 of the Industrial Relations Act and, as such, is only binding on the referring party, which is the union. It is important to point out that the company is not breaking any law by not recognising the recommendation of the Labour Court for more favourable redundancy terms.

Services for People with Disabilities

Deputy Martin Kenny: This issue is in respect of the National Rehabilitation Hospital in Dun Laoghaire but there is no negative connotation in terms of its staff or the work they do. The National Rehabilitation Hospital has a strategic partnership with a private company, Ability Matters, which provides prosthetic limbs. The difficulty in that regard is that many people who acquire a prosthetic limb do not do so from that company. If such a person does not acquire it from that company, he or she is denied access to services in the National Rehabilitation Hospital. However, the State provides a large amount of funding to the hospital every year and pays for its consultants, staff and the team that provides rehabilitation services to patients. The limb provided to the person, be they in Cork, Dublin, Waterford or elsewhere, is usually paid for by the HSE using State funding. Thus, the State funds the prosthetic limb and the hospital that is meant to provide rehabilitative services but if the patient does not purchase the prosthetic limb through the National Rehabilitation Hospital he or she is denied services there. The National Rehabilitation Hospital is denying services to citizens of the State and providing professional services only to people with whom it has a contract. It is totally outrageous. We find that Government funding is working in such a way that there is a cosy little arrangement which does not work for the people.

A constituent of mine came to see me to discuss a prosthetic limb he had received from a company in County Galway. When he needed rehabilitation services, he was refused access to them in the National Rehabilitation Hospital. That is how this issue came to light. I contacted

many other providers throughout the country of prosthetic limbs and they all told me the same story. There is a nod and a wink and someone needs to get to the bottom of it. The truth is that it is not about money. The service is not being provided because of a reference to some value for money statistic or the prosthetics sold by this company are cheaper; in most cases they are up to 20% to 25% more expensive than those sold by other providers. The issue needs to be dealt with quickly because people are suffering because of this cosy little arrangement.

I express my disappointment that when Topical Issues were about to be taken, the Minister of State with responsibility for people with disabilities left the Chamber. This is no reflection on the qualities of the Minister of State present, but the Minister of State with responsibility for people with disabilities should be answering the questions I have asked.

Minister of State at the Department of Health (Deputy Catherine Byrne): I apologise to the Ceann Comhairle and the Deputy for my late arrival. I did not expect-----

An Ceann Comhairle: I do not think the Minister of State is being criticised for her late arrival. Others-----

Deputy Martin Kenny: It is more the early departure of the Minister of State, Deputy Finian McGrath.

Deputy Catherine Byrne: As the Deputy said, I am taking this Topical Issue on behalf of the Minister of State. I received this statement a short while before I entered the Chamber. The Deputy will not be happy with what I have to say-----

Deputy Martin Kenny: I know that.

Deputy Catherine Byrne: -----but I will read the statement and hope something will come of it. I extend my apologies to the Deputy because, having read it, I do not believe the reply is comprehensive.

On behalf of the Minister of State, I thank the Deputy for raising this matter and giving me the opportunity to respond. The National Rehabilitation Hospital provides complex specialist rehabilitation services for patients who have acquired a physical or cognitive disability as a result of an accident, illness or injury and require specialist medical rehabilitation services. We are all aware that such injuries or illnesses can have significant implications for individuals and their families. They impact on their social, educational, vocational and recreational participation and present serious challenges to their quality of life.

Effective rehabilitation draws on a broad range of disciplines to meet the particular needs of individuals, with the object of assisting them to return to their lives in the community. The National Rehabilitation Hospital provides patients with every opportunity to meet their rehabilitation goals through personalised treatment plans which are delivered by consultant-led interdisciplinary teams that are expert in their fields. Rehabilitation programmes at the hospital are tailored to meet the individual needs of both paediatric and adult patients. Depending on the level of limb loss and a person's general health and fitness, the activities that can be undertaken with a prosthetic limb could range from running or other sports to returning to employment, walking a few kilometres and simply being able to get around the house.

The Minister of State has requested the Health Service Executive to provide a response on the specific operational matters raised by the Deputy concerning the very important service

provided by the National Rehabilitation Hospital. The executive has advised that the hospital is reluctant to provide a response on the matter the Deputy has raised without the input of the consultant in charge of prosthetics at the hospital. The consultant was, unfortunately, unavailable today. The executive has also informed me that it expects to be in a position to provide a more detailed response tomorrow on receipt of information from the hospital. The Minister of State will forward the information requested to the Deputy as soon as it is available, which I hope will be tomorrow.

Deputy Martin Kenny: That is a very disappointing answer. The Minister of State is saying he will be able to respond on the specific operational matters raised when the consultant comes back to the hospital to deal with them. The issue is not about the consultant but the arrangement at the hospital. It is a management issue. There is no problem with what the consultants do or the clinical service they provide.

A number of companies throughout the country provide prosthetic services. They include Atlantic Prosthetic Orthotic Services, APOS, in Galway; Independent Disablement Services, IDS, in Dublin; Sota Prosthetics & Orthotics in Cork, as well as and others. They all provide an excellent service, but if patients need rehabilitation, particularly if they need to go to Dún Laoghaire for, say, a week, every excuse is found for why they cannot take them. That is the problem. There is a cosy little cartel and it needs to be dealt with quickly. There are patients throughout the country who endure the agony of losing a limb and then the mental torture of trying to deal with and work through that issue. They receive prosthetic limbs and must try to teach their bodies to cope with them. They find this difficult and there is both frustration and annoyance. The only way they can deal with it is by receiving intensive physiotherapy in some place like Dún Laoghaire. However, they are refused such services, unless they play by the rules set, which is totally inappropriate and wrong.

I appeal to the Minister of State to ensure this issue will be dealt with properly because it is simply unfair on the constituent with whom I am dealing. They having been looking to see whether they could go to Belfast or somewhere else to have the issue sorted out because the reality is that, for some reason or other, the people in Dún Laoghaire are slamming the door in the faces of Irish citizens who are taxpayers just like everyone else and deserve an equal service. This is not happening and not only is it unfair, it is also simply wrong. It is wrong that in this day and age people who are suffering in such a way are being let down by the State. They feel very let down. There are steps in this Chamber that we move up and down. Everywhere people with disabilities go, whether it be a restaurant or anywhere else, they face all of these difficulties. The least we can do is ensure there are adequate rehabilitation services available for them.

Deputy Catherine Byrne: I made it very clear to the Deputy in my opening statement that I was not happy either with the answer I had received. I will relay the Deputy's concerns to the Minister of State, Deputy Finian McGrath, in the morning. My mother-in-law was an amputee for 30 years and I was in the National Rehabilitation Hospital with her many a time. The work the staff did on her was remarkable. It is very difficult for a person who loses a limb at any stage in his or her life to cope without proper rehabilitation. It defies logic that because they do not have a specific limb from a specific company people cannot access the national rehabilitation service to be looked after. On a personal level I will pursue this issue tomorrow with the Minister of State and, if needs be, the hospital through the Minister because the reply is inadequate. I agree entirely with the Deputy that it should not be up to a consultant to respond on a Topical Issue he has raised on such a sensitive matter which has affected a great many people. Many of us in the House know people in our families and neighbourhoods who rely totally on

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the National Rehabilitation Hospital in Dún Laoghaire to look after them when they need extra help to get back on the road again. I will convey the Deputy's concerns to the Minister of State tomorrow and give a guarantee that he will receive a reply.

An Ceann Comhairle: The Minister of State's response is appreciated.

The Dáil adjourned at 9.50 p.m. until 10.30 a.m. on Friday, 15 December 2017.