



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 22 Bealtaine 2018

Tuesday, 22 May 2018

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.
Prayer.

Leaders' Questions

An Ceann Comhairle: We will take Leaders' Questions under Standing Order 29. I call Deputy Micheál Martin.

Deputy Micheál Martin: I wish to begin by acknowledging the hurt and absolute devastation being experienced by the Kriegel and Valdez families over the past number of days. Our thoughts and prayers are with them. Both Ana Kriegel and Jastine Valdez were taken violently and brutally and their families and communities have been left broken-hearted. I pay tribute to the gardaí and first responders for all they are doing in such very devastating and traumatic situations.

In 2014, Louise O'Keeffe won a major breakthrough case in the European Court of Human Rights in regard to the State's culpability in child sexual abuse in our primary schools. The Government's response to that judgment has been a significant failure and, I would argue, represents the very worst of an adversarial approach to victims of child sexual abuse in our schools. They were abused by teachers who have subsequently been convicted. The response to the decision of the European Court of Human Rights is a scandal in itself and it needs to stop. Why is the Government fighting survivors of sexual abuse tooth and nail?

The redress scheme and the conditions attached to it represent a deliberate and quite shocking interpretation of the O'Keeffe judgment. By imposing a condition of prior complaint on the availability of redress, the Government has shifted the onus from itself to take proactive and preventative measures to vulnerable children who are victims of sexual abuse, in other words, to make disclosures leading to complaints. We know that multiple international research studies show that the vast majority of children who were victims of sexual abuse do not disclose that abuse. Those who do wait a significant period before doing so. Therefore, prior complaints are incredibly unlikely to exist. Indeed, even though there are 360 known victims of sexual abuse in national schools, a prior complaint has only been established in respect of a single abuser to date. As Dr. Conor O'Mahony of the Child Law Clinic at University College Cork put it, the condition of prior complaint is not designed to limit the scope of liability, it is designed to

eliminate it.

Just seven offers of settlement have been made under the scheme, all of which relate to prior complaints in respect of one single abuser even though at least 360 cases arise for consideration. A settlement rate of just 2% is not indicative of a humane, flexible or holistic approach. Are we really suggesting that the victims will have to go back to the European Court of Human Rights to get justice in terms of the Government's interpretation of the original O'Keeffe decision or that a second application must be made to the court? I have met the victims concerned. The Government is putting them through huge trauma right now because of the approach it has adopted. I ask the Taoiseach to change direction, to stop using the approach the Government is taking and to go back and give justice to those who were victims of such terrible abuse.

The Taoiseach: I join Deputy Micheál Martin in condemning the senseless and brutal crimes we have seen in the past few days. We condemn them unreservedly. Although nothing we can say will bring Ana Kriegel or Jastine Valdez back, I hope we can provide some reassurance to the many young women and families out there who are scared and concerned. I particularly recognise An Garda Síochána for its very swift action in dealing with these two terrible crimes. I thank the Defence Forces and the Civil Defence for the assistance they gave the civil authorities. A Garda Síochána Ombudsman Commission, GSOC, investigation is under way for reasons that people will understand. The Department of Justice and Equality is contacting the families with a view to assisting them. The Tánaiste has made contact with the Philippines embassy to see if there is any assistance we can provide. The National Educational Psychological Service has sent a team to Ana Kriegel's school to assist the children there for whom it must be a difficult and shocking time. This matter was discussed at Cabinet this morning.

In respect of the Louise O'Keeffe case, I assure the Deputy that the Government fully accepts the judgment of the European Court of Human Rights and is now implementing that decision. We will deal with it as sensitively as possible. Our interpretation of the judgment is that in order for us to be in a position to pay compensation and redress, there must have been a prior complaint. As the Deputy knows, as has been the case with so many other redress schemes, such as the symphysiotomy redress scheme - which I was involved in putting together - or the scheme we put in place for women who were residents in the Magdalen laundries, it is necessary in all cases that there be evidence. Redress is made based on evidence and that is the basis on which we are operating into the future. I know the Minister for Education and Skills is very engaged with and on top of this issue and has met people affected and people concerned. I know he will deal with it in a sensitive a manner as possible.

Deputy Micheál Martin: The Taoiseach is not dealing with this in the most sensitive manner possible, he is dealing with it in the most insensitive manner possible. The prior complaint is a device to circumvent the Government's responsibilities. There is only one case in Dunderrow relating to the prior complaint regarding an abuser. Most children in primary school do not disclose that they have been abused until years later. Are we seriously suggesting that prior complaint is legitimate where a child has been abused, where the paedophile rapist has been convicted and is in jail as a result of his conviction and where there is absolutely no doubt that the most appalling abuse was visited upon a person? We have forced that person through the High Court, the Supreme Court and the European Court of Human Rights, and the Government is still saying that the person is entitled to no redress and is entitled to nothing because of a legal device that has been implemented to eliminate liability and not admit it.

That is a shocking scandal in itself. In recent weeks, we have been talking about trying to

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end this adversarial approach. I have not come across anything as bad as this. The trauma of the victims is intense, which is the only reason I am raising this again on the floor of the House. The Government must change direction because what it is doing to the victims who are trying to seek legitimate redress as a result of being abused in primary school is inhumane. The European Court of Human Rights has ruled; it is time that we, as a State, accepted our responsibility and that the Government does the right thing by the people involved.

The Taoiseach: I have discussed the matter again with the Minister for Education and Skills and he is very much aware of it. We are of the view that we are complying with the European Court of Human Rights judgment in the matter. If it is the case, as the Deputy said, that abuse has occurred and there is no doubt about that fact, then that is something we will have to consider. However, people will understand that when it comes to any scheme of compensation or redress scheme, there needs to be some evidence when claims are being made that alleged abuse took place. That was very much the case in previous redress schemes. However, if, as the Deputy said, there is no doubt that abuse has taken place in these cases, certainly that is something we can examine. I will take the matter up with the Minister for Education and Skills soon.

Visit of European Delegation

An Ceann Comhairle: Before proceeding with business, I wish, on my behalf and on that of the Members of the Dáil, to offer a cead míle fáilte, a most sincere welcome, to a delegation from the Conference of Presidents of the Committee of the Regions led by Mr. Karl-Heinz Lambertz. The delegation is here to engage with the Joint Committee on European Union Affairs and other stakeholders. I wish our guests every success on their short visit.

Leaders' Questions (Resumed)

Deputy Mary Lou McDonald: I also extend our solidarity and condolences to the communities, friends and above all the families of Ana Kriegel and Jastine Valdez, a girl and a young woman who have lost their lives so horribly and cruelly. We can only imagine the feelings and heartbreak of their loved ones at this most difficult time.

Three days from now, the people will go to the polls to vote on whether to repeal the eighth amendment. The only way we can help women facing crises is by returning a "Yes" vote and removing the eighth amendment from Bunreacht na hÉireann. In the course of this debate, it is important that we deal in fact. I have heard assertions from the "No" campaign and its spokespersons that what they call hard cases - for example, pregnancies resulting from rape or those involving diagnoses of fatal foetal anomalies - can be dealt with under the current constitutional framework. Such assertions are patently untrue. The very same people making this argument campaigned against the Protection of Life During Pregnancy Act 2013. That Act, now widely recognised as being wholly inadequate, allows doctors to intervene only where a woman's life is a risk. At that time, the people to whom I refer talked about the floodgates being opened and abortion becoming widely available. They were wrong on that matter just as they are wrong now not to acknowledge that the eighth amendment blocks any action to legislate for what they call the hard cases. How do we know this? We know it because we have tried. Two separate Private Members' Bills on these issues were rejected on the advice of the Attorney General. Therefore, there is only one way we can help women in these circumstances and that is by re-

turning a “Yes” vote on Friday, and to suggest otherwise is entirely disingenuous.

It is important also to remember that these are not exceptional or really hard cases; these are real women facing devastating scenarios and circumstances every day. The eighth amendment represents a real and ongoing threat to the health and lives of Irish women. It places the threat of criminal sanction against doctors for making medical decisions in the best interests of the health of their patients. Those are the facts. On Friday, we have what I regard as a once-in-a-generation opportunity to right a historic wrong, to learn from the misery - the alphabet soup of misery, the litany of misery - that the eighth amendment has brought us.

People are now being told that repeal of the eighth amendment will mean a free for all, with unrestricted access to abortion, abortion for no reason and abortion until birth. I ask the Taoiseach to address these false assertions and to set the record straight.

The Taoiseach: I thank the Deputy. I know there has been a lot of talk during this referendum campaign about those hardest of hard cases - young women who are just girls themselves who have become pregnant, often as a result of incest, women who are victims of rape or perhaps young couples or couples with a pregnancy that is very much wanted but who get the devastating diagnosis that the child they are expecting will not survive long outside of the womb, or will not make it to birth. Although I think any crisis pregnancy is a hard case, they are certainly among the hardest of cases.

I would contend that it is actually our hard laws that create those hard cases. The eighth amendment is too hard and forces a very hard law on Irish people and Irish women. Let us not forget what the eighth amendment states. The eighth amendment is eloquent and states that the right to life of the unborn is equal to that of the mother, so the right to life of a foetus of only a few days gestation is equal to the right to life of one’s mother, sister or female friends and co-workers. Furthermore, the amendment says the State must vindicate that right, and that is why such harsh and tough penalties are applied.

I heard yesterday, on, I think, the “Six One News”, Deputy Ó Cuív, who I respect as an individual, say we could somehow decriminalise the abortion pill or decriminalise women who seek abortions, or somehow reduce the penalty of 14 years imprisonment for women who have abortions or anyone who helps them to have an abortion. Of course, that is not true and we know it is not true because we had legislation in this House to decriminalise abortion and it was refused on constitutional grounds. We had proposals at the time. The Protection of Life During Pregnancy Bill proposed to reduce that 14-year penalty and it could not be accepted for that reason.

I have been around the Cabinet table with the current and the previous Attorney General. I have listened to former Attorneys General like Michael McDowell and John Rogers very eloquently and very clearly make the case that the fact the eighth amendment states that the unborn is equal to a woman, at any gestation, and states that we must vindicate that right is what imposes these very hard laws on Ireland and these very hard cases. What I see now, in the final, dying days of this campaign, is a tactic by the “No” campaign to try to make out there is some sort of alternative amendment that we could put into our Constitution. I would ask those people, 30 years after that amendment was put into our Constitution, why in those 30 years has nobody put forward an alternative amendment that would deal with all of these hard cases, and why, only three days from the vote, are people suddenly raising that as a realistic argument and alternative. It is not a realistic alternative; it is just a tactic, and I believe the Irish people will

see through it.

Deputy Mary Lou McDonald: I thank the Taoiseach. I share his view that not alone hard law but bad law has given rise to so many hard cases. He wonders, not unreasonably, how it is that those who contend there is another route to deal with these cases have not come forward with that proposition. There is no proposition because it is not legally possible unless we repeal the eighth amendment.

Deputy Danny Healy-Rae: The coalition is on.

Deputy Mary Lou McDonald: There are some people who believe that a woman should be forced to continue pregnancy in any set of circumstances, even when doing so will have a devastating impact on her health, or might even claim her life, or if there is no chance of the child surviving and all the heart-breaking trauma that comes with that unbearable situation. On the face of it, their message might sound somewhat sympathetic to somebody who might be a victim of rape but beyond the soft words there is no substantive response other than to say that she made her bed so lie on it, that the woman should continue come what may. It is an astonishing lack of compassion and demonstrates an astonishing lack of trust in our women. I am glad that the Government and people across these benches have chosen to turn away from that lack of compassion and choose instead another route and way. Will the Taoiseach specifically address the false assertion in respect of very late abortions, which is being advanced by some in the “No” campaign?

The Taoiseach: The draft legislation which the Government has put forward is exactly that. I saw somebody pointing to it and claiming it was the law - it is not the law, it is the draft scheme of legislation that we intend to introduce if the referendum is carried on Saturday. That provides for the termination of pregnancies up to 12 weeks but after 12 weeks only where there is a medical indication, where a specialist obstetrician, somebody with ten years’ training or more and a second doctor, agree that a termination is necessary in order to protect the health or life of the pregnant woman. Head 4 of the draft legislation refers specifically to viability to ensure that no pregnancy is terminated after the point of viability. The only situation where that could be the case is where, sadly, the pregnant woman is carrying a child who is not going to survive anyway, the case of fatal foetal abnormalities or, under head 5, which is an emergency provision. This is an absolute emergency provision whereby a doctor has to intervene immediately to end the pregnancy to immediately save the life of the woman. There is a double immediacy test under head 5. That is designed for those absolute emergency situations where there is an immediate risk to the life of the woman which requires an immediate termination and indeed something similar is already provided for in our existing 2013 legislation.

Deputy Mattie McGrath: On behalf of the Rural Independent Group, I would like to be associated with the expressions of sympathy on the tragic deaths of Ana Kriegel and Jastine Valdez and to thank all the emergency people, including An Garda Síochána and everybody else. These are atrocious crimes, and so sad.

This morning I received a reply to a parliamentary question I submitted to the Department of Public Expenditure and Reform that details expenses incurred by the Department last year. The list of costs is extraordinary. In one year, 2017, the Department paid out €3.5 million in consultancy fees. These included almost €1.5 million to Deloitte, financial risk management, under €0.25 million to the Horizon Energy Group for strategic advice and a further €216,000 to KPMG, which we might all remember was adviser and auditor to Irish Nationwide among

others. It also included a payment of €182,000 for more research and advisory services to the Gartner company and €100,000 to Accenture, for research and advice.

I would like to contrast those costs with the entire budget made available to local and rural communities, everywhere outside Dublin, to install and operate closed-circuit television, CCTV, crime prevention schemes throughout the State, including my county, Tipperary. The entire budget for that scheme is just €3 million. That is not only a pathetic amount for a national scheme, we know it is €500,000 less than one Department paid to private consultants in just one year. It is shocking. I raise this because I received an email this morning - we all got it - from the rural development chairman of the Irish Cattle and Sheep Farmers Association, ICSA, Mr. Seamus Sherlock. He referenced the huge frustration existing in rural communities regarding the close circuit television, CCTV, scheme. It is not working. It is cumbersome and people cannot access it. He went on to say that figures released by the Department of Justice and Equality indicate that a mere 4% of the €3 million funding for CCTV has been spent. It cannot be drawn down because it is so cumbersome. Only €120,000 has been spent as the scheme reaches the halfway point.

The report on agricultural crime in Ireland was compiled by Dr. Kathleen Moore-Walsh and Ms Louise Walsh. We know from the report that farmers and rural dwellers have chronic experiences with vandalism, criminal damage, trespass and theft, as well as an extensive level of repeat victimisation. Despite this, the Government in the last five years has paid out over €606 million in free legal aid. One individual was before the courts on 102 occasions with free legal aid. People are left defenceless. Does the Taoiseach accept that the stark difference I have outlined to him between the budgets reveals the utter contempt that he and his Government continue to display towards rural Ireland? There was €3 million for a national crime prevention strategy for communities that are living in fear while €3.5 million went to private consultants. Many of them are friends of the Taoiseach. Will he commit to increasing the budget for CCTV and other rural schemes? Will he also try to make the schemes user friendly? They should not be so cumbersome that communities cannot access them. I refer to the text alert scheme also. It has to be funded by local communities to protect themselves. It should be funded by the Department of Justice and Equality.

The Taoiseach: I do not have details of the expenditure that Deputy Mattie McGrath mentioned. That is a matter for the Department of Public Expenditure and Reform. However, Government Departments regularly retain outside advice, whether that is legal advice, accountancy advice or people who come in and provide ICT projects for example. When a Department uses outside consultants it generally does so for two reasons. The expertise may not exist within the Department. Government Departments often do not have ICT, accounting, or legal expertise. Another reason it is done is because it is cheaper than hiring large numbers of new employees to do that work and taking on all the pension liabilities that come with that.

The CCTV scheme is a relatively new scheme. It is a good one. I know of examples around the country where it has worked well. There are issues and teething problems and there are ways that it could be improved. The Minister for Justice and Equality is keen to see that budget drawn down. He would like to see communities around the country avail of the installation of CCTV so that crime can be discouraged in the first place and detected where it does occur. I would not, however, like anyone to think that the Government's response to crime is solely related to putting in place CCTV systems.

It is about much more than that. The Deputy will acknowledge that a few years ago we

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reopened the Garda College in Templemore and resumed recruitment to the Garda. Increasing the number of gardaí on our streets and in our communities is one of the best ways to tackle crime. Since the Garda College reopened, 1,600 recruits have attested and been assigned to mainstream duties across the country. Garda numbers stood at 13,500 at the end of January 2018. That was an increase of 600 on 2016. We are also heading to reach our target of increasing the Garda workforce to 21,000 by 2021. That will comprise of 15,000 gardaí, 2,000 reserve members and 4,000 civilians. From 2013 to 2017, €44 million was also invested in the Garda fleet. That allowed 2,000 additional vehicles to come on stream. The Garda fleet now stands at 2,800 vehicles. That is an increase of 150 since January 2016.

Deputy Mattie McGrath: I welcome Templemore being open of course. We need more gardaí and we need support for them. The figures quoted by the Taoiseach are just a fraction of what we need to tackle crime. People are sick and tired of these private consultancy companies. The Taoiseach has admitted that his Department is unable to do this. We are talking about the amount of money spent by one Department. I am not expecting the Taoiseach to understand the frustration of the people, but he should. The Taoiseach set up his own specialist communications unit at a cost of €5 million. That shows how much he cares about the people. A parliamentary question revealed that €112,000 was spent last year by his Department on entertainment for the guests of the Taoiseach, €78,000 on photography and advertising and €99,000 on newspapers, magazines, tea and coffee. People see this largesse and they expect two-way dealing.

The Taoiseach is laughing. I would prefer if he listened, with respect. It is not funny for the victims of crime in this country, those who have nobody to help them and who have been abandoned. We have seen the failure to react to the cervical cancer issue. This is no laughing matter. It is a serious matter in rural Ireland. Fine Gael is a farce but of course, €606 million goes to its friends in the legal profession. The people have been abandoned. The attitude seems to be to let them eat cake. The Government will know, when it knocks on doors to look for votes, how the people feel. They are terrified in their homes.

Schemes such as the CCTV scheme and text alert should be paid for and should be easily accessible, not cumbersome for communities to implement. Communities are holding coffee mornings to pay for text alerts to warn the Garda when an issue arises. We want to support the Garda; I always support them. However, we cannot have this misery perpetrated on people, who are expected to just lick it up.

The Taoiseach: I can assure the Deputy that I have never been entertained by the Department of Public Expenditure and Reform, at least not in the form of libations or food and drink. It has entertained me in other ways on a number of occasions, but not in the way the Deputy thinks. Every Government Department has an entertainment budget. My own Department, for example, may provide refreshments or a lunch or dinner for a visiting-----

Deputy Mattie McGrath: Some €100,000 was spent on magazines.

The Taoiseach: -----head of state or government. That is entirely appropriate. When a person is invited into one's house one very often offers refreshments, and I believe it would be poor of us, as a country, not to do so. It may extend to the kind of refreshments we put on at national commemoration events, such as the very successful one we had in Tipperary only a few months ago where a very nice spread was put on for constituents of the Deputy. Other examples include the recent reception we organised for 700 front-line workers who do such a good job.

Deputy Mattie McGrath: The Tipperary event was organised by the Office of Public Works, OPW.

The Taoiseach: The OPW is a part of the Department of Public Expenditure and Reform, so the Deputy is quite correct. Many of his constituents benefitted from that particular expenditure.

Deputy Micheál Martin: Perhaps the biscuits should be replaced with fruit.

The Taoiseach: There are no biscuits in the Department of the Taoiseach anymore, but that is another story.

The Deputy does make a serious point about CCTV schemes. It is a good scheme, and I am aware that the Minister of Justice and Equality is very much behind it. I am also behind it, and we want to streamline the process to make sure that communities can draw down that money and put CCTV systems in place in order to deter crime in the first instance and can make it easier for the Garda to detect crime when it does occur.

Deputy Eamon Ryan: I join with the expressions of sadness at the tragedies of recent days. Our hearts go out to the families and friends of Ana Kriegel and Jastine Valdez. Their murders have shocked the nation.

This morning and this afternoon, in the Mansion House, not far from here, ECO-UNESCO is hosting the Young Environmentalists Awards. Visiting it today would lift one's heart and spirits and would give one renewed hope for this country. There is an incredible sense of can-do and many visions for what we could do differently. There is a broad interest in the issue of how we can reduce the amount of plastic waste we are creating in our society among the young people getting awards today. It is central to much of their thinking. Since the Waste Reduction Bill, which has passed Second Stage, was introduced almost ten months ago in this House, a number of other events have given us pause for thought.

EUROSTAT has produced statistics which show that Ireland is producing twice as much plastic waste as compared to the European average. We are ahead of every other country in that regard. Producers are obliged to pay a producer responsibility fee to try to reduce and cut back on waste, but similar research has shown that Ireland is the third worst, out of 21 countries in Europe, in terms of what we ask them to pay to meet their responsibilities.

In the past ten months, the European Union has come out with a new plastic strategy that states we have to take this seriously and move to a circular economy because China is no longer taking our plastic waste. We should be setting up new streams of waste collection and creating jobs and recycling here. The UK Government has committed to introducing a deposit refund scheme, one of the initiatives that is in our Bill. More than anything else, the likes of David Attenborough and others have shown the reason that there is so much concern. Plastic in our environment is becoming a serious health and environmental hazard that we have to address with vigour.

Our Bill does that, and it has been a useful process. For ten months we have been in committee. We consulted the library and research team and we have heard from stakeholders and international experts to try to tease out how to do this. This afternoon at 3 p.m. we will go into committee to vote on whether to accept the report from the committee on the Waste Reduction Bill 2017 and move the Bill to Committee Stage. The Minister is suggesting that we include

an amendment to state that we will not take the action set out in the Bill. He recommends that we provide that we “may” do something rather than provide that we “shall” and he says that we should wait for Europe to do the legislating rather than doing it ourselves.

I fundamentally disagree. If the Bill is voted through to go to Committee Stage today, will the Government be willing to issue the money order that would allow us to debate the issues further at Committee Stage, and introduce in legislation the very measures for which every young environmentalist across the country is now calling? Will the Government commit to doing that if the committee votes in support of the Waste Reduction Bill 2017 and the report that has been carried out, and allows it to go to Committee Stage?

The Taoiseach: I agree with the Deputy on one point. I know there is enormous and growing public concern about the impact that plastics are having on our environment. I think anyone who saw “The Blue Planet” or any of the programmes like that can see the impact it is having, particularly our marine and maritime environment. I know the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, is very interested in this area. He is studying it very closely with his officials to determine what moves and measures may be most effective in trying to reduce the amount of plastics that are produced, reduce the amount that we use and make sure that those we do use are recycled or disposed of in a way that does not damage our environment, particularly our marine environment. In this space, the Minister is working on proposals to ban microbeads before the end of the year, building on proposals that I know were made by Senator Grace O’Sullivan of the Green Party in recent times, and we are very keen to do exactly that.

In terms of the legislation that the Deputy suggests, I refer to the money message. First of all, before a money message can be issued, we first need to know roughly how much money it is going to cost. Second, we must know whether the Oireachtas has voted that money. It is obviously not credible to issue a money message without knowing how much something is going to cost, or whether the Oireachtas has voted that money. We then need to consider whether a scheme could be put in place that would not cost the Exchequer but might actually be cost-neutral. I encourage the Deputy to examine that and to see if he can refine the proposal before it goes to Committee Stage, to make sure that it is cost-neutral, that the polluter pays and that it does not impose additional costs on the Exchequer and the taxpayer. That is money that could go into education, healthcare, disability or other worthy causes.

Deputy Eamon Ryan: On that very point, we wish to thank Voice Ireland and Friends of the Irish Environment, groups that have done detailed research work on this area. With regard to the deposit refund scheme, we are saying that there should be a deposit refund of 15 cent. Our estimates are that if the producer’s contribution is increased from the current 0.2 cent to 1 cent per container, it would cover half the costs. International experience shows that another quarter would probably be covered by the deposits which are not claimed. The final quarter of the costs would be recovered from the value of the materials that would be collected in a much more sophisticated and effective way. We believe it is possible to introduce this scheme without a cost to the Exchequer.

In regard to the first part of the Bill, we are not proposing a ban, rather we are proposing what the Minister himself suggested before he changed his mind - that the Government impose a levy on non-compostable cups and uses that money to pay for the compost bins we need to start changing our entire system. In further measures without costs, we would ban plastic straws, plates, knives and forks outright, which is what the European Union is saying we should

do. I can answer the Taoiseach's question. To the best of our knowledge, according to the best research and best international experts, we can do this without a cost to the Exchequer. Will the Taoiseach issue the money order if the committee passes it on that basis that afternoon? We are giving the Government two or three years to implement it. We are not saying it has to be implemented tomorrow. We will be doing it at the same time as the UK Government will do it. We will be doing it at the same time as we must radically change our entire recycling system to meet new higher European recycling standards. I believe we do have the answers to the Minister's concerns. We can do this without a cost to the Exchequer. No one knows for certain, as it takes time and we will have to spend a bit of time working through it, but the best research we have states it is possible. Will the Taoiseach issue the money order if the committee votes it through this afternoon on that basis?

The Taoiseach: If it is revenue neutral and if it will not cost the Exchequer anything then obviously it does not require a money message but I will need more than the afternoon to examine the Deputy's numbers and determine whether his claim is true that it will not cost the Exchequer anything. The Deputy has form in this regard. He was, of course, a Minister in the Government that promised us the cheapest bank bailout in the world and we saw how much that ended up costing. Having been €30 billion out before, it will take more than the afternoon for us to see whether the Deputy's arithmetic has improved in the past decade and whether it stacks up.

Deputy Catherine Martin: This is the future.

Deputy Robert Troy: Did the Taoiseach not vote for it?

Deputy Mattie McGrath: He did.

Deputy Robert Troy: I thought the Taoiseach voted for it.

The Taoiseach: As is absolutely the case, if it is Exchequer neutral and if it does not cost the Exchequer anything it will not require a money message, so obviously we will examine the Deputy's claim to see whether his numbers add up.

I would have reservations about any scheme that caused us to have to reduce or limit public expenditure in other areas. Even the richest country that wants to balance its books has limited money to spend on public services and most people would want us to prioritise issues such as health, education and disability for additional spending rather than deposit refund schemes.

Order of Business

Deputy Aengus Ó Snodaigh: Tuesday's business shall be No. 19, Judicial Appointments Commission Bill 2017 - Report and Final Stages (resumed); and No. 20, Road Traffic (Amendment) Bill 2017 - Report and Final Stages (resumed).

Wednesday's business shall be No. 19, Judicial Appointments Commission Bill 2017 - Report and Final Stages (resumed) if not previously concluded; and No. 20, Road Traffic (Amendment) Bill 2017 - Report and Final Stages (resumed). Private Members' business shall be No. 177, motion re European Union (Common Fisheries Policy) (Point System) Regulations 2018 (SI 89 of 2018), selected by Fianna Fáil.

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Thursday's business shall be No. 1, Mental Health (Amendment) Bill 2017 - amendments from the Seanad; No. 21, statements on pay inequality in the public service, to conclude within 85 minutes, if not previously concluded; and No. 22, statements on the UK's withdrawal from the EU, to conclude within 85 minutes, if not previously concluded. No. 7, motion re report of the Joint Committee on Housing, Planning and Local Government entitled "Safe as Houses? A Report on Building Standards, Building Controls & Consumer Protection" of December 2017 shall be debated in the evening slot.

I refer to the first revised report of the Business Committee dated 17 May 2018. In respect of today's business, it is proposed that Private Members' business under Standing Order 143F for the Social Democrats-Green Party group will not be taken on Tuesday. However, the rota shall continue as if it had, with Fianna Fáil's Private Members' business on Wednesday.

In respect of Wednesday's business, it is proposed that any division demanded on the motion re European Union (Common Fisheries Policy) (Point System) Regulations 2018 (SI 89 of 2018) be deferred until immediately after the Order of Business on Tuesday next, 29 May.

In respect of Thursday's business, it is proposed that:

(1) Weekly divisions will take place on the conclusion of the proceedings on the amendments from the Seanad on the Mental Health (Amendment) Bill 2017;

(2) The statements on pay inequality in the public service shall conclude within 85 minutes, if not previously concluded, and shall be confined to a single round by a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead, and shall not exceed ten minutes with a five-minute response from a Minister or Minister of State and all Members may share time; and

(3) The statements on the UK's withdrawal from the European Union shall conclude within 85 minutes and shall be confined to a single round by a Minister or Minister of State and the main spokespersons for parties and groups or a Member nominated in their stead and shall not exceed ten minutes, with a five-minute response from a Minister or Minister of State and all Members may share time.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal for dealing with Tuesday's business agreed? Agreed. Is the proposal for dealing with Wednesday's business agreed? Agreed? Is the proposal for dealing with Thursday's business agreed? Agreed.

Deputy Micheál Martin: We have repeatedly received complaints about the poor provision of services for people with disabilities, particularly children, and access to various therapies - including speech and language therapy, physiotherapy and occupational therapy - and respite care. I am conscious that significant sections of the Education for Persons with Special Educational Needs Act have not been commenced despite the fact that it is well over ten years since the latter's enactment in 2004. Key elements of the Act relating to the rights of children to early assessments and various other measures have simply not been commenced. Will the Taoiseach provide an update on the Government's progress in commencing the remaining sections of the Act, particularly those relating to the rights of children?

The Taoiseach: I do not have an up-to-date note on the Act in front of me but I will ask the Minister for Education and Skills to write to the Deputy with an update on the sections not

commenced and when we propose to commence them. With respect to services, there have been two very significant improvements under way in the past few months. The first is the new pilot to provide speech and language therapy in schools, which will work in quite a few schools across the country.

Deputy Micheál Martin: That was our idea.

The Taoiseach: Speech and language therapy will be provided in schools, meaning children will not need to go on a Health Service Executive waiting list. It might be the way forward for many children who need speech and language therapy. There is also an additional €10 million to be put into respite, allowing us to open approximately 12 new respite homes across the country. That will be very much welcomed.

Deputy Mary Lou McDonald: The Joint Committee on Health was told two weeks ago, and again last week, that information relating to the detection rates in respect of the US laboratories contracted to conduct cervical screening tests would be made available to the committee. In response to a similar question from my colleague, Teachta Pearse Doherty, the Tánaiste stated on Leaders' Questions on Thursday last that if there were any commitments to make files or documentation available to committees, the information would be forthcoming. That information has not been forthcoming or provided to the committee. Will the Taoiseach please explain the delay? Will he and the Minister for Health enter into a commitment that the information will be provided to both the committee and the House today?

The Taoiseach: Some of the data were made available by CervicalCheck on 5 May. It provided statistics across the three labs currently being used indicating a similar positive predictive value in each of those labs but differences in terms of high-grade lesions, low-grade lesions and so on. I am told by the people who know about these things that it is not straightforward and the data must be put together and the confidence intervals must be worked out to see the statistical range. That information is not yet available. However, it is under specific terms of reference of the Scally inquiry, which is mandated to give us a report next month. If Dr. Scally has information that is of significance, there is a commitment to put it in the public domain as soon as it is available to him.

Deputy Mary Lou McDonald: Is that a "Yes" or a "No"? I do not understand the answer.

The Taoiseach: We do not want bits of information that people may misinterpret. It is important that when we get the facts, we get all of them. We do not have all of them yet.

Deputy Brendan Howlin: As this is my first opportunity to do so, I join others in expressing my horror and revulsion at the murders in recent days of a child, Ana Kriegel, and a young woman, Jastine Valdez.

I wish to ask the Taoiseach about reports that the Cabinet today discussed the introduction of legislation to establish a rainy day fund. When will this legislation be introduced? The fiscal rules will uniquely prohibit the deployment of a rainy day fund on a rainy day. The whole idea of having a reserve fund is to deploy it when one needs to do so, but the fiscal rules will work counter to that. Is it not more logical to expend money now to prevent that rainy day happening by ensuring we have investment in infrastructure and the deficiencies we have identified in recent years?

The Taoiseach: The Cabinet agreed this morning to give the Minister for Finance authori-

sation to draft the Bill to which the Deputy refers. The rainy day fund will be established in 2019, so-----

Deputy Brendan Howlin: Next year.

The Taoiseach: Yes, next year. Therefore, the legislation will obviously need to be in place sometime before the end of next year to allow the fund to be established, with €1.5 billion going in from the Ireland Strategic Investment Fund and €500 million being added per year. To answer the Deputy's question very frankly, a balance is required. Yes, we absolutely need to invest in infrastructure in order to allow our economy to continue to grow, allow our society to develop and remove bottlenecks. This is why we published Project Ireland 2040 before setting up the rainy day fund setting out how capital spending will increase from a relatively low level in Europe to one of the highest across the period of Project Ireland 2040. There will be a 25% increase in investment in public infrastructure next year alone. We are therefore very much providing for increased investment in public infrastructure, transport, housing, health and so on. However, we do not want to go back to the policy of the past, which was the philosophy of "when I have it, I spend it" because we all know where that leads. Quite soon afterwards, one does not have it any more. This is why we think it is prudent, at a time when the economy is growing very strongly, that we do balance the books and set aside a small surplus to prepare for inevitable downturns, shocks and economic problems that will arise at some point in the future.

Deputy Bríd Smith: We add our voices of sympathy and solidarity for the families of those murdered at the weekend.

In the last week there has been a notable change in the tone of the debate surrounding the eighth amendment for the better. I also commend the remarkable surge in energy and determination of those who are campaigning in this referendum, particularly on the Yes-Tá side, up and down the country and in every town and village. Given that the polls show there may indeed be success for the Yes side in the referendum, and without counting our chickens before they hatch, has the Cabinet given any thought to when it would introduce the legislation that will allow for removal of Article 40.3.3° from the Constitution, should the country, with all due respect to everyone who votes on Friday, decide that is what it wants to do? Has the Cabinet decided when it will table legislation to be brought before the House? Every day we waste is another day 12 women are exiled from the country and at least five women illegally take abortion pills in solitary confinement in their homes to suffer without-----

An Ceann Comhairle: I am sorry, but the Deputy's time is up.

Deputy Bríd Smith: -----the medical supervision of doctors. Has the Cabinet thought about when it will bring that legislation before the House? We argue it should do so ASAP.

The Taoiseach: While I appreciate the Deputy's earlier remarks, and I know many people who have been campaigning, and talking to people would probably share her sentiments, we should wait until the people speak-----

Deputy Michael Healy-Rae: That would be a good idea.

The Taoiseach: -----before we move to legislation. The referendum is only a few days away now. The public will vote on Friday; we will know the result on Saturday. Should the people decide to delete the eighth amendment, Article 40.3.3°, from our Constitution, the Government and I hope the Oireachtas will support us in this regard. We will legislate along

the lines we have proposed in the general scheme of the Bill. Obviously, there is always the possibility of a legal challenge to the referendum result. That has happened before. We will have to publish the legislation and get it through both Houses of the Oireachtas. However, I caution against any complacency at this stage. With the exception of a few postal voters, very few people have voted.

The result of the divorce referendum came down to one vote in every ballot box: we should not forget that.

Deputy Richard Boyd Barrett: We are out canvassing every day. There is no complacency.

The Taoiseach: Opinion polls have been wrong in the past. The opinion polls for the Seanad referendum always showed a strong majority for its abolition and that did not happen. I caution against any complacency.

Deputy Bríd Smith: I do not know of any complacency.

An Ceann Comhairle: I remind Members that we have one minute for a question and one minute for an answer.

Deputy Mattie McGrath: There is an old saying that one should never count one's chickens before they are hatched. The Taoiseach has had a chance to broadcast here. I am asking him again what I asked him last week. The Minister, Deputy Eoghan Murphy, is now gone. The Taoiseach just said that with the exception of postal voters very few had voted. I wonder who else might have voted. What is the Taoiseach going to do about the register? I asked the Minister, Deputy Eoghan Murphy, about this matter. I wrote a letter to him which I hand delivered today about the French student in NUIG who was illegally put on the register in Galway. How many others have been put on? The register is a mess. People have been put on twice. When will the Government hold an investigation? Will it be when the votes have been counted? Will the Taoiseach enlighten us as to who else has voted other than the people with postal votes, rather than use the Order of Business to promote the "Yes" side, examine the register and have the Minister, Deputy Eoghan Murphy, look into the illegal activity? It is an undocumented mess with people being on illegally, including people who did not seek to go on the register and are not eligible. This is a French citizen who is only here to study. Will the Taoiseach deal with that instead of campaigning for more and more votes for the "Yes" side? Let the people decide. We will accept what the people decide but we will not before they have decided, and before the polls are even open on Friday morning.

The Taoiseach: Deputy McGrath can cool the conspiracy theory. The people who have voted so far are postal voters.

Deputy Michael Healy-Rae: There is also the islands.

The Taoiseach: There is early voting on islands and also some nursing homes. I do not know if they voted today or if it will be the following day, but that is the norm.

Regarding the allegation that a French student was put on the register-----

Deputy Mattie McGrath: It is not an allegation; it is a fact.

The Taoiseach: -----I understand that it has been refuted.

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One thing that is very encouraging is the huge number of young people who registered to vote in recent weeks. It indicates that young people want to have a say in this referendum and it is young people who will be more affected by laws that we make in relation to the termination of pregnancies. No matter how they vote, I am really encouraged that there has been such an upsurge in the numbers of young people registering to vote.

Deputy Catherine Connolly: Tá an t-ábhar seo ardaithe go mion minic agam maidir leis an bplean gníomhaíochta agus an Straitéis 20 Bliain don Ghaeilge agus tá sé deimhnithe go minic ag an Aire Stáit go bhfuil sé ar tí é a fhoilsiú, ach le déanaí nuair a chas sé le na cathaoirligh de na coistí uilig, dúirt sé go hionraic agus go díreach nach bhfaca sé aon phlean gníomhaíochta agus nach raibh aon eolas aige. An féidir a rá anois cén uair a bheas an plean gníomhaíochta á chur os comhair an Cabinet?

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Tá brú ama ann faoi láthair. Táim dóchasach go mbeidh an t-ábhar seo ar an gclár Rialtais ar an 12 Meitheamh agus ba mhaith liom mo bhuíochas agus mo aitheantas a ghabháil chuig an Teachta Connolly fá choinne an brú air sin agus an pointe fosta. Beidh sé réidh i ndiaidh an chruinniú ag an mbord Rialtais ar an 12 Meitheamh.

Deputy Eamon Ryan: Last Thursday, Transport Infrastructure Ireland and the National Transport Authority gave presentations to the transport committee on congestion in Dublin. Transport Infrastructure Ireland said that the main solution to congestion in Dublin would be the widening of the N7 between Naas and Newbridge, widening the N2 and the N3 and the upgrade of the N11. Nothing has changed. We are based in the same old transport policy where we are building roads. I do not know where those cars on the widened approach roads to Dublin will go but they will go into gridlock. In the same meeting the National Transport Authority said that it did not have the necessary resources and engineers to design the BusConnects solution and the cycling solutions that we need, which should be how we tackle this problem. Will this Government move away from the current system and create a new agency which would be responsible for the designing of sustainable transport infrastructure because Transport Infrastructure Ireland is not able to do it?

It is just like the old National Roads Authority, NRA; all it wants to do is build roads. We need a new agency to build bus and cycle lanes for this and every other city in the country.

The Taoiseach: I cannot count the number of times that politicians have said that the solution to our problems is the creation of another agency. I refer the Deputy to Project Ireland 2040 which sets out a really ambitious plan to invest in public transport in particular in the city, not just MetroLink, which is metro north and metro south combined-----

Deputy Eamon Ryan: That did not even get a mention. All TII wants to do is build motorways.

The Taoiseach: There will be a €2 billion investment in BusConnects and improvements to our bus services as well as many other very worthy public transport projects.

Deputy Róisín Shortall: It is some considerable time since the Minister for Employment Affairs and Social Protection promised to introduce legislation to prevent companies which are solvent, such as Independent News and Media, INM, from closing down their defined benefit pension schemes but we have not seen that legislation yet. Can we expect it before the summer recess and what is the reason for the delay?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): That legislation is tabled for Thursday week.

Deputy Robert Troy: The Taoiseach has referred to MetroLink, metro north and BusConnects which are very ambitious projects, but their delivery is a decade away. In the meantime, traffic congestion is costing this country about €360 million per annum. Last week, as Deputy Eamon Ryan said, the CEO of TII was before the Oireachtas Joint Committee on Transport, Tourism and Sport. One of the short-term measures he identified to help with congestion in Dublin was to introduce varying speed limits on the M50. However, in order to do that, he requires legislation. Does the Taoiseach have confidence that it will dawn on Deputy Ross that he is the Minister for Transport, Tourism and Sport and that he has responsibility for congestion in the capital city? He does not seem to realise this. When can we expect the required legislation to come before the House?

The Taoiseach: There is no legislation promised on that of which I am aware but I will certainly double check with the Minister.

Deputy Thomas Byrne: In reply to my leader, the Taoiseach mentioned a speech and language pilot or demonstration project that is being launched in schools and said this would take children off the HSE waiting lists. I ask the Taoiseach to confirm that every child in one of the 75 schools and preschools will be taken off the HSE waiting list and given speech therapy in school. I am concerned because this project has no vision or programme of action and the last line of the press release on it states that in some instances, where children have significant and persistent needs, direct one-on-one support will be provided in preschools and schools for those children. How does that tally with the Taoiseach's statement that children would be taken off the waiting lists in those schools?

The Taoiseach: It is a pilot scheme so we will have to see how it works out. The real intention is to avoid having to refer children to the HSE in the first place. Children will receive speech and language therapy in schools and preschools, thus avoiding them having to be referred to the HSE and ending up on waiting lists. Perhaps I did not explain it very well earlier.

Deputy Michael Healy-Rae: I refer to the commitments in the programme for Government on employment. We have a problem with regard to Garda vetting. If a substitute teacher in County Kerry gets Garda vetting for one school but gets offered work in another school, he or she has to go through the Garda vetting process again. This is totally ridiculous. I appreciate that there must be checks and balances with regard to people working in our health service and our education system but if a person is Garda vetted and given clearance, surely that is good enough for that person to work in any school or in any other position in this country. The delay caused by having to reapply for Garda vetting again and again is a serious problem for the people I represent. In the past couple of weeks alone I have been absolutely inundated with cases of people having difficulties with Garda vetting. It is having an effect on their employment prospects. I ask the Government to make a sensible, proactive change to the Garda vetting system.

Deputy Danny Healy-Rae: I too ask the Government to bring some common sense to our Garda vetting regime. Some might say I have a conflict of interest because I have an old bus and my drivers have to comply with Garda vetting guidelines. The escort on a bus might be vetted by the Garda to mind the children on the bus but he or she must be vetted again if he or she wants to drive the bus.

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Transport services are very important for bringing disabled children to special schools and the elderly to day care centres. A driver can be Garda vetted by one contractor but if he wants to drive a bus for another contractor, he must be Garda vetted again. The same applies to day care centres. The girls and men vetted to work in a home in Kenmare must be vetted again to work in the home in Kilgarvan.

An Ceann Comhairle: The Deputy might submit a topical issue.

Deputy Danny Healy-Rae: It is absolutely ridiculous. If a person has been vetted by the Garda once, it should last for five years at least, or until the need arises to vet him or her again.

Deputy Michael Healy-Rae: I have to declare a possible conflict of interest as I am an associated person.

The Taoiseach: I will ask the Minister for Justice and Equality to provide the Deputies with the reply on that although I recall raising this issue myself when I was in the Department of Health because people often move from one hospital to another every six months. It can be very inconvenient for people to have to be vetted by the Garda every six months. One of the explanations given to me at the time was that it is a matter of putting safety first rather than convenience for the employee because people who are a danger to children often move from job to job. That was one of the things that had to be taken into account.

Deputy Michael Collins: On page 121 of the programme for Government, under trade negotiations, the Government promised to ensure our national interests are protected in any future trade deal discussions, with particular focus on beef and food safety standards. A group of MEPs on an inspection visit to Brazil found that country does not have the same traceability standards for beef as EU producers. Records are only kept of batches of animals slaughtered at a particular plant but they cannot be traced back to the individual farm. This is a public safety issue. What steps is the Government taking in light of a possible Mercosur deal to protect the public in terms of the safety of food that may be imported into Ireland?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): With regard to trade negotiations, the Irish voice is heard very clearly and loudly, particularly when it comes to beef and agriculture.

Deputy Bernard J. Durkan: A couple of weeks ago, I asked questions and received answers on the Common Fisheries Policy, Ireland's adherence to it, and the degree to which success could be recorded regarding fish conservation. I note now that there seem to be rumours abroad to the effect that the EU Commission proposes to take infringement proceedings against this country, which would have a consequential negative financial impact. How is it proposed to deal with that proposal since it is a major and very sensitive issue?

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Deputy Bernard Durkan for his question. The Government's strategy on dealing with infringement proceedings initiated by the Commission against us is twofold. By way of background, we already had a withholding of substantial funds, amounting to €2.7 million in 2017 and €4 million in 2018. As a consequence of non-compliance with a regulation of 2009 - we are the only member state that is not compliant - there is potential for the withholding of funds worth up to €37 million under the European Maritime and Fisheries Fund. That, allied to the possibility of successful infringement proceedings imposing additional daily fines on us, has necessitated movement by the Government on a statutory instrument to deal with an EU points system for

serious offences in the fishing industry. It would be activated against a small minority who may be carrying out serious offences. I refer not only to Irish fishermen but also to all fishermen who fish in our waters. That is part of the strategy to mitigate the case of infringement proceedings against us as well as the introduction of primary legislation to deal with a points system for skippers and masters of vessels.

Deputy Imelda Munster: I wish to inquire about promised legislation on the regulation of rickshaws. The Minister, Deputy Ross, previously rejected legislation that was brought forward to regulate the operation of rickshaws stating that it was flawed. He gave a commitment to bring forward his own legislation. That was some 18 months ago. People are operating rickshaws on a daily basis throughout our cities without any form of insurance. In the absence of regulation, the lives and safety of passengers and members of the public are being put at risk and it is also enabling drug dealing to take place throughout our cities. Where is that legislation now given that it is 18 months since it was promised? We need to ensure safety and standards in the operation of rickshaws. When can we expect to see that legislation before the House?

The Taoiseach: I understand a policy paper was submitted to the Minister, Deputy Ross, in March. I will ask him to provide a further update to the Deputy by correspondence.

Deputy Eugene Murphy: Section 22 of the Protection of Life During Pregnancy Act 2013 clearly states the threat posed to a woman who carries out an illegal abortion, a threat of 14 years in jail, which is absolutely shocking. Most Members of this House would say that is appalling. Why has the Taoiseach not moved to repeal this? My legal information is that it could have been easily done. He has been in government for seven and a half years as part of two regimes. He is a former Minister for Health. I ask him an honest question. Why did he not move to take this appalling piece of material out of that Act? It is chilling and outrageous. My view is that it can be changed by a vote of this House. The Taoiseach might clarify that for me.

The Taoiseach: The Deputy is absolutely right; it is terrible and outrageous. In order to change it we need to repeal the eighth amendment on Friday.

Deputy Mary Lou McDonald: Hear, hear.

Deputy Mattie McGrath: No.

Deputy Brendan Howlin: Yes.

The Taoiseach: This is the advice of the current Attorney General, it is the advice of the former Attorney General and it is supported by two former Attorneys General----

Deputy Eugene Murphy: That is not my legal advice.

The Taoiseach: -----Michael McDowell and John Rogers. I will explain to the Deputy why that is the case. I am sure he has read what the eighth amendment states. Article 40.3.3o states that the right to life of the unborn is equal to the right to life of the pregnant women. Therefore, the right to life of a foetus-unborn child of one, two, three, four or six days gestation is equal to that of any woman in this Chamber, any woman walking down the street, the Deputy's sister or mother.

Deputy Mattie McGrath: Not true.

The Taoiseach: Therefore, if you kill your mother or sister, the penalty has to be the same

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as it is if she had an abortion. That is what the eighth amendment says and it even goes further. It says that the State must vindicate that right. That is why the penalty for having an abortion in Ireland has to be equivalent to the penalty of homicide because that is what the eighth amendment means.

An Ceann Comhairle: Two Deputies are still offering. If they can ask a question in 30 seconds I will take their questions. I call Deputy Tony McLoughlin.

Deputy Tony McLoughlin: I have a question for the Minister for Agriculture, Food and the Marine relating to the delay in payments to farmers who are part of a commonage at Killerry in Ballintogher, County Sligo. One farmer has told me he is at the loss of about €40,000 and others are at the loss of about 140%. I ask that this would be dealt with as a matter of urgency. Thirty farmers are involved in that commonage on which a fire occurred last year. It is time this matter was resolved in the interest of those farmers. I have met them and they are certainly out of pocket. I ask the Minister and his officials to examine this matter again as a matter of urgency and to ensure it is resolved.

Deputy Michael Creed: I am not familiar with the detail of the commonage referred to by the Deputy. If he wishes to bring the details to my attention I can have the matter investigated.

An Ceann Comhairle: I call Deputy Pearse Doherty.

Deputy Pearse Doherty: When the Minister, Deputy Harris, apologised to the 600 patients who were left on trolleys earlier this year he said he was the Minister with a plan, he had the resources and he was going to build capacity. A total of 458 patients are on trolleys and in wards today as I speak, including 21 in my county hospital of Letterkenny, there having been 20 patients on trolleys last Friday and 30 patients on trolleys last Wednesday. The reason I raised this matter is that a 19-bed ward in Letterkenny University Hospital is lying empty. The hospital management asked last year for resources to reopen that 19 short-stay bed ward, yet the Government and the HSE have turned a blind eye to a capacity issue that can be quickly addressed. As a former Minister for Health and the leader of this Government, will the Taoiseach intervene to make sure the €1.8 million required is made available in order that we can increase the capacity and take patients off trolleys and accommodate them in proper beds in Letterkenny University Hospital?

An Ceann Comhairle: I call the Taoiseach to conclude.

The Taoiseach: The Minister of State, Deputy Daly, will respond to the Deputy.

Minister of State at the Department of Health (Deputy Jim Daly): I am aware of the issue. My colleague seated to my right, the Minister of State, Deputy McHugh, has discussed that matter on a number of occasions. As Deputy Doherty will be aware, a bed capacity review has just been completed. We are identifying and working with the HSE to open up beds in as many places as possible and, in particular, we are identifying those that are ready to go.

Deputy Pearse Doherty: Those beds were ready to go a year ago.

Deputy Jim Daly: I ask the Deputy to let me finish. We have to do this in a holistic way. We cannot go around just picking bits and pieces. We have already opened 200 additional full-time beds this winter which are separate from transitional step-down care beds. We will continue that programme and we hope to do so in the coming year. By April of this year the HSE

had submitted a series of suggested openings for us, which are currently being considered. As the Deputy will be aware, funding of €40 million has been made available as part of the winter initiative to open beds specifically to deal with the trolley crisis.

Ceisteanna - Questions

Taoiseach's Meetings and Engagements

1. **Deputy Michael Moynihan** asked the Taoiseach if he has spoken with or met a person (details supplied). [1999/18]

The Taoiseach: My office contacted Vicky Phelan to offer a meeting with her. Ms Phelan has agreed to meet me at a date that is convenient for her. She is in regular contact, however, with the Minister, Deputy Harris.

Our priority and focus remains on getting to the truth of what happened through the Scally inquiry, ensuring that women who have been affected are contacted and engaged, rebuilding confidence in the life-saving CervicalCheck screening programme and carrying out individual case reviews of all 209 women who formed part of the audit to assess their smear tests and determine the impact that the alternative reading had on their diagnosis and treatment.

The Government has agreed a comprehensive package of health and social care measures to assist the 209 women, and their families, who have been diagnosed with cervical cancer and whose audit result differed from their original smear test.

The Government has also announced that the State Claims Agency is advancing a new initiative aimed at expediting resolution of the outstanding legal cases in a sensitive manner utilising mediation wherever possible and wherever agreed.

The impact on these women and their families of the failure of disclosure, transparency and sharing of information has been devastating, and has added to the distress and huge difficulty they are already experiencing as a result of their cancer diagnosis. The package of supports cannot undo the hurt caused, but will at least ensure their health and social care needs will be met. Women and families will be offered support through counselling and practical assistance with costs such as childcare and travel and also access to clinical trials and experimental medicines.

The National Cancer Screening Service is writing to the 209 women, or their next of kin, apologising for failures in relation to disclosure and setting out the actions being taken to deal with the issues identified.

The Minister, Deputy Harris, has also asked the HSE to introduce human papilloma virus, HPV, testing as the primary screening method for prevention of cervical cancer as soon as possible. Like all screening tests it is a screening test, it will not be individually diagnostic and it will produce false negatives and false positives. It is, however, more accurate than the current test and we will be one of the first countries in the world to introduce it.

The Government has also agreed to the proposal of the Minister, Deputy Harris, to establish an independent board for the HSE to strengthen the management, governance and accountabil-

ity of the organisation. The general scheme of the Bill has been published. The board, with strong competencies across key areas, will be accountable to the Minister for the performance of its functions.

Deputy Micheál Martin: First, I wish to say again that if it was not for Vicky Phelan we would know nothing about any of this. Given all the documentation that has emerged through the various committees of this House, both the Committee of Public Accounts and the Joint Committee on Health, and that has come into the public domain, it is quite an extraordinary fact that if it was not for Vicky Phelan's decision to reject any suggestion of non-disclosure of her settlement, we would not be here discussing this matter. That needs to be reflected on regarding the health of our public services in terms of disclosure and revealing issues of public interest, in particular ensuring disclosure to patients generally in our health service and, in this context, to women who were the victims of non-disclosure of false negatives and wrong results in terms of cervical cancer. What I find quite striking is the very significant degree of correspondence between doctors, people in CervicalCheck and chief executive officers, CEOs, such as the CEO of the mid-western health group, the numbers of people involved in the Department of Health, HSE leadership and CervicalCheck itself yet it did not get to any policy level in terms of someone shouting "stop" and saying that we have a clear policy of open disclosure here and should disclose to the women concerned. During Leaders' Questions last week, the Taoiseach told me he had regular discussions with the director of health and well-being, Dr. Stephanie O'Keeffe. Was the CervicalCheck programme in general raised with him? Were any issues relating to difficulties, challenges or needs involving CervicalCheck raised with him in terms of its ongoing progress? The Taoiseach might indicate to the House whether any such issues were raised with him at any time.

It is extraordinary that after the former Minister, Senator James Reilly, abolished the board of the HSE, it has taken so long to restore it to ensure some degree of governance and accountability on the part of the director to a board nominated externally and not just officials being accountable to officials, which is the current position. I do not know what the former Minister, Senator Reilly, was at.

Deputy Brendan Howlin: Most people are still reeling from the sudden revelations that emanated from the aftermath of the very important stance taken by Vicky Phelan and all that has come into the public domain. There will be tiers of questions to be answered but one of the two things that are most urgent and fundamental are that this State would give complete support to those women who are most affected, namely, the 209 women instanced by the Taoiseach. In terms of the package of measures he has talked about that was announced last week, are these measures currently available to these women? If not, when will they be available to them?

Can we give absolute assurance to women who are going for smear tests today, tomorrow and the next day? The Taoiseach again instanced the fact that we will introduce a new screening process, namely, the HPV screening process. Again, can he be specific about when that new test will be introduced? I raised a matter previously that I want to clarify in my own mind so that I understand this. The Taoiseach indicated that the current testing programme has a reliability rate of between 65% and 70%. That came as a surprise to many people. The Taoiseach explained why this is the case and that the new HPV test has 100% accuracy because it tests for the HPV virus but that the virus is the cause of only 70% of cervical cancers. Will the missed rate improve substantially or, as I have read in some publications, will the existing screening continue in parallel with HPV screening to significantly increase the probability of accurate testing of cervical cancer?

Deputy Mary Lou McDonald: Along with others, I acknowledge the bravery of Vicky Phelan, her family and all those who have come forward to tell their stories. It is extraordinary that the chief medical officer was privy to information relating to the audit, the availability of information and the deliberate withholding of information from women and their families but did not share this information with the Taoiseach, who was then Minister for Health, at the very time when both of them were clearly in discussions around the issue of open disclosure and a policy of candour. Can the Taoiseach shed more light on those matters?

Can he also comment on the fact that, as reported in today's newspapers, the author of fairly shocking memos - a senior HSE executive - who actually made a call to withhold information from women and their families has been promoted? The Taoiseach will know that for Vicky Phelan and so many others, accountability is at the root of addressing this scandal. They have been very clear about this.

A story that gave rise to many concerns that appeared on the front of a Sunday newspaper set out a scenario whereby Emma Mhic Mhathúna would be embroiled in a scenario best described as damage limitation. I raise this issue with the Taoiseach not to make any negative assertions against him but because his state of knowledge on those matters or lack thereof needs to be clarified in the Dáil. More specifically, the concerns now involve the Taoiseach as the then Minister for Health, what he did or did not know and the nature of his exchanges with the chief medical officer. If he withheld information from the Taoiseach, has the Taoiseach addressed that issue with him?

Deputy Joan Burton: Like others, I would like to say how brave people like Vicky Phelan have been in dealing with this and related matters. The Taoiseach spoke about the systems the Government is putting in place, some of which sound fine. However, it is very difficult to understand others unless the Taoiseach is more forthcoming with the details of what the Government is proposing. Does the Taoiseach have clarity at this point about the lines of communications between CervicalCheck and the HSE? In his answer, he alluded to the fact that he now intends to reinstate both the HSE board and regional boards. From some of what the Taoiseach and the Minister for Health have said, my understanding is that these boards will have executive chairpersons. In particular, the HSE will have a high-level executive chairperson. That is a major change. I struggle to understand how the incoming CEO of the HSE, who will obviously be a full-time executive, will deal with that. If there are also to be regional boards, and there is a lot to be said for the regionalisation and localisation of significant elements of the HSE, is the Taoiseach really proposing a whole set of executive chairpersons along with a chief executive and about 30 very senior subordinate executives to the HSE in his plan? Could he share the plan with us? Better still, could he get somebody to draw us a graph of what this proposed structure will look like? From my experience of structures, it seems that the Taoiseach is almost overreacting with a top-heavy structure that will be almost impossible to operate. The leadership issue relating to motivating the staff in the HSE seems to be entirely absent.

An Ceann Comhairle: If we do not give the Taoiseach time, he will not be able to draw any graphs for us and he certainly will not be able to tell us what he is proposing to do.

The Taoiseach: What Deputy Micheál Martin said is quite correct. Were it not for Vicky Phelan's strength and bravery in refusing to agree to a confidentiality clause, we would not know what we now know. Once again, I wish to put on the record that the State Claims Agency and the State did not request that. In fact, they counselled against that being done.

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I would have met Dr. Stephanie O’Keeffe approximately every two months when I met the directorate. Certainly, any conversations we had on CervicalCheck were not about the audit or the issue of non-disclosure. They would have been about the functioning of BreastCheck, CervicalCheck and BowelScreen, which was relatively new at the time. The two issues that would largely have arisen would have been whether the targets for participation in BreastCheck, CervicalCheck and BowelScreen were being met because we were always very keen to ensure people were participating in those screening programmes. The big job of work that was being done was extending BreastCheck to an older cohort of women. That was one of the main projects about which I would have spoken to her frequently. There were other issues of public health relating to anti-smoking campaigns and so on. Those would have been the main areas on which we interacted.

Deputy Howlin asked me about the package of supports being offered to the 209 women and their families. Public health nurses are visiting each of the women or their next of kin individually, trying to prepare an individualised package. I am sure the Deputy has spoken to some of the people affected and all of those involved have different needs in light of their circumstances. Individual meetings are happening with public health nurses - in people’s homes, sometimes in a hotel and sometimes in an office or a hospital. That is ongoing. I am not sure if everyone involved has had such a meeting but many did so last week and many will this week as well. Those packages are being put in place.

Up to now, the plan was to introduce the new test in October. Given the change of personnel and the disruption to CervicalCheck, it is still anticipated that the October target will be met. However, it will be more difficult now given that there is no clinical director and so on. However, it is still intended that it be introduced in October. It will require tendering for labs and for virology for example.

Deputy Micheál Martin: Does that mean it will be delayed?

The Taoiseach: October remains the target date.

Deputy Howlin asked some very valid questions about the science of the new test. I am reluctant to answer those questions. It can be dangerous to know something about something, because one may answer-----

Deputy Brendan Howlin: I raised it the last day and the Taoiseach did not get a chance to answer it.

The Taoiseach: I am reluctant to answer for those reasons. However, I know that, since 2015, HPV testing has already been introduced in circumstances where a low-grade or high-grade abnormality is identified. The plan now is to move to primary screening whereby the test is done for HPV first and cytology later. At least that is my understanding, but I would be afraid to answer that question in too much detail without knowing what is involved.

The patient-safety package was published in October or November 2015 at the patient safety conference, which, if I recall correctly, was held in Dublin Castle. Any discussions I had with the CMO about the form of open disclosure we would select happened in 2015 before the publication of that package and many months before the first memo on the CervicalCheck audit arrived in the Department of Health, which was in March 2016. I believe the first memo arrived on 29 March 2016. I ceased to be Minister for Health in the first week of May 2016. Hence, there was a period of about five weeks during which I could have been informed and

there was an opportunity to do it. There was a significant issues paper and a MinMAC meeting in that five-week period. As the former Minister of State, Kathleen Lynch, who was present and received those papers, can attest, it was not in the significant issues paper or raised at that MinMAC meeting. During that period, however, the audit was still under way. Perhaps this explains why that was the case.

It is proposed that the HSE board will have between nine and 12 members. There will be a CEO - the director general post will evolve into the role of CEO - and there will be a chair. I can understand some of the confusion on that. I know that in past cases, for example, that relating to CIÉ, there was an executive chair who was effectively the chair and the CEO. That is not intended in this case. There will be a CEO. The chair will not be a member of the executive, but will have an enhanced role. Rather than being a chair who attends monthly meetings, the person appointed will have a greater involvement and will be asked to devote one day or two days a week to the job. Given the size of the organisation - 110,000 employees and a €16 billion budget - it would be more appropriate to have a chair who puts in a day or two a week and that is what is intended.

Deputy Burton asked about the regional boards. To a certain extent, they exist already. The hospital groups all have boards and these have been populated. However, they do not exist on a statutory footing. The plan, in line with what is proposed in the Sláintecare report, is to bring the hospital groups and the community health organisations together into a single combined hospital group.

Deputy Brendan Howlin: To re-rationalise them.

An Ceann Comhairle: I thank the Taoiseach. We need to move on.

The Taoiseach: Each of those will have its own board.

Deputy Joan Burton: We need that graph.

The Taoiseach: That will all be graphed and mapped out in the Sláintecare implementation plan, which, I anticipate, will be published certainly before the summer recess.

Deputy Mary Lou McDonald: The Taoiseach did not answer my questions.

An Ceann Comhairle: Which one?

The Taoiseach: I would need another seven or eight minutes to answer all the questions.

Deputy Mary Lou McDonald: I raised the matter of the HSE executive - the promotion.

The Taoiseach: I have not read that story.

An Ceann Comhairle: The Taoiseach is not aware.

Deputy Mary Lou McDonald: I also raised the Sunday newspaper story about Emma Mhic Mhathúna.

The Taoiseach: I answered that in Monday's newspapers.

Deputy Brendan Howlin: This is the Dáil.

Deputy Mary Lou McDonald: This is the Dáil and this is where the Taoiseach is supposed

to-----

An Ceann Comhairle: Question No. 2 is in the name of Deputy Burton. For this question, we will only have about ten minutes if that is okay.

Northern Ireland

2. **Deputy Joan Burton** asked the Taoiseach the division of responsibilities between his Department and the Department of Foreign Affairs and Trade in respect of Northern Ireland affairs and the restoration of power-sharing at Stormont. [20058/18]

The Taoiseach: As the Deputy would expect, there is close co-operation between my Department and the Department of Foreign Affairs and Trade, which has primary responsibility for matters relating to Northern Ireland, North-South co-operation and British-Irish relations. Officials from the two Departments work very closely together across the range of issues relating to Northern Ireland and British-Irish affairs.

Within my Department, the Northern Ireland section supports me, in my role as Taoiseach, on Northern Ireland matters. It supports me in my contacts with the British Prime Minister in the context of the role of the two Governments as co-guarantors of the Good Friday Agreement and in the ongoing efforts to secure the restoration of the institutions under the agreement.

It also assists me with my participation in key institutions of the Good Friday Agreement, such as the North-South Ministerial Council, when operational, and the British-Irish Council and in other aspects of cross-Border engagement and co-operation.

The Department of Foreign Affairs and Trade has the lead role in respect of the day-to-day interaction with the Northern Ireland institutions, when they are operating, the Northern Ireland political parties and the Northern Ireland Office. As part of this role, that Department provides staff and funding to the British-Irish Intergovernmental Conference secretariat in Belfast and the North-South Ministerial Council joint secretariat in Armagh.

The Tánaiste and Minister for Foreign Affairs and Trade and his staff are also in regular contact with the Secretary of State for Northern Ireland and the main political parties in Northern Ireland regarding matters of concern to the Irish Government, including issues relating to the Good Friday Agreement and subsequent agreements, talks on the restoration of the Northern Ireland Executive and, of course, Brexit.

Deputy Joan Burton: As I am sure the Taoiseach is aware, yesterday four of the party leaders in the North - Michelle O'Neill of Sinn Féin, Colum Eastwood of the SDLP, Naomi Long of the Alliance Party and Stephen Agnew of the Green Party - issued a statement recognising that the North should remain in the Single Market and the customs union. That was agreed by all four.

Over the weekend and in recent days there has been a flurry of senior British Tory politicians not only commenting on what would happen with North-South issues and the island of Ireland, but also visiting the North. In particular, the Secretary of State for Northern Ireland, Mrs. Bradley, is apparently testing how maximum facilitation, or max fac, can be made to work and whether it can be made to work for Northern Ireland. I welcome that the Taoiseach was very clear last week that he was standing by the backstop and that max fac was very unlikely

to offer anything much in the case of Northern Ireland or indeed the island of Ireland. We also had statements from and visits by people such as the Secretary of State for Exiting the European Union, David Davis, and the UK Business Secretary, who are also exploring the technological solution for the Border.

Obviously, the Tánaiste and Minister for Foreign Affairs and Trade would have considerable detailed contact, particularly with the Secretary of State for Northern Ireland, but also with other line Ministers. Are they really getting the Government's message to the effect that as far as people are concerned-----

An Ceann Comhairle: All right.

Deputy Joan Burton: -----here in the Republic and in the North from the statement of the four party leaders-----

An Ceann Comhairle: I thank the Deputy. We must finish.

Deputy Joan Burton: -----there is no appetite for technological solutions of any kind because it does not appear that they can be made to work and that, in any event, they would entail the reintroduction of some form of hard border which, as the Taoiseach has said - we all agree with him on this - we do not want?

An Ceann Comhairle: I will give all the Members one minute for supplementary questions.

Deputy Brendan Howlin: I will take half a minute.

An Ceann Comhairle: That is even better.

Deputy Brendan Howlin: I have one question. The absence of power-sharing in Northern Ireland is a real problem for all of us. It seems to have disappeared entirely from the political discourse right now. Specifically, are there ongoing initiatives to seek to restore the power-sharing Executive in Northern Ireland?

Deputy Mary Lou McDonald: I too invite the Taoiseach to make a response to the joint statement from Sinn Féin, the SDLP, the Alliance Party and the Green Party. It sets out clearly the majority view of people in the North that the island would remain in its totality within the customs union and the Single Market, and goes further in that Britain might also remain within those arrangements. It also makes clear that the backstop as agreed last December represents a minimum bottom line. I think this brings a level of clarity, particularly in circumstances where we see that recent polling data suggest sentiment in the North of Ireland to remain has increased quite dramatically since the Brexit referendum. A response to that from the Taoiseach, as Head of Government, would be welcome.

What progress has been made in respect of the calling of the British-Irish Intergovernmental Conference? To answer Deputy Burton, we reckon it is the best mechanism available to us at this stage to kick-start that very pathway back to the power-sharing institutions.

Has the Government made a decision in respect of appealing the ruling by the European Court of Human Rights regarding the hooded men? As the Taoiseach knows, the appeal must be made before 18 June, so time is running out.

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Deputy Micheál Martin: It is clear to me that the elephant in the room in terms of Northern Ireland and Brexit is the absence of an Executive and an Assembly. There is a lot of hype and rhetoric about regulatory alignment with regard to the customs union, being part of the Single Market and all of that. However, it is extraordinary, given the grave threat that Brexit represents to the island, particularly to Northern Ireland's economy, and notwithstanding all of the huge difficulties we had in the past that we were able to surmount, in terms of the establishment of the Executive and the Assembly, that we cannot do the same now and that the parties concerned do not see the urgency and necessity for this. Given everything that Brexit represents, the parties concerned need to come together without conditions at this stage to re-establish the Executive and the Assembly and at least have a legal parliamentary and governmental framework to shape Brexit for Northern Ireland. Opinion polls will not shape Northern Ireland's fate in the context of Brexit but an Assembly and an Executive could have a far more effective capacity and influence in shaping Brexit. Look at what the Scottish Parliament has done by voting against the wishes of the British Government and nailing its colours to the mast as to what it wants. There are regular meetings of the Brexit Ministers in Scotland and Wales with the Brexit Secretary but there is a complete absence of this in Northern Ireland.

The Taoiseach: First, I strongly and warmly welcome the statement by the four parties in Northern Ireland - the Alliance Party, the SDLP, Sinn Féin and the Green Party - expressing their view that they want Northern Ireland to stay within the structures of the Single Market and the customs union, and presumably to remain part of the European Economic Area. I am conscious of the fact that, when we add those parties together, they make up the majority of people elected to the Northern Ireland Assembly, so I think it is a very significant statement and a very welcome one from those four parties.

I have also seen the Queen's University Belfast opinion poll, which very clearly indicates what the people of Northern Ireland want, what their wishes are and what they would like to consent to. It shows well over 60% of people in Northern Ireland still wanting to remain in the European Union and very much the majority of people from both communities - the Catholic and nationalist community and the Protestant and unionist community - expressing their strong view that they want to remain within the European Union, the Single Market and the customs union. I really hope and trust that the UK Government will take into account the wishes of people in Northern Ireland over the next couple of months.

There is a lot of ongoing contact, as Deputies would expect. The Tánaiste and Minister for Foreign Affairs and Trade is in regular contact with the Secretary of State for Northern Ireland and the Minister for the Cabinet Office, David Lidington. I met Prime Minister May just last week. Once again, I want to say that the Government and I, as Taoiseach, stand by the political agreement that was made in December and we expect it to be honoured in full by the UK Government. We also stand by and continue to support the text of the withdrawal agreement and the Northern Ireland-Ireland protocol, which was published in March. The task force and the other 27 member states absolutely stand by that as well. I look forward to welcoming the Prime Minister of Belgium, who will be visiting this week, and I will talk to him a little more about that. At least until such time as somebody puts forward an alternative that is as good as, or better than, the backstop, we will be insisting that it be part of the withdrawal agreement and there can be no withdrawal agreement without us being satisfied that that is the case.

In regard to efforts to assist the parties in Northern Ireland to re-establish the institutions of the Good Friday Agreement, that work is ongoing. Prime Minister May and I discussed that in Sofia and, again, the Tánaiste is working with Secretary of State Bradley and David Lidington,

on what we can do, as Governments, to encourage the DUP and Sinn Féin to set aside their differences. Rhetoric is cheap, compromise is not. Deputy Micheál Martin is correct that the best thing that Sinn Féin and all the parties that have representation in Northern Ireland can do now is to get the Assembly up and running and get the Executive functioning. What would be much stronger than a statement from the four parties would be a vote by the Assembly to say what was said in that statement but with the Assembly not meeting, it is not able to do that. This means people in Northern Ireland are at a disadvantage compared with people in Scotland, for example, where the Parliament is meeting and passing resolutions and where the Government in Scotland is speaking up for its people, with the authority of Government, not just one party.

Estimates Process

3. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the Revised Estimate for his Department. [20129/18]

4. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the Revised Estimate for his Department. [20958/18]

5. **Deputy Joan Burton** asked the Taoiseach if he will report on the Revised Estimate for his Department. [21114/18]

The Taoiseach: I propose to take Questions Nos. 3 to 5, inclusive, together.

At the end of April, a further Revised Estimate for my Department was voted through the House. This further Revised Estimate reduced my Department's 2018 net budget allocation by €2.5 million, from €35.89 million to €33.39 million. My Department's original Revised Estimate showed a net reduction of 2% on 2017. This further Revised Estimate brings the total reduction to 9%, or €3.3 million year on year. The budget reduction followed the decision by the Government to wind down the strategic communications unit on foot of a comprehensive review of the operation of the unit, which was completed by the Secretary General to the Government.

The primary role of my Department is to support me in my executive functions as Taoiseach, to support the Government and to oversee implementation of the programme for Government. It also supports the four Ministers of State assigned to the Department: the Government Chief Whip; the Minister of State with responsibility for defence; the Minister of State with responsibility for European affairs; and the Minister of State with responsibility for data protection, who is also assigned to a number of other Departments.

An important part of my Department's work is providing a secretariat for meetings of the Government and of Cabinet committees. The scope of the committees encompasses the Government's national priorities and the challenges Ireland faces in the coming years. Cabinet committees A and D address issues relating to economic policy, infrastructure, regional and rural affairs and climate action priorities. These committees provide a focus for advancing Project Ireland 2040 that will sustain and enhance economic growth. The work of Cabinet committee B - social policy and public services - and Cabinet committee E - health - deal with social policy, particularly in the areas of education and health, as well as the public service reform programme. Cabinet committee C deals with EU matters, including playing a significant role in ensuring a co-ordinated approach to all issues arising from the UK decision to leave the

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European Union. Cabinet committees F and G deal with the issues of national security, justice and equality, including providing a focus for a significant programme of reform for policing in Ireland.

My Department also has a number of other responsibilities, such as State protocol, including commemorations; constitutional issues; relations with the Office of the President; relations with the Oireachtas; the Government Information Service; the National Economic and Social Council; the Creative Ireland programme; the Citizens' Assembly; and the Dublin North East Inner City initiative. In addition, my Department funds a number of inquiries from its Vote, including the Moriarty tribunal, the Cregan commission and the Cooke commission.

My Department's 2018 budget is divided between administration and programme expenditure. The 2018 administration budget for my Department amounts to €22.39 million and is broken down as follows:

<i>Pay</i>	<i>€15.1 million</i>
<i>Travel and Subsistence</i>	<i>€730,000</i>
<i>Training and Development and Incidental Expenses</i>	<i>€4.46 million</i>
<i>Postal and Telecommunications</i>	<i>€360,000</i>
<i>Office Equipment and External IT Services</i>	<i>€1.41 million</i>
<i>Office Premises Expenses</i>	<i>€316,000</i>
<i>Consultancy Services and Value for Money Policy Reviews</i>	<i>€18,000</i>

The 2018 programme budget for my Department amounts to €11.87 million and is broken down as follows:

<i>National Economic and Social Council</i>	<i>€2.05 million</i>
<i>Tribunals of Inquiry</i>	<i>€4.5 million</i>
<i>Commissions of Investigation</i>	<i>€4.7 million</i>
<i>Citizens' Assembly</i>	<i>€609,000</i>

My Department has also budgeted for appropriations-in-aid of €872,000 in 2018.

Deputy Brendan Howlin: It is a good job that not all Deputies are present or the Taoiseach would be asked for his biscuit allocation for the year. I note that the revised voted funding allocation to the strategic communications unit, SCU, for this year has been reduced by €2.5 million to a sum of €2.25 million. I understand that €2.2 million of that sum had already been spent. Is there no money left for a residual communications unit? I understood that it would carry on in some shape or form but there is no budget allocation balancing for any of it. Is that what the Taoiseach is telling us?

What is the status of the proposed market research that we have asked about on a couple of occasions? The Taoiseach's previous reply was that he would continue with that but only after consultation with party leaders in the House. Is that continuing and when will it take place? This is the third time I have asked this during Questions to the Taoiseach.

When does the Taoiseach expect the new national digital strategy to be published? That is an extremely important issue and it is timely that we debate it. The Taoiseach said in his state-

ment to the Oireachtas Select Committee on Finance, Public Expenditure, Reform and Taoiseach that the successful organisation of the forthcoming papal visit is a significant objective of his Department. As the papal visit approaches, what specifically will the Department do to support the visit in terms of money, resources and how does he see that panning out?

Deputy Mary Lou McDonald: The budget for the Department of the Taoiseach is revised downwards from €35.891 million to €33.391 million, a 9% reduction. Only when we consider the bigger figures do we fully realise the significance of the €5 million SCU figure. That would have represented something like 15% of the Estimate for the Department, so the Taoiseach obviously attached very considerable weight to that initiative.

When we have asked about the unit, its disbandment and the report spearheaded by the Secretary General of the Department, each of us in turn has asked about the market research. The Taoiseach said there would be consultation with Opposition parties. That has not happened. Can he make clear for us today what is the status of that market research, what form the consultation with other parties will take and when that will happen?

Deputy Joan Burton: What is the status of the development of the brand “The Government of Ireland” to which a great deal of money was allocated in the previous communications programme? How is it attached to the activities of the Government? I hear on broadcast media regular advertisements for a consultation or an event, involving, for example, people who have been in mother and baby homes and asking them to register for such a meeting. The branding for that is not, as one might have thought, the Department of Children and Youth Affairs. It is the Government of Ireland. Who is paying for that advertising? Is it coming out of the money already allocated to the Department of the Taoiseach or is it from the Department of Children and Youth Affairs although under the brand of the Government of Ireland? It is important for people when public announcements are made at some cost to be able to follow who exactly is inviting them to what. It seems the Government of Ireland is inviting them to something but it is not very specific.

Deputy Micheál Martin: I welcome the reduction in respect of the SCU because what was going on there was wrong and its parent was the Creative Ireland initiative. Through freedom of information, FOI, requests we came across evidence that the then Minister was making decisions as to which newspaper would be allocated what. The Minister made a decision on the allocation of public moneys to newspapers. I have the response to the FOI request and can show it to the Taoiseach. That is a dangerous precedent and one that is open to abuse. For that reason I welcome what has transpired.

The market research was originally identified by the Taoiseach as a basis for the decisions that the SCU would take, to follow what the public had identified, through the market research, as areas where Departments were deficient in communicating with it. However, €2.2 million was spent well in advance of any research being done based on the political objectives and priorities of the Government, not on the market research. I look forward to a meeting to discuss this market research which we have heard about for a year. Perhaps on the anniversary of the market research we might get a consultation.

The Taoiseach: There is probably only a few hundred thousand left of the original allocation to the SCU apart from what has been allocated or committed already. Deputy Howlin is right to identify that point. The budget was originally to be €5 million but it has been cut in half because the unit is being wound down and will cease to exist in approximately two months’

time.

Behaviour and Attitudes already has the contract for the citizens' survey but it has been delayed for quite some time. It has not been a priority with all the other things that are going on. I was consulted on the questions for the first time this week.

Deputy Brendan Howlin: What is the point of coming to us then?

The Taoiseach: It is now intended to consult the other party leaders on those questions in the next few weeks.

Deputy Brendan Howlin: The contract has been awarded to Behaviour and Attitudes.

The Taoiseach: It is a survey that is designed to assess citizens' awareness of Departments and agencies, and what they do, their satisfaction with them and what improvements they would like to see. I look forward to the input of party leaders in suggesting additional questions or amending some of the questions. The outcome will be published for everyone to see. It will be repeated over time to see if there has been a change in public perceptions of Government agencies and bodies and so on.

The Department's main involvement in the papal visit will involve the protocol section, which has a specific role in welcoming visiting Heads of State and of Government. The Pope is a visiting Head of State and will be accorded the same courtesy, honours and respect of any visiting Head of State. The protocol section is very involved in helping to coordinate the Government's response to the visit. It is also proposed that there will be an event in Dublin Castle which will be the main Government aspect of the visit which is principally a pastoral one and it is important to bear that in mind.

The major cost will relate to security and matters such as Garda overtime. That will fall to the Department of Justice and Equality Vote rather than the Department of the Taoiseach Vote.

The Government of Ireland identity or brand is being retained. Among the objectives of the SCU when it was first established was to move away from a Government which is fragmented with many Departments and agencies with their own logos and websites and competing identities and very often competing communications budgets towards something streamlined.

4 o'clock

The Government of Ireland identity remains in place, as does the basic harp logo with the green background. That will apply to any Government policy, programme or initiative that is being promoted or communicated. To the best of my knowledge, the mother and baby home consultation advertising is being paid for by the Department of Children and Youth Affairs. That is going to be the case in the future. There will not be significant communications or advertising budgets in the Department of the Taoiseach. Spending will be done by line Departments and agencies. The co-ordinating role in the Government Information Service, GIS, however, will remain.

Dáil Éireann
Priority Questions

Schools Building Projects Status

35. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of plans for the establishment of 42 new schools over the next four years. [22703/18]

Deputy Thomas Byrne: This first education question relates to the announcement of the Minister for Education and Skills, Deputy Richard Bruton, of €500 million in building costs planned for school buildings over the next four years. Half of that is scheduled for September next year. It is urgent that the Minister gives us an update. Parents are wondering where are the schools they were promised. We are now looking at enrolling our children in particular schools and we do not have any information from the Minister about the schools he is planning.

Minister for Education and Skills (Deputy Richard Bruton): As the Deputy will be aware, I recently announced plans for the establishment of 42 new schools over the next four years, 2019 to 2022. This announcement follows a nationwide demographic exercise carried out by the Department into the future need for primary and post-primary schools across the country. The four year horizon will enable increased lead times for planning and delivery of the necessary infrastructure. Where demographic data indicates that additional provision is required, the delivery of the additional provision is dependent on the particular circumstances of each area and may, depending on the circumstances, be provided through either one, or a combination of, the following: utilising existing unused capacity with a school or schools, extending the capacity of a school or schools; or the provision of a new school or schools.

A patronage process is run after it has been decided, based on the demographic analysis, that a new school is required. This patronage process is open to all patron bodies and prospective patrons. Parental preferences for each patron, from parents of children who reside in the school planning area concerned, together with the extent of diversity currently available in these areas, are key to decisions in relation to the outcome of this process. The patronage process for new schools is overseen by an external independent advisory group, the new schools establishment group, NSEG. Following its consideration of my Department's assessment reports, the NSEG submits a report with recommendations to me for consideration and final decision. The assessment reports and the NSEG recommendations for all such patronage processes are made available on my Department's website.

An online patronage process system, OPPS, is currently being developed by my Department to provide objective information to all parents. That will allow them to make an informed choice about their preferred model of patronage for their child's education. Parental preferences are currently collected based on direct engagement with patron bodies. An initial phased start-up is envisaged for the new schools, which typically involves the use of interim accommodation. However, this is the first time the requirement for new schools is set out over a four year horizon. This will provide a better lead-in period for the planning and delivery of permanent accommodation solutions. Following on from the announcement, the locations for all of the schools will be determined as part of the site acquisition process.

Deputy Thomas Byrne: That was an extraordinary answer. There was a lot of information and confusion. I am going to have to follow up with some other questions. The Minister spent

the majority of the time talking about the patronage process. Frankly, that is the least of our concerns. Our main concerns relate to the premises for the schools. He also seemed to indicate a rowing back on this particular commitment. I would like to clarify that point. He mentioned three options: using existing unused capacity; extending existing capacity; or the provision of a new school. Is that in respect of the 42 schools announced a month ago? Is the Minister announcing an expansion of existing schools and not new schools? Is that what he is saying in that answer?

I can talk about my own constituency until the cows come home. What is the position in Dunshaughlin, in Laytown, in Drogheda, in Duleek and in all of the schools? Parents are wondering where are these schools and what is the update from the Minister. He has not given me an update. He merely set out the patronage process which we know. That will follow on from the most important work of finding the places to put these schools.

Deputy Richard Bruton: The Deputy will have to ask a more precise question. He asked about the status of the plans for the 42 new schools. As a result, I explained that the 42 were selected from 314 areas. In deciding which areas got new schools, we looked at where there was capacity in existing schools to expand. That is how the figure of 42 was reached. A patron selection process will now be initiated. We will be inviting patrons to submit their application to run these schools, where they are identified. The planning areas, which are geographically determined, are the areas within which parents will be assessed. The precise location will be identified with the local authority, as we do in all such cases. At this stage we are identifying areas where we need new schools. We are initiating that planning process and we are developing the various elements required to be completed in order to decide the patron, the parents' views, the decision of the establishment group and then the site issue.

Deputy Thomas Byrne: My question was extremely precise. We want an update on plans for the 42 new schools. It can be assumed that I want to know how many sites have been acquired and how schools have been established. In his reply, the Minister said that areas that need new schools are being identified. We all thought that these areas had been identified. I want to know what is the status of plans. The Minister's announcement on 13 April looks like it was a public relations puff piece. There is no substance to it whatsoever. He cannot provide any update in respect of any site or any particular school.

Some of these schools are programmed to be established in September 2019. It is common for children and parents in fifth class to tour around secondary schools to decide what schools they might like to go to in particular parts of the country. That is ongoing now. It has already started. Six weeks after the announcement, the Minister will not give me any update on the schools he is establishing in September 2019. How are parents supposed to know that there may be an opportunity to attend schools? It is similar with new primary schools. There is no information for people. The patronage process will follow on very easily and quickly once the sites have been established. The challenge for the Minister is to put substance on his announcement. He failed to do that today.

Deputy Richard Bruton: The Deputy does not understand the way this works. Scores of areas had ambitions to have new schools. The Department undertook a demographic exercise looking at the enrolment in existing schools, at birth and at housing developments identified by local authorities. It picked the 42 areas based on that information where it believed the demographic need would have to be met by establishing a new school. That is the process that was completed and the results announced. It was not a site acquisition plan. That was not what

was announced and that was clear at the time. The issue of identifying the site is one that the Department works on - as Deputy Byrne knows - with local authorities. In some cases, local authorities designate sites as part of their planning process. That has been the case in a number of areas of Dublin; in others, it has not. We have to work with local authorities and others to identify sites. What I have seen in many cases is that these schools start in temporary accommodation and a site is then identified for their development. That is the way it has been. It works well.

Deputy Thomas Byrne: I was not looking for a commentary. What is the Minister, Deputy Bruton, doing in respect of his own announcement?

Disability Support Services Provision

36. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the rationale for the July provision being provided at a school's discretion; the steps he plans to take in cases in which a school is not willing to provide same (details supplied); and if he will meet parents of children that avail of the July provision in order to gain an understanding of the importance of this provision to the children. [22654/18]

Deputy Kathleen Funchion: The question speaks for itself. I am looking for the rationale for the July provision being provided at a school's discretion and the steps that the Minister for Education and Skills, Deputy Bruton, plans to take in a case where a school is not willing to provide the provision. This refers, in particular, to the Enable Ireland school in Sandymount. Will the Minister meet with parents from that school who avail of this provision in order to understand how important this is to them and their children?

Deputy Richard Bruton: I thank Deputy Funchion for raising this matter. The July provision grant scheme provides funding for an extended school year for children with severe-profound general learning disabilities or children with autism spectrum disorders, ASD. Under this scheme, the school year of participating schools is extended by four weeks in July. Only special schools or mainstream schools that have special classes for autism and-or severe and profound learning disability are eligible to participate in the programme. Each year eligible schools are invited to participate in the programme. Participation in the programme is voluntary and subject to the availability of suitably qualified personnel in July. Approximately 507 schools are eligible for this programme and approximately 219 take part, which is just over 40%.

Where school-based provision is not feasible, eligible students may be granted 40 hours of home-based tuition, which provides ten hours for each of the four weeks. Where an eligible school is not participating in the school based programme, it is open to parents to apply for the home-based July provision grant scheme. Approximately 3,400 children are in schools and 6,100 are availing of home based provision. The majority of children under the July provision are catered for at home.

The National Council for Special Education, NCSE, undertook a review of this, along with other aspects of autism spectrum supports, last year. The review recommends that, as an alternative to the existing scheme, stakeholders should discuss the development of a national day activity scheme that provides a structured, safe, social environment for all students with complex special educational needs for one month of the summer holidays. My Department has convened an implementation group to ensure that the report's recommendations are considered.

While that work is underway, there are no plans to change the existing July provision scheme.

Deputy Kathleen Funchion: The last point the Minister made is exactly the suggestion I was going to make. If there is a new scheme such as the national day scheme being considered the Minister should look to extend the current scheme. The school I referred to, the Enable Ireland Sandymount school programme, was funded by the parents of the children, with a reduced capacity when funding was withdrawn in 2010. It was so important to the parents and their children that they raised the funds for that themselves. When funding was re-introduced in 2013 it was announced that it would only apply to children with a severe impairment, intellectual disability or a diagnosis of autism. However, these children have very complex physical needs and there is really no reason for them to be excluded.

Home support from tutors is really not a one-size-fits-all solution for students. For many parents, there is such a difficulty in accessing any sort of respite care that the July provision can be a help. If it is not available they will not get any respite at all. The Minister should meet with the parents of the children from this school so that they can explain exactly how important the July break is for them. If a new scheme is being considered that is fair enough, but we all know that new schemes can take years to come in and the children are left in limbo during that wait.

Deputy Richard Bruton: I understand what the Deputy is saying, but we are talking about a voluntary scheme. Each school makes the decision to participate or not, based on its own staffing and capacity to extend the school year for another month. They get a capitation rate, but the implementation of the scheme depends on whether staff are willing to work for the extra month. If the staff work the extra month they get paid for it.

Different schools have had a tradition of organising it. We invite schools to participate each year, but there is no element of compulsion in this scheme. The extension of the scheme would have to be considered in the context of a budget. The scheme is focused on children with particularly high levels of need. There are approximately 10,000 children getting support from this scheme. Overall, there are some 50,000 children with special needs if all of those getting support are counted. This scheme applies to a group within that group which has the need for it. We will certainly look at revisions to the scheme, but I will not consider making it compulsory at this point.

Deputy Kathleen Funchion: The difficulty is that this is a voluntary scheme and while I am reluctant to say that schools should be compelled to provide it, there should be a back-up plan in place where a school is not participating so that parents are not left in limbo. It is almost June; the scheme is supposed to start at the start of July and the affected parents have no provision in place for this year. What does the Minister say to those parents in that school in Sandymount? Will the Minister meet with those parents to discuss options?

Home support can be great for certain students, particularly those in their teenage years. However, that also presents a difficulty because parents have to source the home tutor themselves. Recently I have seen cases where, if the people sourced by the parents are not registered with the Teaching Council they are made to register. Currently the Teaching Council has said that it will be 10 July or later before these people are registered. If the scheme is supposed to start at the beginning of July the students will be disadvantaged by ten to 14 days. There are many difficulties around the administration of this voluntary scheme. We cannot really make this a compulsory scheme, but there should definitely be some sort of comprehensive back-up plan when it is not in place. It is not good enough to say that families can get a home support

tutor if they go off and do all the work themselves.

Deputy Richard Bruton: I will ask the NCSE if there is any way it can better support parents, but over 6,000 children are availing of that back-up scheme under the home-based July provision scheme, providing ten hours per week over four weeks. Those 6,000 people are spread throughout the country, so it is difficult to co-ordinate that centrally and provide a clearing house for that provision. I will ask the NCSE if there are ways in which parents can be supported where there has been a change in the arrangements.

Special Educational Needs

37. **Deputy Thomas Byrne** asked the Minister for Education and Skills his views on whether in the case of a proposed expulsion or suspension of a child with special needs, the section 29 procedure is inappropriate; and his plans for reform in the area. [22704/18]

Deputy Thomas Byrne: The forced overuse of the section 29 procedure by parents of children with special needs is a scandal in Irish education. Section 29 is the appeals procedure for refusals to enrol and suspensions and expulsions. Figures I received in answer to parliamentary questions earlier this year show that special needs children are hugely disproportionately represented among those who have to go through the section 29 procedure.

Deputy Richard Bruton: The code of behaviour each school is required to develop has to set out the procedures, particularly procedures relating to the suspension of children with special needs. The guidelines set out the approach that should be taken in taking account of the particular needs of children with special needs, including that the school meets with parents, makes sure that the child understands the possible consequences of his or her behaviour, ensures that all possible alternatives have been explored and that the assistance of support agencies is sought where possible.

I share the Deputy's concerns, but I want to make sure that we do not run into difficulty where parents find it difficult to find another school for their child. While continuing to have the section 29 appeal in place, which includes a facilitation process in advance of an adjudication process and hearing, we are also giving the NCSE the power to designate a place for such a child via legislation. I hope that parents will have a choice of either going down the section 29 appeal route or alternatively that they can seek a designation of another school from the NCSE. I am seeking to progress that.

Deputy Thomas Byrne: I welcome change in this area, but it really needs to be highlighted because this is an issue affecting both mainstream and special schools. The idea that a child with special needs would be expelled from a special school is a cause for shame for our society. The difficulty with section 29 is that it is not the correct system. Schools are put in difficult positions and adversarial relationships are created. Lawyers are appointed by schools in many cases, and it is not often possible for parents to follow suit. I have come across a case, which I raised with the Minister's officials recently, where a child with severe special needs was left with no education whatsoever because of expulsion. That is not right. Children are suspended at first and then expelled. In this particular case the child has effectively been deprived of his or her education for the last year.

In 2014 there were 225 appeals under section 29, and 58 involved children with special

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needs. In 2015 there were 231 appeals, of which 64 involved children with special needs. In 2016, out of 218 section 29 appeals, 65 of the applicants indicated that the child had special educational needs. It is a disgrace to our society that those families and those children are put through this, whether it is because of a refusal to enrol, a suspension or an expulsion. It is just not the way we should be treating children with special educational needs. This is a small number of children in the overall scheme of things. The devastation it causes families is absolutely horrendous.

Deputy Richard Bruton: I can appreciate what the Deputy is saying. That is why two changes are being made in the legislation. One change gives the National Council for Special Education, NCSE, a right to make a submission to the section 29 hearing. The second gives the NCSE a separate power to designate a school as suitable. While it is certainly very unfortunate that a section 29 procedure would be used, bearing in mind the guidelines and facilitation that are being put there to try to ensure such a breakdown does not arise, I am also ensuring that if it has to go to hearing, there is an alternative, namely, that the NCSE can designate a suitable alternative. Moreover, if it goes the section 29 route, the NCSE itself can be a part of that process.

At the end of the day, if the matter comes to the point of an institution saying that it cannot continue, it has to be adjudicated in some way that is fair to all sides. Section 29 is a long stop that has to be there but I hope these measures will offer alternatives to parents who are facing the sort of situation the Deputy describes.

Deputy Thomas Byrne: I welcome the changes that are coming in the Education (Admission to Schools) Bill 2016. That Bill will hopefully be before the Dáil next week. We have pushed for it to be passed for quite some time and I really hope that it offers some of these families what they need, which is an entitlement to an education without having to go through bureaucratic hula hoops. It is outrageous. We look forward to change in this area but in the case of children with special educational needs, it is not a question of having to be fair to both sides. The child is entitled to a free primary education under the Constitution. As such, there is no issue of fairness to the school. The State has an obligation to educate that child, and in cases of which I am aware, the child is effectively being refused their constitutional right to education because of these procedures. I will certainly work with the Minister to change this but I want to see the changes make a difference in practice. Rather than trying to be fair to both sides, the State needs to protect the constitutional right to primary education, which for a lot of children with special needs applies up to the age of 18. We need to protect, defend and vindicate that right by giving these children their education.

Deputy Richard Bruton: The purpose of section 29 is that it looks at the whole case *de novo*. It is not part of a bureaucratic process whereby the parents may feel they have been through the board and the principal only to get the same response. This is an entirely fresh look at the issues by fresh eyes. Those making the decision have access to the NCSE evidence and look at whether the decision of the school was justified given the circumstances. They bear in mind the guidelines that are supposed to be applied sensitively for children with special needs and we now have this alternative. I am happy to discuss this and if there are improvements we can make, I am more than pleased to make them. I think the improvements that are outlined here will make it easier for parents.

Special Educational Needs

38. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the reason guidance in special schools is not included in the career guidance review announced in January 2018 despite assurances from representatives of the Department of Education and Skills that it would be included. [22389/18]

Deputy Kathleen Funchion: This question concerns career guidance in special schools. I wish to ask why it is not included in the review announced in January 2018, despite assurances from representatives of the Department of Education and Skills that it would be included.

Deputy Richard Bruton: The purpose of the review of career guidance is to ensure that high-quality, relevant career guidance information is provided to students from post-primary level up to further and higher education. The review will examine the quality of information available to students and adults concerning career guidance, the sources of this information and how the system is organised to support students and adults in this area.

The review is being carried out by independent consultants and will be guided and informed by a steering group. As an integral part of the consultants' proposed methodological approach to the review, my Department has invited submissions from all interested stakeholders to assist in shaping the review by highlighting key issues to be considered in the course of carrying it out.

Drawing on the results of the consultation and further consideration by the steering group, the question of the specific role and objectives of career guidance in supporting students in special schools will be assessed further. It is therefore not the case that guidance in special schools is excluded from review. Rather, as is the case with several aspects of the review, further consideration of the detailed design and precise content of the review is required in light of the submissions received, to ensure that the review meets the objectives set for it. My Department will therefore keep the Deputy updated in respect of the issue raised in her question.

The Deputy may wish to note that the closing date for receipt of submissions is Friday, 25 May 2018.

Deputy Kathleen Funchion: The Minister says that special schools were not excluded but there was a promise that they would be included in the terms of reference and that was certainly not the case. As it currently stands, there is no provision for guidance in special schools that teach the primary school curriculum. However, this completely ignores the fact that students up to the age of 18 attend these schools. It was the National Disability Authority that advised that these schools should be included in the terms of reference of the review and as far as I understand, representatives of the Department of Education and Skills provided assurances that they would be. This has not happened. As the submissions are closing this Friday, I ask the Minister to extend that time and clarify why special schools were given an assurance that they would be included and then were not.

To return to the point about students up to the age of 18, it really is unacceptable that there is no career guidance module or system for students just because they are attending a special school. If there is a review of that system it is the perfect opportunity to include special schools and to be inclusive about these things. I do not think we should let that opportunity pass.

Deputy Richard Bruton: There was certainly no intention to exclude any school in any

way. I can give the Deputy the assurance that the needs of special schools will be included in this review. I do not know from where the idea that they were excluded arose but if there is a particular group that needs to make a submission, and it believes it will not be able to make it by 25 May, I will make sure that the submission is accommodated.

Deputy Kathleen Funchion: I thank the Minister. I welcome that statement and will come back to his officials in that regard. I wish to stress the point again that this is a chance for us to be inclusive, particularly in the aftermath of Ireland ratifying the UN Convention on the Rights of Persons with Disabilities. All Members know there is a high level of unemployment among people with a disability. Access to good education and a good career guidance system will be one way of combatting that problem in the future, though certainly not the only way, as there are lots of barriers. This is an opportunity for us to look at that. I certainly will get back to those groups and ensure that submissions are made on this issue.

Post-Leaving Certificate Courses Availability

39. **Deputy Joan Burton** asked the Minister for Education and Skills if he will agree to the reopening of further education and training being provided by second level schools (details supplied) in Dublin 15; and if he will make a statement on the matter. [22498/18]

Deputy Joan Burton: The constituency of Dublin West, including Dublin 15, Blanchardstown, Castleknock, Mulhuddart and Clonsilla, has a population well in excess of 100,000, making it far bigger than the cities of Waterford or Limerick. It is one of the largest centres of urban population in Ireland. It does not have a single dedicated post-leaving certificate, PLC, facility. I have repeatedly raised this with both the Minister of State, Deputy Halligan, and the Minister for Education and Skills, Deputy Bruton. I note there are between 3,500 and 4,500 local authority houses in the area, as well as a great deal of renting but in the face of a skills shortage in Ireland, there are significant numbers of people whose talents still are not being developed or utilised through employment. The missing link is the development of a dedicated PLC facility for the area. This should start with the reinstatement of the PLC facilities at Blakestown Community School and Riversdale Community College, which is under the aegis of an education and training board, ETB. I keep being told by the Ministers that they cannot expand the numbers. It is an enormous pity for all of the adults who would happily do PLC courses, but who cannot avail of them in their own locality.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank Deputy Burton. I spoke to her about this very briefly several weeks ago.

In Dublin 15, further education and training, FET, provision is planned by Dublin and Dún Laoghaire Education and Training Board, DDLETB, to cater for over 21,000 beneficiaries this year, offering a wide range of courses consisting mainly of part-time and community adult education, some of which is delivered on the site of one of the two schools referred to by Deputy Burton in the information she supplied.

Higher level full-time FET provision is concentrated in post-leaving certificate colleges and the training centre network. Generally, we have found that full-time learners are willing to travel further to these locations. On offer through the City of Dublin Education and Training Board, CDETB, is a full range of full and part-time further education and training courses up to and including level 6, details of which are available on www.fetchcourse.ie. Provision this year

is planned to meet the needs of around 50,000 beneficiaries in the greater Dublin area.

In the context of the overall annual planning of FET provision, it is a matter for each education and training board to determine how best it should distribute FET programme allocations, including post-leaving certificate, to meet the needs of the area. This year, almost 2,800 post-leaving certificate places were allocated to DDLETB and almost 7,500 post-leaving certificate places were allocated to CDETB.

The Deputy may wish to note that one of the schools referred to, Riversdale community college, is in the management of DDLETB and it would be matter, as the Deputy knows, for it to decide on courses to be offered at that location. The second school is not under ETB management and would need put in place its own quality assurance arrangements before it could seek to offer further full-time FET provision.

My Department has brought the matter raised by the Deputy in her question to the attention of DDLETB in order that it can be taken into account in terms of future planning for FET provision for Dublin 15.

Deputy Joan Burton: I thank the Minister of State for his answer and for taking an interest. However, I did not hear him state that he can provide badly needed and desired further education and training places, which ideally could be restarted in the two schools I mentioned because they used to do them in significant numbers. I assure the Minister of State that among the several thousand local authority houses and rented houses surrounding each school there would be a very strong take-up of a post-leaving certificate option and other further education and training options. This would be a very strong route to further employment and further education for those students who took up these options.

It is a wasted opportunity on the part of the Government not to make provision in an area where there is a great deal of employment. As we were told recently by the Taoiseach, permits are now being issued to bring in foreign workers as opposed to training the people who are already here in the country. In Dublin 15 we have our own citizens and there are many people who have immigrated to Ireland. The Minister talks about the education and training board for County Dublin having facilities for post-leaving certificate courses, but they are over on the south side, in places such as Sallynoggin. How are people supposed to get from Blanchardstown to Sallynoggin?

Deputy John Halligan: If I were to be quite frank with the Deputy, I would say that the area is probably not as well served as other areas in the context of the capital budget. There has been huge investment in schools there. The demand on the budget is significant. The vocational education opportunities scheme, VTOS, was previously on offer to Riversdale community college but due to a decline in demand, believe it or not, it was not possible to form a VTOS class this year or last year so it was not continued. That was in 2016 and 2017. In Dublin, within commuting distance - and the Deputy knows this so I probably do not need to tell her - there are the Liberties, Dublin 11, Dublin 10, Dublin 4, Ballsbridge and Inchicore. SOLAS, which is responsible for the ESRI evaluation, makes recommendations on the geographic distribution of planning and organisational provision and better alignment between supply and demand, and the distribution of post-leaving certificate places between the ETBs will be reviewed in the context of the data, skill needs and employment availability overall.

I spoke to the Deputy a few weeks ago, and I reiterate my view that the area is probably not

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as well served as others. There is no point in saying something I do not believe. Assessments have found that people within the area are willing to travel to areas where it is provided. An evaluation is being carried out by SOLAS.

An Leas-Cheann Comhairle: I ask speakers to have some control on time because other Members are waiting.

Deputy Joan Burton: I invite the Minister of State to visit Dublin 15, particularly the two schools and the two areas. He made a suggestion originally that, effectively, people would travel to Dún Laoghaire or Sallynoggin. His follow-up suggestions were the Liberties and Ballsbridge, if I heard him correctly. In terms of transport options in Dublin, the fact is a lot of people who have limited transport themselves are unlikely to go somewhere that is up to two hours away from where they live. Often, there is no public transport option that would take them directly. I invite the Minister of State to visit the two schools in Dublin West because the point about these schools is the staff are working very hard to maximise the opportunities of all of the students who attend them and of the adult population in the area, particularly those who have remained in unemployment over a long period, to give them opportunities to get back into education and to go further in education after their leaving certificate and to qualify. Many people would be interested, for instance, in taking up apprenticeships, particularly people coming through education, but there is work to be done on all of this.

Deputy John Halligan: I remind the Deputy that SOLAS is responsible for the allocation of post-leaving certificate places in the overall national provision. Having said that, I would be delighted to take up the Deputy's offer to visit the area. I will re-engage with the Deputy at a later date. This will be my third time stating that I accept the fact that the area is probably not as well served. Perhaps I will visit the area at a time that is convenient to the Deputy.

Other Questions

Question No. 40 withdrawn.

School Admissions

41. **Deputy Thomas Pringle** asked the Minister for Education and Skills when an amendment to the Education (Admission to Schools) Bill 2016 will be introduced to seek the removal of the baptism barrier; the way in which he plans to increase diversity of schooling here in view of the fact that the Catholic Church has handed over control of just 11 schools to date; and if he will make a statement on the matter. [22438/18]

Deputy Thomas Pringle: I welcome the Government's proposed amendment to remove the baptism barrier in schools. I understand that Report Stage of the Bill is due to be taken in the House next week. It is shocking that a derogation in our equality legislation has allowed discrimination against children in Ireland by means of schools' admissions policies. In my view, education is a fundamental right and I have long advocated on this in the context of social, economic and cultural rights. Ireland is unique in that the Catholic ethos dominates, with more than 90% of our State schools run by Catholic entities. It is also unique after the children's rights referendum and marriage equality referendum, and even with the current referendum on

the eighth amendment. Not as much has changed regarding religion and access to schools.

Deputy Richard Bruton: I thank the Deputy for acknowledging the Report Stage amendment that will be debated in the House next week. I am of the view that it constitutes a fair and balanced response. I share the view of a lot of Members that it is not fair that in publicly-funded schools, 95% of which are denominational, if a child does not subscribe to that religion then another child from a long distance away can get priority or people may be forced to baptise their children simply to get access to schools. I do not think this is fair to parents. I hope the amendment we have worked on and brought forward will gain support in the House.

The Deputy's question raises other issues. For example, how can we extend diversity? We had a discussion earlier on new schools and 61 new schools have been opened since 2011. The vast majority of these have gone to non-denominational patrons. In the case of primary schools, all of them have gone to such patrons. That reflects parental preferences. I do not know if the Deputy was here earlier but we went through how those are developed.

Separately, under a former Minister, Ruairí Quinn, there was an effort to have a patronage divestment model. That led to ten schools being established with multid denominational patrons. The scheme probably did not work as well as the former Minister had hoped and we are now introducing a new "reconfiguration" process, as it is being described, that would seek to have the transfer of patronage while schools are still running rather than after amalgamation and closure. I will rely on education and training boards, ETBs, to undertake surveys to establish where there is a demand and work with the existing patron to promote alternatives. There are a number of elements in how we are promoting diversity and seeking to get a better environment for children in our schools.

Deputy Thomas Pringle: I take this opportunity to thank Mr. Michael Barron and Mr. Anthony Muldoon as I know they have worked closely with the Department on the process. Will the Minister speak a little more about the education and training boards? I assume he is referring to second level schools. How is it envisaged that the process will work? In how many schools will that happen in the coming years? It is important that the process is successful and a way is found to make it work. Recent figures indicate that 20% of the parent-age population identify as non-religious, so there is a demand for non-religious schools. This is not an attack on Catholics as such either but most of these are Catholic schools. We need to find a way for schools to divest. The work is done for people and they do not have to think about it, which is a real problem in terms of taking on ownership and responsibility for schools. That needs to be managed so perhaps the Minister could speak a little more about the process.

Deputy Richard Bruton: The process will start and initially we will run it in a number of areas. Based on any success we may move to another number of areas. It will become a rolling programme and it will be based on surveys of preschool preferences. It will involve working with patrons. We are in the good position that the leadership of Catholic schools recognise that they need to support diversification and the transfer of patronage. As the Deputy has said himself, finding a way to make this happen is the challenge. We are hoping that by working at a local level with education and training boards, which have local representatives and have the confidence of local community groups, they will assist in the delivery of such changes. We hope to start that process soon. If it becomes a more successful model, and I hope it will because it does not involve closure, transfer and all the property elements that have been very difficult in the past, it will offer a new pathway to more diversity.

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Deputy Thomas Pringle: Will it be rolled out in rural areas as well, as that would be important? I am thinking in particular of areas where there could be a number of schools in a single parish. It would be quite possible for one of those schools to be divested and continue. There would be a choice within that parish. It is as vital for rural areas as it is for urban areas.

Deputy Richard Bruton: The first example of a community national school that has developed is in a rural area in Kerry. There is a model and there have been successful transfers from the bishop to a new patron under the ETB. It is the first, I hope, of a number that we will see going that route. It will offer a new road to diverse patronage.

Third Level Institutions

42. **Deputy Joan Burton** asked the Minister for Education and Skills if his attention has been drawn to the forthcoming plans to sell three Dublin Institute of Technology, DIT, sites (details supplied) to finance the ongoing development of the new DIT campus in Grangegorman; if his Department has consulted with other educational providers or stakeholders regarding the purchase of the three premises concerned; and if he will make a statement on the matter. [22307/18]

Deputy Joan Burton: Is the Minister aware of the report in the media last week of one of the three DIT-owned colleges being put up for sale as a result of the development of the Grangegorman campus? Originally, it was offered for sale at €15 million a year and a half ago. The offer price has now apparently been reduced to €12 million at a time when property values are going through the roof. I simply cannot understand this. Why was there such a significant fall from an estimated value of €15 million for the property on Cathal Brugha Street? People may know it is behind the Gresham Hotel, which recently sold to an overseas property group for over €92 million. This very large and attractive property directly behind the Gresham is now apparently being put on the market at a lower price. The Minister has indicated that the Department of Education and Skills is in need of money and trying to save money. This seems extraordinary so I ask the Minister for an explanation.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): The sale of the properties referred to by the Deputy is a key element of the funding strategy for the consolidation of DIT on the Grangegorman campus. The recent signing of a public private partnership contract to construct and operate two major new academic buildings on the Grangegorman site means there is now a clear timeline for vacating several existing DIT buildings around Dublin city. The disposal process is being undertaken directly by DIT and the Grangegorman Development Agency, GDA, and the proceeds realised from the sales will assist in funding further stages of the Grangegorman development. Professional property advice is informing decisions.

DIT and Grangegorman Development Agency are fully cognisant of the need to comply with all necessary departmental circulars and protocols relating to the disposal of State assets, including signalling via the State property register that properties are available for disposal. This approach gives State parties an opportunity to express interest in the purchase of these properties. In addition, the disposal of the DIT properties will require approval by the Minister for Education and Skills. Given the commercial sensitivities associated with property sales, I am not in a position to comment on any engagement between DIT, the Grangegorman Development Agency and potential buyers. Now that construction has begun, there will be a progres-

sion of the sale of the property at Cathal Brugha Street; it is the first step in this respect. It is important to note that this is just a revisiting of the proposed sale of the same property that was due to take place last year but which did not proceed. As I stated, the process is commercially sensitive but DIT and Grangegorman Development Agency are undertaking this directly.

Deputy Joan Burton: I thank the Minister of State for her reply. It is extraordinary that *The Irish Times* carried a very large report indicating a price drop for a DIT-owned college off O'Connell Street. It is the newspaper of record and it stated that DIT dropped the asking price to €12 million for a high-profile college adjoining the Gresham Hotel, and it will be offered for sale in two lots. It was originally put on the market in March 2016 asking for offers in excess of €15 million. The Minister, Deputy Bruton, is always very concerned about value for money and saving money and we are in a rising market, with property prices going through the roof. It appears as if the State is knocking millions of euro off the prices of realisable properties. All around Ireland we have schools that need building, rebuilding and reconstruction, and the Minister of State is basically saying she is doing a giveaway. At the end of the day, she has a responsibility to communicate with both DIT and the Grangegorman Development Agency. Has she been in touch with them? Have her officials brought to her attention the startling news about the price of the property on O'Connell Street dropping by such a large amount?

Deputy Mary Mitchell O'Connor: Yes, my officials have informed me of that. As the Deputy will appreciate, given the commercial sensitivities involved, I am not in a position to comment on price details. However, I can confirm that DIT is acting on professional property advice.

Deputy Joan Burton: Could the Minister of State perhaps deal with people in the property market who are aware of the enormous surge in the prices of practically everything from garden sheds to fine properties? This is an historic property on Cathal Brugha Street and the Minister of State is hiding behind this cloak of anonymity in the context of commercial sensitivity. However, she Minister is accountable to the Dáil. She is absolutely accountable to the Dáil if her departmental officials and DIT have mysteriously decided to reduce the price of a major public building behind a building in respect of which a very large sale price has just been secured. The Minister of State is refusing to be accountable to the Dáil as to how this catastrophic fall in the offer price - money that will ultimately go into the public coffers and help education in this country - came about. How is it that she and the Minister, who is so careful with the euros and cents, are standing over this and citing commercial sensitivity as the reason they will not be accountable to the Dáil?

Deputy Mary Mitchell O'Connor: Again, there are commercial sensitivities involved. This is being dealt with by DIT, which is acting on professional property advice. However, I repeat that, in addition to the disposal of any DIT properties, this will require the approval of the Minister for Education and Skills.

Speech and Language Therapy

43. **Deputy Peter Fitzpatrick** asked the Minister for Education and Skills the schools that will be participating in the new speech and language therapy programme; the number of speech and language therapists under the new programme; the way in which the programme will support children to fulfil their potential; and if he will make a statement on the matter. [22391/18]

Deputy Peter Fitzpatrick: I welcome the new speech and therapy pilot programme for schools and preschools. Will the Minister for Education and Skills tell me the schools that will participate in the new programme? Will he also tell me the number of speech and language therapists under the new programme and the way in which the programme will support children to fulfil their potential? Not a day goes by in my constituency office without parents coming in looking for help for their children, for speech and language and occupational therapies, etc. I welcome this new pilot scheme.

Deputy Richard Bruton: I thank Deputy Fitzpatrick for his support for the scheme. The scheme was recently announced as a demonstration project. It is to run in the next school year, 2018-2019. It involves 75 primary, post-primary and special schools and 75 preschools, making a total of 150 settings. They will all be in community healthcare organisation region 7 of the HSE, that is, south-west Dublin, Kildare and west Wicklow. The schools selected will be from that region, which, I understand, was selected because it contains a mix of urban and rural schools, disadvantaged and advantaged schools, special education schools and so on. It was also important that the pilot be carried out in an integrated area in order that it could be supervised and overseen effectively by the HSE, my Department and the Department of Children and Youth Affairs.

The numbers involved are 19 speech and language therapists and 12 occupational therapists, who will be recruited by the HSE to work with the schools and preschools. The National Council for Special Education, NCSE, will recruit two national co-ordinators to manage the project, which will bring together therapists and education professionals, who, as the Deputy rightly says, have often operated separately until now. The programme will support earlier intervention in the case of speech and language and occupational therapy and within educational settings. The pilot will ensure that the work of teachers, special needs assistants and, indeed, parents, will be integrated with that of therapists for maximum benefit. Obviously, we must assess whether the pilot works. I think many of those who are expert in the field believe this will be a win-win in terms of both delivery of the speech and language and occupational therapy and the educational setting. However, the programme will be closely monitored. If it is successful, we will obviously look at extending it further.

Deputy Peter Fitzpatrick: The Minister has previously indicated that this pilot will be evaluated in order to inform the potential future roll-out of a national programme. Will he comment on the potential timescale of a further roll-out of the programme, both in my county, Louth, and throughout the rest of the country? As I said earlier, it is very hard for many families to get speech and language and occupational therapy for their children. This is one of the best ideas I have come across in a long time. I am also delighted that the Minister's Department and the Departments of Children and Youth Affairs and Health are all working so closely together to help these children get early intervention.

Deputy Richard Bruton: We will set up a group to assess the programme over the course of its first year of operation. This will give us an early indication of its success. Regarding the other aspect, that is, the roll-out of the programme, the investment involved is €2.25 million, mainly from my Department but also from the Department of Children and Youth Affairs. We will have the Educational Research Centre working with us to undertake the research and ensure that the gains are being achieved. We believe the programme will achieve more in terms of early intervention, and the gaps that often occur between children seeing speech and language therapists will not be fallow gaps until the next appointment but can be used by the speech and language therapist working with the teacher and the special needs assistants. The programme

will involve training for those staff to ensure we get better continuity. I am very confident, therefore, that it will be successful and that we will see it extended. However, I cannot extend it until that work is done and, obviously, a budgetary dimension will have to be planned in the longer term if we are to extend it nationwide. Nonetheless, this year we were able to get money for a pilot and I am very pleased about that.

Deputy Peter Fitzpatrick: One thing we definitely cannot do is put a monetary value on education or health. As the Minister said earlier, the most important thing is early intervention. I think every mother and father would appreciate that, and any help they can get, especially help in the school setting, would be fantastic. I do not think many people do but I definitely welcome the 800 extra SNAs that the Minister announced last week, which is an increase of 7%. Parents really appreciate that. It is so important, as I said earlier, that we catch children at an early stage. A great number of kids come into my constituency office looking for help. The first thing those children should get when they go to school is access to SNAs. I am delighted to see an extra 800 SNAs are to be appointed. I do not think my friend over there, Deputy Thomas Byrne, ever mentioned the extra 800 SNAs. Sometimes a clap on the back to a Minister for doing a good job does no harm.

An Leas-Cheann Comhairle: Through the Chair.

Deputy Thomas Byrne: It has been a disaster in recent years, so, yes, we are relieved that it is not a disaster this year.

An Leas-Cheann Comhairle: Deputy Fitzpatrick should not invite interruption.

Deputy Peter Fitzpatrick: The Leas-Cheann Comhairle is aware of the relationship between Meath and Louth.

An Leas-Cheann Comhairle: The Deputy knows he should address the Minister. The Minister is well able to protect himself.

Deputy Peter Fitzpatrick: When there is something nice to be said, it should be said. As I said, parents are coming to me looking for help for their children, and an extra 800 SNAs being announced is fantastic.

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Peter Fitzpatrick: Well done.

Deputy Thomas Byrne: May I ask a supplementary question?

Deputy Richard Bruton: I thank Deputy Fitzpatrick. To be fair to Deputy Thomas Byrne-----

An Leas-Cheann Comhairle: Sorry. I call Deputy Thomas Byrne. Perhaps the Minister wants a compliment.

Deputy Thomas Byrne: I have said what I will say about that. He always wants a compliment. Will the Minister confirm that children in the HSE area who are in need of speech and language and occupational therapy will now come off the HSE waiting list and get that therapy in the school? Is that what the Minister has in mind?

Deputy Richard Bruton: I thank Deputy Fitzpatrick for his support for both this initiative

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and the SNA provision. They are very worthwhile provisions and, to be fair to all parties in the House, it has been a feature in recent years that there has been very strong support across the Oireachtas for investment in special needs. The proof of the pudding is in the eating. The Oireachtas has voted an increase of 43% in the budget for special needs at a time when there were very little resources to increase in many areas. There is no intention of taking people off the list; this is entirely additional to the provisions already being made.

We believe this will allow schools to be better at identifying needs early, in improving the sort of programmes they have themselves, to emphasise communication and language and to integrate into their way of teaching, to ensure that between sessions with the therapists, the schools are doing things that sustain the progress which occurs in the therapy. I was very encouraged to see there is very strong support within the therapist profession for this model. They think it will extend their work. I hope it will prove that there is more additionality in the impact that this has.

Deputy Thomas Byrne: The Taoiseach said something different earlier so I am glad that the Minister has clarified that.

School Accommodation Provision

44. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the extent to which the school building programme is adequate over the next three years to meet the accommodation requirements at primary and second level in view of the need to bring classes sizes into line with best practice and ensure the availability of adequate mainstream special needs places in sufficient numbers to meet the demand and avoid delays; and if he will make a statement on the matter. [22415/18]

Deputy Bernard J. Durkan: How satisfied is the Minister about the adequacy of the mainstream school places, both primary and second level, and the special needs places, in keeping with best practice and in keeping with the requirements as set out by the various school authorities?

Deputy Richard Bruton: The mid-term capital review made provision for increased investment in my Department's school capital programme.

That programme has been delivering an average of 18,000 places per year in major projects and close to 8,000 per year in smaller scale additional accommodation. This building programme has allowed us meet the needs for extra places for an exceptional period of pupil growth, with close to an additional 100,000 pupils since 2011 at both primary and secondary levels. It has also allowed us to expand provision of special education units in mainstream schools from 548 to 1,304.

We have a very strong pipeline, with projects at various stages of development. This will include 85 major projects under construction or progressing to commence construction in 2018. I have also announced plans to establish 42 new schools over the longer period from 2019 to 2022.

As for its adequacy to meet growing needs, this programme has facilitated the employment of more than 6,000 extra teachers and 3,000 special needs assistants, SNAs, in a three-year pe-

riod that has also seen two reductions in the primary pupil-teacher ratio.

My Department is satisfied that the €8.4 billion capital investment in the national development plan 2018 to 2027 is sufficient to deliver the necessary school infrastructure. This is a 70% increase on the €4.9 billion provided over the previous ten years.

This represents an opportunity over the next decade to make a very significant investment in our education infrastructure at primary, secondary and third level and further education. I am satisfied that the plans being set out will make a very significant mark and that education will be a key element in both social and economic progress in coming years.

Deputy Bernard J. Durkan: I acknowledge and compliment the Minister on the headlines and the objectives he has set out. Does he remain satisfied in respect of any unforeseen strain which might come on the system in its delivery, given the expansion that is taking place in some parts of the country in particular? Is he satisfied that he has sufficient resources available to meet any emergencies? To what extent does he expect the pupil-teacher ratio or class sizes or both to improve in the course of the next four to five years?

Deputy Richard Bruton: There is no doubt that meeting this level of population expansion has put a strain on other work. The Deputy knows that areas such as PE halls have not been possible in recent years. Other things that one would like to do that have had to take second place to ensuring that we have places for every student who needs them. We certainly meet emergency requirements within our budgets. Looking to the future, the plan that has been set out has very significant ambitions to upgrade PE facilities, science laboratories and digital equipment in the long term, as well as a deep refurbishment and refit of all schools over ten years of age. The ten-year capital plan looks at how we will upgrade the facilities to meet 21st century needs, whereas up to this we have been running hard just to make sure that we meet population demands.

Deputy Bernard J. Durkan: To what extent will there be an overhaul of prefab structures that remain in some areas of the country, some which have long outlived their normal life span? Does the Minister foresee a situation where it might be more economical to provide permanent buildings rather than replace defunct and undesirable prefabricated structures?

Deputy Richard Bruton: We will start a systematic prefab replacement programme next year, in 2019. There has been a steady reduction over the longer period on the reliance on prefabs. However, at times, in order to meet the population pressures, we have had to resort to prefabs and there has been some increase in their use in recent years. From next year, the programme will allow the facility to replace them. We have built 200 new schools in recent years, which illustrates the scale. The quality of what we are putting in now is of a very high standard. We are managing the resource we get effectively in this area.

School Accommodation Provision

45. **Deputy Martin Heydon** asked the Minister for Education and Skills if the need for a new secondary school in south County Kildare will be kept under review; and if he will make a statement on the matter. [22456/18]

Deputy Martin Heydon: I have raised the need for additional provision of second level in

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south Kildare in the House several times. The Minister will be familiar with my having raised this point with him. People in south Kildare were very disappointed that we did not secure a new school in the last announcement. Notwithstanding the proposed extensions, we still believe the significant demographic pressures we face in the county, as well as the future projections of population growth in the county, mean we will need a new secondary school. Will the Minister reassure me that the Department continues to keep this under review?

Deputy Richard Bruton: I assure the Deputy that we will keep it under review. The process has been conducted in a fair and objective way across the country. It has taken a four-year horizon in terms of projected needs based on demography, local authority plans and so on.

Extra school places often are delivered by extending existing schools. It is not always the case that an area's needs must be met by establishing new schools. While the announcement did not include a new post-primary school in the case of south Kildare, there is additional capacity as approximately 1,700 school places will be provided when projects at the following four schools in this area are completed, namely, St. Conleth's Community College, Newbridge; Athy Community College, Athy; Cross and Passion Secondary School, Kilcullen; and St Paul's Secondary School, Monasterevin. A building project for the Patrician College, Newbridge is also included in my Department's six year construction programme.

However, in line with the ongoing review of school planning areas generally, I can confirm that my Department is currently reviewing provision at post-primary level across the school planning areas in the south Kildare area and it is envisaged that work in this regard will be completed in the coming weeks.

Deputy Martin Heydon: The new school committed to in respect of St. Paul's, Monasterevin, has seen plenty of delays in the past, not all of which were the Department's fault. We are united in getting that school delivered as quickly as possible. It is badly needed. Currently, pupils are travelling from Monasterevin to different towns because there is not enough capacity in St. Paul's and the conditions that everyone there must deal with are inadequate. The extensions to which the Minister referred are wholly necessary and those in Athy Community College, Cross and Passion Secondary School, Kilcullen and St Conleth's, Newbridge should be online in the autumn. Patrician College badly needs its extension. All these extensions need to be completed quickly and I ask that consideration be given to including extensions at the start of their planning process in the rapid build scheme. When this additional capacity is delivered, there still will be pressure on spaces in schools. There are significant plans for growth in south Kildare in Project Ireland 2040. The Department must accept that there will be ongoing pressure for spaces into the future, even with the promised extensions.

Deputy Richard Bruton: Deputy Heydon and others have made the point about the pressure in areas like south Kildare to me previously. All decisions must be kept under close review because the population pressures and plans are changing quite rapidly. We recognise that and an undertaking has been given that south Kildare in particular will be examined because the pressures there are very significant and we have the data to prove it. Obviously that work has to be done before we can draw any conclusions.

Deputy Martin Heydon: There is an Educate Together campaign in south Kildare with which the Minister is familiar. A petition was signed by more than 2,500 people who want more educational choice at second level in south Kildare. I know that decisions on patronage are made after decisions on capacity in the context of new schools but we have challenges in

how education is delivered at second level in south Kildare. Even after all of the promised extensions are built there will be schools like the Curragh post-primary where conditions are Dickensian. That school is not fit for purpose. Discussion on a new school building could centre on a new building for the Curragh post-primary school as opposed to a brand new, stand alone building. The Department of Defence, which is a co-patron for two primary schools on the Curragh camp, is open to considering other site options. We could be looking at a shared partnership model between Educate Together and the education and training board in a brand new Curragh post-primary school. No one in the Department of Education and Skills can argue that the current conditions for pupils at Curragh post-primary school are good enough. That option could be a solution to the overall demographic pressure. I ask that the Department continues to bear all of this in mind and to keep a very close eye on south Kildare. I will continue to raise this matter in the House because a new school is needed in south Kildare.

Deputy Richard Bruton: I will ask the Department to look at those elements in particular. Clearly there would be merit in accommodating a number of improvements in one project. As I said to Deputy Durkan earlier, in the more medium term we have set aside a substantial sum for the deep refurbishment and retrofitting of our older schools because we recognise that this is a challenge that we must meet over the next decade.

Departmental Priorities

46. **Deputy Joan Burton** asked the Minister for Education and Skills his priorities for budget 2019; and if he will make a statement on the matter. [22308/18]

Deputy Joan Burton: I ask the Minister to set out his budgetary priorities for budget 2019. I am sure that much of the Department's preparatory work for the next budget is underway, if not completed at this stage. In particular, will the Minister be providing for an increase in capitation grants to primary and secondary schools given that the cost of running and maintaining schools has risen dramatically in recent years? School boards, particularly in schools where parents are less well off, are finding it extremely difficult to fund schools in the absence of significant increases in the capitation grant. I would also like to ask the Minister if he has been able to advance the proposals, with the apparent agreement of the Government, for pay restoration and pay equality, particularly for younger members of teaching staff.

Deputy Richard Bruton: The aim for budget 2019, as it has been in previous years, is to deliver progressively on the commitments set out in the action plan for education, the programme for Government and the confidence and supply agreement. I have set out four key areas where I am seeking to make improvements so that Ireland becomes a leader in Europe. The first is to improve the quality of the learning experience. The second is to increase our capacity to meet the needs of those at a disadvantage or with special needs so that they can meet their potential. The third area of focus is the environment for schools to be innovative and continuously improve their capacity to serve their pupils' needs. The final area is the building of bridges between education and training institutions and the wider community, including enterprise, culture and public services, to meet the changing needs of our country. I will be seeking to address these four areas as we prepare the budget.

I will be building on the significant investment we have made over the past two budgets, where an additional €1 billion was provided in 2017 and 2018, bringing our investment in education to €10 billion. That has delivered thousands of additional teachers and special needs as-

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sistants, a re-investment in higher education, the expansion of apprenticeships and traineeships and a range of new policy initiatives to enhance innovation and improve education and training outcomes for our learners. It has enabled us to implement the public service pay deal in the education and training sector and to bring down class sizes at primary level.

In looking at the competing demands for the next budget, I must have regard to the resources available to Government in the context of the need to meet our fiscal commitments and for the prudent management of the economy. That will be set out by the Minister for Finance in his summer economic statement. It will be against that background that I formulate specific budgetary priorities.

The Deputy will know that I have made provision this year for elements of pay restoration for newly qualified teachers, with a payment made from 1 January. The Minister for Finance has recently initiated a wider talks process on new entrant pay across the whole public service. I recognise that capitation is an area of pressure and will be looking at it in the context of the forthcoming budget. An increase in capitation is included in the programme for Government and I will be assessing that option. As in other years, there will be a lot of competing demands but I will endeavour to be as fair as possible.

Deputy Joan Burton: In the context of competing demands, an educated and skilled population, as much as low corporation tax, will be a key selling point for Ireland in attracting international investment. Education is the powerhouse that will enable us to continue to attract local and international investment and create well-paid jobs in the economy. The Minister's approach is disappointing, quite frankly because it is all about penny pinching. In the context of the huge amount that was achieved by the Minister's predecessors in the Department of Education and Skills during the last Government, his reply is anaemic, to say the least.

The Minister must be aware, having held office for a considerable period, that the lack of capitation funding at primary and secondary level is crippling schools and parents. At the same time, the Minister is suggesting that voluntary contributions should be made a thing of the past.

An Leas-Cheann Comhairle: Thank you Deputy. There are two more questioners.

Deputy Joan Burton: The Minister is giving no hope to-----

An Leas-Cheann Comhairle: The Deputy will have another opportunity. There are other Members waiting.

Deputy Joan Burton: -----new teaching recruits that they will be brought into line with existing staff who are paid much more than them.

Deputy Richard Bruton: I agree with the Deputy that skills will be a key magnet and in that context, it is significant that this year we saw Irish ten year olds become the best at both reading and mathematics in Europe. We also have the highest rates of progression to third level and the best levels of skill availability across the EU. We are making very significant progress but I agree with the Deputy that we need to invest more. The decision in the national development plan, NDP, to devote €12 billion to education, the highest of any Department, shows the level of commitment by the Government to the education sector. Our aim is to become a leader and to make talent the key hallmark of Ireland as we move forward. Investment in education is the best insulation against the reversals that might come to a small, open trading economy like ours.

In terms of pay restoration, the Deputy will be aware that discussions chaired by the Department of Public Expenditure and Reform have just opened on new entrant pay, an issue that affects not just teachers but new entrants right across the public service. Those discussions are ongoing.

Deputy Joan Burton: Has the Minister had an opportunity to visit schools which are struggling through lack of funding? A number of ongoing changes within schools are causing particular difficulties. In the case of DEIS schools, SENO resources have been reduced, much to the surprise and bafflement of the schools.

Second, the position on education and skills, which I raised with the Minister on a number of occasions, is that notwithstanding the huge building boom the progress made on further education and training opportunities, including apprenticeships, is very modest. As I am sure the Minister would be the first to acknowledge, much of the progress he referred to was as a result of the activity of the previous Government. I just do not get from the Minister a sense of ambition and vision regarding how we can improve conditions for the students and staff in the education system.

Deputy Richard Bruton: I have set out what I believe is a significant ambition, namely to have the best education and training services by 2026. We are making steady progress towards that. The 6,000 additional teachers have allowed important priorities to be met. The restoration of guidance, on which Deputy Thomas Byrne is very keen, has been achieved, in addition to the implementation of junior cycle reform, which the Labour Party was very keen to see delivered. Also to be considered are the reduction of the pupil-teacher ratio, the introduction of 3,000 special needs assistants and the revision of the way in which special needs teaching resources are allocated to make the system both better and fairer. We have 51 new apprenticeships being developed. For the first time ever, we have seen a move away from the 27 traditional ones. We have seen the commencement of reinvestment at third level. Therefore, there is a sense of ambition and progress within the education system. I am determined to support that. There will always be priorities. The Deputy will be familiar with the fact that choices always have to be made, but the choices being made, which are discussed here in the House, are the right ones. We must do better in the years ahead, however.

Question No. 47 replied to with Written Answers.

School Accommodation

48. **Deputy Clare Daly** asked the Minister for Education and Skills his plans to fast-track the introduction of more classes and places for children with special needs in north County Dublin, particularly in the Skerries area, in which the provision at a facility (details supplied) is inadequate to deal with the emerging needs of the local community. [22397/18]

Deputy Clare Daly: The purpose of this question is twofold. First, there is an overall shortage of spaces for special needs education, particularly spaces for autistic children in the Skerries area in north Dublin. Second, residents are particularly keen to know where the new premises for St. Michael's House will be. This has been long promised but has been kicked to touch between the council and the Department. It is just not good enough.

Deputy Richard Bruton: I thank Deputy Daly. She has a question tabled on St. Michael's

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House special school in Skerries. There is a project to deliver a new building at St. Michael's House. It will provide a new 14-classroom school, expandable to 16 classrooms, which will potentially increase its capacity from 30 students to 96. A potential site has now been identified after initial efforts were unsuccessful. A site acquisition process is now under way.

We intend to establish this coming September 17 new special classes in County Dublin. I do not have the details on where they will be but I understand some will be in the area the Deputy is concerned about. The NCSE is working with communities on expansion.

To give the Deputy a measure of the progress, there were 66 special classes in 2011 and there are now 178. We are adding another 17 to that. We are making very significant progress on expanding provision in this area. A meeting with parents was organised to discuss the needs and to make sure our plans take those needs into account.

Deputy Clare Daly: The Minister's colleague Senator James Reilly has raised this issue in the Seanad. I will not repeat the points made on the overall shortage of places. Residents in the area in question, who have organised into a group, as the Minister correctly stated, have identified at least 12 children from Skerries alone in need of places at national school level. Only six may have places, with September almost on the horizon. It is a particular concern.

My main concern today, however, is that the report the Minister has given me on St. Michael's House has been given on numerous occasions previously. I am not blaming the Minister for that but the reality is that the site acquisition process has long been completed in the sense that Fingal County Council has said it proceeded as far as it can go. It has the site, it has completed all the negotiations and it states this issue is blocked — it is blocked — at the level of the technical assessors in the Department. We have been getting this report for over a year. The children in question are in school in an old farmhouse. They have been in it for over 15 years. The farmhouse would not even pass modern health and safety standards. Those concerned really need to know what is causing problems for the technical assessors and when the assessment is likely to be concluded. The council tells us this is the only thing standing in the way of the school finally being delivered.

Deputy Richard Bruton: I will have to get back to the Deputy with details. It states in my documentation that the Department is committed to providing a permanent accommodation solution for the school and that a project to deliver the new school on a greenfield site has been included in the six-year programme. It is stated a site acquisition process is currently under way. This sounds like there are no technical problems with the site. A potential permanent site option has been identified as being progressed. It does not sound like there are technical flaws. There may be commercial issues to be worked out in the acquisition process but it does not sound like there are problems with the site. I will, however, revert to the Deputy in case this information is not accurate.

Deputy Clare Daly: The technical issues were highlighted in a response from the Department to me and other Deputies from the area previously. Subsequently, I got back on to Fingal County Council and believed the blame was at its door. I was led to believe the technical problems with acquisition were mainly associated with the council but I received a communication from it yesterday to assure me it has taken this process as far as it can go. It has done everything. The council states the acquisition of the site and dealings with the landowner have been completed and that the matter is with the technical assessors in the Minister's Department. I would be really grateful if he could come back to me on this. Some of his party colleagues, and

probably all the Deputies in the area, have been in touch on this. Collectively, we really want this project delivered as soon as possible. The site has been pinpointed for a very long time. It is shameful if the project is being kicked between the council and the Department and getting nowhere. We would be very grateful if the Minister could revert to us as soon as possible.

Deputy Richard Bruton: My response states negotiations with the relevant landowner are currently at an advanced stage. With regard to timing, it is stated that, assuming agreement on terms is reached, issues may arise at conveyancing stage and that these will have to be addressed satisfactorily. That is the normal protection included. It is stated there are some clarifications required on technical issues associated with the development of the site, and the assessment process is nearing completion. It does not sound like it is holding up the negotiation or the reaching of terms. There is obviously clarification required. I will revert to the Deputy on this. It is anticipated that the conveyancing process can be advanced by respective solicitors. There seems to be considerable optimism. *The deferred reply under Standing Order 42A was forwarded to the Deputy.*

Scoileanna Gaeltachta

49. D'fhiafraigh **Deputy Catherine Connolly** den an Aire Oideachais agus Scileanna cé mhéad scoil, naisiúnta agus meánscoil, atá sa Ghaeltacht uile agus cé mhéad iarratas atá curtha isteach ag na scoileanna seo ag iarraidh aitheantas mar scoil Ghaeltachta; cé mhéad scoil a dhiúltaigh iarratas a chur isteach faoin bpróiseas; cad é stádas an phróisis seo; agus an ndéanfaidh sé ráiteas ina thaobh. [20133/18]

Deputy Catherine Connolly: Tá mé ag iarraidh soiléiriú a fháil maidir leis an bpróiseas atá i gceist le haghaidh aitheantais mar scoil Ghaeltachta a bhaint amach. Go háirithe, cé mhéad iarratas atá curtha isteach agus cé mhéad scoil a dhiúltaigh ar chur isteach ar an bpróiseas seo?

Deputy Richard Bruton: Níl an Ghaeilge go líofa agam. I will have to freagair as Béarla. There are 133 primary schools and 28 post-primary schools located in Gaeltacht language-planning areas. One hundred and six applications have been submitted from primary schools and 27 applications from post-primary schools seeking recognition as Gaeltacht schools.

Twenty-seven primary schools and one post-primary school in the Gaeltacht have not yet applied to the Department to participate in the Gaeltacht school recognition scheme. In two circulars, an opportunity has been provided to the schools that have not yet expressed an interest in the scheme to submit an expression of interest form to the Gaeltacht education unit in the Department before 1 June 2018, which is fast approaching.

Deputy Catherine Connolly: I thank the Minister for the clarification. Twenty-seven schools have not yet applied. Have any schools refused to apply under this process? As the Minister can appreciate, this was announced as the biggest, most important policy document by the Government. I fully agree with that but it is utterly dependent on the schools coming forward and seeking recognition. Twenty-seven schools have not come forward. Have any refused to participate? What are the time limits for the process to get this recognition mar scoil Ghaeltachta?

Deputy Richard Bruton: I do not know that any had outright refused but obviously some have yet to apply. I do not want to say whether that means they are not considering applying.

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I hope they are. To be fair, they have to commit. It is not a case of sending in the application. It is a commitment to a process that represents an immersion approach and my Department will be demanding that those who do participate step up to the standard expected, but there are good incentives available. There is a cash grant, additional hours and continuing professional development, CPD. They are looking at the post-primary level. There is an elearning hub model. This is a significant investment by my Department to try to achieve much higher standards in Gaeltacht areas because there was a genuine concern that language standards were slipping. We believe this model is the right track but it is open to schools to decide they do not want to participate.

An Leas-Cheann Comhairle: An bhfuil ceist ghairid ag an Teachta?

Deputy Catherine Connolly: Maidir leis an scála ama, will the Minister clarify the time limits for this recognition process?

Deputy Richard Bruton: The time limit I have for the expression of interest form is before 1 June. Thereafter, there is a process where the school has to be approved by the Department, in that its approach and planning is satisfactory. That triggers the additional supports. I do not see a particular time limit-----

Deputy Catherine Connolly: B'fhéidir go dtiocfaidh an tAire ar ais chugam.

Deputy Richard Bruton: Schools in Gaeltacht language planning areas will receive further opportunities to express an interest in the Gaeltacht school recognition scheme in spring 2019 for the school year 2019-20. This, along with any additional supports, will be communicated. Even if the 1 June deadline is missed, it is a matter for the school board of management to consult with the school community in advance of making the decision to participate in the scheme in order to strengthen Irish-medium education provision. The schools still have the right not to participate if they so choose.

Written Answers are published on the Oireachtas Website.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Kathleen Funchion - in regard to the department of psychiatry, St. Luke's Hospital, Kilkenny, and the recent report on conditions there; (2) Deputies James Browne and John Lahart - the need for the Minister for Health to address the spike in the number of tragic deaths among young mothers in parts of community healthcare organisation, CHO, 7; (3) Deputy Thomas Pringle - concerns regarding the HSE's new standard operating procedure for the assessment of needs process; (4) Deputy Michael Harty - ongoing threats to rural post offices; (5) Deputy Sean Sherlock - the need for the Minister for Health to clarify that new assessment of needs provisions will not seek to delay service arrangements for children with disabilities; (6) Deputy Tony McLoughlin - to ask the Minister for Agriculture, Food and the Marine for an immediate update on the progress of a departmental investigation into fires in Killery, County Sligo; (7) Deputy Caoimhghín Ó Caoláin - to ask the Tánaiste and Minister for Foreign Affairs and Trade about the revelation in correspondence from the State Pathologist in Belfast, Dr. James Lyness, that a section of the rib cage taken from the remains of Aidan McAnespie, and

which contained the exit bullet wound, had been disposed of without any reference whatsoever to the McAnespie family and that there is no record retained as to when this occurred, who authorised it or in what way the disposal was carried out; (8) Deputy Eugene Murphy - to ask the HSE to comment on the closure of respite centres due to lack of funding for staff over bank holiday weekends; (9) Deputy Maureen O'Sullivan - if the Minister will address the concerns of farmers relating to the BVD programme by Animal Health Ireland not being industry led; (10) Deputy Robert Troy - the need for a family resource centre in Longford town; (11) Deputy Michael Healy-Rae - the need for an urgent debate with the Minister, Deputy Simon Harris, with regard to the life-threatening delays that are happening in the radiology department of University Hospital Kerry, as patients' lives are being put at risk while waiting for scans and reports have been made to management of the hospital but nothing has changed; (12) Deputy Clare Daly - to discuss the implementation of a Lariam damage redress scheme for members of the Defence Forces in light of personal injury actions issued against the State last week; (13) Deputy Michael McGrath - to ask the Minister for Finance if he is satisfied that the Irish insurance market is open to free and fair competition and that new entrants can compete in the Irish market on a level playing field with existing market participants in terms of access to important market information; (14) Deputy Mattie McGrath - funding for rural community CCTV installation; (15) Deputy Marcella Corcoran Kennedy - to ask the Minister for Justice and Equality if he would consider putting an amnesty in place to prevent the forced removal or deportation of children who have largely been raised and educated in our country and consider themselves Irish citizens; (16) Deputies Bríd Smith and Gino Kenny - the HSE suicide report for Dublin south; (17) Deputy Richard Boyd Barrett - the US threat of sanctions against Iran and the Iran nuclear deal; and (18) Deputy Jackie Cahill - if the Minister for Finance will explain why the rules and regulations on State procurement contracts offer no protection to local subcontractors in the event of the main contractor being unable to complete the contract as agreed with the State.

The matters raised by Deputies Troy, Funchion, Harty and Corcoran Kennedy have been selected for discussion and they will be taken now.

Topical Issue Debate

Family Resource Centres

Deputy Robert Troy: I thank the Leas-Cheann Comhairle for selecting this important topical issue. It is an issue I have tried to raise on a number of occasions and one I raised by way of a parliamentary question to the Minister and in correspondence with her Department on a number of occasions. I was somewhat disappointed to realise that a deputation on this issue was met last week and Deputies who are helping to keep the Minister in her position were not informed about it or invited.

Recently, the Minister's Department was allocated additional resources for new family resource centres across Ireland. I understand 11 centres were selected nationally. It is unfortunate that a multi-agency application submitted by Attic Youth Cafe, Longford Community Resources Limited, LCRL, Longford County Council, Longford County Childcare, Barnardos and Longford Women's Link was refused. I understand they put forward a comprehensive application to the Minister's Department. I believe it scored very well and passed all the procedures

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and process within Tusla. I am told that the only reason it was refused is because there were not enough additional resources to meet their application. That is somewhat surprising given that this application serves an area of high deprivation. The only marginally worse part of the country is part of Donegal and Limerick city. I believe this particular area would benefit greatly from a family resource centre. How were the 11 chosen ahead of this application chosen? The Minister might update me on that. I would appreciate it also if the Minister could give an undertaking that this application would be considered favourably in the next round of funding.

When the Minister met the delegation from Longford last week they highlighted, in the absence of a family resource centre being made available for the urban town of Longford, that at a very minimum what needs to be addressed is the chronic need for a childcare facility for an area servicing MacEoin Park. MacEoin Park is a very disadvantaged area. The income threshold of the 130 houses is approximately €28,000 annually. The lone parent ratio is 59.3%, 51.8% have only a primary education and 78.2% are living in local accommodation. Until 2016, there was a childcare facility servicing this area but that is no longer the case.

It must be acknowledged that Longford County Council has done extraordinary work supported by funding from the Department of Housing, Planning and Local Government in the past two years. It has entered into a regeneration project in this area. I believe it has brought approximately 18 houses back into play and it has given the general area a face lift. However, now that we have more people living in the area we need the services in that area to support the people living in it. What is more important than a service for early childhood education? We know the early stage is critical from an intervention point of view. They are the most formative years in a child's life.

I understand the Minister gave a commitment last week to review this issue. I welcome that and fully support it. As previous commitments have been given regarding MacEoin Park I ask her to be honest with this application, give it due consideration and, hopefully, she will be in a position to make the necessary funding available without any further delay.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I welcome the opportunity to respond to the issue raised by Deputy Troy here in the Chamber. As he is aware, the family resource centre programme was established in 1998. It was overseen by the former Family Support Agency up to the transfer of responsibility to Tusla and its establishment in 2014.

Above all, I want to clarify that the decision regarding the inclusion of an organisation in the family resource centre programme is a matter for Tusla as the body with responsibility for the administration of the programme. Up until this year, there were 109 family resource centres in the programme. Two centres are operational in County Longford and they are located, as the Deputy knows, in Granard and Ballymahon.

Family resource centres are independent voluntary organisations that deliver universal services to families in local communities, based on a life-cycle approach. The centres seek to combat disadvantage and to provide supports for the improvement of family life. It is a programme that also emphasises the involvement of communities in tackling the problems they face, working inclusively with service users and creating successful partnerships between voluntary and statutory agencies at a community level.

In the budget of 2018, I secured an additional €3 million for Tusla to support the family

resource centre programme. It provided funding to be used to support existing centres and to expand the programme to include 11 new centres.

Following a public application process in March of this year, Tusla announced the 11 centres which are being included in the programme. It advised me that the quality of applications received was of a very high standard. The criteria considered in assessing the applications included the size and make up of the geographical area, the social and economic conditions of the area and the overall breakdown of the population that would avail of the centre. The criteria also considered the structure of the organisation applying to the programme, the objectives and targets of the organisation, the organisation's current relationships with other stakeholders and the inclusion of research, evidence of community projects and local needs assessments with the application.

Tusla received a high number of applications for inclusion in the programme. One of these was from a group of organisations in Longford town. Tusla was faced with a difficult decision-making process in selecting 11 new centres for inclusion in the programme having regard to the selection criteria which I described. I understand that many stakeholders were consulted by Tusla as part of this process, including regional Tusla staff and local children and young people's service committees, CYPSCs. I am sure the Deputy will be interested to know that Tusla has commissioned an analysis of child and family services in the midlands counties of Longford, Westmeath, Laois and Offaly. This analysis is currently underway. This work will seek to identify and map the current service provision for children and young people in these four counties by location and by level of need. This analysis will also utilise existing data from the Central Statistics Office and other research in providing a map of the population of young people in the midlands. The final report will identify services available to those young people and is expected to highlight any current issues within those services. Tusla and Longford Westmeath CYPSC will review the findings and take them into account as we move forward.

Tusla is acutely aware of the level of need in certain areas of the country and is actively working to improve outcomes for children and young people. Through its commissioning approach, Tusla plans to deliver, and is already delivering, services in an efficient, equitable and sustainable manner in the context of the family resource centre programme but I can assure the Deputy that I will continue to support the work of family resource centres.

Deputy Robert Troy: I welcome the feedback the Minister has given me relating to family resource centres but I did spend two minutes specifically raising an issue concerning the deputation last week. I would appreciate if in her reply, the Minister could update me about her thoughts on that. She mentioned the criteria used in the assessment of applications such as the size and make up of the geographical area. Longford is a very big provincial town so one would imagine it scored well there. Another criterion includes the social and economic conditions of the area. As I said previously, according to the Pobal deprivation index, despite all the stringent improvements that have been made in County Longford over the past number of years, there are still areas that are identified as disadvantaged with only Donegal and Limerick city performing marginally worse so, again, one would imagine that Longford would score quite well. Another criterion about which the Minister spoke is the organisation's current relationships with other stakeholders. As I said, it was a comprehensive submission. There were multiple stakeholders including the council, Longford Community Resources Limited, Longford Women's Link, Barnardos and the Attic Youth Café. A whole spectrum of people in County Longford were being served so I am at a loss to understand why it was not in the original 11. We will go through this further. I might come back by way of further parliamentary questions.

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Could the Minister relay to me on the floor of the Dáil her commitment to review in a very positive manner the application to provide child care services for MacEoin Park because the State has already invested heavily in the regeneration of MacEoin Park? It is an area that badly and urgently needs it because there is no further capacity in the early years setting across all of County Longford and this area is being deprived. By depriving this area, we are not giving the children of this area the adequate start in life they deserve. Whether or not someone gets a good start in life should not be based on their geographical area and I know the Minister accepts that. I would welcome it if the Minister gave positive support on the floor of the House that this will be reviewed urgently and positively and that the people of Longford can look forward to a facility there in the not too distant future.

Deputy Katherine Zappone: I am very happy to answer those supplementary questions. The first question involves the application from the various groups for another family resource centre. As the Deputy notes, there is an impressive list of people who came together to make that application. I am familiar with all of those organisations and can imagine, although I would not have seen it, that they put in a very good and strong application. I mentioned two things in my response. The first is that I do not make the decisions. Tusla makes the decisions with regard to the criteria I have outlined. The second thing is that I am very much of the view that the family resource centres are a really fine way of moving our supports and services for children to people throughout the country and where people, particularly those in different agencies, work together to provide services in a holistic way. They are working really well. In the last budget, I looked for a way to support the development and the numbers of those family resource centres as well offering some initial supports to the ones that already exist. Although not exclusive, it is really a very strong model for the future way in which we deliver children and family services throughout the country. What I am happy to say, which I said to the organisations I met, is that I will be looking for additional investment for family resource centres in terms of my negotiations for 2019 but that is something about which I cannot comment further.

I am aware that the child care service in MacEoin Park has closed down. I am also aware that my Department is making strenuous efforts to re-establish the service working with the Longford County Childcare Committee as well as other people, including the local authority. In addition to what the Department is already doing, I have committed to having a meeting with Tusla to take a look at Tusla's understanding of some of the issues along with Longford County Childcare Committee and my officials as the next step to see if we can get moving on this in terms of responding and re-establishing the service as a next step.

Mental Health Services Provision

Deputy Kathleen Funchion: I thank the Minister of State for taking the time to take this issue. It concerns the conditions in the department of psychiatry in St. Luke's Hospital in Kilkenny, which serves both Carlow and Kilkenny. It now serves patients from Tipperary since the closure of St. Michael's Unit in Clonmel yet there has been no expansion in that service even though there has been a big increase in the number of patients with which it deals. The conditions were highlighted on a number of occasions by staff. Examples were patients sleeping on makeshift mattresses on the floor and people putting two or three chairs together to provide beds for patients. It has led to significant issues for staff morale. One would question what sort of service is provided or what conditions the patients are in. A makeshift bed on the floor does not really say very much for the service. I imagine the view is probably to get people

in and get them out as fast as one can because they are so overstretched.

One of the most significant issues is that we have been looking for a meeting between Members of the Oireachtas from Carlow and Kilkenny and the HSE management responsible for the department of psychiatry at the hospital since 14 February. I requested a meeting but I imagine all Members of the Oireachtas in the constituency have an interest in it. The head of the hospital group for the south east came back to say that this was not her area. There was no further information. It was just a case of her not being accountable for this. We went through the Oireachtas HSE representatives line but heard nothing back. We did so again on 15 February and 29 March and on 10 May we finally tracked down somebody who is supposed to be head of the mental health services for the CHO 5 region into which Carlow and Kilkenny fall but there was still nothing. I am not one bit surprised about the HSE because it seems to be accountable to nobody; it does whatever it likes. As we have seen recently with the cervical smear test scandal, women are not at the top of its priority list.

I would like the Minister of State to convene a meeting of the management there. I have no faith in them given that they do not have the manners to come back to an elected representative in the area to say "I'm not the person you should be contacting, but this is the person" or "I'll get somebody to contact you with the information." It sums up the HSE and how it acts about everything. I do not have any confidence in it being able to facilitate a meeting or give us any concrete answers. I ask the Minister of State to organise a meeting for the Oireachtas Members in the constituency so that we can find out what the issues are and what we can do to try to address them. I know there is never an overnight solution to these things. At the very least we should be able to sit down with the management there and find out what the issues are.

Many staff are coming to me and other elected representatives informing us how it is nearly impossible for them to deal with these kinds of working conditions. They have obviously trained to try to help and support people at a very difficult time in their lives. They feel that their hands are tied in many cases and it is very frustrating. I would like to see if we can do something positive about this. We can certainly not get any further until somebody is willing to sit down and talk to us about it.

Minister of State at the Department of Health (Deputy Jim Daly): I thank the Deputy for raising this important issue. The provision of appropriate and safe facilities for patients within the mental health service is a priority for me and for the Government. To ensure that services are provided in a safe environment the Mental Health Act 2001 provides the Mental Health Commission with the power to inspect, regulate and enforce standards in all approved centres. Approved centres are hospitals or other inpatient facilities for the care and treatment of people experiencing a mental illness or mental disorder and which are registered with the Mental Health Commission. Such inspections are carried out annually and a report is produced following each visit.

The HSE works closely with the Mental Health Commission and welcomes its inspection reports. The priority for the HSE is patient care and support for service users, as well as to ensure adequate accommodation and staffing in this respect. The commission's reports help to identify those areas where improvement is required. The HSE also plays a key role in ensuring that any identified issues are remedied.

From 19 to 22 September 2017, the Mental Health Commission visited the department of psychiatry acute mental health facility in St. Luke's General Hospital, Kilkenny. The 44-bed

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department of psychiatry serves the Carlow, Kilkenny and south Tipperary catchment area. The department has 45 whole-time equivalent nursing posts in place in addition to other medical, specialist and support staff to serve the needs of all those who require treatment and support.

During its inspection, the Mental Health Commission identified a number of issues relating to staffing requirements, screening, storage of medicines and a number of other areas. To address these issues, the commission has developed a corrective and preventative action plan. This plan outlines the steps to be taken to ensure full compliance. As noted in the inspection report, many of the actions detailed in the plan have subsequently been completed, are ongoing or are in the process of being addressed to the commission's satisfaction. The HSE has provided funding to south-east community healthcare services to complete a number of environmental works at St. Luke's.

Actions being taken by St. Luke's include: provision of additional staff training and review of policy to ensure compliance with their review requirements; risk assessment forms are now being updated and reviewed in line with the approved centre's risk management policy; and awareness of policies and procedures relating to searches will continue to form part of staff induction process and at staff meetings.

The Mental Health Commission will follow up on this report with a further inspection to ensure that all necessary steps have been taken to ensure that St. Luke's is fully compliant with mental health legislation.

The Mental Health Commission fulfils a very important role in ensuring our mental health services are of a high standard. Inspection reports, such as this, help to ensure that any deficiencies in the provision of mental health services are identified and addressed.

The Deputy has requested a meeting with HSE management. Of course, she, as a public representative and the other Oireachtas Members in the constituency are entitled to seek and be granted such a meeting. As I do not know the other side of the story, I will not comment on the floor of the Dáil. However, if the Deputy sends me the details of the request, I will ensure she gets her right as a public representative along with the other Oireachtas Members in the constituency to engage with HSE management. Communication is a vital part of the mental health service, as it is with any other service. It is very important that communication is two way.

Kilkenny has a very strong record in the area of service user involvement. It is one of the areas that is working hardest in service user engagement and hearing the voice of the service user. I am very pleased with a number of initiatives in Kilkenny and it is one of the stronger areas in that respect. The voice of the public representative must also be heard. I do not want to go any further because I do not know the other side of the specific issue the Deputy raised. If she sends me details separately, I will liaise with her and her Oireachtas colleagues in the area to ensure she gets full access to management and gets her queries answered.

Deputy Kathleen Funchion: I thank the Minister of State for the reply. I will send him the details. The first thing is that there is no response. I can send him copies of the emails and letters we have sent, but unfortunately there is very little of the other side of the story, with the exception of one or two people saying it does not fall into their area.

Unfortunately that is a common theme in the HSE. It is a difficulty patients face all the time. We are supposed to have an Oireachtas line that does not even work on which people cannot even come back to us. There is no point in having these systems in place if they do not work.

There is a wider lesson to be learnt for the HSE. It has complete lack of accountability and feels it can brush everything under the carpet and eventually people will stop requesting meetings. However, for me in this case that will never happen. Even if it takes six or seven months to have a meeting, we will persevere with it until we get it.

The idea is to be constructive to see what we can all do as a group to try to progress these issues and relay to the HSE management the experiences of the staff and patients. We often come across stories that they will not hear first-hand. Communication is helpful. It is extremely frustrating to deal with an organisation that feels it is okay to ignore; it should not be okay for anyone to do that, particularly when people rely on us and feel we might be able to get some answers or at least organise a meeting or get a little bit more progress on the issue.

I will send the Minister of State the information and I would appreciate if he could organise a meeting for those of us in the constituency.

Deputy Jim Daly: I will progress the matter if the Deputy sends me the detail of the issue. The public representative has a key role to play in the delivery of mental health services. As a Minister of State, I very much value the opinion, contribution, input and engagement of my Oireachtas colleagues who represent all the stakeholders in the delivery of mental health care.

By and large there are not many adversarial issues among Oireachtas Members in the mental health area. There is co-operation, goodwill and uniformity for the most part. Most people want to be constructive and that goes across all parties and none. As long as I am a Minister of State I will ensure the Oireachtas Member plays the key role he or she rightly should in the delivery of mental health services.

Post Office Network

Deputy Michael Harty: I thank you, a Cheann Comhairle, for choosing this Topical Issue today. I thank the Minister for coming in to respond.

We have had many discussions about the sustainability of the post office network over the past two years. It boils down to expanding the services the network can deliver. It effectively depends on the Government devolving more Government services to post offices and developing new services that are meaningful to the public and which people will find helpful when accessed through the post office network.

The post office network is a real national asset which the Government should support. Once a post office is lost to a community it will never be regained. The Programme for a Partnership Government commits to protecting the post office network. Even though it commits to supporting social welfare contracts, which are delivered via the post office network, the value of these contracts has fallen from €60 million to €51 million. If this trend continues, it will undermine the viability of many post offices.

Supporting the post office network will encourage people to avail of direct payments through their post office.

What is happening is that, on the one hand, the Government is encouraging people to have their payments and services supplied online and, on the other, it is proposing to support the post office network. As a result, one branch of Government is opposing the other and the network

is being undermined as a result.

In its programme, the Government committed to a model of community banking. This has been discussed for the two years the Government has been in office but nothing has been brought forward in the context of delivering a community banking network. The Government also committed to identifying services that can be delivered through the network by means of a one-stop-shop model. The post office network should act as a facilitator for people who have difficulty applying for services online and it should help people ensure that they make accurate returns on their applications, which can lead to a speedier response.

In November 2016, the Rural Independent Group tabled a motion which recognised the vital role post offices play in the social and commercial fabric of communities. That motion was unanimously accepted by this House. The post office is often the last financial institution in a community and the loss of a post office will fatally damage the viability of a community as people move their business to larger centres. That motion committed the Government to look at the idea of post offices developing a community banking networks similar to the Kiwibank or Sparkassen models. These models have been very successful in their home countries, delivering meaningful services to the community, and the profits that are made by those community banks are ploughed back into communities rather than going to commercial enterprises.

The motion in question also committed the Government to protecting postmasters' income by providing extra services. The deal that has been offered to postmasters is a Hobson's choice in that they either continue on as they are - and, invariably, have their incomes reduced once they are reviewed because no additional services will be supplied by the post offices - or they have to accept an exit package that is very unattractive and that may leave some postmasters who have 30 years' service with just one year's income because the package will be taxed. The remaining option is to engage in a new contract which puts huge commitments on the postmaster but which may not be financially viable and which interferes with the post office tenure. It is very unattractive. They are being offered a Hobson's choice. I would like the Minister to respond on those issues.

6 o'clock

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank Deputy Harty for raising this important issue. I am acutely conscious of the value that is placed by communities, both urban and rural, on services provided by the post offices. As the Deputy knows, I am committed not only to protecting the post office network but to ensuring that the services provided within the network are improved and expanded. In fact, to prove that commitment, at the end of last year the Government gave €30 million in State funding to An Post - €15 million to support the renewal of the post office network and €15 million to protect the five-day a week mail delivery service. The company is now planning to invest €50 million in growing and modernising the network in the coming years.

I accept that the company and the post office network face huge challenges. However, the fact the network is spread throughout the country, in every single parish and community, provides us with a unique opportunity. I fundamentally disagree with the Deputy that moving services online and through digital will lead to the closure of the post office network. In fact, I believe that is the key to the survival of the post office network. To take, for example, banking services, we have seen how all of the major banks move out of rural communities and force people to go online. There is now an opportunity for the post office network to provide a counter service to those people who either do not want to use the online option or are not able to use it. There is active discussion at the moment between An Post and the commercial banks

in respect of providing those services in every post office. An Post intends to go further and provide a real banking choice to people throughout the country and it is currently in negotiations to provide enhanced and improved financial services within the network.

I agree with the Deputy that there is a challenge and that there has been inertia within Government in the context of moving services through the post office network. While we have to be conscious of the procurement process involved in that, there is a commitment from the Minister of State, Deputy Seán Kyne, and the Ministers for Rural and Community Development and Employment Affairs and Social Protection, Deputies Michael Ring and Regina Doherty. We have renewed the social welfare contract and while it has reduced, thankfully, as fewer people are relying on social welfare and the number in employment has increased, nonetheless, there is an opportunity to provide an offline avenue for people to access Government services. That is why, working with the Minister for Rural and Community Development, Deputy Ring, with an allocation of €80,000, we now have a digital assist pilot scheme in ten post offices throughout the country, whereby we can provide Government online services through an offline platform with the local post office. As I said, ten post offices have initially been selected by the IPU at the following locations: Austin Friar Street, Mullingar, County Westmeath; Ballaghaderreen, County Roscommon; Bandon, County Cork; Buncrana, County Donegal; Claremorris, County Mayo; Dingle, County Kerry; Loughboy, County Kilkenny; Oranmore, County Galway; Portarlinton, County Laois; and Tubercurry, County Sligo. We intend to provide an offline avenue for Government services through those ten post offices and, based on our learning from that, to expand it right across the country, bringing Government services as close as possible to a one-stop-shop mechanism.

We are also committing, through the negotiations we have had with the IPU and given the 80% endorsement by IPU members, that there will be no compulsory closures of post offices across the country. We are working with colleagues to put more Government services, including motor tax, through the post office network and to use digital platforms as a mechanism to provide many more such services locally.

Deputy Michael Harty: In County Clare, those who run 14 post offices have been offered exit packages. Rather than being offered extra services supplied through the post offices, they are being asked to leave the service when they do not want to do so. The Minister spoke about there being no compulsory closures but, effectively, what is being offered to the postmasters amounts to compulsory closure. They are being given a Hobson's choice by virtue of the fact that unacceptable financial burdens are being placed on them to sign new contracts, remain on the existing contracts with diminishing incomes or take the exit package, which is completely unacceptable to most postmasters and postmistresses who have 20, 30 or 40 years' service. Rather than devolving services to post offices, the Minister is actually showing them the door and asking them to walk through it.

The Minister has to bring this down to each individual community. He speaks in global terms but each individual post office is an essential service within the community. No matter what he says about millions being offered and investment being put in, unless they are offered additional services which are meaningful to the public, they will have to close. Post offices should not be subject to market forces. A post office is an essential part of a community and if it goes, it will never return. If they are subjected to market forces, many of these post offices will not remain in operation. They need extra services, for example, banking services and, ideally, a community banking service. Many of the postmasters who have been offered this exit package are very upset because they are being put under social pressure by their communities

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to remain open, even though it is not financially viable to do so, and they feel very hurt by this. The Minister needs to introduce a financially sustainable model that will allow post offices to continue. He must consult with communities, local community organisations, Leader, Irish Rural Link and the farming organisations before any post office is allowed to wither on the vine.

Deputy Denis Naughten: A clear protocol has been put in place regarding any post office that is to be considered for closure. It will be the postmaster who will initially decide whether they want to take that road. If they do want to take that road, there is a mechanism to look at alternative options, including whether there are other businesses in the community that are willing to take it on.

To give practical examples, there is one case where there are two post offices within 700 yd. of each other. There are many examples around the country of the community bypassing its local post office and going somewhere else to avail of post office services. They are the practical examples of what is happening and Deputy Harty knows them as I do. We need to be realistic about this.

The post office is an essential part of the community and that is why I want to put more government services through it. We need to reform the existing contract which goes back to 1907. It is not fit for purpose today and no one can say that it is. We have a new contract and active negotiations across Government on putting in new services. We have active negotiations with An Post about putting new and very different banking services into post offices across the country. It will take time and it is frustrating that we have not got the full package of services in place immediately but we have to take a step-by-step approach to this. My initial priority was to keep the doors of An Post open. The company nearly closed after I took over as Minister. One of the first proposals put in front of me was to reduce the five-day week postal service which I was not prepared to tolerate. We have an agreement with postmasters and the Government for the first time has put cash into the post office network, which had not been done in the past and we intend to put real services through the post office network, which has not been done before. Previous Governments have paid lip service to the post office network. There have been significant closures but now we are putting a clear plan and future in place and a clear plan to put new services into the post office network. I am determined to ensure that happens in reality.

Children's Rights

Deputy Marcella Corcoran Kennedy: I thank the Minister of State for Justice and Equality, Deputy Stanton, for his presence here to address the challenges experienced by some migrant children. This matter was prompted by a particular local case, of which I know the Minister of State may be aware. However, many young people living in Ireland are struggling to regularise their immigration status in a system that appears to be extraordinarily difficult to navigate and idiosyncratic. Migrant children are one of the most vulnerable groups of children in Ireland making child migration an enormous challenge for us. We must fairly address the issue in the best interests of the welfare of the child. Currently immigration law lacks consistency and clarity. Lack of data is a block to proper planning and this should be gathered and published annually. We need clear and understandable guidelines for decision-making and we need to find an easy way for people who become trapped in irregular undocumented immigration situations to regularise their situation without fear, most especially if there are children involved.

Migrant children's interaction with the immigration system is not addressed in a coherent

way. Our laws lack transparency and clarity leaving children largely invisible in our immigration system. Their specific rights and needs are not given adequate consideration. International law requires that all children, including children accompanied by parents or other legal guardians, must be treated as individual rights holders, their child-specific needs considered equally and individually and that their views are appropriately heard.

I do not need to remind the Minister of State that Ireland has obligations under international human rights law, EU law and the EU Convention on Human Rights to respect children's rights. Furthermore a right to a family life is a fundamental aspect of EU law, international human rights law and Irish constitutional law. In January 2016 the United Nations Committee on the Rights of the Child examined Ireland's compliance with the UN Convention on the Rights of the Child. It recommended that Ireland adopt a legal framework to address the needs of migrant children.

The Immigrant Council of Ireland undertook to document what those needs were and how the absence of a framework for legal migration impacted on children and young people's lives and Child Migration Matters was published in December 2016. I know the Minister of State is well aware of that. This featured 32 case studies and interviews with the 150 plus professionals working with children and young people from a migrant background. It is a comprehensive snapshot of the multiple challenges facing immigrant children and young people and concerning the lack of information, guidance and clear criteria when it comes to the immigration status of these young people. The sheer volume of calls to its helpline and the cases relating to children and young people inspired the research. I know that the Immigrant Council has been calling on the Department to streamline the process for young people and for a centralised single agency with expertise to be established, which can provide clear and comprehensive guidance to young people, their families and those working with them to ensure that they know exactly what is required to regularise their status.

A person's immigration status can define and determine the life path. It is central to their access to employment, education and social services and yet there has been little policy analysis here or dissemination of information to ensure that children have a recognised, appropriate immigration status and that they can apply for naturalisation when they have fulfilled specific criteria. I am thinking of children who have come here as babies or at one or two years of age who consider themselves Irish, who have gone through our education system and are now facing deportation. It is incumbent on us to figure out some method for providing an amnesty for children and young people in that position. The Irish immigration system does not allow a child younger than 16 to hold immigration status on an individual basis. It assumes that the immigration permission of such a child be that of their parent. Therefore the immigration status of a child lacks clarity and consistency which can result in practical difficulties for children.

Minister of State at the Department of Justice and Equality (Deputy David Stanton): I thank Deputy Corcoran Kennedy for raising this important matter. I am here on behalf of the Minister, Deputy Flanagan, under whose remit this policy area resides. The Deputy will be aware that I cannot comment on individual cases nor on cases that are due to come before the court.

While the control of our borders and immigration are important duties of State, Ireland has always been recognised as an open and welcoming society. This duty is at all times subject to the law, including our international human rights obligations, and the supervision of the superior courts. Ireland operates a very open immigration regime with many different pathways

for non-European Economic Area, EEA, nationals to enter and remain in the State lawfully. Indeed, just yesterday over 3,500 people became Irish citizens at a series of citizenship ceremonies in Killarney. At the same time, however, it is not unreasonable of the State to expect those who have been granted permission to reside here to respect the conditions attaching to that permission, including the obligation to leave the State once their permission expires.

When an asylum seeker comes to Ireland seeking international protection status, they enter a legal process. At the end of the application process, during which all aspects of the applicant's case, including full consideration of Article 8, family rights, are considered in detail, a decision is made and the applicant is either granted international protection status and permission to remain in Ireland or if they do not qualify they must leave the State. In both circumstances the applicant is given time to make appropriate arrangements. For those issued with a deportation order, the obligation is on the person to remove themselves from the State and only when they decide not to do so, is enforced removal deportation considered as a last resort. I am assured by my officials that the immigration service has always shown itself to be fully sympathetic to the plight of such persons unlawfully in the country and will balance their situation against the State's obligation to protect its borders. Importantly, in the interests of fairness, clear, transparent procedures are applied and at all times the actions of the immigration services are subject to review by the courts. A decision to make a deportation order is not taken lightly, particularly where children are involved. I am assured that the Irish Naturalisation and Immigration Service, INIS, is fully alive to the impact of a deportation order, including in circumstances where a person or a family has been in the State for some time. The courts are also aware of this factor. Similarly, the courts take cognisance of circumstances where people are present in the State and do not comply with the conditions attached to their permission.

The question of an amnesty or general regularisation scheme along the lines suggested by the Deputy for those who are currently illegally resident in the State has been considered many times. It is considered that such an approach could have many unintended consequences including in relation to the operation of the Common Travel Area and the integrity of our immigration system. The approach taken by INIS is to look at the circumstances of each case and take account of factors such as the co-operation or otherwise of applicants with INIS and the degree to which an applicant has abided by the conditions attached to permission in the State. Where there is evidence of a desire to respect the laws of the State and abide by them, a humanitarian approach may be taken where merited on a case-by-case basis.

Deputy Marcella Corcoran Kennedy: I hoped that consideration would be given to the proposals that a child-sensitive, human rights-compliant, transparent legal framework for immigration would be adopted where the best interests of the child is a guiding principle, that applications for visas and residents' permissions would be considered and that there would be statutory rights-based procedures for family reunification in respect of Irish nationals and non-EEA nationals, with expanded categories of migrants eligible for immediate family reunification. I am going off my Topical Issue matter but this is part of the bigger picture. Also I hoped for an independent appeals mechanism to review negative decisions in applications and for appropriate, tailored immigration permission for children who are required to register and a formal statelessness determination procedure for people who cannot establish citizenship of any nation. The Minister will understand that there are many practical challenges that prevent people from registering so that they are undocumented. I noted the response at the end "where a humanitarian approach may be taken where merited on a case-by-case basis". That is posing a challenge where similar applications receive different responses. There is little insight into

why these different responses pertain. If some of these suggestions are put in place, it would save time and resources in the administration process. If we, as a State, have invested taxpayers' money in accommodating, educating and getting people here to a stage where they consider themselves Irish citizens, then allowing them to complete that education, integrate into the labour market and become part of society is the best outcome for everybody concerned.

Deputy David Stanton: Ireland is a State that welcomes emigrants and recognises the positives of immigration. At the same time, and like all countries, Ireland must operate a transparent and fair immigration system which functions with integrity and is subject to the supervision of the courts. Children who enter the State must, of course, be treated with the greatest of care. However, that is not to say that non-EEA nationals with children who enter the State for the purposes of claiming international protection should be allowed to remain because of their children. I assure the Deputy and the House that the immigration cases of all persons seeking to remain in this State are considered on their individual merits and in accordance with all applicable domestic, EU and international law. We have an obligation to treat persons who arrive in this State with due process and in a fair and transparent manner. That is what we do. However, we also have an obligation to our citizens and those who have been granted immigration permission to be in the State to respond to those who have no legal basis to be here and have availed of all legal options open to them.

One point that I did not emphasise earlier is the European dimension to this issue. Ireland, together with the other member states of the European Union, has committed, under the European pact on immigration and asylum, agreed at the European Council in October 2008, to use only case by case regularisation rather than generalised regulation under national law for humanitarian or economic reasons. The pact commits member states to not engaging in any form of general regularisation of those illegally present in the territory of member states. That means a general amnesty cannot happen. I reiterate, therefore, that it remains Government priority not to introduce an amnesty along the lines suggested for the reasons stated. Ireland is however an open and welcoming society and a place where the law is applied fairly under the supervision of the courts. We look at these instances on a case by case individual humanitarian basis.

Judicial Appointments Commission Bill 2017: Report Stage (Resumed)

Debate resumed on amendment No. 6:

In page 10, to delete lines 20 to 28 and substitute the following:

“**10.** (1) The Commission shall consist of 11 members being—

- (a) the Chief Justice,
- (b) the President of the Court of Appeal,
- (c) the President of the High Court,
- (d) the President of the Circuit Court,
- (e) the President of the District Court,
- (f) a lay person nominated by the Irish Human Rights and Equality Commission,

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(g) a lay person nominated by the Free Legal Advice Centres Limited,

(h) a lay person nominated by the Citizens Information Board,

(i) a lay person nominated by an tÚdarás um Ard-Oideachas,

(j) a practising barrister nominated under *section 13*, and

(k) a practising solicitor nominated under *section 13*.

(2) The Commission shall elect its own chairperson.”

(Deputy Jim O’Callaghan)

An Ceann Comhairle: Deputy Jack Chambers was in possession. Is anybody else offering on this particular matter? I call Deputy Mick Wallace.

Deputy Mick Wallace: I am sorry. I was missing at the end of the previous night.

An Ceann Comhairle: The Deputy is here now.

Deputy Mick Wallace: I thank the Chair for accepting my amendment. It is much appreciated in the interest of democracy.

Deputy Jim O’Callaghan: Can we have the agreement in writing?

Minister for Justice and Equality (Deputy Charles Flanagan): What, with the Deputy?

Deputy Mick Wallace: Deputy Clare Daly is going first.

Deputy Clare Daly: I will save the day as we were called rapidly on this.

Deputy Charles Flanagan: Is that the amendment?

Deputy Clare Daly: It is indicative of the difficulty we are in; we are moving whatever amendments we have in this category. This is a seven minute slot because we have not spoken but there are multiple different and contradictory amendments. Some are better or worse, and we could rank some of them in a scenario of what we would like. We were somewhat thrown by the public announcement that Sinn Féin has done a deal with the Government. It will come in to save the day for the Government, but that is regrettable. One of the key points highlighted in this whole process was political interference in the appointment of the Judiciary. The Minister for Transport, Tourism and Sport, Deputy Shane Ross, in particular, has made his name on this issue.

The biggest political interference is with regard to the role of the Attorney General. Opposition Deputies on the Oireachtas Joint Committee on Justice and Equality were unanimous that the Attorney General should not be on the judicial appointments body. The Minister for Justice, Deputy Charles Flanagan, has put him back on. That was after the interference of the Attorney General himself in that process when he criticised the committee for making a dog’s dinner of things and all the rest of it.

In March, the European Commission expressed concern about the lack of judicial input to the appointments process as originally proposed by the Government. The response of the Minister for Transport, Tourism and Sport, Deputy Shane Ross, at that time was to say that until the

Commission understood the history of naked political appointment of judges in Ireland, it was unlikely to grasp the need for radical reform of the process. The Commission's concern was based on paragraph 47 of Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities. The paragraph states:

where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary [...] should be authorised to make recommendations or express opinions which the relevant appointing authority follows in practice.

This means that the presence of the presidents of the District and Circuit courts is less desirable rather than fairly obligatory. The amendments that we tried to table, and the one that the Ceann Comhairle thankfully accepted from Deputy Mick Wallace, replaces them and puts them back where they rightfully should be. Let the Attorney General, who slagged off our committee, take note that it was the unanimous view of all of the members that this should happen. We actually made this Bill better on Committee Stage and the Government has now sought on this Stage to come back and undermine our work behind the curve by reimposing the Attorney General.

Paragraph 46 of Recommendation CM/Rec(2010)12 of the Committee of Ministers specifically states that "the authority taking decisions on the selection and career of judges should be independent of the executive and legislative powers". Despite this very clear input, the Government is undermining the independence of the courts from the Executive by re-imposing the Attorney General, who sits at Cabinet. Presumably, the Minister is aware of these decisions. It is very poor, and it goes against what the Irish Council of Civil Liberties, ICCL, and the Law Society said. It also goes against what has happened in other jurisdictions. It is a dog's dinner trying to put this back now; have a mess of different contradictory proposals.

We will support Deputy Jim O'Callaghan's proposal as being, by far, a greater improvement in respect of more serious reform in this area than what the Government has tabled. I refer to smaller, more manageable numbers - 11 versus the Government's ridiculous 17. How could there be a commission of 17 people? The appointment of the lay people by non-governmental organisation, NGO, nominees rather than the Public Appointments Service, PAS, is a very positive measure. We had that in some of our amendments on Committee Stage. The fact that the Attorney General is not on it is, of course, a positive as far as we are concerned. What we had sought to do in various different ways was to respect the wishes of the Joint Committee on Justice and Equality to keep the Attorney General off and put the presidents of the District and Circuit Courts back on. We also sought to put one extra person back on to have balance and a 50:50 split - this was ruled out of order - and for the commission to appoint its own chairperson. That chairperson was to have a casting vote, which I thought would have been a better way of doing things. It seems that we are going through the motions now if a deal has been done, and the Government's mess, which goes against what we agreed at committee, has been accounted for behind closed doors.

I wish to make a point about sentencing guidelines and whatever has been agreed between the parties in return for a vote on this matter. There is an issue in terms of how much of a guideline on sentencing the Oireachtas can provide to the Judiciary without interfering with the separation of powers, but it is utterly regrettable that it is being introduced into this scenario. I also wish to put on record the contradiction between the unseemly haste at which this is going

through - and it is only window dressing because the final decision rests with the Government anyway, ensuring that political interference remains intact - and the fact that the Judicial Council Bill, the product of 20 years of discussion and which could deliver real reform, has been languishing in the Seanad since November. There is no haste to bring that Bill before this House, even though it could ensure meaningful reform and make some real difference. This system falls far short of the type of radical reform the Minister was lauding previously.

Deputy Mick Wallace: The 17-member commission advocated by the Government is a joke. The Minister himself, at the Committee on Justice and Equality, said that an increase in the membership of the commission beyond 13 would make no sense. The Minister stated:

I am minded to give this matter further consideration to see how best we can achieve that balance between, on the one hand, the commission not having such a large number of members as to be problematic and, on the other hand, the need to ensure we can have the input and draw on the experience and expertise of the presidents of the courts. We can only do this by having their active engagement and involvement, and that would be through membership.

The Minister also said “I have listened to Deputy O’Callaghan in particular, as well as other members, but I am not minded to increase the number of members of the commission beyond the 13-member composition that the legislation now provides.” Those are the words of the Minister. We considered a membership of 14 or 15 in order to incorporate the presidents of the Circuit Court and the District Court and the Minister is now considering having 17 members. Why is that the case? I believe there are two reasons. It is a joke, and the Minister knows it. The Minister wants to keep the Attorney General on board, and he wants to ensure a lay majority. The Minister is introducing poor legislation to keep the Minister for Transport, Tourism and Sport, Deputy Ross, on board so that the Government can continue on its merry way. That is the truth, and the Minister knows it. I know the Minister does not agree with having 17 members of the commission. Can anyone imagine the situation? There would be 17 people around the table. We wondered if 13 members would be too many and we are now considering 17. The Minister should give us a break. He should be honest, tell us the truth and admit that he does not actually agree with it. I know he does not. The Taoiseach himself recently spoke about it as it applied to the issue of sentencing guidelines.

The deal with Sinn Féin is disgusting. I have been here since 2011 and have said very few negative words about Sinn Féin. However, it is now going down a populist route. It was the case on the Data Protection Bill, where it helped change the age of digital consent from 13 to 16, and it is acting in the same way again. It is trying to steal the clothes of Fianna Fáil, and it is wasting its time. It was better off on the route it was taking previously and is now a joke, given the two positions it has taken recently. I am really angry that it has done this deal. I feel like saying more than I should.

The Taoiseach, when talking about sentencing guidelines, said:

In addition, the Judicial Council Bill 2017 is before the Seanad. That Bill potentially provides for the making of sentencing guidelines, which is something the Government is very keen to explore with Opposition parties.

We do, however, have to make a distinction between guidelines and mandatory sentencing. We have separation of powers in this country. Judges sit through entire cases for days

and days, something we do not do. They hear all of the evidence and all sides of the story, including any mitigating factors. I am not referring to any particular case but am speaking generally. It is not right for us, having not sat through these cases and heard the evidence, to second-guess the judgments made, because ultimately it is the judges who sit through those cases for days and days, hear all of the evidence, all of the arguments and all of the circumstances and ultimately come up with a sentence on that basis. I do not believe that it is correct that people who do not do what judges do should second-guess their decisions.

The Government has made a deal with Sinn Féin for guidelines, not mandatory sentencing. Fair play to the Government; Sinn Féin was easily bought.

We are caught in a difficult place. The present legislation is imperfect and there are problems with all of the amendments tabled for different reasons. One does not have to be a rocket scientist to see where this is going. We are going to end up with poor legislation, and it will be on our heads.

Deputy Jim O’Callaghan: Hear, hear.

Deputy Mick Wallace: Shame on those who have done deals in the background. The responsibilities of Members of these Houses is to deliver good legislation. We put a lot of work into this, as did several others. We want to legislate well. The media do not listen to the legislation that comes from this House, and we could not care less about it, but we do care about how legislation is delivered. We want to have our names attached to things that have been done well. This is not being done well. This is horse trading of the worst type, and nothing short of it. The Minister, Deputy Ross, campaigned on this issue to remove politics from the appointment of judges in Ireland. We are not working towards that now. We are moving away from that aim. We are taking the legal influence out of it and increasing the political influence. We are decreasing the legal influence, provided by those who know what is going on, and increasing the political influence. That is what this Bill will do. It is a sham. I do not believe for a second that the Minister believes we are going in the right direction on this. He should tell the truth and admit it.

Deputy Donnchadh Ó Laoghaire: I cannot support amendment No. 6 from Deputy O’Callaghan because it will pave the way for a non-lay majority. I have made that clear to Deputy O’Callaghan previously. I also believe it is too prescriptive in terms of the organisations that can be representative. The need for those lay people to be more representative was discussed at length at Committee Stage. We should try to be more imaginative and go beyond the usual processes of appointment through the Public Appointments Service. It is for this reason that I have put forward a number of amendments. Some of them are in this group, although the key one is in the next group.

The key amendment to which I refer proposes to split the lay majority between the general lay appointments, the three people who would be appointed under amendment No. 15, and the three who would be appointed under the diversity and social inclusion provisions. It is probably a miscalculation to go for a split of three and three so this is a matter which I may revisit. However, the principle behind it is that the diversity and social inclusion appointments in the judicial council could develop a register of relevant organisations beyond the Irish Human Rights and Equality Commission, IHREC, the Free Legal Aid Centres, FLAC, and the Citizens Information Board. All of those are valuable and would have a role to play, as well as an interest in ensuring that the judicial appointments council is properly representative with a view to

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ensuring that the judiciary is properly representative. However, there are many other organisations that would be relevant in that regard as well. The proposal would be that a register of organisations would be developed and that those organisations would be invited to bring forward nominations through the judicial appointments commission. The Public Appointments Service could agree or otherwise and take on board a number of those nominations.

Unfortunately, my amendment has been ruled out of order but I am minded to support amendment No. 11 in the name of Deputy Clare Daly. That would be my preference. I do not support the Attorney General's presence on the judicial appointments commission. As has been discussed on a number of occasions, I think that constitutes a second bite at the cherry. However, my vote will be to ensure that the lay majority is preserved. I do not for one moment accept the point about populism. There is an obligation on all Members of this House to try to deliver for their constituents. I am of the view that everyone here is very committed to doing so.

Sentencing guidelines have been discussed at length in this House over many years. They have been pursued by several organisations, including the Irish Council for Civil Liberties, Rape Crisis Network Ireland and the Irish Penal Reform Trust. Fianna Fáil and many others, including the Labour Party, have expressed support for the notion of such guidelines. Whatever comments may have been made, it is clear that sentencing guidelines - or scope for them - were not included in the Judicial Appointments Commission Bill 2017. We have done what we can to pursue that aim and deliver on it. I think that is right. It is in the public interest and, I think, it is something that members of the public, particularly the victims of crime, would be keen to see. Deputy Clare Daly is quite right; there are issues around to the separation of powers. Any proposals we have brought forward in the past have been consistent with that. They have always ensured that the final authority lies with the judge. Ultimately, the latter has jurisdiction. We are mindful of the separation of powers. Any proposals that we have brought have taken account of it, as will any proposals we will support in the future.

The point that I made previously about this Bill and the other legislation is that I view them as a package. It is very rare for reforms relating to the Judiciary to go through these Houses. The matter of judicial appointments is one such area of reform. We are dealing here with a proposal to ensure that the process for appointing judges is transparent, independent and removed from political influence. The case concerning the manner in which these appointments have been carried out has been made in a comprehensive manner. That is important. However, it is also important that we address how the Judiciary conduct themselves when in office. There has been significant criticism of the lack of consistency in sentencing and, indeed, of the lack of research and information on it that is available to organisations. That is something that has to be rectified.

As already stated, it has always been my view that I will deal with each amendment as it comes and that our discussion relates to supporting this Bill on Fifth Stage. While I believe that there is a great deal of work to do - not only here but also in the Seanad - to try to ensure that the Bill is up to scratch, as matters stand, I am of the view that it is worthy of support and that it can improve the process by means of which judges are appointed.

Deputy Mattie McGrath: I, too, am glad to be able to contribute to the debate. I apologise that I could not get here last Thursday to speak. I lost the keys of my car. If I got locked out of the building, perhaps the Minister for Transport, Tourism and Sport, Deputy Ross, would have been pleased. I noted, looking in every now and then, that he accompanied the Minister for Justice and Equality, Deputy Flanagan, and minded him, as it were. I am not doubting the Minister

for Justice and Equality's capabilities in dealing with any legislation or in handling anyone, but I did notice that the Minister for Transport, Tourism and Sport kept a very close eye on him.

Tá sé as láthair anocht. Maybe he is off acting as something that starts with the letter B, I will not say what, someplace else. It is my first time commenting on this Bill. However, I would like to ask the Minister for Transport, Tourism and Sport - I hope the Ceann Comhairle will allow me to do so - why he chose to have a very menacing outburst against me in the canteen last week in the company of many others. I can understand that. I am used to that. Maybe he was hot under the collar, pardon the pun. However, my 19 year old daughter was present and I thought it was very unsavoury. I would ask him to reflect on that, and maybe to issue an apology to that young woman. It was not nice language for a young lady to hear, nor was it nice language to use in the canteen, with the public, staff, ushers, Members and God knows who else present.

I do not know the Minister for Transport, Tourism and Sport's whereabouts. He is like something from the Flight of the Earls now. He is going from one Bill to the next. He is like a fellow who was dancing on a stage at a crossroads one night. This man was two-timing. I knew him well in later years. On the same night, he was with Kitty and Kathy. He was dating both of them, but either turned up at the stage. He said that he had neither Kitty nor Kathy that night.

An Ceann Comhairle: We are dealing with the Report Stage of the Bill, amendment No. 6 and all the other amendments in this grouping. The Deputy needs to focus his attention on the subject matter of the amendments.

Deputy Mattie McGrath: I try to focus on it, but when there are outbursts from different parts of the building, it is important to note the fact on the record. There is no room for that in a parliamentary democracy. I think the Ceann Comhairle would be the first to agree with me.

This Bill, as I have said, is the brainchild of the Minister for Transport, Tourism and Sport. It was very dear to him before he entered the Government, and during the talks he was pretty strong on it. In fact, I supported him on a lot of the ideas and intentions. However, it seems to be a bit of a dog's dinner now. We have a board which is going to consist of 14, 15, 16 or 17 people.

Deputy Jim O'Callaghan: It is 17 people.

Deputy Mattie McGrath: When it was a council of 11 he was very unhappy with its make up, and we all were. I was certainly unhappy, and I said as much at the time. I said that we have other people watching us. Only last year, a report from the Group of States against Corruption, GRECO, a Council of Europe body, put further pressure on the Government to pass the Judicial Appointments Commission Bill 2017. I acknowledged that. At the same time, GRECO found Ireland to be "globally unsatisfactory", particularly in the area of judicial appointments and independence. Those are not my words. They are from GRECO, a European body. I do not know what kind of deal the Minister has cobbled together with Deputy Ross and other parties. *The Irish Times* reported:

GRECO said Ireland was also not in compliance with its recommendation that a structure be established to deal with judges' pay in a way that would safeguard the "integrity and professional quality" of the bench.

We must do that. Judges have a difficult job. Since the foundation of the State, and in more

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recent times with the Special Criminal Court during the Troubles, they have had a hard job in the main. However we must also have refresher courses. I have been saying it for years. If someone is appointed a judge today, they are a judge for life. I do not think any judge has ever been impeached or left. Perhaps one. It does not happen. GRECO rejected the Government's response that the new Public Service Pay Commission would deal with these issues.

It stated it could not see how the commission would protect judges' independence when it came to setting their pay and pension conditions. Quite frankly, I would find it hard to see how it would, as would most people. It also noted there is no formal code of conduct for Irish judges. The group noted that work to establish a code of conduct was started in 2011 by the then Government, of which the Minister was a supporter, but it is yet to be completed. GRECO also stated, moreover, that in the current situation, including the fact the judicial council has not yet been established, no accountability mechanism is in place.

As was reported in *The Irish Times* last year, another European report found that almost one third of Irish judges believed judges were appointed by the Government for reasons other than merit, and this is very concerning. The Minister, Deputy Ross, claimed all of the time that he wanted to depoliticise these appointments, but I do not know what he has done now. It has become a right mess. There is a row about who will be on it and who will not be on it. He was so anti-quango all his life, when I read about him, met him and for the past ten years since I came in here. A quango was an abhorrent being to him. He wrote about it every time he got a chance and spoke about it here loudly when he was in opposition, up where Teachta Clare Daly is ina súi anocht, proclaiming that quangoland was a waste and scandalous. He spoke about political interference and jobs for the boys, but now he wants to have a quango that is super fat. If it was an animal going to any factory it would be degraded for having too much fat. It would definitely be culled and gone out as meat for export but not for human consumption.

He seems to have lost the plot since he got into government. I do not know what the Government is doing to him inside in the Cabinet room, but I would like to be a fly on the wall. I think they have him terrorised because he is like a rabbit in the headlights and he does not know whether he is coming or going. He is head before face and face before someplace else. I do not know what we are going to do with him. This legislation can expect a difficult passage because it is all over the place. A lot of his basic credentials when elected here were that he wanted to rid the country of quangos, and now he wants to set up one of the fattest ones. A mixed bag of licorice allsorts would not be a patch on this. I certainly cannot support it and I have a lot more points to make on it later.

Deputy Michael Healy-Rae: I appreciate very much being given an opportunity to speak on this very important subject with regard to amendment No. 6. There seems to be a share of last-minute manoeuvres being done with regard to this very important Bill. Perhaps it is a sign of the new coalition that might be coming down the road, because there are overtures between Sinn Féin and Fine Gael and there seems to be very warm interaction going on at present in public and behind closed doors. The support that has been reached in recent hours and days with regard to the Bill seems to reflect very much on the romance going on at present between Sinn Féin and Fine Gael. I suppose like any courtship it will take its natural evolvment and it will go from one-----

Deputy Sean Sherlock: It is blossoming like the rhododendrons in Kerry.

Deputy Michael Healy-Rae: Yes, that is fair enough-----

Deputy Mattie McGrath: Not quite, I would say.

Deputy Michael Healy-Rae: -----but rhododendrons are not very nice when they are blossoming.

Deputy Sean Sherlock: That is my point.

Deputy Michael Healy-Rae: The Deputy knows that we treat them as a very invasive species.

Deputy Mattie McGrath: Not so sweet.

Deputy Michael Healy-Rae: I will come back to the romance because that is the serious point of this, because it will have a big effect-----

An Ceann Comhairle: Will the Deputy ever come back to the amendment?

Deputy Michael Healy-Rae: I will, but the romance is part of what is happening to the body of the Bill because there has been a major change to it. I am sure Deputy O'Callaghan, with his expertise, will agree with me that this set out to streamline a board, and the proposed board went down in numbers, but now I believe it is back up again to 17. It is up and down like a yo-yo or a zig-zag. That could not happen without political agreement. If my understanding is right, it was not with the political agreement or say-so of the real government, that is Fianna Fáil. This has happened outside of Fianna Fáil's agreement and it is with Sinn Féin and the Government, in preparation for their continued courtship in the future Government they are hoping, perhaps, to try to produce out of the courtship that is going on at present. It certainly took a lot of people by surprise.

Deputy Wallace should be commended on what he said earlier. The simple fact is that it seems to be very unsatisfactory. It seems to be in a shambles at present. I will be very interested to hear what the Minister has to say about it. Any time a Bill is brought before the House it is supposed to make a situation better but if it transpires that what someone is actually doing is using the political system to make matters worse, how are people supposed to have confidence in the political system at that stage? There was a type of affront on the Judiciary and there was talk of a major overhaul of the way the whole Judiciary was appointed and how it would be conducted in the years ahead but now it seems to be falling into a shambles. I would like further clarification. I would like to hear what can we do about it at this Stage.

I appreciate the opportunity we might have during the rest of the evening to speak on the various amendments and where we can go from here. Certainly people involved in the legal profession would be very interested in what is going on here because it is surprising, to say the least. We often heard of gerrymandering in the past, but this seems to be political gerrymandering of the worst type. People do not know where they are going with the whole situation now. We might finish up with a board of maybe one member for every county in the country at the next Stage because-----

Deputy Mattie McGrath: And two for south Dublin.

Deputy Michael Healy-Rae: Yes, and maybe a few more here and there in the city. It certainly leaves an awful lot to be desired. More questions will be asked after this than there ever were before. If this is politics working to put something right, if we went about making something wrong God only knows where we would finish up. That is what I would like to put

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to the Minister. The deal that was done is certainly interesting, to say the least.

An Ceann Comhairle: We have to focus on the subject matter of the amendments. We cannot go back to Second Stage speeches.

Deputy Sean Sherlock: I wish to speak to amendment No. 6 in the name of Deputy O’Callaghan.

An Ceann Comhairle: Good.

Deputy Sean Sherlock: The Labour Party will support the amendment but it behoves us to make some political points on the nature of how this legislation is beginning to unfold. It is very clear now that Sinn Féin has done a deal with the Government in respect of sentencing guidelines. What we would like to know, what the House would like to know and what the people who are looking at this legislation would like to know, is what the nature of that deal is and whether it will be published in some transparent way in order we can all have sight of what happened-----

Deputy Michael Healy-Rae: It is called love.

Deputy Sean Sherlock: -----in respect of the position that Sinn Féin has adopted on this matter.

It is very rarely that I agree with Deputy Wallace but he is right when he says this is poor legislation designed to keep the Minister, Deputy Ross, on board. If we really examine the nature of the legislation, in his assault on official Ireland, the Minister, Deputy Ross, rails against insiders and cronyism and he has always had two targets in mind, with one being the Civil Service and the second being the Judiciary.

That is what is baffling about this cunning plan of his. Ironically, in order to “reform the Judiciary”, the judges will ultimately be appointed on the advice of senior civil servants and their placemen. It is precisely what the Bill now proposes. There has been much comment on how the Bill will reduce political and judicial input but there is no attention at all on who will provide the substitute input. In our rush to depoliticise the judicial appointments process, we are being asked to put a very significant part of it into the hands of the Public Appointments Service.

What is the Public Appointments Service element? It is a body consisting of five senior career civil or public servants, including two departmental assistant secretaries, the former chair of the Northern Ireland Civil Service commissioners and three personnel consultants. I do not see why the senior Civil Service should have any role in appointing the judges, even at the remove of appointing those who will recommend the appointments. Let us be realistic about this. The State in its various guises is by far the biggest consumer of judicial services and whereas politicians come and go, our senior civil servants – the permanent administration – are daily at the receiving end of adverse judgements and rebukes in our courts. Decisions are overturned, schemes are upset and spending plans are thrown into disarray by court decisions.

The major differences on the bench are not those between judges appointed by different Governments. We all know that there is no pattern at all of Fine Gael judges defending their own team and having a go at Fianna Fáil Governments or *vice versa*. Neither is the major difference on the bench one between those of a liberal or a conservative disposition. The major

differences are between those judges who are disposed to toe the line and those who do not. It is between those who, from the perspective of the Executive branch of Government, know their place and those who do not.

The judges have two basic tasks. One is to do justice in disputes between individuals and the other, perhaps more important, is to curtail the power of the State and its agencies and to confine public bodies to the rule of law; in short, it is to bell the cat. The senior mandarins who shape the future of our Civil Service should not have the same sort of say in shaping the future of our Judiciary. The amendment that speaks to common sense and good legal practice is the Fianna Fáil amendment. It strikes a good balance between lay persons and pre-existing members of the Judiciary. It is a little grubby that we are trying to make law here on judicial appointments and it has become the subject of a political deal between the Government and Sinn Féin. The Government and Sinn Féin should publish the content and elucidate on and enlighten us as to what went on between the two parties when they arrived at this deal.

Deputy Danny Healy-Rae: I am concerned that we are undoing a system that has served this country well for more than 100 years just to satisfy one Minister who is supporting the Government. It is about keeping him on side in order that he will continue to support the Government. He has been promoting this proposal for many years even before he was elected to this Dáil. It is clear that our Judiciary has been exemplary in all those years and in spite of everything, it is clear to me and many others that judges gave fair, honest and impartial judgment on whoever came before them over the years.

The Bill indicates a change in the way judges are to be appointed. My worry is that lay persons will be recruited by the Public Appointments Service. Who will select those who will effect that recruitment? Will it not be done by the Cabinet, the Government or Members? How could that be right? There will be lay people selecting judges who may or may not have any idea of how to select a judge according to competency, fairness and ability, which is most important. Is that going to be a consideration at all? I am very worried about this. The proposal is for a lay majority, which is absolutely ridiculous. I cannot see how that would be fair at all. The Bar Council is totally opposed to this idea of lay persons being in charge of judicial appointments. It is correct in that assessment. I cannot see how lay members in this job could have the experience that judges accumulate over years on the bench, dealing with all the aspects, problems and cases that come before them. How could lay members have that knowledge in the space of a couple of years?

It is absurd to think that is where we are just to please one Minister and to keep him on side. It is bad enough what he is doing to people in rural Ireland but if he gets away with doing this to our justice system, it will make a farce of the whole thing. There would be a lay chair recruited by the Public Appointments Service, which is totally absurd and wrong. The majority would have to be lay members but there must be an ability to form a strategic objective and provide leadership to implement changes to the body. Very good people could come forward, but we are exposing ourselves to the unknown. We already know what we have in place. I ask the Government to go back and look at what it is doing. It just wants to satisfy the Minister for Transport, Tourism and Sport. That is ridiculous.

Again, I ask the Minister for Justice and Equality about the Public Appointments Service. Who will appoint those involved? Judges have always provided fair and honest judgments. They had the experience to do so because many of them started off as solicitors and progressed up the line and became District Court or Circuit Court judges and, eventually, High Court

judges. That was the right way to do it. It has worked, as I said, for over 100 years.

I appeal to the Government to take another look at what it is doing because I believe we are going down the wrong road in what we are doing with this Bill. As the earlier speakers have said, we now hear the Bill is getting support from Sinn Féin. There must be something happening. Then Sinn Féin elects a Fine Gael Senator to the vacant Seanad seat.

An Ceann Comhairle: The Deputy is straying into different areas now.

Deputy Danny Healy-Rae: I am sorry, a Cheann Comhairle, but that is the truth. It is happening behind the scenes. This is why I am extremely worried about what is going on.

Deputy Seán Barrett: I was away for three days with the Joint Committee on Foreign Affairs and Trade, and Defence last week. I did not realise that all these agreements had been reached in my absence. Perhaps we could have some clarification as to what actual agreements were made because this is news to me. I do not know of any agreement with Sinn Féin. I was not asked about it, nor did I hear about it. I just wonder where all this information is coming from.

Deputy Michael Healy-Rae: It is a love affair.

An Ceann Comhairle: Please, Deputy.

Deputy Seán Barrett: Deputy Michael Healy-Rae is a great man for hopping from one side to the other so he should not have a go off me.

Deputy Michael Healy-Rae: I am not having a go.

An Ceann Comhairle: Please.

Deputy Seán Barrett: It is 37 years since I was first elected to this House. In those 37 years, I have seen numerous judges appointed by various Governments. Not once in 37 years has there been a collapse in confidence in the judicial system, and I wonder where all this is coming from. I cannot think of anything better than the Minister of the day, whatever party he or she is a member of, having the responsibility of announcing to this House who will be appointed a judge. All these commissions are taking away from and eating into the respect people have for the elected Members of this House and someone should call a halt to what is going on.

As to the agreement, or so-called agreement, with Sinn Féin, I have not been informed of any agreement. Perhaps the Deputies who have spoken about this and seem very definite about it could give me some information as to the exact agreement because, as I said, I was away on parliamentary business for three days last week. It may have happened while I was away but I know nothing about it.

It seems that time is being spent in this House on Report Stage of a Bill concerning judicial appointments but we are straying into comments to the effect that agreements have supposedly been made between one party and another and that Ministers should be the last people to be given power to appoint people. I cannot think of anyone better, whatever the political party, than the person who got his or her seal of office in Áras an Uachtaráin from the President to have the responsibility to come before this House and announce appointments, whether in justice or any other area of government. I will not be here after the next election but I wish to put on the record the fact that we should cop ourselves on and that the people have elected all of

us here, irrespective of the parties of which we are members - or whether we are members of parties at all - and they expect us to do the job and be answerable to them. There is no point in any of us, when confronted, whether on a canvass or walking down the street, answering people who ask us about appointments by saying we do not appoint anyone and that it is a commission of some description that does so. The Government is elected to govern, and it is time we called a halt to this.

I am sorry. I appreciate the Ceann Comhairle's indulgence because I suppose if I were in his position, which I used to be, I could accuse myself of making a Second Stage speech.

Deputy Mattie McGrath: Deputy Barrett was always fair.

Deputy Seán Barrett: However, my comments are all tied into the amendments we will face. Therefore, I feel I am within the rules - to some degree in any event - of being able to make these points. I would just like to have them on the record of this House before I leave and to issue a warning. This is purely a personal opinion, with which people may disagree, but this business of for ever passing on responsibility to another body is totally foreign to me. I have seen people of all parties and none come in here and make good decisions. Yes, there were some bad decisions but, by God, they were better than some of the ones that have been made by outside bodies over which we have no control or say. It seems to be the case now that we are all afraid to make decisions in case the media might have a go off us. Let us cop ourselves on really and truly. The appointment of the Judiciary is very important. As Deputy O'Callaghan, who practises in the Law Library, will tell anyone, there are some good solicitors and some bad solicitors, and some good barristers and some bad barristers. However, by and large, the people who serve on the Bench do a reasonably good job in very difficult circumstances, and the way in which they have been appointed has not seemed to cause any great problem until now. I wonder where we are going all the time in taking away responsibility from this House for making decisions. These decisions taken in courts affect ordinary people's lives. I wonder how key people can be appointed by some body with various representation. What is wrong with elected Members? If elected Members make bad decisions, the people have the choice not to re-elect them in the future.

I just wanted to put this on the record. I do not mean any disrespect to my colleague, the Minister for Justice and Equality, but, generally speaking, we would want to watch where we are going with this.

Deputy Michael Collins: Regarding the appointment of judges, this decision, from what I can gather, was made previously by Governments. I happen to agree fully with Deputy Barrett. He is an experienced politician and what he had to say certainly warrants full listening to. I was interested to hear it.

I had this discussion with the Minister for Tourism, Transport and Sport many months ago when he was doing what a Minister should do, namely, looking for support for this Bill. However, the issue I could not understand was that at present, according to the system we have in place, the Government of the day makes the decision in appointing the Judiciary. From what I can gather, in future the decision will be made a new commission established by the Government. I do not see much difference in where we are going. The Government of the day will appoint a group of people to make that decision but the Government of the day would have had to make the decision in any event. One might assume that the group will be made up in the way that the Government of the day will wish it to be made up and will make whatever decision that

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Government wished to make in the first instance. My view is that the Minister for Transport, Tourism and Sport is trying to make himself look good, as though he has done something with this Bill. He is coddling the people. He might fool some of the people some of the time but he will not fool all of the people all of the time.

On appointments to positions on boards, even in the context of the Road Traffic Bill, I heard the Minister speak of appointments of someone from a certain sector to the Road Safety Authority, RSA. I questioned that and got no answer as to who appointed that person. He is the same Minister who tells us that politicians should not appoint people to boards but it looks as though he has done just that. Maybe he should clarify the position but that is something for down the road. I am very concerned that this would be taken away from the Government and the political system. We are elected by the people, as Deputy Barrett observed. Surely to God we are strong enough to make that decision for the greater good of the country and not be setting out another layer of complication in respect of this issue.

It looks as though it is a done deal and that it is part of a Government agreement that this must be pushed through. I would be concerned if that were the case. I am glad to have the opportunity to speak on this tonight. My views are on the same lines as those of Deputy Barrett. I appreciate his comments because they come from an experienced politician.

Deputy Charles Flanagan: From the debate this evening, rather than from any previous Stage at which this legislation was subjected to scrutiny, there appears to be some contagion from the Road Traffic Bill. That contagion appears to be directed towards my colleague, the Minister for Transport, Tourism and Sport. I will not apologise for the Minister, I do not have instructions to apologise for him and I do not have authority to apologise for him for any issues that may have arisen between the Deputies regarding another piece of legislation. I am saying that to both Deputies Healy-Rae and Deputy Michael Collins. This appears to be-----

Deputy Danny Healy-Rae: Some people-----

An Ceann Comhairle: Deputy, let the Minister carry on, please.

Deputy Charles Flanagan: ----more about the Road Traffic Bill than the Judicial Appointments Bill. It is very clear from the contributions.

Deputy Danny Healy-Rae: No, this is something different.

An Ceann Comhairle: Deputies, please.

Deputy Mattie McGrath: On a point of order.

An Ceann Comhairle: No, there is no point of order. Please allow the Minister respond.

Deputy Mattie McGrath: On a point of order.

An Ceann Comhairle: There is no point of order. The Minister is trying to respond to the debate.

Deputy Mattie McGrath: He is kind of lost.

An Ceann Comhairle: He is not lost.

Deputy Mattie McGrath: No. The Road Traffic Bill is all he is talking about. The only

journey that is taking place is whatever journey he has made with Sinn Féin, having cobbled this deal together. That is the only traffic that I can see. The traffic is all one way.

An Ceann Comhairle: The Minister to continue, please.

Deputy Charles Flanagan: I want to acknowledge Deputy Clare Daly's point on the Judicial Council Bill. She is correct and I agree with her. Unfortunately, progress with the package of amendments to which she referred has been slower than I would have wished. However, it is my intention to bring an appropriate number of amendments to the legislation aimed, for instance, at approving the transparency in the complaints process including in dealing with sentencing, which I had indicated at Second Stage when I introduced that legislation. I hope to have that before the summer recess.

I agree with Deputy Barrett when he states that the appointment of members of the judiciary is a most important task. I thank him for his contribution. Despite this reforming legislation, it is important to note that at all times the ultimate decision, in accordance with our Constitution, on the appointment of members of the Judiciary, will be made by Government. That does not change here. It is essential that we acknowledge that this decision for the appointments, which is serious and important, will be made by Government. It is merely the architecture around the recommendations that will be under this committee and the Government will ultimately make the decision. That will be unchanged.

I will make a brief point about the Attorney General as it has been the issue of most debate. I acknowledge the contributions of Deputies O'Callaghan, Sherlock, Ó Laoghaire and others on this. The knowledge and attributes that the Attorney General will bring across a range of legal and judicial matters are really important in the context of anyone coming forward for judicial appointment. The Attorney General represents the State in so many legal proceedings. He or she is the representative of the public in all legal proceedings for the enforcement of the law and the assertion or protection of public rights. The day-to-day interaction with the law in the courts at the highest level of legal interaction and legal proceedings provides the Attorney General with a unique perspective of the work of practitioners as well as the deliberations of the courts. I have not been convinced by the points of argument which I have heard about the removal of the Attorney General who plays a really important role.

Deputy Donnchadh Ó Laoghaire: I wish to address some of the points that have been raised by other Deputies. We start from a position of having supported this Bill on Second Stage and Committee Stage. Others did not. Fianna Fáil, for example, did not support it for its own reasons. We have always believed that it is necessary to improve the manner in which judicial appointments are made, to take them out of political influence. That was our view at the beginning and it remains our view. It is the case that we have keenly pursued the issue of sentencing guidelines for several years, through several Private Members' Bills. We saw an appropriate location for it in the Judicial Council Bill and saw provisions in that legislation which we held to be inadequate. Anyone who does not think that it is reasonable to go to the Minister for Justice and Equality and outline the Bill's inadequacies and express the desire for the Department to do what it could to see it strengthened. I am sure that the Oireachtas would support it being strengthened. Anyone who does not believe that is reasonable is grandstanding. It is something that is very clearly in the public interest, it has been sought for a very long time and it is vitally important. I do not think that there is any more to it than that.

It remains the case that we will analyse each amendment as it comes. I will not support

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Deputy O'Callaghan's amendment because I believe in the principle of a lay majority. I do not support the Attorney General being part of it. Consequently, I will consider those amendments on that basis. I am anxious to ensure, however, that the presidents of the Circuit Court and the District Court will be reintroduced into the equation.

In terms of what is being discussed and the proposals there, there is more of a consensus than one would imagine listening to the debate. There is agreement on the need for more transparency and that there needs to be independence; there is agreement on reintroducing the presidents of the District Court and the Circuit Court. There is broadly a consensus, albeit with some disagreement, on a lay majority. There is also a widespread view that there needs to be a way to ensure that the lay members are not just traditional Public Appointments Service appointments but that we find other ways of making them more diverse and more representative. The outstanding issues can and should be addressed and I hope they will be.

Deputy Mick Wallace: I ask the Minister to explain to the House why Fine Gael now believes that a lay majority and a lay chairperson, rather than the Chief Justice who is the current chairperson of the Judicial Appointments Advisory Board, JAAB, are essential to the process. Why does the Minister propose a reduction in the percentage of judges on the commission, as compared with the percentage on the JAAB? Why does the Minister not trust members of our Judiciary to select and recommend candidates based on merit? Why does he believe our judges must be outnumbered by a lay majority to keep them in check? Where is the evidence that this is necessary? I am not so sure that there is any logic to the Minister's argument and I am not even sure it is based on a dearly held view in Fine Gael. The Minister should answer my questions. It would be disingenuous of me not to point out that the Minister is not being genuine in his approach to this Bill. I have serious issues with what is going on here.

I have tabled amendment No. 7a, which has been accepted by the Ceann Comhairle's office, for which I thank him. I have taken the barristers' representative off the commission to deal with the fact that my original amendment, which was an even split of 14 members, was deemed to be out of order because it would incur a cost to the State, which I pointed out last week was not true. I had to deal with that issue but I hope that amendment No. 7a will be supported by the other parties in the House. I would be in favour of the barristers' representative being put back onto the commission during the Seanad debate on the Bill because it makes sense to do so but I had to deal with what was before us. In my original amendment I had proposed including two extra judges, who would be paid expenses but not a salary, and removing one lay member, thus doing away with his or her salary. My amendment would actually have saved the State money. The Government then came up with the magical figure of 17, which would make the commission unworkable. Where has common sense gone? Can the Minister stand over that? It beggars belief.

Deputy Clare Daly: I put it to Sinn Féin that if there is a good argument for incorporating sentencing changes into this Bill, we can all take those points on board, learn from them and I am sure we would be open to supporting them. However, that is entirely different to going behind the scenes and horse trading in advance of this session. If Sinn Féin genuinely wants to have the presidents of the two courts back on the commission, but objects to the Attorney General's inclusion, it should support Deputy Wallace's amendment, which provides for that composition. For us, the lay versus legal issue was never decisive. What is at stake here is the independence of the appointment of the Judiciary from the political process but the Government's reinstatement of the Attorney General has actually made the situation worse. It is not true to say, as the Minister claimed earlier, that the knowledge of the Attorney General is being

discounted. It is not being discounted but is being listened to in the arena where it should be listened to, that is, as with other jurisdictions with a similar system, as a valued adviser to the Government. If the Attorney General is present in the room when the commission is deliberating and is privy to all of the thought processes involved there and then goes and sits in on the second stage of the process and can tell tales to Government, so to speak, on the earlier thought processes, how is that lessening political interference? As the Irish Council for Civil Liberties, ICCL, has pointed out, the Attorney General is a political appointee, which we all know. Not only that, matters are made worse by the fact that the Government is seeking to provide that the Minister can reappoint the lay members on the commission. Commission members will know that the Attorney General can go back and tell the Minister about the commission's deliberations, which will mitigate against the independence of the lay members because they will know that they could be reported back to the Minister.

This is heartbreaking, given the amount of work that has gone into this legislation. It is bad law and I echo Deputy Barrett's point that at this, the 11th hour, we should call a halt to this because it is all over the shop in terms of different amendments and so forth. We are going to seriously regret what has been done here, particularly as the Judiciary has generally served us well. What started out as a project to make a process better will end up making it much worse. It is actually scary.

Deputy Jim O'Callaghan: I listened to the Minister and to the Sinn Féin representative speak on my amendment No. 6. but I have not heard any valid explanation of their contention that it is inappropriate. I would like to speak to the amendment again and remind Members of its contents. Unlike the Government, I do not think there should be 17 people on the commission. We must remember that the function of this commission is to advise the Government on the appointment of approximately eight to ten people to judicial office each year. It is an advisory board. When one sets up an advisory board, one wants it to give one advice based on its expertise and for that reason, one puts individuals on it who have knowledge of a particular area. I carefully drafted this amendment to ensure that there was no particular majority of any one group. There are five members of the Judiciary on my proposed commission of 11 people. There is no judicial majority. There are four lay people nominated by four respected entities in Irish society with knowledge of the courts. The lay people do not have a majority on the commission. There are two members of the legal profession on the commission because as I mentioned previously, the only people who can be appointed as judges in this country are lawyers. That being the case, it makes sense to have people on the commission who are aware of how lawyers work. If one wants to determine whether an individual is going to be suitable for judicial appointment, one should not just look at his or her curriculum vitae which takes a few hours to draft, but at his or her 20 years of experience working as a lawyer. That will give one a better indication of what type of judge he or she will make. The commission proposed in my amendment does not contain a majority of any individuals. Unfortunately, Deputy Ó Laoghaire has fallen for the language of Deputy Ross. He has said that he is in favour of a "lay majority". In stating that, Sinn Féin is accepting that judges are members of the legal profession but they are not and it is disrespectful of judges to say that. We are missing the point if we do not recognise that no group should have a majority, irrespective of the personal wishes of any Minister.

Deputy Michael Healy-Rae: I wish to put on the record that in no way was I being disparaging of or disrespectful to Deputy Barrett. As the Deputy himself knows that I hold him in nothing but the height of esteem, as did my late father. Any person who has served in the Houses of the Oireachtas for almost 40 years deserves nothing but respect from every Member,

myself included. All I was trying to do was to highlight the fact that Sinn Féin has committed to voting for the Judicial Appointments Commission Bill once the Government introduces sentencing guidelines as part of the accompanying package. That is so ironic and as other Deputies have said, it is wrong to do so at this critical time. I wholeheartedly agree with Deputy Barrett's experienced, reasoned, sensible and sound contribution. He may not realise it but when he spoke one would hear a pin drop because quite simply everyone here, with the exception of the Minister perhaps, agreed with him. The Deputy definitely got a very good hearing from Members on this side of the House. His is the voice of experience and in time to come, people might reflect on what Deputy Barrett said. Future politicians who have yet to be elected may say "My God, yes, that man was right". I mean it from my heart and soul because there seems to be a race to the bottom. We saw this in the past. Deputy Barrett was Ceann Comhairle when local councils were abolished. I disagreed with that. It was a populist thing to advocate getting rid of politicians. The Government was saying it would get rid of the Seanad. I do not know why the Minister is smiling because he was shouting to get rid of the Seanad. Many of the people who were in favour of getting rid of the Seanad at the time were damned glad to have it to get into when they lost their seats in the Dáil election.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: They are in the Seanad now and they are very proud Members of that House. They are the very Members who were shouting to abolish it during the term of the last Government. That is why Deputy Barrett was 100% right in what he said. Perhaps the Minister and others might not like it but it is nice to hear a person of experience talking sense. It is only right that people like me, who have been around for only a fraction of the time of Deputy Barrett, listen to what he says.

It is like a race to the bottom in the belief politicians cannot be trusted and that, instead of giving them the position of chair, lay people should be appointed. My goodness, what are people being elected for if they are going to be abdicating their responsibilities? As rightly stated, politicians have to be judged regularly when elections are called. If they are making right or wrong decisions, the public will deal with them at the time of an election.

Deputy Eamon Ryan: At meetings of the Dáil reform committee and others, I often hear it said that there is weak Opposition legislation going through and that detailed pre-legislative scrutiny must be done. It is said we must be very careful not to put through legislation that is ill thought out. I do not believe there is a more ill-thought-out Bill than that before us. It would almost be entertaining if it were not so serious. The Attorney General's dog's dinner is set out before us in a proper fashion. It is almost like a fantasy football arrangement whereby one asks whether one should have 11 players on one's team. I cannot believe the Minister is putting forward an amendment suggesting a commission of 17 advisers to deal with this. There is a reason football teams are no bigger than 15. Once one goes above that sort of size, it does not work. A committee of 17 is too large. Any psychological analysis of how to get something done shows that one should not have 17 people involved. If this is still being done purely to pander to a certain political hypothesis - I am being kind when I say that - that our system of appointing judges has been a disaster and that we must introduce six lay people in order to have a majority without which the whole process would be polluted, it just beggars belief.

Section 12, which deals in such length with how one would actually appoint the people who would advise one how to appoint the other people, just beggars belief. If I introduced this as a Private Members' Bill, the Minister would say to me that I would not get it to Committee Stage,

that I would not get a money order and that I would not get anywhere with it. That is what is remarkable.

I agree with Deputies Clare Daly and Wallace that we all know this is not Fine Gael's intention. Surely it does not believe our appointments to the Judiciary have been so flawed and that our legal system is so toxic that we have to implement a new regime with a lay majority. I do not believe Fine Gael believes that. It would be more honest to admit that at this stage and opt for an alternative. Would I opt for the Jim O'Callaghan 11 or the Mick Wallace 14? To be honest, choosing between one and the other is dancing on the head of a pin. I would not opt for 17, however. More than anything else, I would move away from the whole narrative that we have to do what is proposed because we cannot trust our judges, Chief Justice and the system which, by and large, has actually served us very well.

There may be significant issues at lower court level in respect of political appointments and so on. We have to address that to depoliticise the system. The last Government might not have been as good at this as most previous Administrations. We have managed to avoid the politicisation of judicial appointments. This Bill is politicisation to satisfy the Independent Alliance over a thesis that no one here believes except one Minister.

Cabinet government works to the strength of our country because of collective responsibility. That sometimes leads to difficulty and it requires collective honesty. We should be honest and say that no one in this Chamber believes what is being said, not even Sinn Féin, whose members I hope are changing their minds because the absurdity is surely apparent. We should put a stop to it. I will not choose between 11 and 14 because, as I stated, we are dancing on the head of a pin. One thing is for certain, however: I will not be voting for a 17-member commission because that is stretching credulity beyond belief.

Deputy Sean Sherlock: Deputy Barrett spoke to the heart and soul of Fine Gael in regard to this matter tonight. Notwithstanding the ideological differences between all of us in this House, when somebody of Deputy Barrett's experience stands up and questions authoritatively the manner in which the legislation is proceeding and speaks so passionately about the confidence in the Judiciary of the Irish people, it has to be taken very seriously in this House. While we are all distracted by the referendum campaign taking place outside these walls, we have to be mindful of what this legislation ultimately seeks to do. It is seriously flawed as it is constructed, and that is why we have to employ common sense regarding the number of persons to be appointed to the commission. Common sense ordains that 11 members is a reasonable number. If there is a practising barrister, a practising solicitor, a chairman elected by the commission, and the other constituent members proposed by Fianna Fáil, one has a solution that seeks to mediate between opposing positions. It strikes a balance in which everyone would have confidence. When did we arrive at a situation where this House would be held hostage by the whims and vagaries of the personality of one Minister who is seeking to drive a coach and four through the Judiciary and official Ireland? The net effect of what is being created is arguably that more power is being given to the Civil Service through the Public Appointments Service, which leaves us in a very bad space in respect of this legislation. It sets a very bad precedent.

Deputy Mattie McGrath: I too am thankful for the Minister's attempt to clarify the position but, as far as I am concerned, he did not provide any real clarification. I support Deputy O'Callaghan's amendment No. 6, which contains a nice mixture in terms of the members. I also want to salute and pay tribute to An Teachta Barrett. We often clashed in the Chamber in the past but he has given me good advice and I respect his opinion. We are here tonight afraid

to take responsibility as politicians. We want to hive it off to the Health Service Executive, commissions and different groups. That is a very bad road to go down and a man of Deputy Barrett's experience and longevity in this House and elsewhere is aghast as to how this changed in the few days he was away. We are all aghast at the way it changed or where it changed. I compliment him and thank him for his guidance and clear warning that this is a very bad turn of events, and a very bad pattern to set here. We are the arbiters for the time being in terms of legislation. Whether they send us back here or banish us after the next election, the members of the public will adjudicate on the good or bad decisions we make but we should be accountable. We are accountable but we have seen too many issues arise with the HSE and other organisations for which people were not accountable.

It is ironic that we are here tonight dealing with this Bill at this juncture, particularly in light of what is going on in the referendum campaign whereby we want the people to give away their say to politicians. We have powers here but we want to hand them to a quango. Quangos have beset this land like a plague. When the National Asset Management Agency, NAMA, was set up, I said it was like a wild animal released in the woods and that we would not know where it would end up - and we do not. We only have to look at the current mess. We are asking the public to trust us to pass legislation on the most serious of issues, namely, the life of the unborn, yet we want to give away the powers we have here just to satisfy one Minister. The Minister, Deputy Flanagan, might say we are attaching the two Bills, so to speak. It might sound as if we are doing that because both of them are appalling pieces of legislation. This Bill is worse than the Road Traffic (Amendment) Bill. It is a mess, all because of a man and his ego so that he can tell his constituents in south Dublin that he has got two pieces of legislation through the House.

Deputy Danny Healy-Rae: It is nothing to be laughed at anyway.

Deputy Mattie McGrath: He will tell them that he wrote about it for 20 years, that he has been in government for two years but that he got two pieces of legislation passed in one week. He will say, "My God, I am some man". Clint Eastwood with his quick draw is only trotting after him. It is an indication of the abrogation of responsibility on the part of politicians that he is coercing the Minister to do all kinds of deeds with different parties that normally he would not touch with a 40 ft pole. I think it stinks.

Deputy Aengus Ó Snodaigh: Nuair a bhí mé ag éisteacht leis an díospóireacht seo san oifig, chuala mé roinnt de na hargóintí a bhí á ndéanamh ag Teachtaí maidir le leasú Uimh. 6, ach go háirithe. D'fhéach mé ar leasú Uimh. 7a, in ainm an Teachta Wallace, freisin. Measaim go bhfuil a lán le rá maidir leis an gceist seo. Tá go leor ráite ag daoine cheana féin. Is í an fhadhb is mó atá agam leis an moladh seo ná go gceapann daoine gur chóir go mbeadh aon athrú atá le teacht sa chomhthéacs seo mall, agus nár chóir go mbeadh athrú mór i gceist. Tá sé i gceist acu siúd atá ag déanamh cosanta ar an *status quo*, agus ar ghrúpa pribhléideach inár sochaí, nach bhfuil dóthain eolais ag ghnáthphobal na tíre - nach bhfuil an t-eolas sin ach amháin acu siúd a bheidh roghnaithe mar bhaill an choimisiúin seo. Ní chreidim gur cheart go dtiocfaidh na baill ón dream atá ag cleachtadh an dlí amháin. In terms of my family background, relatives on my mother's side and my father's brother-in-law practise law here and in another jurisdiction. I have cousins who practise in Geneva, so I have some understanding of the issue but I do not believe, and I do not think anyone else would believe, that they are above others, elitist or the privileged few and that only they could dictate to the rest of society who should or should not be a judge as if there was no input or reflection from the ordinary commoner could give them. We should be very careful that we are not trying to continue that elitism and privilege. When we get the opportunity, we should try to present an alternative. Nobody is saying

that those who go on the commission should have no understanding of law or how the legal system works. They do not have to be practising solicitors, barristers or judges to appoint other judges, no more than we should ever return to the way it was in the past when one had to be a practising Fianna Fáiler or Fine Gaeler in government to decide on the appointment of judges in this country or one had to have an anti-republican bias, as we have seen over the years. Many people in our society today know much more about the courts and how the courts system works than those who pretend that they understand the law inside out. In recent years, many of the big legal cases came on the back of the ordinary person having some understanding of the law, pointing out flaws in the law and using the courts in their own right to highlight those. Many laws have been interrogated because of the benefit of lay people in the courts. They understand. They are not part of the elite. They are not part of the privileged group.

In terms of what others are saying about a commission of 17, 21, 23 or whatever number of members, I agree that the membership should be as small as possible in order to deliver the result we want but if we want to include people from the legal profession and some from lay society, it then starts to get unwieldy, as is the case in this House because we had to have members of Fianna Fáil, Sinn Féin, Fine Gael, the Green Party on committees. We have committees of 21 members. The most recently formed committee, and I do not know the number of members it ended up with, is the committee on the report on Seanad reform. As far as I know, it has 21 members. It can work if the membership is big. It can be unwieldy but given that the task is not so onerous, I believe we could deal with a big number once it does not get too unwieldy.

Tá mé ag rá gur cheart go mbeadh tromlach de ghnáthphobal na tíre bainteach le roghnú na mbreithimh, más féidir. Sa deireadh thiar thall, tá sé mar bhunchloch sa chóras atá againn faoi láthair gur daoine atá ar chomhleibhéal leo siúd atá os comhair na cúirte a ghlacann cinnithe dlíthiúla. Má tá na breithimh ar chomhleibhéal linn, ba chóir go mbeadh ghnáthphobal na tíre in ann ionchur a dhéanamh nuair atá siad á roghnú. Meabhraím don Teach go bhfuil sé mar chumhacht ag breithimh saoirse a bhaint ó dhaoine - ó ghnáthphobal na tíre - nuair atá siad os comhair na cúirte. Is rud mór é sin. Nílím ag iarraidh go mbeadh aon sórt bias ag na breithimh a roghnaítear. Impím ar dhaoine smaoiniamh athuair ar an leasú seo agus tacaíocht a thabhairt do Shinn Féin sa chás seo.

Deputy John McGuinness: I certainly do not believe that the *status quo* should remain or that the appointment of judges or anything else should be for those who are privileged enough to be at that level and to be considered. I want to see reform. I have been to various courts to see for myself the inefficiencies and the poor respect for citizens. I am not saying that is the case in every court but I am saying it in regard to issues that have arisen in our time for those courts and those judges. I have seen at first hand the way they are not treated fairly and, therefore, I want to see it reformed. However, is this the radical overhaul of the appointment of judges in particular that I would expect? No, it is not. It is simply a Government that is pandering to the likes of the Minister for Transport, Tourism and Sport to ensure that it remains in office. It makes no sense whatsoever to see almost €1 million being spent every year on an office for the commission.

There is no sense in appointing 17 people or that high a number to a commission that will simply make recommendations to a Minister, probably providing the Minister with three or four names, and for the Minister to end up deciding on the appointment of a judge, possibly on a political basis. This is wrong. We are now outsourcing these appointments. It is a case of give them away to a commission, send health issues to the HSE and create some other quango that will deal with the issue we are afraid to touch because we lack the political leadership and

muscle to do what is necessary for this country, which is, essentially, to show leadership and fairness. This is what is happening here.

When they were on this side of the House, I heard the Minister for Transport, Tourism and Sport and others in Fine Gael shout and roar about the burning of quangos. It was a case of we will see no more of them. Half of them will be gone. None of that has happened. It all stopped mid stream because the Government refused to deal with those who were appointed and the comfortable few who gain from all these quangos. The Government is also afraid of doing it because it will result in it having to make a decision based on its own advices or possibly based on common sense. That is what is lacking in this area - true commitment from a Government and true commitment from Fine Gael, which had a reasonable track record in this area. However, it bows down to the Minister for Transport, Tourism and Sport who preached against all these quangos in the very recent past. I do not know why it does not challenge him because he needs to be challenged.

Setting up a system like this to appoint a judge does not correct the system. It is a flawed system now and this will be a flawed system. There are judges in the courts and if
8 o'clock one looks at the efficiencies of those courts, one will see that none of them function very well. What about the death of Shane O'Farrell? Look at the litany of wrongs done to his family as it sought justice. Look at what was not told to the judges in that case. Look at all of the record of the individual concerned that was never recorded to inform the judge. So it is not only about the appointment of judges. It is about the system and how it operates and it is about taking political responsibility for what is happening in our courts and the appointment of judges.

I do not believe a commission of this number will serve the Judiciary or the Minister well and it will certainly not provide transparency and accountability for the general public. It will be a further waste of money throwing it into a quango that undoubtedly will grow in numbers and cost at a time when we cannot make ends meet for those who are challenged by the health service or indeed those challenged by the Judiciary and legal system. Is it not amazing that a woman is still in jail in defence of her own home and family while Members of this House have nothing to say about it? A judge put her there when they should not have done so because they should have taken two and yet that is the legal system we have.

We are here arguing about the appointment of judges. It will be seen as a waste of time and money that would have been best directed at reform of the judicial system and ensuring that people get into court and get justice early and on time because so many cases are stacked up. I have attended numerous cases where again and again, particularly in respect of banks and repossessions, everything is just put off to another day. They leave the individual who is trying to protect their home to fight for that other day and to go through further trauma and torment without any protection. It is time we opened it up and brought about reform but this certainly is not the type of radical reform the system needs. It is not the type of reform that will bring about a different and better type of justice for the citizens of this country. I say to Sinn Féin that it will do nothing except protect the privileged classes in this area. It will do nothing for anybody else. It is a complete and utter sham for the Minister for Transport, Tourism and Sport to suggest that this commission will change anything relating to the appointment of judges. It will add further cost and might satisfy him. It is a political answer to keep the Government intact but I am afraid the public sees it and will not wear it.

Deputy John Lahart: I will address a few points made by previous speakers, particularly

the point made by Deputy Ó Snodaigh, for whom I have great respect. The Deputy seemed to imply that some judgments by judges have been anti-republican in nature. He should tell me if I am misinterpreting him.

Deputy Aengus Ó Snodaigh: No, I can give Deputy Lahart a list of them.

Deputy John Lahart: I remember growing up when extradition hearings were before the courts and when the extradition of people from this jurisdiction to the UK was resisted by the courts in this country. Historically, people in the Twenty-six Counties have had high regard for the manner in which judges kept this State safe during that period with the judgments they handed down concerning particular issues. The justice system needs to be defended against the broad sweeping statement made by the Deputy. It is important to say that.

Like Deputy McGuinness, we all have particular issues. One of the things I would like to have seen in this Bill involves an issue that is consistently brought to me by constituents, namely, family courts. By and large, as Deputy O'Callaghan has said on previous occasions when debating aspects of this Bill, judges make their decisions and decide on the outcome of hearings in public but, clearly, there are circumstances where hearings are not open. Family courts are one example of that. I have heard appalling stories of decisions, judges and judges' behaviour in family courts. I am not saying family courts should be opened up to the public. There is a very good reason those hearings are *in camera* but I do not see why they would not be open to supervision by peers in some shape or form like every other profession. That is the kind of reforming act I would like to see the Minister engage in instead of this prolonged and protracted insistence on his way that, as my colleagues have said and there is no point in repeating it, will be costly and seems churlish and infantile at the very least.

Of particular concern to me, as a Deputy in a Dublin constituency, is the political charge of cronyism made by the Minister for Transport, Tourism and Sport last week against people who have held very senior positions from the Supreme Court down to the Circuit Court and District Court. This is the charge that Fianna Fáil appointed its cronies to positions. I will not stoop to that level but the Minister cannot avoid charges of cronyism himself regarding his own appointments. I will leave it there but there is a certain hypocrisy about some of the comments he made last week.

What concerns the public is the fact that he is the Minister for Transport, Tourism and Sport. He received his seal of office having been democratically elected, having been appointed to his position by the former Taoiseach and having been re-appointed to the position of Minister for Transport, Tourism and Sport by the current Taoiseach. There is hardly a Deputy in this House who would not envy the Minister in this position, the budget he has at his disposal to spend on incredible projects that are much needed throughout this country and the power he has to deliver major and minor infrastructural projects throughout the country. He has been likened, unfairly possibly, in one particular newspaper to Winston Churchill, which is unfair on Winston Churchill who is associated with having a certain amount of vision, leadership qualities and strength of character at particular times in leading his people through particularly trying circumstances.

When it comes to transport, he is more like the character from the Gilbert and Sullivan musical, the Duke of Plaza Toro, who constantly leads his regiment from behind. He has offered no vision in his portfolio as Minister for Transport, Tourism and Sport. While traffic congestion reaches chronic levels in this city and roads approaching it, he fobs off every inquiry, which

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is made through parliamentary question, Topical Issue and Private Members' business, to the statutory agencies under his auspices.

I remember during a Topical Issue debate quoting from the movie about the history of the life of Abraham Lincoln. When he was seeking those vital few additional votes to secure the elimination of slavery in the United States, he declared, "I am the President of the United States, clothed in incredible power." The Minister for Transport, Tourism and Sport is not the President of the United States, but he is clothed with considerable powers, with considerable influence and with awesome opportunity to leave his stamp and his mark on transport, tourism and sport policy in this country.

From the perspective of the statutory responsibility vested in him by the Taoiseach, he has been an abject failure. I would prefer to see the Minister for Transport, Tourism and Sport invest time and energy into issues under his ministerial control rather than these dog whistles to different constituencies, and allow the Minister for Justice and Equality and other Ministers to do their job. In that sense he would serve the public much more efficiently than he is at present.

An Leas-Cheann Comhairle: I wish to clarify those who still have two-minute slots and can speak if they so wish. They are Deputies Danny Healy-Rae, Barrett, Michael Collins, Eamon Ryan, Ó Snodaigh, McGuinness and Harty.

Deputy Danny Healy-Rae: Can our little country really afford another layer of bureaucracy, in light of the HSE and other such bodies that do not seem to be accountable to anybody making serious decisions? If they were positive decisions, we would be glad, but sadly they are having very negative impacts on society and they do not seem to be accountable, especially the HSE, to anyone for what they are not doing.

It is ridiculous when one reads here that the PAS must ensure that a layperson will not be recommended for appointment as chairperson of the commission unless it is satisfied that she or he is a fit and proper person. Deputy Ó Snodaigh could be right in saying that other people around the country have judicial and legal knowledge as well as the people at the Bar, judges or whoever, but will those people end up on the commission? That is the question.

While I did not select them, let us look at what the Citizens' Assembly has inflicted on the country. Who picked its members? How were they assessed? If we are going to have a commission in line with something like that body, we are looking for trouble.

The Chief Justice has a tried and trusted record under his belt with 30 or 40 years of service on every level from solicitor to barrister, to District Court judge, to Circuit Court judge all the way up along the line. It is ridiculous to even suggest that we should be replacing those people with laypeople. It will take years to find out whether they are right or wrong with the appointments they make.

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Danny Healy-Rae: Most likely they will not be better than the Chief Justice-----

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

Deputy Danny Healy-Rae: -----the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court or the President of the District Court.

An Leas-Cheann Comhairle: The time has expired.

Deputy Danny Healy-Rae: Those people could never come up to that level or have that amount of experience.

Deputy Michael Collins: I appreciate the Minister trying to clarify, but it changes nothing. The fact is, as I said earlier, it will be a commission set up by the Government of the day and instead of the Government making the decision, it will be setting up a new quango of some sort. Who will pay for all this? What will this cost the State? It could be quite frightening. Irrespective of whether it is the HSE or the Judiciary, every sector needs tightening up.

I have raised in the Dáil on numerous occasions the case of a gentleman in Skibbereen. He was terribly wronged and is suffering severely. In 2010, a State body took a case against him. He is trying to get proof from the Courts Service of the registrar who attended on the day because the case should be null and void if no registrar attended. This man is seriously ill; he has gone through a terrible time. He said to me even when I spoke about it here recently, "If they'd just guided me to somewhere where I could find out, I'd greatly appreciate the truth. All I want is the truth." He has been in my office on numerous occasions and I have tried to make representations on his behalf. Was there a registrar in the court on the day? No one can identify the registrar to him and the case is null and void if there was not. Unfortunately nobody will clarify that for him.

The Minister, Deputy Ross, is on a journey of glorification and it is sad that it has come to this. I am surprised that Fine Gael is supporting it. I wonder what the Minister himself and many other people would say. In the past few months hundreds of people have said to me, "Minister Ross is a different man from the man we all read about." Unfortunately, this also looks very different from that.

The Minister should concentrate more on his portfolio. In transport, our roads are in a shocking condition. The main funding for tourism is now gone even though there was a promise that would not happen. Even with sports, he told us there was absolutely no political interference in the national lottery sports funding and then we find that €180,000 has been allocated to a cricket club in his constituency.

Deputy John Lahart: Hockey.

Deputy Michael Collins: Sorry, hockey.

Deputy Mattie McGrath: It is not hurling anyhow.

Deputy Michael Collins: If we put in an application for a hockey club in south-west Cork, I do not think we would get €180,000. It is questionable as to what is going on in the Minister's Department. Perhaps the Minister for Justice and Equality might be able to enlighten us.

Deputy Aengus Ó Snodaigh: I listened to the contributions and responses to what I had said earlier. If anybody wants a history of the anti-republican bias of judges in the Special Criminal Court, I have no problem at all; I have time to give.

Deputy John Lahart: That is the Deputy's interpretation.

Deputy Aengus Ó Snodaigh: I will not necessarily go into it here. It is not just about anti-republicanism and judges falling asleep on the Bench or a history of abuse to some of the people

before them in that court. It is also in other courts. This commission will not necessarily deal with that, but the advantage of having laypeople involved is that at least they come with a different view of the world.

We, in this institution, live in a bubble, albeit that we all work with constituents when we are not in the bubble in here. Many people believe that those in the law courts also live in a bubble, but they are humans; they have families and they live real lives. Sometimes when they approach anything to do with law, they put on that bubble hat again. They perceive everybody to be against them. What is there to fear from having lay members on a commission? Nothing. What is there to fear from having a majority? Nothing. However, that is part of what the Deputy's argument is about.

Deputy Jim O'Callaghan: I have no problem with that.

Deputy Mick Wallace: Read our proposals.

Deputy Aengus Ó Snodaigh: I have not spoken against Deputy Wallace's proposals and, if others had listened earlier, they would know I said I was mindful of the points he made. When I came in, Deputy O'Callaghan was on his feet and I heard the elitism he was talking about, in that we had to have people who were practising lawyers and so on. They are no different from the rest of us.

Deputy Jim O'Callaghan: I did not say that.

Deputy Aengus Ó Snodaigh: He did. If he goes back to his presentation, he will see it was as if those in the legal profession are above the rest of us. He needs to be very careful in presenting the legal profession as above us. It is no different from any other profession in society. In this day and age, given the openness and transparency we are trying to create in our society, we need to try to ensure judges are never again appointed on the basis of who they know, which party they belong to or who influences them. It should be based on their legal experience and also their life experience.

Deputy John Curran: It is unusual for me to contribute to a debate on Report Stage when I am not on the committee but I have listened to this debate for some time and I wonder if common sense has gone out the window altogether. We are proposing the establishment of a commission with 17 people. I think most right-minded people in this House do not believe that is an efficient commission or that it represents best value for money. I believe the Minister finds himself in a very awkward position in that this is the pet project of the man who sat beside him last week when Report Stage was in the House, the Minister, Deputy Ross.

Deputy Mattie McGrath: Where is he?

Deputy John Curran: I genuinely believe it. I believe we are establishing the commission on fundamentally the wrong grounds, that is, to satisfy the desire of the Minister, Deputy Ross, to have a commission of this scale. I have listened to many people debate this and to a lot of the discussion both in the House today and previously. Nobody has put forward a compelling reason we would need such a large commission to make recommendations to a Minister on the appointments. We are talking of the appointment of maybe eight or ten people in any given year. It is not as though this is a significant piece of work where the commission will divvy it up among different groups. I was astounded at this.

If I am not mistaken, the Government has indicated the cost of establishing and running this commission is some €1 million. I find it very ironic because the Minister, Deputy Ross, who is not here this evening has made a virtue out of closing down quangos, making efficiencies, better government and so forth. This flies in the face of everything the man has ever said. I am sorry he is not here to hear it. As I said, I would not ordinarily come in to say this, but I am furious with him. As a House, we are being made a laughing stock when we should be establishing a commission. I understand why there is a desire to have a judicial appointments commission and I understand the role of that commission, but I am absolutely of the view that a 17-person commission is grossly inefficient and will in no way enhance the delivery of these recommendations.

To follow on from a point made by Deputy Ó Snodaigh, I understand the commission as proposed by Deputy O’Callaghan would have a mix of members, including four lay members. It is important not to confuse this and say it is all professionals. Obviously, when establishing a commission, one wants a mix of skills. One would need those who understand the law but also those outside the law. That is the essence of Deputy O’Callaghan’s submission on the establishment of this commission.

I am sorry the Minister, Deputy Ross, is not here. The figure of €1 million has come back to me in response to parliamentary questions I have asked. People might say it is well worth it for the number of appointments we are going to make but it is costing us €100,000 to €150,000 per appointment, if the figures we are given are correct, and that sounds outrageous. The Minister, Deputy Ring, was recently in the House and I asked him questions about funding for RAPID projects in my area, only to be informed the total budget for RAPID-funded projects in the whole country is some €1 million, or €64,000 per local authority area. There are real and tangible things that can be done with the money. While it sounds a small amount, I find it an appalling vista that we are talking about a commission of this nature to appoint maybe eight or ten judges *per annum*, with a budget of €1 million and with 17 people involved. We could not have made it any more complicated. I do not believe the quality of the decision making and the quality of the recommendations from such an unwieldy commission will deliver better results. If anything, it will be more complicated and will probably not deliver what we want. I implore Members to look at this again and to let common sense prevail.

We have all sat on committees. I heard Deputy Ó Snodaigh talk about the number of members on the committee established recently to deal with Seanad reform. We have all sat on committees with those big numbers and we know they are not the most efficient way of doing business. We understand why they have come into being, given the political make up of this House and the various parties, but it does not mean it is the most efficient way of doing business. If we were starting with a blank sheet of paper, we would not establish a committee with 17 people. Deputy Ó Snodaigh clearly indicated he felt the Seanad reform committee is too big and too unwieldy, but he has explained why it is there, and I agree with him. However, the judicial appointments commission does not have to be as large as that. There is nothing compelling us to do this. We can still have the mix of lay people and those from a legal background, but with a smaller and more efficient number and a smaller budget that is more appropriate to making the eight or ten appointments that are required this year.

The Minister, Deputy Flanagan, is snookered. He is here with something that I know, hand on heart, he does not fully believe in. I honestly believe he is here tonight with the pet project of the Minister for Transport, Tourism and Sport and he has to get it over the line, come what may. That is an appalling vista. It is unfair to the Minister, Deputy Flanagan, and his colleagues

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in Fine Gael and it is unfair to the Members of this House to be put in that position. None of us believes it is the best way forward.

Deputy John Lahart: The public need to be reminded of the point that was made at the beginning of this debate months ago. I ask my colleagues in Sinn Féin to focus on this. We are talking about appointing a quango of 20 people to make between ten and 20 appointments every year. I believe the public will find that really difficult to believe.

Deputy Aengus Ó Snodaigh: We do not have to pay them.

Deputy John Lahart: As we know, given it is a point that has been made repeatedly, at the moment the Judicial Appointments Board does this quite effectively and efficiently. The commission will be a quango.

The other point that I presume is not lost on our Sinn Féin colleagues, who are not the only republicans in this House, although I do not want to go back over the ground Deputy Ó Snodaigh covered, is that regardless of what decision this quango of 20 people makes and recommends to the Government, the Government can still reject that and go ahead and make its own appointment to a particular position as judge. That point is sobering. The public are looking in and wondering what is going on, given we are going to appoint a commission of 17 people to nominate up to 20 people a year yet, even after recommendations are made by this commission, which is going to cost hundreds of thousands of euro a year to function and operate, the Government can simply reject those recommendations and go ahead and make the nominations, as it has been doing. Indeed, the Minister, Deputy Ross, has been quite happy to sit by while it has been happening in the past six to eight months and the Government has made its own nominations and appointments to the positions.

Deputy John McGuinness: To save the respect people have for him and for his own self-respect, the Minister should call this the way it is. This is a complete bluff. The Minister knows it is not going to work. He knows it will cost in excess of €1 million.

Deputy Charles Flanagan: No, that is not true.

Deputy John McGuinness: There are 17 on the commission, a directorate, there will probably be a legal firm advising it and accountants who need to report to the Comptroller and Auditor General and the Minister is allowing this to happen. He is smiling about it and I know he will deny the €1 million but he knows only too well that this is going to grow into something that will be out of control, out of reach of this House and will function solely in the interests of the Judiciary. It is nothing new or different and it is something that the Minister honestly does not believe in.

I hear the argument about having people outside of the Judiciary, members of the public, on this but what did the Judiciary do to the positive, constructive lay litigants? It introduced its own rules to ensure they would not be bothering it in the court. We have lay litigants because they do not believe in the system, they believe that it is broken. This is not going to fix it. This will add another broken piece to it that will not serve us or the public and that will allow the Government of the day, regardless of what Sinn Féin says, to establish this but at the end of the process, it will make its own political appointment. That is what it will do. It will go through the process and the Minister will make his own appointment. It is all in the interests of one person, namely, the Minister for Transport, Tourism and Sport, Deputy Ross. It is incredible that the Minister is doing this. The Minister should tell the truth that he does not believe in this.

He has been sent in here to deliver this to save face for the Minister for Transport, Tourism and Sport and to keep the Government on course. It is shameful.

Deputy Charles Flanagan: In response to the issue of costs, it will not be anything like €1 million. In fact, it will be more like half that sum.

In response to Deputy Wallace's amendment No. 7a, which I have not had the opportunity to address, a fundamental flaw in the amendment is that he does not include any reference to the Attorney General or to a practising barrister. It seems to me to be somewhat disproportionate at the very least not to have reference to a practising barrister in his amendment.

In response to Deputy O'Callaghan, who said that I had not responded to his amendment or pointed out anything with which I had a difficulty, I merely say it has no lay chairperson, no idea that there will ever be a lay chair and no lay majority. These are two important policy issues from the Government perspective. There is no role for the Public Appointments Service and for the Attorney General. I cannot accept either of the amendments.

Deputy Jim O'Callaghan: Deputy Ó Snodaigh gave the impression that I wanted to have no lay involvement on this body. That is not correct.

Deputy Aengus Ó Snodaigh: No lay majority.

Deputy Jim O'Callaghan: The amendment I tabled proposes a body of 11 people and four would be lay people. It is invaluable to have lay representation on a body such as this. I said previously that the importance of having lay people on regulatory bodies is different from this situation. The reason a majority of lay people is needed on regulatory bodies is to inspire public confidence because the public does not think the regulatory body is looking after the profession. I fully accept that when it comes to a regulatory body there should be a majority of lay people. This is an advisory body. The Minister has not explained why there has to be what he refers to as a lay majority on this advisory body. The function of it is to advise the Government on who are appropriate people to be appointed as judges. The only people in the country who can be appointed as judges are barristers or solicitors. I did not make that law. It is a law that exists around the world. The only people appointed as judges are lawyers. Nobody is suggesting that consultants should come from people who are not qualified as doctors. It makes a nonsense to suggest that there should not be a level of expertise on this. It is very easy to suggest that in these anti-expertise times we do not need anyone who knows anything about this and that the ordinary person is able to identify who is a suitable person. If there was a job going as editor of a national newspaper, would it be of advantage to the newspaper or the public to have a body full of lawyers on the commission deciding who should be the national newspaper editor?

Deputy Danny Healy-Rae: No.

Deputy Jim O'Callaghan: It would be a nonsense. It would be laughed at. We should not just reject expertise because that has been put in the Minister's mind by the Minister for Transport, Tourism and Sport, Deputy Ross. It is a nonsense proposal and I ask people to support my amendment. It provides four lay people, two members of the legal profession and five judges. The judges play a role equivalent to being school principals. They know what is required in their court, the expertise that is needed and that the primary function and objective to have as a judge is somebody who will work hard and has knowledge of the law.

Amendment put:

<i>The Dáil divided: Tá, 45; Níl, 52; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Brassil, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Browne, James.</i>	<i>Brophy, Colm.</i>	
<i>Butler, Mary.</i>	<i>Bruton, Richard.</i>	
<i>Byrne, Thomas.</i>	<i>Burke, Peter.</i>	
<i>Cahill, Jackie.</i>	<i>Byrne, Catherine.</i>	
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	
<i>Casey, Pat.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cassells, Shane.</i>	<i>Coveney, Simon.</i>	
<i>Chambers, Jack.</i>	<i>Creed, Michael.</i>	
<i>Collins, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Cowen, Barry.</i>	<i>D'Arcy, Michael.</i>	
<i>Curran, John.</i>	<i>Daly, Jim.</i>	
<i>Daly, Clare.</i>	<i>Deasy, John.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Doherty, Pearse.</i>	
<i>Fleming, Sean.</i>	<i>Doherty, Regina.</i>	
<i>Haughey, Seán.</i>	<i>Durkan, Bernard J.</i>	
<i>Healy-Rae, Danny.</i>	<i>English, Damien.</i>	
<i>Healy-Rae, Michael.</i>	<i>Fitzgerald, Frances.</i>	
<i>Howlin, Brendan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Lahart, John.</i>	<i>Flanagan, Charles.</i>	
<i>MacSharry, Marc.</i>	<i>Funchion, Kathleen.</i>	
<i>Martin, Micheál.</i>	<i>Grealish, Noel.</i>	
<i>McConalogue, Charlie.</i>	<i>Halligan, John.</i>	
<i>McGrath, Mattie.</i>	<i>Harty, Michael.</i>	
<i>McGrath, Michael.</i>	<i>Kehoe, Paul.</i>	
<i>McGuinness, John.</i>	<i>Kyne, Seán.</i>	
<i>Moynihan, Aindrias.</i>	<i>Lowry, Michael.</i>	
<i>Moynihan, Michael.</i>	<i>Madigan, Josepha.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>McEntee, Helen.</i>	
<i>O'Callaghan, Jim.</i>	<i>McHugh, Joe.</i>	
<i>O'Rourke, Frank.</i>	<i>McLoughlin, Tony.</i>	
<i>O'Sullivan, Jan.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Penrose, Willie.</i>	<i>Mitchell, Denise.</i>	
<i>Pringle, Thomas.</i>	<i>Munster, Imelda.</i>	
<i>Rabbitte, Anne.</i>	<i>Murphy, Eoghan.</i>	
<i>Ryan, Brendan.</i>	<i>Naughten, Denis.</i>	

<i>Ryan, Eamon.</i>	<i>Naughton, Hildegard.</i>	
<i>Scanlon, Eamon.</i>	<i>Neville, Tom.</i>	
<i>Sherlock, Sean.</i>	<i>Noonan, Michael.</i>	
<i>Smith, Brendan.</i>	<i>O'Connell, Kate.</i>	
<i>Troy, Robert.</i>	<i>O'Reilly, Louise.</i>	
<i>Wallace, Mick.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Jim O'Callaghan and John McGuinness; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

Amendment No. 7 not moved.

Deputy Mick Wallace: I move amendment No. 7a:

In page 10, to delete lines 20 to 28 and substitute the following:

“**10.**(1) The Commission shall consist of 13 members being—

- (a) the Chief Justice,
- (b) the President of the Court of Appeal,
- (c) The President of the High Court,
- (d) the President of the Circuit Court,
- (e) the President of the District Court,
- (f) a practising solicitor nominated under *section 13*,
- (g) the Chief Commissioner of the Irish Human Rights and Equality Commission,
- (h) 6 lay persons appointed under *section 12*.”.

Amendment put:

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<i>The Dáil divided: Tá, 45; Níl, 53; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Brassil, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Browne, James.</i>	<i>Brophy, Colm.</i>	
<i>Butler, Mary.</i>	<i>Bruton, Richard.</i>	
<i>Byrne, Thomas.</i>	<i>Burke, Peter.</i>	
<i>Cahill, Jackie.</i>	<i>Byrne, Catherine.</i>	
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	
<i>Casey, Pat.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cassells, Shane.</i>	<i>Coveney, Simon.</i>	
<i>Chambers, Jack.</i>	<i>Creed, Michael.</i>	
<i>Collins, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Cowen, Barry.</i>	<i>D'Arcy, Michael.</i>	
<i>Curran, John.</i>	<i>Daly, Jim.</i>	
<i>Daly, Clare.</i>	<i>Deasy, John.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Doherty, Pearse.</i>	
<i>Fleming, Sean.</i>	<i>Doherty, Regina.</i>	
<i>Haughey, Seán.</i>	<i>Durkan, Bernard J.</i>	
<i>Healy-Rae, Danny.</i>	<i>English, Damien.</i>	
<i>Healy-Rae, Michael.</i>	<i>Farrell, Alan.</i>	
<i>Howlin, Brendan.</i>	<i>Fitzgerald, Frances.</i>	
<i>Lahart, John.</i>	<i>Fitzpatrick, Peter.</i>	
<i>MacSharry, Marc.</i>	<i>Flanagan, Charles.</i>	
<i>Martin, Micheál.</i>	<i>Funchion, Kathleen.</i>	
<i>McConalogue, Charlie.</i>	<i>Grealish, Noel.</i>	
<i>McGrath, Mattie.</i>	<i>Halligan, John.</i>	
<i>McGrath, Michael.</i>	<i>Harty, Michael.</i>	
<i>McGuinness, John.</i>	<i>Kehoe, Paul.</i>	
<i>Moynihan, Aindrias.</i>	<i>Kyne, Seán.</i>	
<i>Moynihan, Michael.</i>	<i>Lowry, Michael.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Madigan, Josepha.</i>	
<i>O'Callaghan, Jim.</i>	<i>McEntee, Helen.</i>	
<i>O'Rourke, Frank.</i>	<i>McHugh, Joe.</i>	
<i>O'Sullivan, Jan.</i>	<i>McLoughlin, Tony.</i>	
<i>Penrose, Willie.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Pringle, Thomas.</i>	<i>Mitchell, Denise.</i>	
<i>Rabbitte, Anne.</i>	<i>Munster, Imelda.</i>	
<i>Ryan, Brendan.</i>	<i>Murphy, Eoghan.</i>	

Dáil Éireann

<i>Ryan, Eamon.</i>	<i>Naughten, Denis.</i>	
<i>Scanlon, Eamon.</i>	<i>Naughton, Hildegard.</i>	
<i>Sherlock, Sean.</i>	<i>Neville, Tom.</i>	
<i>Smith, Brendan.</i>	<i>Noonan, Michael.</i>	
<i>Troy, Robert.</i>	<i>O'Connell, Kate.</i>	
<i>Wallace, Mick.</i>	<i>O'Reilly, Louise.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	

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

Amendment declared lost.

Deputy Charles Flanagan: I move amendment No. 8:

In page 10, line 20, to delete “13 members” and substitute “17 members”.

Amendment put:

<i>The Dáil divided: Tá, 43; Níl, 55; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>	
<i>Breen, Pat.</i>	<i>Brassil, John.</i>	
<i>Brophy, Colm.</i>	<i>Breathnach, Declan.</i>	
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	
<i>Burke, Peter.</i>	<i>Browne, James.</i>	
<i>Byrne, Catherine.</i>	<i>Butler, Mary.</i>	
<i>Carey, Joe.</i>	<i>Byrne, Thomas.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>	
<i>Coveney, Simon.</i>	<i>Calleary, Dara.</i>	
<i>Creed, Michael.</i>	<i>Casey, Pat.</i>	
<i>D'Arcy, Michael.</i>	<i>Cassells, Shane.</i>	

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<i>Daly, Jim.</i>	<i>Chambers, Jack.</i>	
<i>Deasy, John.</i>	<i>Collins, Michael.</i>	
<i>Doherty, Regina.</i>	<i>Cowen, Barry.</i>	
<i>Durkan, Bernard J.</i>	<i>Crowe, Seán.</i>	
<i>English, Damien.</i>	<i>Curran, John.</i>	
<i>Farrell, Alan.</i>	<i>Daly, Clare.</i>	
<i>Fitzgerald, Frances.</i>	<i>Doherty, Pearse.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Flanagan, Charles.</i>	<i>Fleming, Sean.</i>	
<i>Grealish, Noel.</i>	<i>Funchion, Kathleen.</i>	
<i>Halligan, John.</i>	<i>Haughey, Seán.</i>	
<i>Harty, Michael.</i>	<i>Healy-Rae, Danny.</i>	
<i>Kehoe, Paul.</i>	<i>Healy-Rae, Michael.</i>	
<i>Kyne, Seán.</i>	<i>Howlin, Brendan.</i>	
<i>Lowry, Michael.</i>	<i>Lahart, John.</i>	
<i>Madigan, Josepha.</i>	<i>MacSharry, Marc.</i>	
<i>McEntee, Helen.</i>	<i>Martin, Micheál.</i>	
<i>McHugh, Joe.</i>	<i>McConalogue, Charlie.</i>	
<i>McLoughlin, Tony.</i>	<i>McGrath, Mattie.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>McGrath, Michael.</i>	
<i>Murphy, Eoghan.</i>	<i>McGuinness, John.</i>	
<i>Naughten, Denis.</i>	<i>Mitchell, Denise.</i>	
<i>Naughton, Hildegarde.</i>	<i>Moynihan, Aindrias.</i>	
<i>Neville, Tom.</i>	<i>Moynihan, Michael.</i>	
<i>Noonan, Michael.</i>	<i>Munster, Imelda.</i>	
<i>O'Connell, Kate.</i>	<i>Murphy O'Mahony, Margaret.</i>	
<i>Phelan, John Paul.</i>	<i>O'Callaghan, Jim.</i>	
<i>Ring, Michael.</i>	<i>O'Reilly, Louise.</i>	
<i>Rock, Noel.</i>	<i>O'Rourke, Frank.</i>	
<i>Ross, Shane.</i>	<i>O'Sullivan, Jan.</i>	
<i>Stanton, David.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Smith, Brendan.</i>	
	<i>Troy, Robert.</i>	

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

Amendment declared lost.

An Leas-Cheann Comhairle: Amendment No. 9 has been ruled out of order.

Amendment No. 9 not moved.

Deputy Charles Flanagan: I move amendment No. 10:

In page 10, between lines 23 and 24, to insert the following:

“(d) the President of the Circuit Court,

(e) the President of the District Court,

(f) the Attorney General.”.

Amendment put:

<i>The Dáil divided: Tá, 80; Níl, 19; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Bailey, Maria.</i>	<i>Broughan, Thomas P.</i>	
<i>Barrett, Seán.</i>	<i>Collins, Michael.</i>	
<i>Brassil, John.</i>	<i>Crowe, Seán.</i>	
<i>Breathnach, Declan.</i>	<i>Daly, Clare.</i>	
<i>Breen, Pat.</i>	<i>Doherty, Pearse.</i>	
<i>Brophy, Colm.</i>	<i>Fitzmaurice, Michael.</i>	
<i>9 o'clock Browne, James.</i>	<i>Funchion, Kathleen.</i>	
<i>Bruton, Richard.</i>	<i>Healy-Rae, Danny.</i>	
<i>Burke, Peter.</i>	<i>Healy-Rae, Michael.</i>	
<i>Butler, Mary.</i>	<i>McGrath, Mattie.</i>	
<i>Byrne, Catherine.</i>	<i>Mitchell, Denise.</i>	
<i>Byrne, Thomas.</i>	<i>Munster, Imelda.</i>	
<i>Cahill, Jackie.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Calleary, Dara.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Carey, Joe.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Casey, Pat.</i>	<i>O'Reilly, Louise.</i>	
<i>Cassells, Shane.</i>	<i>Pringle, Thomas.</i>	

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<i>Chambers, Jack.</i>	<i>Wallace, Mick.</i>	
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Cowen, Barry.</i>		
<i>Creed, Michael.</i>		
<i>Curran, John.</i>		
<i>D'Arcy, Michael.</i>		
<i>Daly, Jim.</i>		
<i>Deasy, John.</i>		
<i>Doherty, Regina.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Grealish, Noel.</i>		
<i>Halligan, John.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Howlin, Brendan.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		

<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

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

Amendment declared carried.

Deputy Eamon Ryan: I have a question on a very technical issue. Earlier, we voted not to accept an amendment to increase the membership of the commission to 17, so we are going with the original legislation, which set out a membership of 13 and how that 13 will be arrived at. We have now just passed an amendment stating the President of the Circuit Court, the President of the District Court and the Attorney General will be included in the numbers. However, there must also be six lay people. We cannot describe these three as lay people. How, technically legally, will the amendment we have just agreed be put into law or enacted?

Deputy Brendan Howlin: It is a dog's dinner.

Deputy Barry Cowen: Let us have the Minister, Deputy Ross, answer the question.

An Ceann Comhairle: Can we have order please? Does the Minister care to clarify this?

Deputy Dara Calleary: Ask the sponsoring Minister. Where is he?

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An Ceann Comhairle: Please, can we have order?

Deputy Barry Cowen: Where is the Minister, Deputy Ross, now? There must be a tough question coming.

Deputy Mattie McGrath: Where is the Minister, Deputy Ross?

Deputy Dara Calleary: He has gone missing.

Deputy Charles Flanagan: The Dáil has voted to have a commission of 13 members, including the five presidents of the courts.

Deputy Barry Cowen: This is a charade.

An Ceann Comhairle: Ciúnas.

Deputy Charlie McConalogue: A dog's dinner.

An Ceann Comhairle: The Minister is entitled to answer.

Deputy Dara Calleary: Which Minister?

An Ceann Comhairle: The Minister.

Deputy Barry Cowen: The Minister for Transport, Tourism and Sport.

Deputy Charles Flanagan: This is dependent on a number of other amendments that have been debated but which have not yet been put. Deputy Ryan is right. As of now we have agreed a 13-member commission, and of those 13 members we have the President of the High Court, the Chief Justice, the President of the Circuit Court, the President of the District Court and the Attorney General. The balance can be made up of lay members to be nominated. These are contingent on amendments we have yet to reach.

An Ceann Comhairle: Amendment No. 11 in the name of Deputy Clare Daly is out of order.

Amendment No. 11 not moved.

Deputy Charles Flanagan: I move amendment No. 12:

In page 10, to delete line 24 and substitute the following:

“(g) a member, being a person who is—

(i) a lay person, and

(ii) a member of the Irish Human Rights and Equality Commission,
nominated by that Commission under *section 12*.”.

Amendment put:

<i>The Dáil divided: Tá, 50; Níl, 45; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>

Dáil Éireann

<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Bailey, Maria.</i>	<i>Brassil, John.</i>	
<i>Barrett, Seán.</i>	<i>Breathnach, Declan.</i>	
<i>Breen, Pat.</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>Cahill, Jackie.</i>	
<i>Byrne, Catherine.</i>	<i>Calleary, Dara.</i>	
<i>Carey, Joe.</i>	<i>Casey, Pat.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Cassells, Shane.</i>	
<i>Crowe, Seán.</i>	<i>Chambers, Jack.</i>	
<i>D'Arcy, Michael.</i>	<i>Collins, Michael.</i>	
<i>Daly, Jim.</i>	<i>Cowen, Barry.</i>	
<i>Deasy, John.</i>	<i>Curran, John.</i>	
<i>Doherty, Pearse.</i>	<i>Daly, Clare.</i>	
<i>Doherty, Regina.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Durkan, Bernard J.</i>	<i>Fleming, Sean.</i>	
<i>Farrell, Alan.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Fitzgerald, Frances.</i>	<i>Haughey, Seán.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Healy-Rae, Danny.</i>	
<i>Flanagan, Charles.</i>	<i>Healy-Rae, Michael.</i>	
<i>Funchion, Kathleen.</i>	<i>Howlin, Brendan.</i>	
<i>Grealish, Noel.</i>	<i>Lahart, John.</i>	
<i>Halligan, John.</i>	<i>MacSharry, Marc.</i>	
<i>Harty, Michael.</i>	<i>Martin, Micheál.</i>	
<i>Kehoe, Paul.</i>	<i>McConalogue, Charlie.</i>	
<i>Kyne, Seán.</i>	<i>McGrath, Mattie.</i>	
<i>Lowry, Michael.</i>	<i>McGrath, Michael.</i>	
<i>Madigan, Josepha.</i>	<i>McGuinness, John.</i>	
<i>McEntee, Helen.</i>	<i>Moynihan, Aindrias.</i>	
<i>McHugh, Joe.</i>	<i>Moynihan, Michael.</i>	
<i>McLoughlin, Tony.</i>	<i>Murphy O'Mahony, Margaret.</i>	
<i>Mitchell O'Connor, Mary.</i>	<i>O'Callaghan, Jim.</i>	
<i>Mitchell, Denise.</i>	<i>O'Rourke, Frank.</i>	
<i>Munster, Imelda.</i>	<i>O'Sullivan, Jan.</i>	
<i>Murphy, Eoghan.</i>	<i>Penrose, Willie.</i>	
<i>Naughten, Denis.</i>	<i>Pringle, Thomas.</i>	
<i>Naughton, Hildegarde.</i>	<i>Rabbitte, Anne.</i>	
<i>Neville, Tom.</i>	<i>Ryan, Brendan.</i>	
<i>Noonan, Michael.</i>	<i>Ryan, Eamon.</i>	
<i>O'Connell, Kate.</i>	<i>Scanlon, Eamon.</i>	

22 May 2018

<i>O'Reilly, Louise.</i>	<i>Sherlock, Sean.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Smith, Brendan.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Troy, Robert.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Wallace, Mick.</i>	
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		

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

Amendment declared carried.

Deputy Sean Sherlock: I seek clarification. I am open to correction, but it seems we have voted to allow for the election of 13 members to this body. However, the arithmetic does not appear to follow.

An Ceann Comhairle: The Deputy is one of the voters.

Deputy Thomas Byrne: It is a dog's dinner.

Deputy Barry Cowen: The majority voted in favour.

Deputy Thomas Byrne: Just call it off.

Deputy Sean Sherlock: We seem to have added additional members and, according to the amendments, there could be anything up to 17 people who could be deemed to be members of the commission. We have already voted to allow for only 13 members. Could we perhaps seek some clarification on the issue? On the commission we have the Chief Justice, the President of the Court of Appeal, the President of the High Court, the chief commissioner of the Irish Human Rights and Equality Commission, a practising barrister, a practising solicitor-----

Deputy Mattie McGrath: All chiefs and no Indian.

Deputy Sean Sherlock: -----a chairperson and six laypersons. We seem to have added the President of the Circuit Court, the President of the District Court and the Attorney General. The Minister's amendment to increase the number of members from 13 to 17 has been defeated. We are all confused about the process and need clarity from the Government on where exactly the legislation stands.

An Ceann Comhairle: In fairness, the Government is not responsible for how the House votes.

Deputy Sean Sherlock: I appreciate that.

An Ceann Comhairle: A series of related amendments must be taken. At the end of having taken all of the amendments, it will be reasonable to look at their effect.

Deputy Barry Cowen: We cannot account for Members contradicting themselves.

Deputy Sean Sherlock: If I can intervene again, I appreciate the point made by the Ceann Comhairle. As legislators, we need clarity.

Deputy Micheál Martin: No, we do not.

Deputy Sean Sherlock: What amendments are deemed to be admissible and which are not? We have apparently contradictory positions. Unless I am mistaken, we seem to have contradicted ourselves, which is why I seek clarification.

Deputy Barry Cowen: Only the majority contradicted themselves.

Deputy Sean Sherlock: If I am adding them correctly, 17 does not go into 13.

An Ceann Comhairle: There is no basis on which the Minister can be asked to interpret the result of a vote in the House.

Deputy Micheál Martin: Of course, absolutely. That is very basic.

An Ceann Comhairle: The House has voted.

Deputy Barry Cowen: The majority of Members have contradicted themselves. That is all that has happened.

Deputy Willie Penrose: It is mad.

Deputy Micheál Martin: It is elementary.

An Ceann Comhairle: At the end of the voting process, we will have a scenario we can discuss.

Deputy Barry Cowen: The majority of Members of the House are conflicted.

Deputy Sean Sherlock: How is it proposed that we discuss this issue? Perhaps the Minister, Deputy Shane Ross, might enlighten us?

Deputy Barry Cowen: Perhaps the Ministers, Deputies Shane Ross and Charles Flanagan, might have a chat with one another.

An Ceann Comhairle: We have not yet got to the end of the series of amendments.

Deputy Thomas Byrne: Fine Gael has made the Shinnners happy anyway. Thanks to it, they have got their hands on the Judiciary.

Deputy Regina Doherty: The Deputy has a real problem with democracy.

Deputy Thomas Byrne: They are delighted.

Deputy Mick Wallace: We voted to have 13 members rather than 17, but some of the Members who voted for it are now voting in favour of having more members than the body can hold. The Minister does not need to clarify the matter, but Deputies should familiarise themselves

with the amendments.

Deputy Barry Cowen: And the facts.

An Ceann Comhairle: Yes, that would be helpful.

Deputy Willie Penrose: It is pure “Lannigan’s Ball”.

Deputy Barry Cowen: The problem is that the majority of the House do not know what they are doing.

Deputy Mattie McGrath: I am not good at sums, but 17 does not go into 13. At this point I ask that the Minister, Deputy Shane Ross, who is driving the Bill-----

An Ceann Comhairle: No.

Deputy Mattie McGrath: The Minister, Deputy Charles Flanagan, should withdraw what is nothing short of a total shambles. It will be all chiefs and no Indians on the board.

An Ceann Comhairle: We are dealing with the question on a particular amendment.

Deputy Mattie McGrath: I am asking the Minister, Deputy Shane Ross, to withdraw it as it is a shambles. He will be gone from the Chamber the minute voting finishes.

Deputy Micheál Martin: If Deputy Jim O’Callaghan’s original Bill had been accepted, we would not have had any of this.

Deputy Barry Cowen: The Ministers should go out and have a chat.

Deputy Clare Daly: I genuinely do not understand this. We voted today to have a body with 13 members. A proposal for such a body came from committee. On Committee Stage there were 13 named individuals for the 13 places. That was reaffirmed by the result of the vote on amendment No. 8 which went against the Government’s suggestion of 17 members. Amendment No. 10, essentially, added three positions, thus contradicting the result of the previous vote.

Deputy Brendan Howlin: It was the Minister’s amendment.

Deputy Clare Daly: Should that amendment have been ruled out of order, given that we had voted to set the number of members at 13? We cannot add up the sums at the end because they already do not add up now and we are just compounding the problem as we go on.

An Ceann Comhairle: The Deputy’s point is noted. Let us get to the end and then assess-----

Deputy Barry Cowen: Did the Government not clear this at Cabinet?

An Ceann Comhairle: I call Deputy Ryan.

Deputy Eamon Ryan: Having raised this point-----

(Interruptions).

An Ceann Comhairle: May we have order for Deputy Ryan, please?

Deputy Eamon Ryan: The difficulty is that this has been the centre of the whole debate throughout the process and further amendments relating to section 12 all concern this issue as to how such numbers are appointed, but if we do not know the numbers we are debating in the unknown. We have put a fundamental uncertainty into the Bill, which means any further discussion on amendments will just be clouded by that fact.

Deputy Jan O'Sullivan: We should suspend, a Ceann Comhairle.

An Ceann Comhairle: The points that have been made are valid and will be considered when this group of amendments has been voted on. We will come back to the House at that point.

Deputy Barry Cowen: We will plead with the majority to do its sums before it votes the next time.

Deputy Charles Flanagan: In the meantime, it might be advisable for Deputies to take a look at what they are voting for before casting their votes.

(Interruptions).

Deputy Barry Cowen: It is you and them. This is a great start to this coalition.

Deputy Willie Penrose: We know exactly what we are voting for.

An Ceann Comhairle: Please.

Deputy Thomas Byrne: The Irish people will not forgive Fine Gael for letting Sinn Féin-

An Ceann Comhairle: Wait, Deputies. Deputy John Curran has the floor.

Deputy Barry Cowen: A bad start, lads. Maybe have a chat with one another or something.

An Ceann Comhairle: Please, Deputy Cowen. Deputy John Curran has the floor.

Deputy Barry Cowen: Good man, John.

Deputy John Curran: While I do not dispute that these amendments, when tabled, were all in order, they were contingent on one another and were taken in a particular sequence. It seems to me - and this is a ruling for the Ceann Comhairle to make - that once amendment No. 8, which restricted the number to 13 as per the original Bill and did not permit the commission to number 17, was carried, the other amendments subsequent to and consequent on that should not have been put. There is no facility to put them. They are contingent on one another.

Deputy Barry Cowen: That is why we voted against them.

Deputy John Curran: I ask the Ceann Comhairle to make a ruling on this before we continue with the other amendments that are related.

Deputy Brendan Howlin: We have already made a decision.

Deputy Barry Cowen: That is why we voted against them. We could not believe it.

An Ceann Comhairle: I will not make a ruling on the hoof. We will adjudicate on the

matter.

Deputy Robert Troy: What does the Minister, Deputy Ross, think?

(Interruptions).

An Ceann Comhairle: The amendment has been put based on the debate that has been had. We will revisit the debate that has been had and the procedure that has been followed. If the procedure that has been followed is incorrect, we will come back to the House, report-----

Deputy Barry Cowen: The Government's failure.

An Ceann Comhairle: -----that incorrect procedure has been followed and deal with that. However, at present we will not make any decision-----

Deputy Barry Cowen: The Government wants to continue.

An Ceann Comhairle: -----to try to unravel the vote that the Members have cast.

We move on to amendment No. 13 in the name of Deputy Clare Daly.

Deputy Clare Daly: I move amendment No. 13:

In page 10, to delete line 27.

Amendment put:

<i>The Dáil divided: Tá, 42; Níl, 55; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	<i>Harty, Michael.</i>
<i>Brassil, John.</i>	<i>Bailey, Maria.</i>	
<i>Breathnach, Declan.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Browne, James.</i>	<i>Brophy, Colm.</i>	
<i>Butler, Mary.</i>	<i>Bruton, Richard.</i>	
<i>Byrne, Thomas.</i>	<i>Burke, Peter.</i>	
<i>Cahill, Jackie.</i>	<i>Byrne, Catherine.</i>	
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	
<i>Casey, Pat.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cassells, Shane.</i>	<i>Coveney, Simon.</i>	
<i>Chambers, Jack.</i>	<i>Creed, Michael.</i>	
<i>Collins, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Cowen, Barry.</i>	<i>D'Arcy, Michael.</i>	
<i>Curran, John.</i>	<i>Deasy, John.</i>	
<i>Daly, Clare.</i>	<i>Doherty, Pearse.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Doherty, Regina.</i>	
<i>Fleming, Sean.</i>	<i>Durkan, Bernard J.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>English, Damien.</i>	

Dáil Éireann

<i>Haughey, Seán.</i>	<i>Farrell, Alan.</i>	
<i>Healy-Rae, Danny.</i>	<i>Fitzgerald, Frances.</i>	
<i>Healy-Rae, Michael.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Lahart, John.</i>	<i>Flanagan, Charles.</i>	
<i>MacSharry, Marc.</i>	<i>Funchion, Kathleen.</i>	
<i>Martin, Micheál.</i>	<i>Grealish, Noel.</i>	
<i>McConalogue, Charlie.</i>	<i>Halligan, John.</i>	
<i>McGrath, Mattie.</i>	<i>Howlin, Brendan.</i>	
<i>McGrath, Michael.</i>	<i>Kehoe, Paul.</i>	
<i>McGuinness, John.</i>	<i>Kyne, Seán.</i>	
<i>Moynihan, Aindrias.</i>	<i>Lowry, Michael.</i>	
<i>Moynihan, Michael.</i>	<i>Madigan, Josepha.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>McEntee, Helen.</i>	
<i>O'Callaghan, Jim.</i>	<i>McHugh, Joe.</i>	
<i>O'Rourke, Frank.</i>	<i>McLoughlin, Tony.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Pringle, Thomas.</i>	<i>Mitchell, Denise.</i>	
<i>Rabbinette, Anne.</i>	<i>Munster, Imelda.</i>	
<i>Ryan, Eamon.</i>	<i>Murphy, Eoghan.</i>	
<i>Scanlon, Eamon.</i>	<i>Naughten, Denis.</i>	
<i>Smith, Brendan.</i>	<i>Naughton, Hildegard.</i>	
<i>Troy, Robert.</i>	<i>Neville, Tom.</i>	
<i>Wallace, Mick.</i>	<i>Noonan, Michael.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Penrose, Willie.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Ryan, Brendan.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Stanton, David.</i>	

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

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Amendment declared lost.

An Ceann Comhairle: I am concerned about the point raised initially by Deputy Ryan and reflected by several others, that there appears to be an unacceptable level of confusion about what is happening. In order that we may clarify those matters, I suggest that we adjourn the House to give us an opportunity to consider further the amendments before us and the amendments that have already been voted on. We will return to the House tomorrow in a better position to consider them. Is that agreed? Agreed.

Debate adjourned.

The Dáil adjourned at 9.43 p.m. until 10.30 a.m. on Wednesday, 23 May 2018.