



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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DÁIL ÉIREANN

Déardaoin, 18 Deireadh Fómhair 2018

Thursday, 18 October 2018

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Economic Competitiveness

1. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the actions being taken to reduce the costs of doing business here and reverse Irish competitiveness deficiencies; and if she will make a statement on the matter. [42974/18]

Deputy Billy Kelleher: What actions are being taken to reduce the cost of doing business in Ireland and to reverse Irish competitiveness deficiencies? Will the Minister make a statement on the matter? The reason I ask the question is we consistently accept we are an expensive place to do business in terms of the regulatory burdens placed on business and equally the costs that are built in across the broader economy, including finance, insurance, credit, childcare, housing and all those key areas. What is the Minister doing to address these issues which are a barrier to business?

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank the Deputy for raising the matter. Ireland's overall competitiveness performance remains positive. Our improved fiscal position and increased cost competitiveness have all contributed to Ireland's improved international competitiveness. This improvement is reflected in a range of metrics, notably economic growth, increased employment, falling unemployment and a strong trade performance. Notwithstanding this strong position, addressing Ireland's cost competitiveness remains a key economic priority for Government and we continue to monitor Ireland's cost base and analyse the factors that are crucial to improving our cost competitiveness.

Recent reports published by the National Competitiveness Council found that the cost base for enterprise is internationally competitive across a range of metrics, for example, the cost of

starting a business, communications costs and average income taxes. The council also highlighted that Ireland remains a relatively high-cost location and cost pressures are evident in residential property, credit, energy, labour and business service costs.

A range of initiatives in the Action Plan for Jobs 2018 are in train across Government to enhance our cost competitiveness and productivity, improve the ease of doing business, reduce the administrative burden and drive greater efficiencies across the enterprise base. Through the Action Plan for Education and Pathways to Work, the Government is working to ensure the pipeline of talent can meet the demand for labour to reduce labour cost pressure. My Department has reviewed the policies underpinning the current employment permits regime to ensure it is fully supportive of Ireland's emerging labour market needs, whether they are skills or labour shortages in certain sectors. The work of the Personal Injuries Commission, whose second and final report was published in September 2018 by my Department, the implementation of the report on the cost of motor insurance and the complementary work of the cost of insurance working group should help to reduce insurance costs for businesses.

I launched the €300 million Brexit loan scheme in March 2018 which supports the working capital needs of companies on which Brexit has, has had or will have an impact. My Department, in conjunction with the Department of Agriculture, Food and the Marine, the Department of Finance, the Strategic Banking Corporation of Ireland and the European Investment Fund, is developing the €300 million future growth loan scheme as announced in budget 2019 to allow businesses to borrow for up to ten years to support capital investment. Enterprise 2025 Renewed also places increased emphasis on enhancing our competitiveness position by developing Irish-owned enterprises. We are placing a spotlight on innovation and skills. Enterprise Ireland also places strong emphasis on competitiveness. It supports exporting enterprises with initiatives in Lean, research and development and innovation, as well as management development.

Additional information not given on the floor of the House

In addition to the wide range of existing supports provided by my Department and agencies, budget 2019 allocated additional funding for my Department to boost business productivity such as a doubling of the allocation for the retail online pilot scheme to €1.25 million. An additional €2.75 million was also awarded to Enterprise Ireland for its SME regional innovation and technology clusters programme. The budget provides an extra €8 million for my Department's Brexit response and global footprint.

In ensuring our cost competitiveness there is a role for the public and private sectors alike to proactively manage the controllable portion of their respective cost bases, drive productivity and continue to take action to minimise costs.

Deputy Billy Kelleher: The reason I raise this issue is it is a concern. There is no point in us highlighting the positives if we fail to accept that there are significant pressures such as the cost of finance, childcare, property, labour, insurance, transport, energy and other business services. Equally, I can identify many areas in which we are doing exceptionally well in terms of competitiveness. Overall, however, there are significant pressures within the economy. While there is rapid expansion for the next few years, these costs can often be camouflaged. Owing to increased cash flow to businesses, it can hide these costs for a while, but it is inevitable that it will have a major impact in the time ahead. The time to undermine these pressures is now, rather than in several years when it will be too late. The key issues have to be addressed,

namely, the cost of finance, housing, transport, insurance, business services and energy, as well as the cost of childcare which I accept is outside the Minister's remit. The Government as a whole must take responsibility and act on these issues.

Deputy Heather Humphreys: We are conscious of the issue of competitiveness. Enormous progress has been made in recent years. We have stabilised the public finances. We also have the fastest growing economy in Europe and are now almost at full employment. We should be proud of the progress we have made. However, the Government is determined to ensure there will be no complacency. We are acutely aware of the vulnerabilities in the domestic economy such as low productivity levels in indigenous firms, with growing uncertainty in the global economy and Brexit. We must ensure the economy is well positioned to adapt to a low carbon future, as well as the revolution in digitisation and automation. Otherwise, we could see negative economic and employment impacts in the future. The Government has recognised the need for a concrete and co-ordinated plan to address these challenges and opportunities. That is why in July it agreed to the development of the future jobs initiative which will be a whole-of-government approach, with concrete and ambitious actions to enhance productivity, create quality and sustainable jobs and build a resilient and innovative economy. It will ensure we will be well positioned to adapt to technological and other transformational changes that the economy will face in the years ahead.

Deputy Billy Kelleher: One of the key issues we are not addressing is the cost of credit. Again, it requires a whole-of-government approach, as well as an approach by the Central Bank and the European Central Bank. I cannot comprehend how in the eurozone economy with the free movement of goods and services Ireland has the highest interest rates in Europe for small and medium-sized businesses. The pillar banks are gouging the economy. They are in our pockets every day of the week. This issue must be addressed. The average interest rate across the eurozone for small and medium-sized businesses is 1.77%. In Ireland it is 3.25%. The banks are pillaging us, but we do not seem to be doing anything about it. It is inherently wrong that we are at a complete disadvantage with our European colleagues and competitors because the pillar banks are gouging the economy. AIB and Bank of Ireland were on life support and saved by decisions of this Parliament. They are now pillaging us as a nation.

Deputy Heather Humphreys: The supply and demand for credit have improved significantly since the height of the crisis. However, the cost of credit, while falling, continues to remain relatively high. It is vital that it be reduced to align Ireland with rates in competitor countries. The divergence between Irish and eurozone interest rates for enterprise is particularly noticeable in the case of loans up to €250,000. The interest rate for new business loans in Ireland was double the eurozone average rate throughout 2017. On 28 March 2018 I opened the Brexit loan scheme for applications to allow for the roll-out of a €300 million fund in working capital for eligible Irish businesses which will be impacted on by Brexit. The scheme will be delivered by the Strategic Banking Corporation of Ireland through the commercial lenders, the three pillar banks. It will make €300 million available to eligible businesses, with up to 499 employees, at an interest rate of 4% or less. That is an attractive rate for an overdraft facility. In addition, we have a €300 million long-term future growth loan scheme which will lend to businesses, with terms up to eight to ten years. Currently, the pillar banks will only lend for up to seven years. We have identified this gap in the market. We will be passing the legislation required and launching the scheme in early January next year.

Dáil Éireann
Brexit Supports

2. **Deputy Maurice Quinlivan** asked the Minister for Business, Enterprise and Innovation her views on the effectiveness of the Brexit business supports currently available such as the Be Prepared grant, the market discovery fund and the Brexit loan scheme; her further views on the low uptake of these supports; her plans to increase the uptake; and if she will make a statement on the matter. [42761/18]

Deputy Dessie Ellis: My colleague, Deputy Michael Quinlivan, sends his apologies as he could not make it this morning. Will the Minister outline the effectiveness of the Brexit business supports available such as the market discovery fund and the Brexit loan scheme? Is she concerned about the low uptake of these supports? What are her plans to increase the uptake and will she will make a statement on the matter?

Deputy Heather Humphreys: The agencies within my remit have an extensive range of supports available to enable companies to prepare for Brexit. For 2019 I am allocating an extra €8 million to the enterprise agencies and regulatory bodies under my Department for various Brexit supports, as well as to continue driving export diversification. I am allocating an additional €5 million for the local enterprise offices, which will include a specific measure for customs training for importers and exporters. I am providing an additional €1 million for InterTradeIreland to step up business preparedness actions.

On the effectiveness of the supports, a recent survey of 2,400 Enterprise Ireland clients found that 85% were taking Brexit-related actions. The figure is up from 38% this time last year, a positive indication that companies are undertaking Brexit preparedness actions. It is important to note that companies are choosing from the full suite of supports available from the agencies. Among Enterprise Ireland clients, in the first six months of this year alone, 43% of the 1,600 most exposed firms received grant aid. Similarly, the number of firms using the Enterprise Ireland Brexit scorecard is at nearly 3,000. Enterprise Ireland is working to ensure businesses will start to take Brexit-related actions and avail of supports which suit their requirements to help them to be more competitive, innovative or grow exports. In that regard, I am happy with the cumulative uptake of such supports.

The focus is on increasing the numbers that have completed Brexit scenario planning. For those with a plan, the focus is on working through implementation actions and building capability in the areas of customs and tariffs, the supply chain, regulation and standards and employee movement issues. In addition, I have recently met the Strategic Banking Corporation of Ireland, SBCI, and the three participating pillar banks to discuss the €300 million Brexit working capital loan scheme. To date, 224 firms have been approved by the SBCI in the agrifood, retail and distribution, manufacturing, hospitality and transport sectors. To date, 38 loans to the value of €8.5 million have been sanctioned at bank level. As part of budget 2019, I also announced a new €300 million future growth loan scheme, to come into effect from early 2019, to provide loans for up to ten years. We continue to engage with businesses to step up the preparedness of companies using a range of communications channels — print, social media, online toolkits, radio and advisory clinics. The next Enterprise Ireland Brexit advisory clinic will be held in Dundalk.

Deputy Dessie Ellis: I thank the Minister for her response but information that Sinn Féin has received shows a very poor uptake of Brexit business supports to date. A response to a parliamentary question shows that, up to last month, just ten SMEs had availed of the Brexit

loan, drawing down just €2.49 million, which is less than 1% of the total €300 million pot. In addition, we have been told that just 88 market discovery fund grants were given out and only 127 Be Prepared grants were approved. Has the Minister examined the reasons for the poor uptake? If so, what are they? Is the poor uptake due to too much red tape or the criteria being too strict? Has the Minister any plans to reform the process to ensure businesses can gain access to the funding in order to prepare for Brexit?

Deputy Heather Humphreys: With regard to the Brexit loan scheme, as of 12 October 2018, of the 262 applications received, 224 had been approved by the Strategic Banking Corporation of Ireland as being eligible and 38 had progressed to sanction at bank level, to a value of €8.5 million. There is, therefore, a good stream of applications coming in and they are being dealt with. I am glad the figure has increased in the past month from €6.5 million to €8.5 million. The system is working and people are applying for the funding. At the same time, businesses have to consider whether they need the money. They obviously have to tie their decisions on the funding in with their plans, including expansion plans.

With regard to Enterprise Ireland's Brexit scorecard, almost 3,000 scorecards have been completed. This included 204 local enterprise office clients as at 15 October. Enterprise Ireland has approved 137 Be Prepared grants and 113 projects have been approved under the Enterprise Ireland market discovery fund, which is available to companies seeking to diversify into new markets. Eight Enterprise Ireland advisory clinics have been run, with approximately 590 people in attendance.

A total of 2,350 SMEs have engaged directly with the Brexit advisory service of InterTradeIreland, a cross-Border agency that supports businesses. There have been 619 applications for its Brexit Start to Plan vouchers, of which 514 have been approved and 105 are pending. Good work is being done by the agencies.

Deputy Dessie Ellis: In the budget last week, a new loan scheme for businesses, the future growth loan scheme, was announced. Why would we announce and introduce such a scheme when the current one is clearly not working? The current one, worth €300 million and announced in budget 2018, has helped only a tiny handful of businesses. I acknowledge the Minister said there are applications outstanding and that there are more approvals in the pipeline but, according to what we have learned, the fund has assisted only ten SMEs, which availed of less than 1% of the total pot. Is the Minister going to address the shortcomings in the current scheme or just hope the new scheme, which is the old one rebranded or renamed, will take the bad look off the old one?

With the prospect of a hard Brexit now more likely, has the Government engaged with the European authorities to seek European funding for a contingency fund for businesses that could be accessed in the event of a hard Brexit?

Deputy Heather Humphreys: On the last question, the European Union has rescue and restructuring schemes in place for worst-case scenarios. We have engaged with and work very closely with the European Union.

With regard to the Brexit loan schemes, the first, announced last March, has a fund of €300 million. Grants are for a working capital facility for up to three years, which involves very short-term stuff. The loan rate is very competitive. The long-term Brexit loan is for identifying a need in the market in respect of which people can borrow for a longer term. They can borrow

from €50,000 up to €3 million. Up to €500,000 can be unsecured, which is very significant. One can borrow for up to eight or ten years. Therefore, it is really for longer-term planning. It is to protect a business against future shocks. Businesses must consider carefully whether they want to take up the offer of finance. The Government is providing an array of supports to businesses through Departments and agencies but ultimately businesses have to decide themselves whether they want to avail of the supports. The job of the Government is to ensure the necessary supports are in place for businesses that need them. That is what we are doing. We engage regularly with businesses. We meet staff from representative organisations and hear their concerns. If there are issues, we deal with them.

Personal Injuries Commission

3. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the timeline for the implementation of each of the 14 recommendations made by the Personal Injuries Commission regarding personal injury awards; and if she will make a statement on the matter. [42975/18]

Deputy Billy Kelleher: My question asks the Minister about the timeline for the implementation of each of the 14 recommendations made by the Personal Injuries Commission regarding personal injury awards. The reason I am raising this is that the issue is generating considerable pressure in our economy. In some areas, insurance is more expensive than rates. That is not sustainable. It is undermining business and competitiveness. It is inherently wrong that the scammers and those who abuse the system are very often the ones who are paid out while businesses are left picking up the tabs.

Deputy Heather Humphreys: The Government believes it is important that consumers and businesses can obtain insurance cover at a reasonable and fair price. The cost of insurance is an issue of concern for consumers, businesses and community groups.

The Minister for Finance established the cost of insurance working group in 2016 to examine the factors contributing to the increasing cost of insurance and identify what measures can be introduced to help reduce this cost while maintaining a financially stable insurance sector. The Personal Injuries Commission was established following a recommendation in the cost of insurance working group's report on the cost of motor insurance, published in January 2017. I was pleased to submit the second and final report of the Personal Injuries Commission to the Government on 18 September 2018. The publication of this report now concludes the challenging work programme of the Personal Injuries Commission since its establishment in January 2017. The report makes ten recommendations, the implementation of which will be a matter for each of the bodies responsible. These recommendations are in addition to the four made in the first report. In this regard, I have written to relevant Government colleagues — the Ministers for Justice and Equality and Health — and other organisations, including the Garda Commissioner, Insurance Ireland, the Law Society, the Council of the Bar of Ireland and the Law Reform Commission, seeking co-operation in advancing the implementation of the recommendations relevant to them.

As the Personal Injuries Commission was established following a recommendation in the cost of insurance working group's report on the cost of motor insurance, it is intended that progress on implementation will be monitored through the cost of insurance working group's quarterly progress reports, published by my colleague, the Minister of State, Deputy Michael

D'Arcy. The cumulative effects of the implementation of all the recommendations from the two reports of the Personal Injuries Commission, alongside the reports of the cost of insurance working group, should increase stability in the pricing of insurance for consumers and businesses and improved availability of insurance generally.

The table sets out the timelines for the implementation of the recommendations from the first report. While the recommendations of the second report are not time-bound due to their nature, it is expected that they will be acted upon by the bodies responsible as soon as possible.

Recommendations from the First Report of the Personal Injuries Commission

<i>Recommendation</i>	<i>A Standardised Approach to examination of and reporting on soft-tissue injuries should be adopted.</i>
<i>Suggested timeframe for implementation</i>	<i>To allow for the changeover in examination and reporting procedures it is suggested that a timeframe of by mid-2018 is appropriate</i>
	<i>1. The Quebec Task Force (QTF) Whiplash Associated Disorder (WAD) grading should be used going forward by all medical professionals reporting on relevant injuries.</i>
	<i>2. The Neck Disability Index (NDI) and Visual Analogue Scale (VAS) should be included going forward as part of personal injury medical reporting examinations.</i>
	<i>3. Additional tests should be at the discretion of the examining medical professional.</i>
	<i>4. The template form included in Appendix 6 of the Report should be used by examining medical professionals in all relevant cases. 4 a) Insurers should ensure that all cases commissioned by them from medical examiners going forward are completed in line with the template form. 4 b) PIAB should redesign their Form B going forward to reflect the recommended standardised template. 4 c) Court Rules changes should be considered which would require reports to be produced using the standardised format. 4 d) The use of standardised Medical reports should be included in any pre-action protocol developed for personal injury claims.</i>
<i>Action Points</i>	<i>5. Relevant medical professional bodies to publish, as soon as possible, guidelines in respect of training for use by medical professionals.</i>

<i>Recommendation</i>	<i>Training and Accreditation of medical professionals who complete personal injury medical reports should be promoted. This should become 'Best Practice' and training should be introduced at the CPD level.</i>
<i>Suggested timeframe for implementation</i>	<i>By end 2018</i>
	<i>1. All those involved in commissioning reports should ensure the use of accredited medical professionals for completion of their personal injury medical reports, when the relevant training and accreditation programmes are in place.</i>
	<i>2. Members of the PIAB panel completing personal injury medical reports should in respect of completion of relevant injury medical reports, when the relevant training and accreditation programmes are in place, be accredited accordingly.</i>
	<i>3. The Accreditation requirement should be included in any pre-action protocol developed for personal injury claims.</i>
<i>Action Points</i>	<i>4. The quality of the training should be monitored from implementation in the same manner applicable to existing CPD programmes.</i>
	<i>5. The CPD training could be delivered by individual medical professional bodies to their members or by independent training providers to medical professional bodies and medical practitioners.</i>
<i>Recommendation</i>	<i>Link future publications of the Book of Quantum to the newly standardised examination and reporting injury categories i.e. 'whiplash' soft-tissue injuries / QTF WAD scales. The Cost of Insurance Working Group report of January 2017 recommends that the next review of the Book of Quantum should take account of the output of the work of the PIC. This recommendation highlights the output of the initial PIC report in terms of its potential impact on this next review.</i>
<i>Suggested timeframe for implementation</i>	<i>2019 when the next Book of Quantum is due for publication</i>
<i>Action Points</i>	<i>1. PIAB to consider in the context of the next Book of Quantum.</i>

<i>Recommendation</i>	<i>Relevant injury data should be collated and published by appropriate bodies</i>
<i>Suggested timeframe for implementation</i>	<i>By end 2018</i>
	<i>1. PIAB to produce information going forward relating to the incidence of 'whiplash' soft-tissue injuries.</i>
<i>Action Points</i>	<i>2. Other relevant bodies to publish data relating to the incidence of 'whiplash' soft-tissue injuries. There may be merit that such data available from insurers forms part of the National Claims Information Database which is being developed by the Central Bank of Ireland and which needs consideration by the relevant parties involved.</i>
<i>Suggested timeframe for implementation</i>	<i>By end 2018.</i>

Deputy Billy Kelleher: I thank the Minister. The cost of insurance working group made some recommendations. We must monitor consistently the implementation of all recommendations along with the Personal Injuries Commission. Mr. Justice Nicholas Kearns published a report recently that outlined the great difficulties we have *vis-à-vis* competitors within the European Union, including our nearest neighbour, the United Kingdom. I refer to another cost that is borne by policyholders, including motor insurance policyholders, across the broader economy.

We must accept that we need a stable insurance market which is financially viable and robustly competitive. We must consider how to address claims, the book of quantum, cost awards, fraud and other barriers to an effective and efficient insurance market. There has been lethargy in dealing with some of those key areas. I hope there will be more emphasis on ensuring that the recommendations are implemented.

Deputy Heather Humphreys: The Deputy is correct that the cost of insurance is a big issue for businesses. The Government is acutely aware of that, which is why we are acting to address it. My Department has brought forward the Personal Injuries Assessment Board (Amendment) Bill which will strengthen the powers of the Personal Injuries Assessment Board in order that it can process more claims, which will lower costs. I look forward to progressing the Bill through the Dáil as soon as possible and working on it with Deputy Kelleher and my colleagues. That is just one element of our approach. The Minister of State, Deputy D'Arcy, is progressing the cost of insurance working group and legislation on the national claims information database. The Minister for Justice and Equality, Deputy Flanagan, is progressing the Judicial Council Bill. A suite of measures is being progressed by the Government to reduce the cost of insurance for businesses and consumers.

Deputy Billy Kelleher: The insurance industry has brought forward proposals for a dedicated Garda Síochána fraud squad. The issue has been under discussion for a long time and a fraud squad should be established as quickly as possible.

I recently brought forward the Civil Liability and Courts (Amendment) Bill which the Minister endorsed in the House. I acknowledge that it may require amendment to progress through the legislative process. It seeks to address the issue of fraudsters and scammers being rewarded

in society which is anathema to ordinary decency and undermines people's confidence in our system. People who get up, work hard and pay their bills and taxes take out insurance to ensure that those injured on their premises, in their business or while using their service are compensated, yet when those people are abused by scammers or fraudsters nothing ever happens to the perpetrators. They walk out of court scot free. We must face up to it being morally and ethically wrong for a state to allow that to happen without any consequences for the people who abuse the decency of others on a regular basis.

Deputy Heather Humphreys: I agree that fraudsters and scammers should not benefit in any way from their activities. What they are doing is wrong. I have met representatives of the insurance industry and businesses on the issue. The suite of measures being taken by the Government will reduce the cost of insurance.

The Minister for Justice and Equality, Deputy Flanagan, is considering a dedicated Garda unit to deal with fraudsters and I hope that he can progress it. He is progressing the Judicial Council Bill which will set up a statutory judicial council such that we can start to consider the level of awards, which will make a difference. Action needs to be taken on several issues which we are progressing as a matter of urgency.

Regional Development Initiatives

4. **Deputy Mattie McGrath** asked the Minister for Business, Enterprise and Innovation the measures she is taking to address the high levels of employment deprivation in Tipperary town; the efforts being made to attract business to Tipperary town and west County Tipperary; if she will establish a task force for employment for Tipperary town and its environs; and if she will make a statement on the matter. [43005/18]

Deputy Mattie McGrath: I ask the Minister the situation regarding visits and efforts by her Department, Enterprise Ireland and others to create jobs in Tipperary town and stimulate growth there. The town has been neglected for decades. Many promises were made by the former Minister, Deputy Kelly, among others. The recent announcement of jobs elsewhere only adds to the anguish of those in Tipperary town, where there are no jobs. What plans does the Minister have to support the community in west Tipperary, particularly Tipperary town and its environs?

Deputy Heather Humphreys: The Government is committed to securing and growing quality employment in all parts of the country and I am firmly focused on delivering on A Programme for a Partnership Government target of creating 200,000 new jobs by 2020, with 135,000 of those jobs to be located outside Dublin. In addition to job creation and retention, it is important to ensure that the jobs created are of good quality and sustainable in the long term.

My Department and its enterprise agencies play a key role in supporting the creation of quality, sustainable jobs in the regions, including Tipperary. There are currently 11 IDA Ireland client companies in County Tipperary, employing a total of 3,665 people. Foreign direct investment employment in County Tipperary increased by almost 9% from 2016 to 2017, with 297 net new jobs created. IDA Ireland continues to support its clients in growing their businesses and footprints in County Tipperary. Prominent IDA Ireland client companies there include Abbott Ireland, Boston Scientific and Merck Sharp and Dohme, which together employ 2,500 people. IDA Ireland also owns sites in County Tipperary which are being actively marketed to

its clients.

In 2017, 5,907 people were employed in Enterprise Ireland-supported companies in County Tipperary, representing an 8% increase on 2016. Underpinning Enterprise Ireland's 2017 employment results are a range of activities and supports which help 123 companies in County Tipperary to innovate and remain competitive in international markets. In the period 2015-17, Enterprise Ireland supported client companies based in Tipperary with €9.7 million in funding. Under the regional enterprise development fund, Enterprise Ireland has approved funding for the development of a state-of-the-art national bioeconomy innovation and piloting facility encompassing flexible, modular, pilot-scale multipurpose chemical and biological infrastructure at Lisheen mine.

The local enterprise office, LEO, in Tipperary is the first stop shop for advice, guidance, financial assistance and soft supports such as training and mentoring for anyone wishing to start or grow a business in the area. In 2017, 297 LEO client companies in Tipperary employed 1,595 people. The Tipperary LEO created 467 new jobs with a net increase of 262 jobs. It provided training to 1,695 participants and 319 people availed of mentoring sessions.

Additional information not given on the floor of the House

Since 2015, the regional action plan for jobs initiative has been a central pillar of the Government's ambition to support the creation of 135,000 new jobs outside Dublin by 2020. A key objective of each of the eight regional plans is to have a further 10% to 15% at work in each region by 2020, with the unemployment rate in each region not to be more than one percentage point above the national average. Tipperary forms part of the south-east regional action plan for jobs implementation committee and also has strong functional and collaborative links with the mid-west region.

The plans have helped to facilitate a strong foundation of collaboration among business, industry, local authorities, enterprise agencies and other key stakeholders in the regions. A united desire for a collective effort towards regional economic development has emerged since the plans were launched. This is a more strategic approach to development than establishing task forces for specific areas.

In order to continue to support enterprise growth and job creation in the regions and in towns and counties such as Tipperary, in April 2018 I initiated a refresh and refocus of all the regional action plans for jobs to ensure their effectiveness, relevance and impact to 2020. Yesterday, I met the chairs of implementation committees. I am satisfied they are on track to deliver ambitious and impactful revised action plans by the end of the year.

Deputy Mattie McGrath: The Minister read out statistics relating to County Tipperary. I specifically asked about Tipperary town and west Tipperary but she avoided that completely. If it were not for the Tipperary Co-operative, Brodeen Fabrications, a multitude of small businesses there and the voluntary sector, Tipperary town would be closed down. The Government is doing nothing for it. It adds insult to injury when the Minister reads out that list. We welcome the foreign direct investment jobs in Clonmel and elsewhere in the county and the new things happening at Lisheen mines. Although the Minister might not be aware of the geography, I thought the Minister of State, Deputy Breen, might be able to tell her that this is about Tipperary town and its environs in west Tipperary, where there are no jobs, no supports and, apart from one recent endeavour, no business from IDA Ireland. The people there need assistance. They

are a very proud and enterprising people who are very active in the voluntary sector but they need supports. The Pobal index indicates that in recent years some areas of Tipperary town had unemployment rates of over 30%. The unemployment rate for young people there is shocking. The young people of the town go to its great schools, move on to university and never return to the town as there is nothing to keep them there. The Minister missed the point completely while reading out her prepared script. This is about Tipperary town and west Tipperary, as the Minister of State, Deputy Breen, well knows. I hope the Minister visits it very soon to see the situation on the ground for herself.

Deputy Heather Humphreys: The live register in Tipperary town has decreased by 48% since 2011. I am very conscious that certain towns across the country are not doing as well as others. Tipperary town is not unique. Other towns across the country have engaged and come together and identified a suite of Government supports for towns in need of support. Those supports have been made available because the Government wants to try to help those towns. That is why Project Ireland 2040 introduced a new €1 billion rural regeneration and development fund which is being administered by the Minister for Rural and Community Development, Deputy Ring, and shows the commitment of the Government to strengthening our rural economies and local communities. For the period 2019 to 2022, a sum of €315 million has been allocated. The fund will provide investment to support suitable rural renewal projects in towns such as Tipperary, with a population of less than 10,000, including outlying areas. I hope good quality applications have been submitted for projects in Tipperary town. That is what towns need to do. The agencies, chamber of commerce and businesses in a town need to come together to identify their strengths and submit an application for funding. The money is available.

Deputy Mattie McGrath: The Tipperary town brand is unique worldwide. It has, however, been neglected by this and several previous Governments. The town needs support. As the Minister will be aware, some of the most accurate indicators of deprivation are the census of population statistics and the Pobal deprivation index. Variables used in the compilation of the index include demographic growth, dependency ratios, educational attainment levels of parents, the single parent rate, overcrowding, social class, occupation and unemployment rates. Tipperary is a black spot. People there are taking to the streets this Saturday for a jobs march. It has been neglected. It is time such black spots were separated. There are other towns throughout the country which are in the same position, but there is none which has been as badly neglected as Tipperary. It was neglected by successive Governments, including the one in which I was involved in 2007. We would have nothing were it not for Tipperary Co-op, Brodeen Engineering and many other small businesses and shops. I refer also to the inspiration and massive voluntary effort made decades ago by Canon Hayes. It includes examples such as the Canon Hayes Recreation Centre and the MooreHaven Centre. Community enterprises are doing well, but the Minister and her Department are missing the point about towns such as this which need and must receive support.

Deputy Heather Humphreys: I assure the Deputy the supports are available. Those involved in the town need to work together and come forward with applications.

Deputy Mattie McGrath: It is.

Deputy Heather Humphreys: There is lots of money available, but they need to come forward with applications.

Deputy Mattie McGrath: They have.

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Deputy Heather Humphreys: I ask the Deputy to work with and encourage them to build on their strengths.

Deputy Mattie McGrath: The applications have been refused.

Deputy Heather Humphreys: The Deputy knows what Tipperary needs. Those involved do not need to work in isolation but in collaboration. We just need to look over the border into County Limerick for an example. Limerick city has achieved wonderful success through collaboration between the university, the education sector, State agencies, the local authority-----

Deputy Mattie McGrath: With all respect, I am talking about Tipperary town. The Minister should not be wandering.

Deputy Heather Humphreys: I am giving an example to show what has been achieved-----

Deputy Mattie McGrath: I do not need a geography lesson.

Deputy Heather Humphreys: Please, Deputy, I am giving an example to show what has worked and continues to work-----

(Interruptions).

An Leas-Cheann Comhairle: It is the Minister's prerogative.

Deputy Heather Humphreys: I am just trying to be helpful. Those involved in Tipperary town need to work collaboratively.

Deputy Mattie McGrath: Will the Minister come and visit?

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Heather Humphreys: There are many opportunities to apply and draw down funding from the various schemes, including the regional enterprise development fund. Those involved on the site of the former Lisheen Mines were very successful in making an application. It was excellent and they received funding. It is leading and cutting edge stuff.

Deputy Mattie McGrath: It is not in Tipperary town. Will the Minister come and visit?

An Leas-Cheann Comhairle: Please, Deputy. I am moving to the next question.

Question No. 5 replied to with Written Answers.

Ceisteanna Eile - Other Questions

Enterprise Support Schemes

6. **Deputy Jan O'Sullivan** asked the Minister for Business, Enterprise and Innovation the extra support available to Irish businesses to trade online; her plans to ensure this support is available to small, as well as larger, retail businesses; and if she will make a statement on the matter. [42697/18]

Deputy Jan O'Sullivan: We have had a number of debates about the huge increase in on-line shopping by Irish consumers. My question is about the extra supports available to Irish businesses to trade online. I would like some more detail on the announcement made and to make the case that there is a need for more support.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): All businesses, regardless of size or sector, in today's competitive environment must ensure they build their digital online capacity. That is very important. The agencies of the Department offer a range of supports to assist businesses to trade online. Take, for example, the local enterprise offices, LEOs, which are the first-stop-shop for anyone who wishes to start or expand a business in terms of advice, training, signposting to other support providers and, in certain circumstances, grant support.

We have spoken about the trading online voucher scheme, TOVs, which is supported by the Department of Communications, Climate Action and Environment and delivered through the LEOs. The offers matched financial assistance of up to €2,500 and were aimed at getting micro businesses, those employing ten people or fewer, to trade online. The voucher scheme is supported with training and advice. Since the start of the scheme in July 2014 to 30 June this year, over 4,100 micro enterprises had availed of TOVs. The LEOs also offer a wide range of short training programmes to support their clients in building their online presence to compete in the online marketplace. The programmes focus on different elements, including marketing which is so important, social media, e-commerce sales, strategy and search engine optimisation.

The Minister, as chairperson of the retail consultation forum, has prioritised supporting the retail sector to develop its online capability and enhance its competitiveness. In 2017 interesting data from the Central Statistics Office showed that 66% of Irish enterprises in the wholesale and retail sector had reported having a website or homepage. However, of these, only 28% are able to facilitate online ordering. To support the new project, a new pilot online retail scheme was recently launched, with a fund of €625,000. It will be administered by Enterprise Ireland. The fund was later doubled to €1.25 million as part of the Department's 2019 budget. The scheme will support retail businesses with 20 employees or more that have already decided strategically to grow online in the areas of research, strategy development, implementation and training. I look forward to seeing the first call being opened later this month.

Additional information not given on the floor of the House

Enterprise Ireland works with 5,000 manufacturing and internationally traded services companies. Building an online presence is part of the range of supports offered to these clients. Enterprise Ireland has supported projects focused on developing innovative products on new product platforms for international markets. Working closely with the Irish Internet Associa-

tion, Enterprise Ireland delivers a range of funded and advisory e-commerce supports for its clients to develop their online marketing capabilities. In addition, it regularly organises events which can connect clients with leading experts and inform them on best practice. An additional €1.8 million has been earmarked for the Design and Crafts Council of Ireland in the next three years. The proposed investment, again via Enterprise Ireland, is to assist the sector to develop and generate additional export sales and online revenue opportunities, increasing market diversification by client companies and underpinning sustainable growth.

Deputy Jan O’Sullivan: There are about 282,000 people in Ireland working in the retail sector in all villages, towns and cities. It is a hugely important sector in the creation of employment. As the Minister of State said, only 28% of those who have a web page can actually sell online. The figures I have are that €850,000 is spent online by Irish consumers every hour, of which €600,000 is lost to businesses outside Ireland. That presents a huge challenge to Irish businesses. While I welcome the increase in support to which the Minister of State has referred - €1.25 million - it is only for businesses with more than 20 employees. Everybody in this Chamber knows of smaller businesses in his or her area that really need to compete online because Irish consumers have changed their ways. This is crucial to maintain the viability of Irish businesses.

Deputy Pat Breen: I very much agree with the Deputy that small retail businesses must trade online because of the transformation that is under way. She has rightly pointed to the figures for the numbers of people who trade online, particularly young people who use smartphones and other services to buy online many of their goods. It is important that we look after the indigenous sector. Let us look at a company such as McElhinneys in the Leas-Cheann Comhairle’s county of Donegal. It now does 12% or 13% of its business online. I was there a few years ago. Many of the people who shop online with it still live locally, not in other counties. We need to be conscious of this. People are beginning to adapt to the technological changes. To be fair to the Minister, Deputy Heather Humphreys, she has prioritised her work at the retail consultation forum and launched the new online retail scheme. We regard it as being so important that we doubled the funding for the scheme to €1.25 million. Companies with more than 20 employees were mentioned. I hope the trading online voucher scheme will be of help to those enterprises with a smaller number of employees.

Deputy Jan O’Sullivan: The trading online voucher scheme involves a small amount of money. I know that it involves a different Department, but would the Minister of State consider increasing the amount available for smaller companies? Would he also consider including smaller companies in the funding announced recently by the Minister, Deputy Heather Humphreys? It is a real challenge for them and there is a need for as much flexibility as possible to include as many of them as possible.

Deputy Pat Breen: The local enterprise offices play an important role with micro-enterprises. I am conscious of what the Deputy said about increasing the amount of money available for the trading online voucher scheme. That is something the Department of Communications, Climate Action and Environment, in conjunction with the LEOs, will monitor. It has to be acknowledged that over 4,100 micro-enterprises have availed of the scheme. We need to ensure people know that it is available. It is amazing - both the Minister and I travel around the country all of the time - to realise some people do not know about it. We, therefore, need to continue the awareness programme. There are 31 LEOs and their role is to ensure they administer the scheme through the Department of Communications, Climate Action and Environment. I am conscious that it costs much more than €2,500 to set up a good website. That is something the

Department monitors all of the time. Within budgetary constraints, it is something at which we will look in the future.

Question No. 7 replied to with Written Answers.

Brexit Supports

8. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation if she is satisfied with the take-up rate for business Brexit supports provided by her Department and agencies to date; and if she will make a statement on the matter. [42563/18]

Deputy Billy Kelleher: Is the Minister satisfied with the take-up rate of Brexit business supports provided by her Department and agencies to date? The Minister is very familiar with the Border area. There is no doubt that we need to be very proactive in addressing this matter. It is all very well making supports available but small and medium sized businesses, which are always under pressure in any case, must have the ability to access them. They must be given resources to enable them to make formal applications. We need to reduce the burden of red tape around access to supports.

Deputy Heather Humphreys: I thank Deputy Kelleher for raising this matter. My Department and its agencies are providing extensive supports to ensure that businesses are prepared for Brexit. These supports aim to assist businesses in identifying key risk areas and the practical preparatory actions to be taken over the coming months.

For 2019, I am allocating an extra €8 million to the enterprise agencies and regulatory bodies under my Department, which work with firms to develop their supports for business. I have also allocated an additional €5 million to the local enterprise offices, LEOs, for 2019 to increase their Brexit supports to businesses in every county.

The level of uptake of these supports shows that businesses are aware of the assistance on offer and are engaging with various initiatives and schemes that have been made available. A September 2017 survey reported that 38% of Enterprise Ireland clients surveyed had taken Brexit actions. In May 2018, this figure increased to 85% of Enterprise Ireland client companies surveyed. The survey reported that Enterprise Ireland client companies are taking action in areas such as market diversification; developing strategic partnerships; improving operational competitiveness; improving financial management; and strengthening business in the UK. This is a positive indication that companies are preparing for Brexit.

The Enterprise Ireland Brexit small and medium enterprises, SME, scorecard is an interactive online platform which can be used by all Irish companies to self-assess their exposure to Brexit. To date, 2,962 Brexit scorecards have been completed. The Be Prepared grant, also available through Enterprise Ireland, offers SME clients a grant of up to €5,000 to assist them in preparing an action plan for economic shocks such as Brexit. The grant can be used to help cover consultancy, travel and travel expenses associated with researching the direction of their action plan. A total of 137 Be Prepared grants have so far been approved.

Enterprise Ireland has run eight Brexit advisory clinics throughout the country to date. Approximately 590 people have attended these events and three more clinics are due to take place before the end of the year in Dundalk, Waterford and Limerick.

Additional information not given on the floor of the House

The local enterprise offices have organised various events to enable companies to learn about the potential impacts and opportunities of Brexit, and 3,925 participants have taken part in these events. In addition, 263 LEO clients have received one-to-one mentoring solely focused on Brexit. The LEOs also engage in a number of other schemes to help companies prepare for Brexit. Technical assistance grants for micro export are offered as an incentive for LEO clients to explore and develop new market opportunities and 293 clients have been approved so far for this scheme.

The Brexit loan scheme, launched in March this year, makes a fund of up to €300 million available to eligible businesses to help them innovate, change or adapt to mitigate their Brexit challenge. So far, there have been 262 applications to the scheme, with 224 approved by the Strategic Banking Corporation of Ireland.

InterTradeIreland's Brexit advisory service was established in May 2017 to provide a focal point for SMEs working to navigate the changes in cross-Border trading relationships brought about by Brexit negotiations. To date, the Brexit advisory service has engaged directly with more than 2,350 SMEs in Ireland through the various elements of the service. I have allocated an additional €1 million to InterTradeIreland for 2019 to increase the impact of its Brexit support for businesses. I am encouraged by the fact that businesses are engaging in high numbers with these supports. It shows that many businesses are taking the required steps of gathering information and preparing Brexit contingency plans.

Deputy Billy Kelleher: We are still unsure as to where we are going with Brexit and what the final outcome will be. The UK will depart the European Union but how it departs is an issue being debated elsewhere at the moment. While Brexit will have a profound impact on businesses in the Republic of Ireland, it will have massive implications for businesses along the Border and their efficiencies.

Enterprise Ireland's Be Prepared grant scheme is being awarded at the rate of six firms per month. InterTradeIreland's Start to Plan vouchers are also being awarded at a rate of six firms per month. This is a poor uptake. If, as the Minister said, the schemes are being rolled out but not being taken up by companies, there is a problem somewhere. Are the schemes too complex? Are companies unaware of them? Is enough effort being made to promote them among organisations? This issue must be addressed. We need to be prepared and réidh.

Deputy Heather Humphreys: We are providing an array of different supports to businesses across Departments and agencies. Ultimately, businesses have to decide themselves if they want to avail of those supports. I am not getting any indication from the businesses I meet that the schemes are too complicated or that we need to simplify them to make them more accessible. I am not hearing that. I consistently ask businesses to take the short time needed to assess what their risks are with regard to Brexit. They can do that simply using the Brexit scorecard, which is available online. There are a range of supports available. I am from the Border region and I am very conscious of the impact Brexit would have on the Border areas and on businesses on both sides of the Border. Businesses cross over and trade over the Border every day and they are concerned about Brexit. I have increased the budget for the cross-Border body, InterTradeIreland, by 18% or €1 million. This will allow the agency to further increase its supports to businesses. The local enterprise offices have received another €5 million, which will allow them to reach out to more businesses and help them to become Brexit prepared.

Deputy Billy Kelleher: I thank the Minister. I acknowledge that she is keenly aware of this issue given the area in which she resides and which she represents. We have to ensure, however, that there are no obstacles or impediments placed in front of business during this very difficult time for companies throughout the country, but predominantly in the Border region. One of the reasons there may not be a big uptake of the supports by businesses is that there is considerable uncertainty about where Brexit will lead us and what will be the final outcome. The negotiations to date are uncertain and have not provided timelines. This places businesses in a difficult position in terms of how they plan. Many small businesses are under pressure and find it difficult to plan for the long term when they are struggling with cashflow difficulties on a daily or weekly basis as they try to win orders just to keep the business going. Long-term planning can be very difficult for those businesses. Whatever has to be done must be done. I hope the organisations and agencies available to the Minister through the State, such as Enterprise Ireland and InterTradeIreland, will understand and support businesses.

Deputy Heather Humphreys: When I meet businesses I am asked what we are preparing for. I tell them to consider the worst-case scenario and identify and mitigate the risks. The Government is negotiating for the best possible outcome but we need businesses to prepare by considering the worst-case scenario. The working capital Brexit loan scheme is to help businesses with cashflow difficulties. Under a cross-Government awareness campaign, Getting Ireland Brexit Ready, events have already been held in Cork and Galway. One event is planned for Monaghan tomorrow and a further event is planned for Dublin. These roadshows have attracted significant interest. All of the agencies are represented at the workshops to help people and to give them information on the Brexit supports that are available. These important roadshows are being held throughout the State and people should attend them. I understand the events in Cork and Galway were extremely well attended, and considerable interest has already been shown for the event planned for Dublin. We are doing everything we can to make businesses aware and to encourage them to put in place plans to prepare for Brexit.

Retail Sector

9. **Deputy Jan O'Sullivan** asked the Minister for Business, Enterprise and Innovation if her attention has been drawn to reports from retail businesses that banks, which would previously have extended their overdraft facilities at times of the year when such businesses need extra credit owing to cashflow patterns, are now insisting that they take out loans; if she will engage with the banking sector to represent the interests of businesses rather than the interests of banks; and if she will make a statement on the matter. [42700/18]

Deputy Jan O'Sullivan: I am a member of the cross-party retail support group, which has members from all of the parties present in the Chamber. At our last meeting, we were told by some businesses that whereas previously they would have secured an extension to their overdraft at times of pressure on their cashflow, such as in the lead-up to Christmas, banks are now telling them to take out a loan instead of offering an overdraft facility. I want to make the Minister aware of this issue and find out if there is a way in which she, as a champion of business in the State, can put pressure on the banks to put the interests of businesses ahead of their own interests. Unfortunately, the banks have not learned their lesson from the bank bailout.

Deputy Heather Humphreys: I thank Deputy O'Sullivan for raising this issue. As chair of the retail consultation forum I understand the importance of the retail sector and its crucial role

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in supporting jobs in every city, town and village in the State. Recent figures from the Central Statistics Office show that more than 300,000 people are employed in the wholesale and retail sector. The retail consultation forum provides a platform for engagement between retail representative bodies, retailers and the public sector on key development issues for the retail sector. To date, the issue that the Deputy has raised, has not been brought to me directly via the forum members or the retail representative bodies.

As Minister for Business, Enterprise and Innovation, I am committed to ensuring an attractive and competitive environment for business, including access to finance for growth. That is why I have prioritised ongoing structured dialogue with key stakeholders to ensure the needs of business are considered in the execution of national policy and in the development of relevant and appropriate supports. In this context, just two weeks ago, I met the CEOs of the three main banks and I emphasised to them the importance of sustaining the progress being made on improving access to finance and on the need to support businesses strongly at this challenging time.

Recognising that finance is critical to the success of business, regardless of size or sector, providing appropriate and accessible finance to business is one of Government's top priorities. We have put in place several supports and initiatives to improve access to finance for SMEs, including the Brexit working capital loan scheme, the credit guarantee scheme and supporting Microfinance Ireland. Retail businesses are benefiting from these schemes and initiatives. I am pleased that a number of retail and wholesale businesses have been approved under the new Brexit working capital loan scheme, equating to 20% of approved SMEs by the end of September.

I and my Department will continue to engage with the retail consultation forum to understand the challenges they face.

Deputy Jan O'Sullivan: I thank the Minister for her reply. I will certainly take back the information she has given me and suggest that those businesses should give some information to members of the retail consultation forum. They have presented it as a cashflow issue, so they might not necessarily need a loan, just a facility to carry them over until their cash comes back in after the Christmas period and other times of the year.

Many of us had the opportunity to meet representatives of the credit union movement this morning. Indeed every year they come to talk to us and to various committees. While they want to lend for social housing, which I support fully and which the Central Bank has indicated it would be mindful should happen, a vehicle is needed and the Government must provide it. I understand that if such a vehicle were to be set up to invest in social housing, it would also be a model for investing in small businesses through the credit union movement. Would the Minister be supportive of the credit union movement assisting small businesses?

Deputy Heather Humphreys: As a former employee of the credit union movement, I certainly support any efforts, arrangements, or vehicles whereby the credit union movement is allowed to support businesses. I firmly believe that it can play a very important role in that. To that extent I met one of the members of the Credit Union Managers Association, CUMA, organisation and I have asked the association to put forward its proposals. I will look at them to see how credit unions can support small businesses. They have the expertise, local knowledge and the capital that they can lend, which is very important.

As the Deputy is aware, credit unions are regulated by the Central Bank, but it would be very important to find a vehicle or mechanism for credit unions to support businesses. They form a wonderful organisation and I am satisfied that they have the necessary skill sets to assess and look at providing finance to small businesses, particularly microbusinesses. We have a range of other supports available through the local enterprise office and other agencies.

Deputy Jan O’Sullivan: It is important for the banks to realise that there is competition and that they cannot do whatever they like in their own interests rather than those of their customers, including their business customers. I would be very worried if they are showing signs again of being more arrogant than they should be in how they do business with people.

Deputy Heather Humphreys: I met representatives of the four pillar banks, in particular Ms Francesca McDonagh, CEO of Bank of Ireland, Mr. Bernard Byrne, group CEO of AIB, and Ms Jane Howard, chief executive of Ulster Bank, and we discussed the following topics: the importance of the banks in supporting enterprise resilience in the context of Brexit, access to finance, the relatively high cost of credit in Ireland *vis-à-vis* other EU countries, and the banks’ participation in and promotion of the range of Government schemes to support improved access to finance, such as the Brexit loan working capital loan scheme. We had a very good discussion and it is important that we keep those lines of communication open and that I have the opportunity to bring to the attention of the banks the issues that businesses are telling me about. I will keep that in mind.

Job Losses

10. **Deputy Maureen O’Sullivan** asked the Minister for Business, Enterprise and Innovation if her attention has been drawn to the potential loss of employment and redundancies in a company, details supplied; if her Department will engage with those involved; and if she will make a statement on the matter. [42674/18]

Deputy Maureen O’Sullivan: My question is on a situation involving Eir and HCL Technologies, the potential loss of employment, the number of redundancies because of what has been happening with them recently, and if the Minister’s Department has been involved.

Deputy Pat Breen: I thank Deputy O’Sullivan for raising this important issue. The Minister and I are aware of the situation in HCL Technologies that has arisen following the decision by Eir last month to bring a contract that had been outsourced by the company back in-house again. I understand that 950 people are employed at HCL Technologies in the operation of this contract. Of this number, I have been informed that 300 staff based in Limerick and Cork can transfer to Eir under their existing terms and conditions. It is also our understanding that the remaining Dublin-based staff will be given an option to transfer to a regional location. Staff who do not wish to transfer will be offered a redundancy package. Negotiations concerning these redundancies and transfer arrangements are continuing between the company and the trade union representing the workers of HCL Technologies.

There is no doubt that the uncertainty created by these developments is clearly disappointing for the affected employees and their families, and our thoughts are with them. The Minister for Employment Affairs and Social Protection is aware of the situation, and I understand arrangements have been made by Intreo staff to be on site to assist these workers who find themselves in this situation. For any employees who will effectively become redundant on account of this

contract transfer, the Government will be doing its utmost to help them in transition and find new employment opportunities. The IDA will also continue to engage with HCL Technologies to explore the potential for alternative investment and job growth.

While the situation in respect of HCL Technologies and Eir is regrettable, the overall pattern of job creation in Ireland continues to move in a very positive direction. The year 2017, for example, was another record year for the State in terms of foreign direct investment and employment, with continued strong employment growth expected for 2018. The labour market as a whole is also performing very well, with more people in employment in the State than ever before. While I appreciate fully that these trends may offer little consolation to the affected workers in HCL Technologies, they do at least reflect our buoyant economy and suggest that new employment opportunities will continue to be generated throughout the country, including Dublin.

Deputy Maureen O’Sullivan: As the Minister of State said, the buoyant economy is not going to be of much *sólás* to the people in Dublin who are losing their jobs. I understand that HCL Technologies and Eir had commented initially that they would endeavour to minimise disruption through detailed planning and co-operation. It is all very well and great that the jobs in Cork and Limerick will be retained, but the issue is that the jobs are located in Dublin 1, and a significant number of the employees come from the local area; I do not need to tell the Minister of State about the issues in this area. It has been very difficult for the employees and I am very struck by the fact that very little attention seems to have been given to this matter.

A smooth takeover does not really include offering people whose jobs are based in, who live in and who have their families in Dublin the option of moving to Cork and Limerick to keep their jobs. I understand that there are some whom it may suit to transfer, but there is still that significant number whom it does not. Regardless of a buoyant economy, they are now going to be out of work. I hope that the Department can be more proactively involved on this matter. I understand from Eir that its costs in Dublin are such that it wants to move out of Dublin. Can the Department do anything in this respect?

Deputy Pat Breen: Both the Minister, Deputy Humphreys, and I are very conscious of the situation with HCL Technologies and those affected employees. I can understand exactly the Deputy’s position given that many of these jobs are in her constituency in Dublin 1. Our thoughts are certainly with those affected. It is not easy when one loses one’s job, particularly when the economy is buoyant and there may not be any other opportunities. It will suit some employees to transfer to Cork or Limerick but it will not suit others, for family or other reasons. The Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, has sent in a team from Intreo to deal with the matter. The Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, and I have spoken to IDA Ireland to look at other job opportunities and any need to upskill. We hope IDA Ireland will continue to engage with HCL to look at potential alternatives for investment and growth for these people who, unfortunately, find themselves in this position.

Deputy Maureen O’Sullivan: These workers are at the mercy of two multinational companies. One is HCL Technologies and the other is Eir, in which a consortium led by a French billionaire has attempted to buy a majority stake. The low-paid workers are caught by all the negotiating that is taking place. It is all very well getting redundancy but that does not compensate for a regular weekly income. We are not talking about well-paid jobs but the jobs in question are a lifeline for the people who have them. The Minister mentioned alternatives.

What activity is the Department engaged in to find alternative jobs? The results of a ballot will be announced today but I understand it included the workers in Cork and Limerick, who are happy with what is happening. Their votes may outnumber the votes of the workers in Dublin who are most affected.

Deputy Pat Breen: As the Deputy will understand, companies make decisions for strategic reasons and it is not for us to tell them what to do, or even to advise them. We are aware of the difficulties in which people find themselves but negotiations are continuing between the trade union and HCL on redundancy and transfer arrangements. IDA Ireland has performed very strongly over the past 12 months and I hope there will be opportunities in other companies or areas for the workers affected, or that HCL can deal with the matter in other ways. The Minister, Deputy Humphreys, and I will work very closely with IDA Ireland on this.

Deputy Maureen O'Sullivan represents her constituency and is very aware of what happens locally. Nobody wants a community to be affected by unemployment. We will work with IDA Ireland and the Minister for Employment Affairs and Social Protection to find a satisfactory solution. HCL has made a strategic decision and it is important that it continues to have a presence in the country.

International Bodies Membership

11. **Deputy James Lawless** asked the Minister for Business, Enterprise and Innovation if a timeline for Ireland becoming a member of CERN will be committed to; and if she will make a statement on the matter. [36141/18]

Deputy James Lawless: My question is about CERN, the laboratory for particle physics and international collaboration in a variety of technologies, which is headquartered in Geneva. Ireland has made great strides in research and development and science but it is a blot on our copybook that we are yet to apply for membership of CERN. We are a member of most other such bodies but we stand alone with Moldova and Lithuania as the only European countries which have not yet joined CERN. I hope the Minister will tell us that we will join imminently.

Deputy Pat Breen: I am taking this question on behalf of the Minister of State, Deputy John Halligan, who is unable to join us this morning. Innovation 2020, the national strategy for research and innovation, recognises that in order for Ireland to become a global innovation leader, our research and innovation system must be open with strong international collaboration links. Membership of leading international research organisations is an important mechanism for facilitating this engagement. For this reason, the Government gave a specific commitment in Innovation 2020 to initiate discussions with a number of international research organisations. Four organisations in particular, namely, CERN, the European Southern Observatory, ELIXIR and LOFAR, were identified and I am pleased to confirm that membership of three of these organisations has been completed.

Ireland continues its consideration of CERN membership. In July 2018, the Minister of State with responsibility for skills, training, innovation, research and development, Deputy Halligan, and officials from the Department met the head of associate member and non-member state relations of CERN to further discuss Ireland's potential membership of CERN, and in particular the different options of membership and accompanying costs and benefits. The information gathered during this and previous engagements has provided departmental officials

with a comprehensive understanding of the potential benefits of membership of CERN. While these benefits are recognised as significant, the cost is also significant and must be assessed in the context of other departmental and national investment priorities.

The Department continues to keep the position in relation to CERN membership, and its cost, under review and maintains contact with officials in CERN regarding Ireland's potential membership.

Deputy James Lawless: Professor Emmanuel Tsismelis visited Ireland in July 2018, at my invitation. I travelled to CERN, on my own steam, in March this year to meet him with an Irish delegation that included Professor Ronan McNulty from UCD. I was very impressed with the facilities and the capacity at the institute but the lack of Irish involvement was striking. We are, in fact, precluded from further involvement until we join. The Minister met Professor Tsismelis. I know the Minister is keen to progress it and we have discussed it on a number of occasions.

Multiple benefits would flow to the Irish science and research community, beyond particle physics and the accelerator. They include semiconductors, electronics, big data and computer science among many others, but we have to be in to avail of them. There is a multiplier effect, as there is with most of these agencies. For every €1 we put in we would get back between €3 and €7 in the form of contracts for Irish companies, research opportunities, scholarships, funding and staff positions for Irish nationals so there is a very strong case for joining. This week the Joint Committee on Business, Enterprise and Innovation met a number of experts in the area, who gave a very strong presentation and made a strong pitch for joining and there was strong cross-party support for the presentations.

Deputy Pat Breen: The Government is committed to joining CERN but there are challenges relating to costs. Under Innovation 2020 we have joined three out of the four research organisations to which I referred, namely, the European Southern Observatory, ELIXIR and LOFAR. We are committed to joining CERN but the funding was not there in this year's budget, though we tried very hard to secure it. Even if we get a supplementary budget at the end of this year, a lengthy process is involved in joining CERN.

Maybe we could consider associate membership for a start. The Deputy has outlined the great benefits of joining CERN, particularly in driving research excellence in education and in providing training opportunities. Membership also enables companies based in Ireland to compete for contracts.

Deputy James Lawless: I agree, as the committee did, that associate membership would be the way forward. In recent discussions, the price tag has been raised and €13 million does seem very high. We could, however, be associate members for €1.3 million. A total of €500 million is being made available for the emerging technologies fund so we could take €1 million from that and leave €499 million for emerging technologies. There is nothing that more defines emerging technologies than what goes on at CERN. The worldwide web came out of CERN, accidentally, with Tim Berners-Lee, and the touchscreens we have on our phones came from CERN. Medical imaging came out of CERN.

Associate membership would make a lot of sense. It would allow us to try before we buy and scale up our commitment gradually. I ask that the Minister explore whether there is an opportunity in the supplementary budget, given the strong cross-party consensus that emerged in

the committee yesterday, the very strong case which was made, and the circumstances in which Irish scientists find themselves. They are not members but they have a halfway house and are in on a wing and a prayer, on borrowed time, and they are building up friendships to try to get access to facilities. It is embarrassing for those in that position. It should be dealt with in the supplementary budget or at least a commitment should be given that it will be advanced in next year's budget. We can do it for as little as €1.3 million.

Deputy Pat Breen: I will certainly take the Deputy's views on board. Even if we joined on associate membership, it would be 2020 because it is a lengthy process. There is no doubt but that it is costly to have full membership of CERN. It is not only the €13.6 million that we must pay annually but also the special contribution of full membership which is in the region of €17 million. Therefore, as the Deputy rightly pointed out, it would be €30 million. The Department, the Minister, the Minister of State, Deputy Halligan, and I must take into consideration the current priorities for where Department funding should go, particularly in the context of the challenges of Brexit, as the Minister, Deputy Humphreys, outlined.

As the Deputy noted, there are great benefits and I agree with him on this, especially in procurement opportunities and other opportunities for companies based in Ireland. It is something that is in the back of our mind. We encourage innovation and think it is really important. We want companies to be innovative. It is part of our plan. We have joined three of the four agencies and we want to join the fourth but budgetary constraints are an issue. It is something that we will examine and, if money is available at the end of the year, we will consider associate membership, which would be a start. I cannot give the Deputy a commitment now but it is certainly a priority for us.

National Development Plan Funding

12. **Deputy Billy Kelleher** asked the Minister for Business, Enterprise and Innovation the decision-making process for applications for funding under the new disruptive technologies innovation fund under the new National Development Plan 2018-2027. [42560/18]

Deputy Billy Kelleher: Clearly, disruptive technologies are both challenges and opportunities, but my question relates to the fund itself and how it will be assessed and awarded. Will the Minister elaborate on that?

Deputy Heather Humphreys: My Department launched the first call of the disruptive technologies innovation fund, DTIF, on 29 June 2018 and expressions of interest were sought by the deadline of 3 p.m. on Friday, 17 August 2018. Information on the fund and how to apply was provided by my Department with the support of Enterprise Ireland, IDA Ireland and Science Foundation Ireland. Expressions of interest were sought for funding commencing in 2019. Subsequent calls will be announced in due course.

We received more than 300 expressions of interest for this first call for funding. All represented collaborations of two or more partners with at least one SME in each partnership. The DTIF is a competitive offer and all applications for funding under this first call are subject to the same assessment and selection criteria.

In line with what was agreed by Government in May 2018 for all Departments involved in running national development plan, NDP, funds, we appointed an advisory board with civil ser-

vants and relevant experts from the sector as members. Accordingly, an advisory board chaired by my Department and comprised of nominated members of Enterprise Ireland, IDA Ireland and Science Foundation Ireland, along with nominated members of other Departments and public sector organisations, was appointed to oversee the assessment and selection process of the DTIF. A panel of independent national and international experts comprised of both technical and commercialisation experts was also formed to assess applications.

Under call 1, all the expression of interest, EOI, forms were screened for eligibility. Only eligible applications were put forward for assessment by the advisory board and the panel of experts. Assessment of applications of these eligible applications was based on the selection criteria set out in the guidelines for this fund. Briefly, they are: the strength of the disruptive technology dimension, economic and market impact of the proposal, the quality and efficiency of the collaboration, and the overall excellence of the proposed approach.

Additional information not given on the floor of the House

Decisions on expressions of interest were made in September 2018 and were communicated to the lead partner of all collaborations. Only those applicants that met all of the eligibility criteria and met the minimum threshold of the selection criteria were invited to submit a full application. Projects that are deemed ineligible for this first call under the DTIF may still be able to apply in subsequent calls. Applicants were offered feedback on the outcome of the expressions of interest stage and many have availed of this. Applicants that met the minimum threshold of the selection criteria were invited to submit a full application which will then be assessed by relevant experts.

Details on allocations will be submitted to me, as Minister, for final approval. I expect that successful projects will be confirmed in late 2018.

Deputy Billy Kelleher: I am asking in a roundabout way whether the Minister is satisfied that there is a robust independent assessment process, but I will ask more directly to get a more direct answer. We have experts and State agencies such as Enterprise Ireland, IDA Ireland, and Science Foundation Ireland, but it seems that when one goes through the whole process, ultimately the Minister is the one who decides whether a funding application is successful. From that perspective, will the Minister override the opinions of the experts, including those from Enterprise Ireland, IDA Ireland and Science Foundation Ireland, in the assessment process or is there a clear guideline of what can be presented to the Minister and his or her officials to make a decision? That is clearly the issue. There must be absolute integrity as these can also have commercial implications.

Deputy Heather Humphreys: I reassure the Deputy that it is a very independent panel of experts which will assess these applications. The applications are very technical; they are about disruptive technologies and what will happen in the future. It is about protecting the jobs of the future because we want to help companies come forward with new technology. We all know the change the phone made in our lives. We are looking to the future. These are all experts on the panel, not only from Ireland but also international experts. The panel will assess them and come to me for final approval but, as the Deputy and I know, these are experts and I will not second-guess the work of any expert. They will come to me and I, like any Minister, will give final approval. It is a very robust system and I am satisfied that it will be a very thorough process. I want to see good applications coming forward and that we support industry by looking at the new technology and the new way of doing business into the future.

Deputy Billy Kelleher: It is an important fund. It is important that there is integrity in the process. Will the Minister assure me that having a lunch or dining with an applicant is something that is also outside the remit?

Deputy Heather Humphreys: I can assure the Deputy that the process is robust and transparent. Experts will send their recommendations to the Minister who will sign off final approval, which is normal. It is a very independent and robust system and I am very satisfied that all of what ultimately comes to my desk will have been thoroughly evaluated. I want to see projects come through which get the best value for taxpayers' money, that will make the difference and change the way that businesses look to the future and develop and embrace new technology. I am particularly keen on it being about universities and businesses working together collaboratively. That is why every assessment proposal application will have an SME. There must be SME involvement in it, which is very important because this is specifically targeted at businesses. There has been great interest in it.

National Development Plan Funding

13. **Deputy Jan O'Sullivan** asked the Minister for Business, Enterprise and Innovation the way in which the disruptive technologies innovation fund can be applied for; when grants will be awarded under the fund; and if she will make a statement on the matter. [42699/18]

Deputy Jan O'Sullivan: Mine is pretty much the same question as that asked by Deputy Kelleher. This is my third question in today's lottery. I have done so well that I must buy a national lottery ticket tonight.

The Minister clearly answered Deputy Kelleher's questions about the expert panel and so on. I primarily wanted to ask about funding. If the Minister has a different answer, she might give it. If she has exactly the same answer, I can ask a supplementary.

Deputy Heather Humphreys: I will refer to the types of projects that will be funded. They must include the use of disruptive technologies that will significantly alter the way we work and live. It will involve collaboration, innovation and-or be disruptive in its impact on one of the sectors in the research priority areas. That includes ICT, health and well-being, food, energy, climate action and sustainability, manufacturing and materials, business services and processes. Within each of these six themes, we identified specific priority areas such as robotics, artificial intelligence, augmented and virtual reality, advances and smart manufacturing and smart and sustainable food production and processing. When we launched the call, we published a reference document that clearly set out the eligibility and selection criteria for selecting suitable projects.

These criteria were designed to ensure that we are funding truly disruptive technologies and that we are not funding projects that we can do through other programmes. To ensure that we fund projects of scale and impact we are asking for funding applications for amounts of €1 million or more. There has been a major response to the fund, so much so that the qualifying projects have now been whittled down by the experts. They were expressions of interest initially and they have now been asked to put forward full applications. To be helpful to those businesses that put considerable effort into submitting applications or expressions of interest I have asked my Department to give them all feedback and to see whether there are any other opportunities, including, for example, whether these businesses could get funding through ini-

tiatives funded by Enterprise Ireland and whether there are other ways we could help them.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: The House will be disappointed at the lack of progress at the October European Council meeting. The issues were well discussed in the House yesterday. We hope that more progress will be made through today. This is an opportune time to pay tribute to the officials in the Department of Foreign Affairs and Trade who are putting in such work for the country.

This morning, I wish to focus on a more domestic issue, that is, the problems and difficulties with accessing our health services. Yesterday, a figure was revealed showing that 9,864 people aged over 75 were left lying on trolleys in emergency departments for longer than 24 hours. Almost 10,000 people, aged 75 or older, in the first eight months of 2018 were waiting longer than 24 hours on a trolley.

When people get through our health services there is fantastic treatment. The staff work incredibly hard to give them world class treatment. Yet, when we see that figure and the trolley figures for July and August, which are traditionally quiet times in our hospitals, they show the crisis facing our health service.

Regrettably, there is little action to deal with the crisis. Today is 18 October but we have yet to see details of the winter initiative or the ongoing capacity review. Have the 600 or so beds promised by the Minister for Health, Deputy Harris, amid the usual flurry of spin and public relations, actually been delivered? The evidence suggests they have not. We have oceans of promises and spin, yet 10,000 people aged 75 and over have been left for more than 24 hours on a trolley in our hospitals. That figure will only rise as the winter kicks in with the usual avalanche of cases of the cold and flu, etc.

The Minister for Health launched the bed capacity review and outlined the country's bed capacity requirements until 2031. He said that some 600 extra beds would be delivered in the system in 2018. Many hospitals cannot see these extra beds. For example, in Letterkenny a 19-bed unit remains closed, as my colleagues, Deputy McConalogue and Deputy Pat The Cope Gallagher, have pointed out on many occasions. The unit is closed, yet the hospital is overcrowded.

What commitments can the Tánaiste give today that 10,000 people over the age of 75 years will not be left on trolleys for longer than 24 hours and that we will not have a repeat of the situation we had last November, December and January when trolley figures went into orbit? What work or action is the Government undertaking now to ensure that will not happen? When will the winter plan for 2018-19 be published?

The Tánaiste: I thank the Deputy for raising these issues and giving me an opportunity to respond to them specifically. Plans are under way for the winter initiative and have already begun to start kicking in to place. The Department of Health is working with the HSE to ensure local and regional plans are consolidated and supported through policies and plans at national

level. The idea is to ensure the most effective response to the challenges that we know always come through the winter months.

As part of budget 2019, an additional €10 million in funding is being provided in 2018 to prepare for and manage the expected peak in demand for health services in the winter ahead. This funding will focus on initiatives to enable the hospital system to de-escalate before Christmas. Support for patients in the over-75 age group will be a priority, with measures to respond to a surge in capacity, transitional care beds and aids and appliances to support the journey home for patients following a hospital stay. The Minister for Health has asked for a significant increase in the provision of social care measures to promote hospital discharging in the first quarter of 2019 in response to the expected surge in demand after the Christmas period that we can always expect.

I assure Deputy Calleary and patients that while of course we recognise the pressures in the system that result in patient care not being as good as it should be – in other words, far too many people, including elderly people, are on trolleys - we are trying to plan ahead for the surge in demand that we know our hospitals will have to cope with in the months ahead.

This is seasonal and happens every year. It is predictable. The Minister has allocated more money and has put plans in place. There are ongoing conversations between the HSE and local hospitals to ensure that we prepare for this and try to de-escalate the system in hospitals in preparation for the surge that will come in the post-Christmas period. Planning is very much under way for that.

Deputy Dara Calleary: The Tánaiste's first comment was that there are plans. There is no shortage of plans. The difficulty is with implementation and follow-through. The plans get published and the Minister for Health does a tour of a hospital. He puts on a white coat like the Minister for Housing, Planning and Local Government, Deputy Murphy, puts on a hard hat for housing. Despite all the plans, 10,000 people aged over 75 spent longer than 24 hours on a trolley up until the end of August. Where were the plans for those people?

The Tánaiste spoke about the Minister for Health wanting to ensure community discharge and early discharge, yet there are not enough resources for home help hours or home care packages. Throughout the country people are being accepted and are eligible for home help packages but the local health services do not have the resources.

I will ask the Tánaiste the question again. The Minister for Health announced 600 extra beds during 2018 to address capacity issues. We are now in the middle of October 2018. How many of the 600 beds promised in one of the plans to which the Tánaiste adverted have been delivered? Given all the planning and, to use the Tánaiste's phrase, that this is predictable, can he give a guarantee today that we will not have a repeat of what we had last December and January in terms of a trolley crisis in our hospitals?

The Tánaiste: What I can give the Deputy is a commitment that we are planning for this. We have put money behind those plans. We will ensure that everything possible is done through better management, better policy and more funding to ensure the pressures that come through the winter on our healthcare system, in particular on our hospitals, are managed in the best way they can be.

The Minister for Finance, Deputy Donohoe, has provided an extra €1.2 billion for health-care next year. Much of that will go into our hospital system and driving down waiting times

and waiting lists. An extra €25 million has been allocated for the National Treatment Purchase Fund. Next year we will spend €75 million on the NTPF because we know it works.

Deputy Dara Calleary: The Government did not spend extra in 2016.

The Tánaiste: We have seen the benefit of that. From the peak of 86,000 people on waiting lists in July 2017, we have seen quite a dramatic reduction since then. The figure is a little over 70,000 now, which is a reduction of 16%. This is not only about promises and plans. It is about reducing waiting times and waiting lists, but there is still more work to do.

Deputy Louise O'Reilly: Last May in the wake of the CervicalCheck scandal many assurances were given to women. In what was a difficult time for women and women's healthcare in the State one of the appropriate and sensible responses by the Minister for Health was the offer of a free repeat smear for those women who were concerned. It was what many people had been calling for at the time. It was generally assumed that the Minister for Health, Deputy Harris, had this under control and that he was liaising with GPs and with the laboratories to ensure the tests would be carried out swiftly and the results returned within the normal timeframe. What we did not expect was that nothing would be done.

Last May, when the Minister announced this response, GPs told us that they had not been consulted on the provision of additional tests. It should have been clear then that different responses were being announced, but that no actual strategy or planning had gone into them.

Announcements are becoming the hallmark of this Government; delivery, on the other hand, is often sadly lacking. Furthermore, the Minister did not even plan for how to categorise the delivery of additional smear tests so that high-risk tests, those who were due for scheduled tests and those attending for a re-test were separated. What was, and still is, a good idea has been completely mismanaged to the point that it is having the reverse effect of what was the intention.

The measure was supposed to assure women, but now we have women articulating further worry and discomfort over the length of time they are waiting for the results of their tests. Women were told that they would have the results in six to eight weeks, but they have now been left waiting for up to 18 weeks because the laboratories cannot deal with the additional volume of tests being sent to them. That is having the knock-on effect of samples expiring because the laboratory cannot process them quickly enough. That is creating a cyclical effect where samples are being taken and then expiring because of the increased waiting times due to the volume of tests taken, and it is being repeated again and again.

Not being able to plan and resource services is the inevitable consequence of outsourcing. If we do not tackle the issues around a lack of human resources at the laboratories to deal with the backlog, these issues will continue and women will not get the peace of mind they need.

The Minister, Deputy Harris, has said that this serious issue is a priority, so what is being done address it? Can we, and the women affected, be given a realistic timeframe for when these issues will be dealt with because there are people who are worried? Has the Tánaiste a realistic plan and a timeframe to repatriate testing to this State? Will he initiate a publicity campaign to advise women of the delays and reassure them? Will he use that campaign to highlight the realistic timeframe for repeat tests?

We know that screening saves lives. I have said that many times, but as a user of the service

I and other users must have confidence in that service. Being honest with women has to be central to this and it must involve being honest about the timeframes.

The Tánaiste: I thank the Deputy for raising this issue, which is both topical and very important. The Minister, Deputy Harris, announced the availability of a free smear test in response to women who are feeling concerned. This was one of the key issues raised on the helpline, and doctors also raised it with the Minister. The level of uptake showed that many women wished to get the reassurance of a smear test out of cycle. The Health Service Executive regrets that there are significant delays currently in the reporting of smear test results.

I know that addressing the backlog is a priority for the Minister and the HSE. The programme was operated for many years with a reporting time of between four and six weeks. Unfortunately, results are currently being reported within 18 weeks of the test being taken. In a small number of cases, it is even longer than that. That is not good enough. I would like to apologise to those patients affected and assure them that everything possible is being done to try to improve the position.

I acknowledge the difficulties these delays are causing smear takers and GPs as well as patients, primarily. These delays have been caused by an upsurge in women presenting for smear tests. There are two main factors contributing to the increase in demand. As well as women presenting for out-of-cycle smear tests since April, we have also seen an increase in the number of women attending for normal CervicalCheck appointments.

While this increase in participation by women in cervical screening is very welcome, it is contributing to delays and pressures. Between 1 May 2018 and 30 September, 42,469 repeat or out-of-cycle smear tests were undertaken. As of 13 October 2018, 86,210 smear test samples were still in progress and not yet reported on. That compares with approximately 23,000 smear test samples which would normally be expected to be in progress in the system. What we are seeing, therefore, is a dramatic increase in both out-of-cycle tests for understandable reasons, as the Deputy said, to reassure people, and CervicalCheck seeing an increase in the normal testing system as well.

We have asked laboratories to undertake additional recruitment and that they try to streamline processes around release of reports. Laboratories are continuing to provide for overtime and to manage annual leave and schedules, with their best efforts, to try to reduce the backlog.

The whole point of this process was to be able to get test results back in a timely manner that would reassure women. I can tell the Deputy that addressing this issue is a top priority for the HSE and for the Minister, and we are working with the laboratories to try to do that.

Deputy Louise O'Reilly: While the Tánaiste's apology is welcome, there is not much evidence that this is actually a priority. Anybody could have predicted that there would be an upsurge in the uptake of smear tests because women were concerned. I thought it would have been very easy to predict that but, instead, a promise was made and a commitment given, and that was broken. I put the question again to the Tánaiste. Will he commit to an information publicity campaign advising women of the realistic timeframe they can expect?

I will not personalise this but there are women who are waiting, and they are justifiably anxious. They need to know when they will get their results. At the heart of the CervicalCheck scandal was the fact that information was withheld from women. Dr. Gabriel Scally found there was a paternalistic attitude on the part of some people in the HSE. Withholding information

from women is what was wrong. Being honest and up-front with them is what is required. If the delays are going to continue and if the plans were not made, the Tánaiste should be honest and come out and tell women publicly the length of time they can expect to wait before they get a repeat test and a result.

The Tánaiste: I do not disagree with the Deputy on that. The least women deserve is a full understanding and truth around the timelines and the pressures involved in this process. Many people will understand the reason for those pressures. We have a finite number of laboratories we have contracts with and with which we work. Repatriating laboratories for testing will not solve the problem in the short term. We have received assurance from Dr. Scally on the quality of the laboratories we currently use. There are medium-term planning issues that will undoubtedly progress but in the short term we need to be able to provide reassurance to women on what they can expect from this service in terms of timelines and accuracy and integrity in the system.

I will commit to the Deputy that we will certainly endeavour to make sure that everybody who has a smear test gets a very clear picture in terms of the estimated accurate times they are likely to have to wait to get back their results. I believe that is the least we should be doing.

Deputy Brendan Howlin: For weeks now there has been a chaotic breakdown in the delivery of illness benefit by the Department of Employment Affairs and Social Protection. My colleagues in the Oireachtas and in local authorities across the country have shared information with me about a succession of very challenging cases. People have been left for weeks without payment. This morning, a Labour Party councillor in Wexford spoke to a woman, who is in work, who is awaiting an appointment to have surgery. She has no money to buy food and today she had to resort to getting vouchers from the Society of St. Vincent De Paul; thank God they were there.

People have been given minimum payments instead of their full entitlement. In one case I dealt with, a person was offered €33 to cover two weeks payments. In another case, a woman who called to my advice clinic advised she had to wait nine weeks for a payment. There is a social protection helpline available to Members of the Oireachtas, but calls are not being answered effectively. In a statement issued this morning the Department accepts this fact. It is greatly impeding our ability as public representatives to respond to the needs of persons who are waiting day by day to receive money to which they are fully entitled. Urgent action is required. I understand there have been IT difficulties that have led to delays in processing forms GPs send to certify people's unfitness to work.

The bottom line is that people who are off work owing to illness or an injury are not receiving the money for which they have paid through an insurance fund and on which they are absolutely dependent. It is leaving them in dire straits. In addition, some long-standing recipients of illness benefit have found that their payments have stopped suddenly. Many of those who depend solely on this payment have been left with no money whatsoever for a number of weeks, placing them in an impossible position. No adequate explanation has been provided by the Department or the Minister as to why this has happened. The Minister claims to have consulted the IMO and that her Department has written to all contracted GPs setting out the changes that have happened recently. The commitment given by the Minister to continue to consult the IMO is not the same as actually stepping in to solve the problems people have. Will the Government clarify when it will engage directly in actions to end the delays and ensure all overdue payments will be made to those affected who are in dire need of money?

The Tánaiste: I will come back to the Deputy with a detailed answer from the Minister.

Deputy John Brady: The Minister has not been seen in the House in the past two months since the problem first arose.

The Tánaiste: My understanding is the Minister is endeavouring to resolve the issue as quickly as possible. Of course, it is unacceptable that those who rely on illness benefit are not able to receive the basic income they should expect and are entitled to receive from the State. Whether there are IT or negotiation issues in dealing with concerns about delays in obtaining information from GPs, I understand the Minister is dealing with the issue to try to resolve it. People who are in dire need of money should certainly speak to the community welfare officer in the short term, but that is not a sustainable answer. What is needed is for the system to deliver illness benefit payments on time in a predictable manner in order that people's income payments will arrive into their home when expected. I will come back with a more detailed answer from the Minister, rather than give the Deputy any further information.

Deputy Brendan Howlin: The Tánaiste tells me what is needed; the Government and the Department should be doing it. We are talking about working people who are paying PRSI. When they are ill, awaiting an operation or injured, they expect the insurance system into which they have paid to provide what they are entitled to, yet that is not happening as the system has collapsed. It has not been happening for weeks. I read the press release issued by the Department this morning and it was a case of more excuses. Genuinely, the people with whom I have dealt in my office in Wexford and those who are attending colleagues' offices across the country are in dire need. The matter must be dealt with as a matter of urgency. I accept that the Tánaiste will come back to me to tell me what has happened, but I hope he will come back to me today to tell me when this matter will be resolved in order that people will not be without the benefit payments to which they are entitled.

The Tánaiste: I received a note while the Deputy was asking his supplementary question. The Department wants to reassure all customers that they will be paid the correct amount up to the end of the period of their illness as certified by their GP. No customer will lose out in respect of-----

Deputy Brendan Howlin: That is no good. It is a case of live horse, get grass.

The Tánaiste: The Department is working to address the issue and hopes to have it resolved quickly. It is assigning additional staff to claim processing work to enable other experienced staff to be dedicated to call answering and dealing with customer queries. It recognises that, owing to the high level of calls to the illness benefit section, customers have not been able to reach a dedicated staff member to discuss their illness benefit claim. Additional staff are being assigned from other departmental sections and will be dedicated to the customer phone line. The Minister, Deputy Regina Doherty, has sought a detailed report from the Department on how the changes to the illness benefit scheme were communicated to customers, including timelines for changes and the rationale for decisions taken on timing. We are working to resolve this issue and will get it done as quickly as we can.

Deputy Danny Healy-Rae: I am glad to have the opportunity to raise the matter of the clearing of the Flesk river in the parish of Killarney. The river needs to be cleaned from Gortahoosh bridge through Curreal and Glenflesk village up as far as Loo Bridge against Clonkeen. This stretch of the river is almost totally blocked with trees, silt and gravel which in the past

nine or ten years has caused many houses in the catchment area to be flooded several times. Up to 35 homes in the area of Glenflesk are under threat or affected in one way or another. The houses have been flooded or people cannot get into them. In the last couple of days one eye of the bridge at Glenflesk has been blocked by a fallen tree. There have been many deputations led by me to the area committee meeting in Killarney and they have been supported by all of the area councillors. My daughter Maura led a deputation last May, a meeting I also attended and at which I was a spokesperson. People are very agitated and upset that the river has not been cleared. In the early 1980s Jackie Healy-Rae brought locals in a deputation to meet Charles Haughey at the Gleneagle Hotel and the river was cleared at the time. There were few problems for 25 or 27 years, up until nine or ten years ago.

I thank the Minister of State, Deputy Kevin Boxer Moran, for coming to County Kerry last year when he saw for himself the problems in Glenflesk and other places in the county. He gave an assurance to the elected Members in the Chamber that he would provide funding once Kerry County Council had made an application for it. Last April the council applied for funding to clear half of the river. That is why we had to have a second deputation to get agreement that the other half of the river would also be cleared. A total of €168,000 is needed to clear the river from Gortahoosh Bridge to Curreal Bridge. Rivers - the Flesk is no different - need to be cleared and maintained all of the time. However, in the past 20 years landowners have not been able to touch any river because if they do, they will lose their farm payments. This rule of cross-compliance has to be adhered to. That is why the river is so bad again and affecting so many. Houses cannot be lifted, but roads can. The N22 was raised because it was being flooded. However, even though it has already been raised by 10 ft, it is still being flooded to a height of 3 ft. The river needs to be cleared. That is what we are asking the Government to do. There is a need for ambulances to be able access hospitals and people to access everything else.

The Tánaiste: In some ways, this is an example of a bigger issue and challenge we face nationally. We are seeing more extreme weather cycles. Undoubtedly, climate change is happening. Not only do we need to do more to mitigate its effects, we also need to spend very large sums of money to adapt to more dramatic weather cycles, including for flood relief measures. We need to ensure that rivers large and small have the capacity to move much larger volumes of water in flooding instances. Having said that, before this can happen a process, involving environmental impact assessments if necessary, needs to be followed. Many local authorities have put in place regional flood strategies. I am glad that the Minister of State, Deputy Moran, working I am sure with the Minister of State, Deputy Griffin, has looked at the challenges of flooding and river basin management plans for County Kerry.

I do not think the Deputy could seriously expect me to confirm funding for an individual project that requires an application, probably from the local authority. The Minister of State, Deputy Moran, has a very considerable sum of money to spend in coming years on flood mitigation. It is about €400 million from memory, which is a significant allocation to deal with the increased flooding risk, particularly in the Shannon basin but also in other parts of the country, including in the south west where the Deputy lives and where rivers need to be managed in a way that allows them to deal with flash flooding and more extreme weather cycles. I suggest that the local authority should work with the OPW and the Minister of State, Deputy Moran, who is somewhat of a flood expert, to ensure this project gets the priority it needs.

Deputy Danny Healy-Rae: We are looking for no more than the people in Kerry deserve. We have gone down all the routes and all the surveys have been done by CFRAM. It was going on for six or seven years. There was agreement between Kerry County Council and the OPW

to make an application under what was known as the minor flood mitigation scheme. That has been done. There are two applications with the OPW, one for €98,000 and the other for €71,000. I am asking the Tánaiste to ensure the local authority gets this funding to clear out the river.

I am doing nothing out of the way in asking the Tánaiste because we are fully entitled to get funding to clear this stretch of the river to ensure that people's houses will not be flooded and that the roads to those houses will not be flooded. The last trip Paddy Healy had from his house was on a boat and he died in hospital subsequently. I pass that place every day. I ask the Tánaiste to ensure that-----

An Ceann Comhairle: I thank the Deputy.

Deputy Danny Healy-Rae: -----these people are not left behind. The application has been made; it took a long time to get it in. That is what I am asking.

An Ceann Comhairle: I thank the Deputy. He can get an answer now.

Deputy Danny Healy-Rae: I ask the Tánaiste to talk to the Minister of State, Deputy Moran, and fast-track this funding so that the people will not be affected again as they were in 2014, 2015 and 2016.

An Ceann Comhairle: I thank the Deputy.

Deputy Danny Healy-Rae: There were six floods and no one could get in or out of their houses. Ambulances could not pass up or down the main road to Cork.

An Ceann Comhairle: The Deputy has made his point.

Deputy Danny Healy-Rae: That is what I am asking the Tánaiste.

The Tánaiste: As I said, in order to access funding for projects a process needs to be followed.

Deputy Danny Healy-Rae: The process is there.

The Tánaiste: With respect, we do not bypass the process because the Deputy raises it here in the Dáil. I am sure the Minister of State, Deputy Moran, is considering this application. As I said, he understands flooding and is doing an excellent job in understanding local complexities and investing in flood management systems. One of those investments is to ensure rivers flow and are not blocked unnecessarily and that river basins are, if necessary, altered appropriately. We also need to ensure that the environmental responsibilities we have towards river basin management is followed. This does not sound like a huge amount of money to me, but the process needs to be followed. The local authority needs to engage with the OPW's flood experts to progress this project and I am sure it will.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: We have 15 minutes for Questions on Promised Legislation and 16 Deputies have already indicated. If the questions and answers are succinct, hopefully we will get through everyone.

Deputy Dara Calleary: This morning the Scottish Government has confirmed the outbreak of a case of BSE in Aberdeenshire. Were we informed about this outbreak by the Scottish Government? Does the Tánaiste have any details on it? I understand, based on Deputy McConalogue's briefing on the issue, that this is something that has happened on an annual basis nearly. What details do we have and what is the Government's response to it?

The Tánaiste: The only information I have on it is what I have read in the media, in social media in particular. I would be surprised if the Department of Agriculture, Food and the Marine officials had not been informed by their colleagues in Scotland, and we will take appropriate action.

Deputy Louise O'Reilly: Sinn Féin actively campaigned against the 27th amendment to the Constitution and the subsequent provisions in the Irish Nationality and Citizenship Act, which sought to deny Irish citizenship to children born in Ireland to parents who are not Irish. It was wrong then and it continues to be wrong now. Politicians come in here and criticise President Trump for the deportation of children from America, in particular those children referred to as dreamers. Yet the same thing is happening here. We have seen attempts to deport nine year old Eric Zhi Ying Xue from Bray. Children like Eric are our dreamers. Are there any plans to change or update the legislation that allows this to happen?

The Tánaiste: Not that I am aware of.

Deputy Brendan Howlin: Second Stage of the Local Government (Restoration of Town Councils) Bill was passed last month with broad cross-party support. Obviously the Bill is time sensitive as the local elections are due in May 2019. It has been referred to the Oireachtas Joint Committee on Housing, Planning and Local Government, but for very obvious reasons that committee is focused very largely on housing and the local government issues take a secondary role there. I have written to the Minister of State, Deputy Phelan, in this regard. Would the Tánaiste be amenable to suggesting to his colleagues that we might have a bespoke small committee to deal with what is a very short and simple Bill in order that it might be enacted in time for the local elections?

The Tánaiste: I understand it is under review by the committee. It is a matter for the committee Chairman and the committee to make recommendations to Government on it.

Deputy Brendan Howlin: It will never be reached.

Deputy Mick Barry: The programme for Government claims to aim to promote the rights of ethnic minorities. In recent days we have seen the spectacle of a candidate in the presidential contest singling out an ethnic minority. He has poured contempt on them with a racist commentary, all in a crude attempt to boost his poll ratings. These are racist comments from what we might call a desperate dragon. I understand that members of the Traveller community in County Tipperary will protest at the visit of Mr. Casey to their area this afternoon and I wish them luck with that. Many people will have a strong feeling of solidarity towards that protest. I also hope that the people reject Mr. Casey's lines of argument and give him an award on polling

day next week - the award of the wooden spoon.

On the more serious but not totally unrelated issue of hate crime against minorities, when will we see a comprehensive response to the Irish Council for Civil Liberties report on that subject, which was produced last August?

The Tánaiste: I am not sure if it is helpful for me to give more oxygen to this issue in this House. One of the things we should and could be quite proud of in the context of elections in Ireland and politics in Ireland generally is that most of the time candidates do not resort to politics of the lowest common denominator, trying to build a profile through feeding a prejudice that undoubtedly is there but should not be stoked up.

Deputy Ruth Coppinger: A few Fine Gael candidates have, in fairness.

The Tánaiste: The Government has a strong record in trying to change the conversation on the relationship between Travellers and the settled community. The former Taoiseach, Deputy Enda Kenny, made a very emotive and powerful speech here when we recognised Traveller ethnicity in Ireland. Since then, the Minister of State, Deputy David Stanton, to his credit, has followed words with actions in regard to a new national Traveller and Roma inclusion strategy, and we have followed through in terms of significant increases in budgets to be able to implement that strategy.

This is a vulnerable ethnic community in Ireland. Those of us who have the responsibility of office, or those of us who want the responsibility of office, should in my view show leadership and generosity in terms of trying to improve and change the narrative that Travellers are often subject to.

Deputy Mattie McGrath: I want to raise the issue of the health services in south Tipperary, particularly at South Tipperary General Hospital and Limerick Regional Hospital. Some 42 people are on trolleys today, so this is ongoing. There is talk about modular building and all the rest but we cannot get the nurses. We talk about ethnic minorities. People of all ethnic status and none are languishing in queues while the staff are under appalling pressure, although they do tremendous work. There is now €17 billion of a health budget yet front-line services are getting worse, despite some good outcomes. Nurses, doctors and GPs will not stay because of the appalling conditions and the constant pressure. We keep talking about it but it is getting worse, day by day. We are not near winter yet, or even autumn, and we have these queues, having had them all summer. It will reach a crisis point. A modular unit is to be built three miles out the road but where are we going to get staff for it? The Government should please do something for people all over the country, the people of Tipperary in particular. People are waiting 52 months for orthodontic treatment. It is a mess.

The Tánaiste: We will see a new HSE service plan for next year which will involve a very significant increase in the available budget. I suggest the Deputy puts down a detailed question to the Minister for Health in regard to Tipperary.

Deputy Caoimhghín Ó Caoláin: Today is international credit union day, as I am sure the Tánaiste is aware. Both the programme for Government and the confidence and supply agreement contain commitments to the credit union movement that have not materialised. As the housing crisis continues, the willingness of the credit union movement to invest in social housing has still not been tapped into. Will the credit union movement be permitted to invest in housing development via the special purpose vehicle being developed by the Irish Council for

Social Housing? When will the details of that special purpose vehicle be finalised?

Deputy Declan Breathnach: There is a clear commitment in the programme for Government, as initiated by Fianna Fáil, to ensure the credit unions use this vehicle. As Deputy Ó Caoláin said, today is credit union day and, indeed, the credit union movement has given 60 years of dedicated service to communities, businesses and families. It has been lauded as the No. 1 customer experience and has been voted as such in the last four years. Like Deputy Ó Caoláin, I want to ask when we will see the outgoings in this regard. The Central Bank gave a clear commitment that the credit unions would be able to participate in this yet there seems to be a lack of effort by the Government to initiate it. It is time to stop propping up banks that are charging exorbitant interest rates to those lucky enough even to get consideration for loans, not to mention the failure to put a stop to the rampant gallop of the vulture funds' activities.

Deputy Pat Casey: This is just another reason people have lost faith in the ability of this House to deal with the single biggest crisis facing us, the housing crisis. The credit unions have had billions available for a number of years to invest in the delivery of social and affordable housing. The Tánaiste discussed this with me previously at committee. It took over three years for the Central Bank to approve this funding to deliver social housing and we are now one year on from that. The off-balance sheet model that was deemed possible to allow the credit unions to invest in social housing has been proven to be on-balance sheet, and all approved housing bodies are on-balance sheet. Until we deal with the bureaucracy that is stopping us finding the solutions for people out there, we are wasting our time. We have billions available; all we need is a model. We have been talking about this model for years. When is it going to arrive?

The Tánaiste: My understanding is that, in response to proposals from the credit union sector to provide funding for social housing, the Central Bank's investment framework was amended to allow for investment in tier 3 approved housing bodies via a regulated entity. Since 1 March 2018 credit unions have been permitted to provide funding via a special purpose vehicle to tier 3 approved housing bodies for the provision of social housing. This change in regulation could facilitate a combined sector investment in tier 3 approved housing bodies of close to €700 million. To put this figure into context, to the end of 2017 total lending from the Housing Finance Agency to approved housing bodies was €350 million. Under current regulations, credit unions are free to set up special purpose vehicles and invest in tier 3 approved housing bodies, subject to certain limits.

Deputy Danny Healy-Rae: I heard on radio this morning that 17 jobs are to be lost at Bord na Móna fairly soon. I ask the Government not to, in line with its policy, close down these peat-burning stations and peat providers which provided briquettes and turf over the years. I ask the Minister not to focus his attention on the people who cut their own turf. They are worried he will extend the policy to stop them cutting their own turf. They are saying this is being done because the State is getting no tax or VAT out of this type of fuel. Is that why the Government is against people cutting their own turf?

There is nothing more wonderful-----

An Ceann Comhairle: The time is up, Deputy.

Deputy Danny Healy-Rae: I am sorry, a Cheann Comhairle. There is nothing more wonderful than seeing people cutting their own turf and saving it in a fine summer like the one we have had. There is nothing wrong with it.

An Ceann Comhairle: With respect, the Deputy must conclude.

Deputy Danny Healy-Rae: They have their own fuel for the winter and it costs them very little.

An Ceann Comhairle: Please, Deputy.

Deputy Danny Healy-Rae: We want to maintain that as it has been done over the years and down the ages, when people provided fuel for their own homes.

The Tánaiste: With respect, I find that slightly contradictory. The Deputy has asked me two questions today. The first was on how we respond to a climate change phenomenon that is resulting in more extreme weather and a flooding threat. At the same time, he is advocating for burning turf. For me, that is a contradiction. In Bord na Móna, we have a State company we are very proud of. It has committed to moving away from a reliance on peat and turf as a source of power generation over time. It is working with its staff to ensure that Bord na Móna pursues other avenues to replace the employment potential that has been linked to peat. That is an ongoing discussion. However, we have to face the facts. While, of course, there are turf cutting rights and we have tight regulations around that, burning turf for the purposes of home heating or power generation is not something that is consistent with a responsible approach towards climate change.

Deputy Danny Healy-Rae: If the Tánaiste is telling me that the cutting of turf is the cause of the flooding in Glenflesk, he is gone in the head. He is gone in the head.

An Ceann Comhairle: The Deputy is out of order. I call Deputy Michael Moynihan.

Deputy Michael Moynihan: Deputy Kevin O’Keeffe and I last week raised issues in regard to St. Joseph’s Foundation and other section 39 organisations, in particular the escalating cost of insurance, which has gone from around €100,000 to almost €600,000. These organisations are providing services on behalf of the State for people with intellectual disabilities. Has the Government looked at subsuming these costs into the State Claims Agency? This is a realistic proposal that has been put from the section 39 organisations, which are essentially doing the work of the State. Rather than them having to fundraise to pay for the insurance, can it be subsumed into the State Claims Agency?

The Tánaiste: I will refer the Deputy’s question to the Minister concerned. I agree that section 39 organisations are doing an extraordinarily good job in many areas. The Minister for Finance is looking at a whole series of issues on section 39 bodies. I will raise the matter of insurance and see if I can come back to the Deputy with an answer.

An Ceann Comhairle: That concludes Questions on Promised Legislation with eight Deputies not reached on the list. I point out to Members that, in future, I will not call those who abuse the time limit allowed.

Deputy Tony McLoughlin: Hear, hear.

18 October 2018

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): It is proposed, notwithstanding anything in Standing Orders, that if proceedings on Second Stage of the Health (Regulation of Termination of Pregnancy) Bill 2018 conclude today, any division demanded shall be taken after the Order of Business on Tuesday next, 23 October 2018.

An Ceann Comhairle: Is that agreed? Agreed.

Freedom of Information (Oversight of the Office of the President) (Amendment) Bill 2018: First Stage

Deputy David Cullinane: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Freedom of Information Act 2014 to allow for the Office of the President of Ireland to be subject to freedom of information requests; and to provide for related matters.

This Bill proposes to amend the Freedom of Information Act 2014 to make the Office of the President of Ireland subject to freedom of information requests. In 2014, the then Minister for Public Expenditure and Reform, Deputy Brendan Howlin, amended our freedom of information legislation in ways which have helped to shine a light on the operation of politics and the spending of public money in the State. Sinn Féin welcomed that legislation which was a positive move in circumstances in which we need to see the highest levels of accountability and transparency. However, the then Minister exempted the Office of the President from such requests. Constitutionally, the President is not answerable to the Houses of the Oireachtas or the courts, although this right is not absolute as the President can be investigated and impeached by the Oireachtas if need be. Having said that, the President is answerable to the public and there is no reason the President should not make public what he or she does with public funds. Sinn Féin does not believe there is any constitutional impediment to subjecting the Office of the President to freedom of information. In reality, it would be an Accounting Officer or management in *Áras an Uachtaráin* who would respond to freedom of information request, not the person holding presidential office. Having information made publicly available about the expenses of the Office of the President and the President being answerable to the Oireachtas for what that information reveals are two different things.

The Freedom of Information Act is about transparency and that should exist in relation to the spending of all taxpayers' money. The public has a right to know and, along with journalists and other organisations, to ask questions and get responses. Since the Act has been in force, there have been numerous requests from journalists for information on spending by the Office of the President. On each occasion a request has been made, it has been denied on foot of the exemption in the Act. This is not about the incumbent or the person who currently holds the office. It is about whether this should be the case. This matter has arisen because of the work of the Committee of Public Accounts which examined recently the spend relating to the Office of the President's account. One of the issues which arose was that the office was not subject to freedom of information. That is not right. The idea that millions of euro in public money received by the President is somehow exempt from public scrutiny is a throwback to the days in which public accountability was not seen in the right way. There is a fundamental philosophical principle that the public has a right to information. It is the people who put us into these positions and elect Presidents. No information should be secret or kept from the public. No infor-

mation should be outside the purview of journalists, politicians and those whose responsibility it is to hold people to account. That may be the Comptroller and Auditor General, the Committee of Public Accounts, the Dáil, committees of the Houses, the courts or members of the public.

We all accept that there is a clear separation of powers between the President and the Oireachtas in respect of the President's role and duties. However, there is no impediment to making the Office of the President and its spending subject to the Freedom of Information Act. I do not know why Deputy Howlin exempted the Office of the President when he was Minister. It may have been due to advice from the Office of the Attorney General. In any event, it was wrong and it should be corrected. This Bill is an opportunity to do that. I appeal to parties across the House to support the Bill. It is important. There has been an issue of public scrutiny and people believe this should be subject to freedom of information.

An Ceann Comhairle: Is the Bill being opposed?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): No.

Question put and agreed to.

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

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

Question put and agreed to.

Dublin Transport Authority (Amendment) Bill 2018: First Stage

Deputy Robert Troy: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Dublin Transport Authority Act 2008 to provide that no direct award public service contracts of public transport passenger services in excess of ten per cent of said service contracts currently entered into with a public transport operator, (and other than with Dublin Bus, Bus Éireann and Iarnród Éireann) shall take place until such time as a period of five years has elapsed from the date of commencement of said contracts and a full review of same has been carried out and to provide for related matters.

I welcome the opportunity to present the Dublin Transport Authority (Amendment) Bill 2018 to the House. The Bill is designed to prevent any additional privatisation of Dublin Bus routes pending a comprehensive review of the routes which have been privatised to date. This is a prudent measure to prevent further privatisation in advance of a full determination of the impact of privatisation on service levels and public transport more generally. Fianna Fáil recognises the crucial role public transport plays in Irish life and that it must be promoted strongly. Unfortunately, the Government has fallen well short over the last number of years with the result that there is now chronic overcrowding on all forms of public transport, including DART, Luas and Dublin Bus services. If we are serious about getting people to move from the private car, we must be in a position to offer them an efficient, reliable and affordable service.

As matters stand, there are a number of public service obligation routes in Ireland. These

are routes which it is considered socially necessary to operate but which are not economically viable. One contract is drawn up for the operation of all such routes within the greater Dublin area while another is drawn up for the operation of all such routes outside Dublin. Currently, 90% of routes outside the greater Dublin area are automatically assigned to Bus Éireann with a competitive tender for the remaining 10%. Earlier this year, Go-Ahead won a proportion of these competitively tendered routes. It must be acknowledged also that Bus Éireann managed to hold onto some of the competitively tendered routes in this process. Similarly, 90% of these routes in Dublin are assigned to Dublin Bus with a further 10% going to tender. Go-Ahead won this 10% tender and commenced to operate a number of routes a few short weeks ago. However, the National Transport Authority, or NTA, has the power to change this unilaterally whenever a contract falls to be renewed. That stands at every five years currently.

The original decision to put 10% of routes out to public tender was taken to provide a comparative basis on which to ensure that we were getting value for money for the taxpayer and to determine whether the public transport was effective and efficient. *Fianna Fáil* does not believe the NTA should have unchecked powers to privatise any further bus routes. As such, the Bill seeks to provide that no further privatisation should occur until a minimum of five years has elapsed since the original contracts were awarded. At that point, a full review of these contracts should be presented to the Dáil, which should then decide whether further routes should be contracted out.

This will ensure that we have a full and open analysis of the impacts of the privatisation of the six existing routes to ensure we can have confidence in the level of service offered on our public transport. We would not buy a car without checking its paperwork or NCT records, so why should we consider privatising one of our most important systems without ensuring we have checks on the existing routes that have been put out to tender?

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): No.

Question put and agreed to.

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

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

Question put and agreed to.

Competition Act 2002 (Section 27) Order 2018: Motion

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I move:

That Dáil Éireann approves the following Order:

Competition Act 2002 (Section 27) Order 2018,
copies of which were laid before Dáil Éireann on 3rd October, 2018.

Question put and agreed to.

Taxation Agreement: Motion (Resumed)

The following motion was moved by the Minister of State at the Department of Finance, Deputy Michael D'Arcy, on Wednesday, 3 October 2018:

That Dáil Éireann approves the following Order in draft:

The Multilateral Convention to Implement Tax Treaty Related Measures Order 2018, a copy of which was laid before Dáil Éireann on 13th September, 2018.

Debated resumed on amendment No. 1:

To insert the following after “13th September, 2018”:

“and that the Department of Finance shall report back to Dáil Éireann within one month on:

- what measures the Department of Finance will be taking to prevent the use of tax structures commonly known as the ‘Single Malt’, beyond its reliance upon United States tax reforms;

- what measures the Department of Finance will be taking to prevent companies from avoiding a permanent establishment in jurisdictions where their agents make sales and then booking the resulting sales income as the income of an Irish company;

- what actions the Government is taking to amend bilaterally its double taxation conventions with other states that have declined to adopt Article 4 of the Multilateral Convention to Implement Tax Treaty Related Measures Order 2018, in order to ensure that the tax residence of Irish-registered companies is determined in accordance with Article 4 of this Convention or with section 43 of the Finance Act 2014;

- precisely which areas of the application of Article 12 of the Multilateral Convention to Implement Tax Treaty Related Measures the Department of Finance regards as continuing to be uncertain, given the completion of additional guidance under Action 7 of the Organisation for Economic Co-operation and Development base erosion and profit shifting project on the attribution of profits to permanent establishments, and the publication of this additional guidance on 22nd March, 2018; and

- the reasons why the Department of Finance regards the application of Article 12 of the Multilateral Convention to Implement Tax Treaty Related Measures to be more uncertain than the application of the other articles of this Convention which the Government is adopting through the Multilateral Convention to Implement Tax Treaty Related Measures Order 2018.”

- (Deputy Eamon Ryan)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding the Multilateral Convention to Implement Tax Treaty Related Measures Order 2018.

18 October 2018

On Wednesday, 3 October 2018, on the question that the amendment be made, a division was claimed and, in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 37; Níl, 77; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>	
<i>Collins, Michael.</i>	<i>Breen, Pat.</i>	
<i>Connolly, Catherine.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Bruton, Richard.</i>	
<i>Crowe, Seán.</i>	<i>Burke, Peter.</i>	
<i>Daly, Clare.</i>	<i>Butler, Mary.</i>	
<i>Ellis, Dessie.</i>	<i>Byrne, Thomas.</i>	
<i>Funchion, Kathleen.</i>	<i>Calleary, Dara.</i>	
<i>Healy, Seamus.</i>	<i>Cannon, Ciarán.</i>	
<i>Howlin, Brendan.</i>	<i>Carey, Joe.</i>	
<i>Kelly, Alan.</i>	<i>Casey, Pat.</i>	
<i>Kenny, Gino.</i>	<i>Cassells, Shane.</i>	
<i>Martin, Catherine.</i>	<i>Chambers, Jack.</i>	
<i>McGrath, Mattie.</i>	<i>Chambers, Lisa.</i>	
<i>Mitchell, Denise.</i>	<i>Collins, Niall.</i>	
<i>Munster, Imelda.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Murphy, Catherine.</i>	<i>Coveney, Simon.</i>	
<i>Murphy, Paul.</i>	<i>Cowen, Barry.</i>	
<i>Nolan, Carol.</i>	<i>Creed, Michael.</i>	
<i>O'Brien, Jonathan.</i>	<i>Curran, John.</i>	
<i>O'Reilly, Louise.</i>	<i>D'Arcy, Michael.</i>	
<i>O'Sullivan, Jan.</i>	<i>Daly, Jim.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Deasy, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Doherty, Regina.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Dooley, Timmy.</i>	
<i>Penrose, Willie.</i>	<i>Doyle, Andrew.</i>	
<i>Ryan, Brendan.</i>	<i>Durkan, Bernard J.</i>	
<i>Sherlock, Sean.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Shortall, Róisín.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Grealish, Noel.</i>	
<i>Tóibín, Peadar.</i>	<i>Griffin, Brendan.</i>	

Dáil Éireann

<i>Wallace, Mick.</i>	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Catherine Martin and Brendan Ryan; Níl, Deputies Seán Kyne and

Tony McLoughlin.

Amendment declared lost.

An Ceann Comhairle: I understand the Minister of State, Deputy D’Arcy, has a minor technical amendment to propose.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move amendment No. 2:

To delete “13th September, 2018” and substitute “12th October, 2018”.

Amendment agreed to.

Motion, as amended, agreed to.

Road Traffic (Quads and Scramblers) (Amendment) Bill 2017: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division on Second Stage of the Road Traffic (Quads and Scramblers) (Amendment) Bill 2017 which was taken on Wednesday, 17 October. On the question, “That the Bill be now read a Second Time”, a division was claimed. In accordance with Standing Order 70(2), that division must take place now.

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

<i>The Dáil divided: Tá, 36; Níl, 82; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	<i>McGrath, Mattie.</i>
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Burton, Joan.</i>	<i>Breathnach, Declan.</i>	
<i>Connolly, Catherine.</i>	<i>Breen, Pat.</i>	
<i>Coppinger, Ruth.</i>	<i>Browne, James.</i>	
<i>Crowe, Seán.</i>	<i>Bruton, Richard.</i>	
<i>Daly, Clare.</i>	<i>Burke, Peter.</i>	
<i>Ellis, Dessie.</i>	<i>Butler, Mary.</i>	
<i>Funchion, Kathleen.</i>	<i>Byrne, Thomas.</i>	
<i>Healy, Seamus.</i>	<i>Calleary, Dara.</i>	
<i>Howlin, Brendan.</i>	<i>Cannon, Ciarán.</i>	
<i>Kelly, Alan.</i>	<i>Carey, Joe.</i>	
<i>Kenny, Gino.</i>	<i>Casey, Pat.</i>	
<i>Martin, Catherine.</i>	<i>Cassells, Shane.</i>	
<i>Mitchell, Denise.</i>	<i>Chambers, Jack.</i>	
<i>Munster, Imelda.</i>	<i>Chambers, Lisa.</i>	
<i>Murphy, Catherine.</i>	<i>Collins, Michael.</i>	

Dáil Éireann

<i>Murphy, Paul.</i>	<i>Collins, Niall.</i>	
<i>Nolan, Carol.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>O'Brien, Jonathan.</i>	<i>Coveney, Simon.</i>	
<i>O'Reilly, Louise.</i>	<i>Cowen, Barry.</i>	
<i>O'Sullivan, Jan.</i>	<i>Creed, Michael.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Curran, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Daly, Jim.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Deasy, John.</i>	
<i>Penrose, Willie.</i>	<i>Doherty, Regina.</i>	
<i>Ryan, Brendan.</i>	<i>Donnelly, Stephen S.</i>	
<i>Sherlock, Sean.</i>	<i>Dooley, Timmy.</i>	
<i>Shortall, Róisín.</i>	<i>Doyle, Andrew.</i>	
<i>Smith, Bríd.</i>	<i>Durkan, Bernard J.</i>	
<i>Stanley, Brian.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Tóibín, Peadar.</i>	<i>Flanagan, Charles.</i>	
<i>Wallace, Mick.</i>	<i>Fleming, Sean.</i>	
	<i>Grealish, Noel.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	

18 October 2018

	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

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

Question declared lost.

Sitting suspended at 1.23 p.m. and resumed at 2.03 p.m.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Richard Boyd Barrett and Mick Wallace - to discuss the ongoing crisis in Yemen; (2) Deputies Éamon Ó Cuív and Catherine Connolly - to discuss the housing crisis in Galway city; (3) Deputy James Lawless - capacity issues in the rail fleet serving Kildare; (4) Deputy Joan Burton - to discuss An Bord Pleanála's decision to refuse permission for the pedestriation of College Green; (5) Deputies Thomas P. Broughan and Clare Daly - to discuss the 2017 annual report of Caranua's appeals officer; and (6) Deputy Martin Heydon - the need to implement phase 2 of the Kildare route project to upgrade the rail track to four lines as far as Kildare town.

The matters raised by Deputies Richard Boyd Barrett and Mick Wallace, Éamon Ó Cuív and Catherine Connolly, Joan Burton, and Thomas P. Broughan and Clare Daly have been selected for discussion.

Health (Regulation of Termination of Pregnancy) Bill 2018: Second Stage (Resumed)

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

An Leas-Cheann Comhairle: Deputy Aengus Ó Snodaigh was in possession prior to the debate being adjourned last night and had five minutes remaining. I understand that time will be taken by Deputy Kathleen Funchion.

Deputy Kathleen Funchion: This is my first opportunity to speak about this issue since the passing of the referendum. I welcome its passing and want to reflect on its importance and significance. On a personal note and at a political level, it was one of the most important issues in which I had ever been involved. I will never forget being in the count centre on 26 May when we received the excellent news. I commend everybody involved in the Together for Yes campaign and this House, including the Minister who has a very strong record in dealing this issue. It is important to give credit where it is due. I want to mention, in particular, the activists in Carlow and Kilkenny who were involved in the Together for Yes campaign and thank them for all of the very important work they did.

I want to make a few points about the legislation. I hope there will not be any major delay in passing it in this House, particularly on the part of Deputies who may have had a different opinion or their own agenda. Unfortunately, in the past people tried to delay the passage of legislation because there were matters on which they disagreed. I hope the fact will be respected that the majority of people in the country voted “Yes”; they voted to repeal the eight amendment. I hope, at the very least, their decision will be respected to ensure the legislation is passed in a timely manner. During the debate on the referendum legislation we heard Members tell many stories in this Chamber of women who had to travel to England for an abortion or who had accessed abortion pills online. That is still the reality for women today. It is very important to bear this in mind to ensure the Bill will be passed as quickly as possible.

I want to make a few comments on the 72-hour waiting period. I would like to see it removed. This is a very difficult decision that women make in conjunction with their partner, family or whoever they feel they want to consult. It is not one they make lightly and I do not believe they will change their decision after the 72-hour waiting period. Therefore, have such a requirement is unfair. It is almost as if we are questioning women. A woman will come and say this is what she wants to do, but she will then be told that there is a waiting period of 72 hours. It is as if there is nearly an element of doubt about her decision. This is a women’s health matter. Therefore, the requirement should be removed. We also need to ensure that there are good, robust rules and regulations around respecting this legislation and respecting those attending clinics. If there are protesters at such clinics, they cannot be allowed to intimidate or bully others.

A Deputy on the Sinn Féin benches spoke in the Chamber last night and I want to put in on record that he does not reflect the Sinn Féin position on this issue. We have an excellent spokesperson in Deputy O’Reilly who has always articulated our position very well. I want to be completely clear that Deputy O’Reilly is our party spokesperson and nobody should be in any doubt about that. Our policy is clear. We sought the removal of the eighth amendment and now we want to see this legislation passing through the Houses in a timely manner. We also want to see certain provisions like the 72 hour waiting period removed from the Bill. I would like to see some guidelines issued regarding protesters and respect because we have seen many examples in England where women who travelled to clinics were intimidated and bullied. It is nobody’s business what a woman does with her body or what choices she makes about her

health. As I have said, most women do this in consultation with a partner or family members and it is not appropriate for anyone else to try to bully them into making a different decision.

That is all I want to say on the matter. Having made the point that we do not want to delay the passage of the legislation, I do not want to delay things further now. I will finish by stressing the importance of this legislation. It was amazing to see the referendum on the removal of the eighth amendment pass, and I was very glad to play my part in that, along with a lot of other people. I appeal to Deputies - they know who they are because they have a history of delaying legislation in this Dáil - to remember that nearly 70% of the people voted to repeal the eighth amendment and to respect that.

Deputy Marc MacSharry: I am grateful for the opportunity to make a few brief comments on the legislation. This is an issue that has polarised Ireland for many generations. It is very difficult for many of us and very personal to most of us. I am grateful to my party for laying out a pathway six years ago in terms of respecting the right of conscience and allowing Deputies to act according to their personal views on this issue. Indeed, the Fine Gael Party and other parties followed suit in terms of respecting that and providing for a free vote on an issue that has polarised society for many generations.

I was a No voter. I chose not to campaign, preferring to leave it to civil society groups to advocate the various sides of the argument. I felt that they were best placed and best qualified to do so and, for the most part, they did it very well. The referendum campaigners were very respectful in the main, as were the debates in this House, but less so in the media at times. There were aspects of media that got very evocative in their writings on behalf of both sides, as opposed to the individual protagonists themselves, and that was regrettable. As I said, I voted No and the outcome of the referendum saddens me. My position is not based on church teaching, political expediency or anything other than my personal judgment and thoughts on it. I have profound respect for everybody with the totally opposite view and I respect that they have come to their position based on their personal analysis of the facts and their own morality. That is fine.

Given the outcome of the referendum, the people have spoken clearly. I had hoped to be in a position to separate my personal view on this issue from my legislative responsibilities. I know that the people voted in substantial numbers to repeal the eighth amendment and on legislation that was broadly reflected in the heads of Bill that were presented in March, as opposed to those that were presented in July. I stated after the campaign that I would support the legislation but, sadly, I have been struggling with my conscience on this issue and I am not sure that I can do so. I look forward to the Committee Stage debate and hope to engage in the process, but I have particular concerns about the conscientious objection of doctors. While I know it is dealt with in the Bill in part, it is not as clear as it could be. There is the potential to lay down in legislation the provision of appropriate services and the entitlement to such services, including counselling.

As things stand, I do not think I will be able to vote in favour of this legislation on Second Stage. I acknowledge that this is contrary to what I said after the referendum. At that time I said that I would have to separate my personal view from my legislative responsibilities, but I am afraid I do not think that I can. This is borne out of fear, quite frankly. I fear that this will become the contraceptive of choice for people down the line; not today, next week or even next year, but in time. Abortion will become something that is the norm rather than for the hard cases. That is a concern for me. That said, I will not be obstructing the legislation. I hope to

play my part on Committee Stage and to express my views on various amendments. I certainly do not want to obstruct or unnecessarily delay the Bill's passage. I want to put on record that having said that I wanted to respect the democratic outcome of the referendum, I am afraid that my conscience may not permit me to do that.

Deputy Michael Collins: I welcome the opportunity to speak on this Bill today. There is no doubt that this Bill, regardless of one's position on it, will go down in history and will be spoken about for many years to come. Hundreds of people were here last night to express their serious concerns about this legislation. I am conscious of the fact that people have strongly held views on both sides and we must respect that. Since I have been elected to Dáil Éireann I have been careful to ensure that, while I have my personal view, I have always been willing to talk to people from both sides of the argument. That has led some people to abuse me online but that has happened to Deputies on both sides and we have to accept it, given our position. In the interests of covering every aspect of this Bill, I have spoken to members of the public from both sides. I have also spoken to social workers who have a lot of experience in supporting vulnerable women facing difficult pregnancies. They are very concerned about the lack of protection for vulnerable women in the Bill as drafted.

I appreciate that this Bill addresses issues that are difficult for many people to discuss. Abortion can be a divisive issue and has been thus for many years. I do not take issue with people's stance on this, provided they are open, honest and do not shy away from making their voice heard. I agree with many of my colleagues on both sides of the debate who have called for a respectful and reasoned debate. As my colleague, Deputy Michael Healy-Rae said earlier this year, if one does not stand for anything, one will fall for everything. Everyone is entitled to his or her opinion on this topic. I respect the fact that the people have spoken through their vote in the referendum to repeal the eighth amendment. I am not standing up to try to change anyone's mind but I am standing up to protect and promote the right of all mothers to receive the genuine support to which they are entitled.

Many people who voted Yes in the referendum were acting in the interests of choice and compassion for women facing unexpected and challenging pregnancies, but they are not necessarily on board with the more extreme aspects of the Bill before the Dáil today. Exit polls showed that many Yes voters had very serious concerns that they hoped would be addressed to have a reasonable, restrictive regime put in place. These specific issues must be addressed through amendments to the Bill. It should be noted that the Minister declared in the Chamber in March that he would not debate the details of the draft heads of the Bill because the people would not vote on the Bill but on the removal of the eighth amendment. The Referendum Commission stated, in its booklet, as confirmed in the High Court during the summer, that people were not being asked to vote on any legislation as there was no guarantee the proposed legislation would ever come to pass. Therefore, to claim the Irish people have voted on this legislation and no deviation from these proposals can be allowed is to speak out of both sides of the same mouth. It is also extremely disrespectful of the democratic process. The Irish people are entitled to have the legislation that comes before the House debated. There is too much at stake to rush this Bill through the Dáil with undue haste, which is the approach the Minister seems to favour.

It is also important to note there are a number of areas of major difference between what the people were led to believe before the referendum and what is proposed in the legislation. The Minister repeatedly stressed that early delivery would be mandated after viability, yet the Bill makes no mention of early delivery and instead allows for the deliberate ending of a baby's life

at any point in the nine months of pregnancy in certain cases. The Irish people did not vote for that. It was stressed that unborn babies would be protected against discrimination on the grounds of disability. I can find no such protection in the Bill. The Minister owes it to the Irish people to add those protections about which he spoke.

Irish people were not told their taxes would fund procedures that will end the most innocent lives in homes, abortion clinics or hospitals. We now know that a poll in August suggested 60% of Irish people are opposed to their taxes paying for abortions. How much will it cost the State? Will it be €12 million or €20 million?

Additionally some sections of the Bill have already been amended by the Minister to widen the grounds on which abortion would be legal and available and reduce the protections for vulnerable babies and healthcare workers. I am specifically referring to the redefinition of the term “viability” to exclude life-sustaining medical treatment to which a premature, wanted baby would be entitled, to require that a baby with a life-limiting condition be likely to live for 28 days after birth and to narrow the grounds for conscientious objection. This Bill does not legislate for restrictive grounds for abortion beyond 12 weeks, as many were led to believe it would. It does not contain many of the protections the Minister promised Irish people it would contain for healthcare workers, vulnerable babies or mothers.

Irish people were not asked to, and did not, vote on this extreme legislation and there is no obligation on any Member of this House to put his or her name to a Bill that so utterly disregards the lives of the most vulnerable members of our human family and so dismally fails to provide genuine support for mothers or freedom of conscience for healthcare workers.

Prior to the referendum, I made the point that if we offer abortions instead of real support services and compassion to pregnant mothers, we are failing those pregnant mothers and their unborn children. I still stand strongly by this point. In order to provide adequate support services and compassion to pregnant women, we need to consider the following points. An important question is whether there will be a three-day or a 72-hour cooling off period. For example, if a woman visits her doctor on Monday evening at 6 p.m., under a three-day cooling off period, she will be able to have her termination at 9 a.m. on the following Wednesday because under the three-day cooling off rule, the day of the doctor’s visit and the day of the termination are both considered one of the three days. Under the rule, therefore, a woman may only have to wait 39 hours before her termination. It is important that every woman is given a minimum of 72 hours from the time she visits her doctor until she makes her final decision and a termination is carried out. This is where the supports I mentioned are vital for a pregnant woman. It is clear that, after a woman visits a doctor to discuss termination, she should have a minimum of 72 hours to digest the information given to her by her doctor and to contact any support service that may be able to help her access choices available to her.

During the cooling off period, I also suggest that a booklet be provided to all women with unbiased information on all her choices, all support services available and any other information that is relevant to pregnancy and termination. It is vital that any girl under the age of 18 be accompanied by a parent or guardian if she is seeking a termination. We do not allow the sale of alcohol and cigarettes to persons under 18 for their own protection and, for a girl under 18 to make a decision in respect of termination, it is vital she is accompanied by a parent or guardian for her own protection and support.

My main concern continues to be the protection of all mothers. A free counselling service

should be made available to all mothers who are facing unexpected or challenging pregnancies and in particular for those women considering termination and post-abortion support for those women who have terminations. If women are to be adequately cared for, support services must be widely advertised and fully funded with ring-fenced moneys.

If the health service is to cope with the upcoming demand for terminations, safeguards need to be put in place to ensure the care of other patients is not compromised. There are already huge waiting lists in the country. A person could wait for five years for a simple procedure like a 15-minute cataract procedure. It is vital the Government provides an adequate level of funding and resources to meet the future demand of terminations and also that other waiting lists do not get longer as a result of this Government not supplying adequate resources.

If a woman is seeking a termination on mental health grounds, one of the doctors involved must be a psychiatric doctor, a comprehensive mental health assessment must be completed and appropriate mental health supports must be provided before any decision is made and following any termination provided. We all heard the shocking figure that one in every five pregnancies in Britain ends in abortion. The vast majority of those, 98%, are performed on the grounds of mental health. Either the UK has a mental health crisis of epidemic proportions among pregnant women or that ground is being widely abused. Section 10 of the Bill provides for grounds that are extremely similar to the grounds used in Britain. It is imperative that protections are included to protect against similar abuse of those grounds here and to ensure pregnant women with genuine mental health concerns are identified and supported.

Accurate dating of the pregnancy must be carried out with ultrasound equipment as one measure by a medical practitioner. This is vital to protect both mothers and doctors against the medical, legal and life-threatening complications that can arise from inaccurate dating of pregnancy.

Protections also need to be placed in this legislation for the unborn child. For example, with all the recent outrage over the Tuam babies, some of whom are reported to have died before birth, there can surely be no objection to an amendment that will require the remains of terminated babies to be treated with respect. There should be respectful arrangements with regards to burial.

As the Government seems determined to ensure most women terminating their pregnancies do so at home, consideration must also be given to how the tiny babies' bodies are delivered and taken care of thereafter.

We need also to address the harrowing scenario of babies who are born alive after a failed abortion. All necessary care should be given to the baby. This should go without saying, but we know in many other countries where abortion is legal babies born alive during failed abortions are all too often left to die alone and uncared for.

It is also of note that the Minister has taken it upon himself to completely redefine how the term "termination of pregnancy" is understood in our health system. Currently our medical guidelines acknowledge that it may occasionally be necessary to perform a termination of pregnancy where a mother's life is at risk, while giving the baby a chance. This Bill now clearly redefines "termination of pregnancy" as a medical procedure intended to end the life of a foetus. While it is occasionally medically necessary to end a pregnancy to protect a mother's life or health, it is never medically necessary to intentionally terminate the life of a child. Early

delivery must always be mandated beyond viability and babies born alive must always be given necessary medical treatment to give them a chance to live. The Minister's Bill would more accurately be titled the Regulation of Termination of Life Bill as it currently stands.

Protection also needs to be put in place for anyone involved in any activity linked to termination. I believe, in line with international practice in many countries, medical practitioners such as doctors, midwives, pharmacists and also any other persons such as cleaners etc. should be allowed the decision on conscientious grounds whether or not to be directly involved or indirectly involved in any services that support terminations. Some medical professionals have approached me and expressed their concern that they would be indirectly involved in a termination if they referred a patient for a termination. There is a system in New Zealand which is an opt-out regime. Those willing to provide a direct or indirect service that links them to termination could opt in. I feel this would be more respectful for anyone working in the medical profession. Writing into law a positive right to freedom of conscience would be the best approach to guarantee the desired outcome. As I said earlier, I am not here to change any voter's mind on the decision voters made on the eighth amendment to the Constitution but I want to ensure that life-affirming choices are incentivised and also to ensure that women will not feel under pressure to terminate.

The Minister, Deputy Harris, seem to be extremely concerned that cost will never be a barrier to accessing terminations but if he truly wants to support women then will he ensure that cost will never be a barrier to a woman continuing a pregnancy or raising her child? In light of the fact that the Oireachtas committee noted that the majority of terminations were for socio-economic reasons, and had nothing to do with rape or life limiting conditions, this is even more crucial. I want to make it clear that while I am opposed to much of the contents of this Bill and will be voting against it, I intend to support reasonable amendments as I respect the people have spoken. As I said earlier, I did my best not to direct any hit at any party or group here but I am disappointed, especially in one political party which did its best to stop somebody from speaking and even criticised that person who was speaking here today. That same party was censored from speaking for many years in this country.

Deputy Kate O'Connell: Like women.

Deputy Michael Collins: Exactly. Thank God women have freedom of speech and that party has freedom of speech today, and that gentleman had it too.

An Leas-Cheann Comhairle: I ask those on all sides not to interrupt.

Deputy Joan Burton: I welcome the Bill and stress that the Title of the Bill is sexual and reproductive health and rights, a framework for the introduction of abortion services in Ireland. This year, as previously noted, we are celebrating the 100th anniversary of the extension of the franchise and votes for women over 30 who were ratepayers. We have thankfully come a long way since then to this legislation, which follows the repeal of the eighth amendment, which was wrong in 1983 and in 2017. I am pleased to see that we as a society have, through the ballot, expressed our desire to see changes that will actually allow women, men and families control over their fertility in a way that is appropriate to their individual and family circumstances.

It is possibly an accident of history that this week, the report, Clann: Ireland's Unmarried Mothers and their Children: Gathering the Data, was published. Anyone who has doubts about the importance and significance of this legislation and what happened to women who were

unable to avail of any form of contraception, up to 40 years ago, where they had liaisons and relationships outside of marriage, will see that they had no capacity to control their own fertility. Instead, what happened in this society, as with many other issues, is that they became one of our hidden secrets. They were shut away in mother and baby homes, laundries, orphanages and other institutions. It has only been in the last 20 years that many people, including women and their children, boys and girls who are now men and women, have been able to come forward to find out some of their own history and address some of the issues that arose in post-Famine Ireland. I do not know if the absolute catastrophe of the Famine changed Irish culture. We became an island of incarceration for women who had children and relationships outside of a recognised framework, which is to say that they were not married in a Catholic or Protestant church. Therefore they became social outcasts and, as has been identified in this report and others, the critical social control lever that was exercised was shame. It was shame for the women, children and their families in their local districts and areas. That was why a parish priest could come up, figuratively tap someone on the shoulder and send someone to take the woman away by car or a hackney, with her baby.

At times, due to the kindness and care of families, the women could go home but the babies did not. In many cases, the women were incarcerated, effectively for the rest of their lives. When I went to school in Stanhope Street in Dublin, I ended up, through my adoptive mother, going to visit what was, to me as a small child, a really horrifying laundry full of large machinery where women worked. “Worked” is not a proper description, but “slaved” is. They had no autonomy. I remember one woman who visited us every Tuesday evening. She did not even have a child. It was her misfortune that her father became a widower and busybodies, very often on behalf of local churches, ensured that children such as that could be taken away. This was a woman in her 40s or 50s. After we got a television, she became very fond of some of the programmes on it because they did not have that in the convent, in the laundry. No matter what was on, whether “The Riordans” or something else, I remember clearly that though she was a grown woman, she had to be back at the convent by 9.30 p.m. I know trainee teachers were treated the same in places like Carysfort, and possibly the male teachers in Drumcondra, probably up to the late 1960s. There is a social story here about the Ireland that we were.

Much of the debate on the 1983 referendum was a fraud. It was designed to deny an open secret. In other words, it was a secret that everybody knew about if they were old enough. If they were younger, they maybe listened to the chat around the kitchen and got to know about such things. What is really sad and significant in these stories is that no matter how often one reads or hears them, they remain a monument to the sadness and tragedy that one group of Irish people visited on another group of Irish people. They probably, for the most part, did not intend to be as cruel as much of it was but they were told that somehow this type of behaviour, locking people up, was consistent with a certain form of Christianity. The only explanation I have, at a social level, is that this was partly an outcome of the disaster of the Famine in Ireland and also being a colonial country where, in effect, we shut down certain things and closed them off.

Turning to the Bill, as other speakers have said, we owe a debt of thanks to all of the doctors, midwives and others involved in women having babies, delivering them safely and going on to have a family and a home life where those babies are cherished and loved. We have that in our maternity hospitals in Ireland, but one element of the services is absent and the Bill is seeking to address that. In that sense, in terms of the rights of women now and in the future, it is important that we pass this legislation.

Points have been made by various Deputies about areas where the legislation could be

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improved and issues that need to be addressed, including having a detailed debate on conscientious objection. Such debate is good. I welcome any insights people have to bring that would allow us to make the legislation as good as we possibly can. I also welcome the constructive tone of many of the contributions by people whom I am aware did not vote to repeal the eighth amendment. I have also encountered many people who were opposed to repealing the eighth amendment. Quite a few of them asked me to speculate on the reason the vote was so overwhelming. One woman approached me and said: “Joan, what is all this stuff on RTÉ about older people being completely opposed to repeal?” She then pointed to her husband, who is 84 - she is 83 – said that they have five granddaughters, and that they did not want any of them to be in a situation where they felt obliged either to take the boat to England or to face some kind of uncertain future in terms of having a baby in circumstances in which they are not able to proceed with the pregnancy.

What many of the critics of repeal have failed to understand is how practices have changed, so that for the most part we are not talking about surgical abortion or, except in grave situations where the life or health of the mother is threatened or the life of the baby, and the tragedy of fatal foetal abnormality. The latter scenario has affected several people I know who have desperately wanted a baby but it was not to be. We are now talking about medical termination. Let us be clear what that means. I am very grateful to the various doctors and midwives who took part in so many small meetings in houses, community centres and workplaces throughout the country explaining the current custom and practice in maternal care in the context of termination services. I approve of the Minister’s arrangement that Dr. Peter Boylan would be available to look at the maternity services in that specific area. That is very important.

One thing that is very worrying is the severely limited availability of scans and MRI technology in many areas outside of Dublin. That is wrong. The budget needs to be progressed in that area in order that people will have as much information as possible, with the objective for the most part of having a healthy, viable baby.

We also need realistic education in schools so that, in particular if teenagers fall pregnant in a situation where they are unable to cope with the pregnancy, they are empowered with the knowledge to get the best care and attention as soon as they can. That is the key to the provision of appropriate services in Ireland that are genuinely available to all women, and to young women in particular who, in the event of not having had an appropriate sex education, are able to access services in a timely way. The discussions have started on the school curriculum and I hope it is realistic in terms of issues that are likely to face young men and young women as they enter into sexual relationships as they mature. That is very important. We need a national conversation in that respect that gives people the knowledge they need to be able to deal with their own decisions in terms of relationships as they grow older. They must be aware of the risks. Many colleges are now doing a lot of education around relationships and consent and the fact that no means no. We can empower young people to be able to both look after themselves and protect themselves and, should they need services, that they know how to access them as early as possible.

It is a milestone for women in Ireland that we will finally have a full service available to women within the not-too-distant future that will support them in the independent lives they wish to lead. It is ironic that during the referendum campaign I met more people who, sadly, had issues around infertility, and they were very anxious to be supported by the State. Nowadays, partly because of the housing situation but also because of social changes, people are getting married and forming permanent relationships later and later. If they want to start a family,

very often they must first find appropriate housing to buy, rent or lease and then they must have sufficient resources to be able to bring up a family. That means a lot of pregnancies in Ireland are among women in their late 30s, and that trend is likely to continue for at least the next five years because I do not see a significant number of houses and apartments becoming available for rent or purchase at reasonable rates under current Government policy.

Many of the pregnancies in Ireland are much-wanted pregnancies and one of the distressing parts of the recent debate was the discussions on fatal foetal abnormality. Most Deputies are aware either from family circumstances, friends or others they know of much-wanted pregnancies having to be terminated, the tragedy of having to go to England, for example, Liverpool or London, and bringing home the baby's remains, if they are lucky, in a cardboard box on the ferry. It is a tragic circumstance. As one young woman put it to me, at a time when she most wanted her family around her she could not have them because they could not go to Liverpool with her. Her partner could go, obviously, but they wanted one of their mothers or an aunt to come with them and maybe one of their fathers to drive them. They wanted family members to be there to hold them at a very difficult time in their lives. I hope the people in our maternity hospitals will now be able to do that, perhaps under the direct care of the physicians they were dealing with during the period when they had hoped it would be a successful pregnancy. They could then get appropriate treatment and would be able to go home as soon as possible to their own beds and mourn their baby.

I have been approached by people who wanted to find a burial place for the baby. Unfortunately, burial plots in Dublin are difficult to get. Many of the Dublin cemeteries will not allow people to pre-buy and we do not necessarily entirely recognise a fatal foetal abnormality like a baby that was delivered in the end. These are all the little practical things that happen to people in this sad situation.

I am really pleased the Bill has come before the House. The Minister and the Taoiseach gave an undertaking that this would be addressed as quickly as possible. The people who voted in the referendum understood that clearly and expected it. I congratulate the Government on bringing forward the legislation so quickly. I hope that it will be possible to put into place the appropriate training, practices and changes in the HSE that will be required. It will be a major change in terms of what our maternity hospitals and institutions will be doing. I really hope it will be possible to do this in the maternity hospitals and institutions.

The whole issue of exclusion is relevant. In the past, if a woman had a baby outside of wedlock or if she was in a relationship that was not a marriage relationship there was a sense of exclusion. I believe we have managed to end that sense of exclusion and now treat people when they need treatment within our ordinary health and maternity services. In due course I believe that will help. Again, going back to families who have experienced fatal foetal abnormalities, there is hope that if they have a subsequent pregnancy, the pregnancy will come to a successful conclusion with a baby being born to the couple.

I welcome, and the Labour Party strongly supports, the legislation. Nevertheless, we will pay detailed attention to any proposals for amendments and issues that require to be addressed. Presumably, these will be discussed in detail on Committee Stage.

Deputy Éamon Ó Cuív: Ní chuirfidh mé an iomarca moille ar an Teach mar tuigim go bhfuil deifir orainn. Tá an-chaint ar an daonlathas le roinnt seachtaine anuas agus is daonlathach mise. Mar sin glacaim leis go raibh vóta ann agus gur glacadh le fáil réidh leis an

alt sa Bhunreacht a chuir cosc ar ghinmhilleadh. Ní fios agus ní feasach dom éinne sa tír nó cinnte aon pholaiteoir nach nglacann go hiomlán leis sin. Mar sin tá sé fágtha faoin Oireachtas reachtaíocht a thabhairt isteach agus go deimhin tá reachtaíocht ann cheana féin. An rud a chuireann iontas orm ná go bhfuil gach duine ag súil go mbeidh bunathrú intinne orthu siúd a chreideann go bhfuil an ghin sa bhroinn beo agus gur duine daonna atá ann agus go mba cheart é sin a chosaint. Cuireann sé iontas orm go gceapann na daoine sin go mba cheart go mbeadh claochlú intinne orainn ar an rud a chreidimid go domhain, bunaithe ar eolaíocht.

Mar a dúirt an Teachta Burton ansin, is cuimhin liom an reifreann in 1983. Ní raibh mé sa Teach seo ag an am go deimhin. Bhí mé pósta ag an am, bhí mé ag obair agus bhí gasúir agam ag an am. Tar éis an reifrinn sin bhí daoine ann a chuir ina éadan go láidir. Bhí siad dóite in aghaidh thoradh an reifrinn sin agus lean orthu ag cur in aghaidh an reifrinn go dtí gur éirigh leo sa reifreann le gairid. Aisteach go leor, bhí an toradh nach mór 66% in aghaidh 33% an t-am sin freisin ach ar a mhalairt de bhealach. Ní cuimhin liomsa éinne ag rá ag an am go gcaithfeadh daoine glacadh leis an gcosc agus gan aon rud a dhéanamh chun iontú cinn a bhaint amach agus an pobal a chur ar mhalairt tuairime. Go deimhin féin, bhí go leor a mhol daoine a bhí den tuairim sin agus tá daoine, roinnt bheag acu atá fós sa Teach, a dhéanann maíomh nár aontaigh siad leis an gcinneadh agus gur lean orthu ag troid ina aghaidh. Ach is cosúil nach bhfuil siad sásta an ceart céanna a thabhairt chucu siúd a admhaíonn go hiomlán is go huile, agus atá go breá sásta glacadh leis, go bhfuil an mír sin imithe as an mBunreacht, bíodh siad sásta nó nach mbíodh siad sásta glacadh leis mar tá sé imithe: tá sé sínithe ag an Uachtarán.

Tagraím don daonlathas. Is é an áit a thagann an daonlathas isteach sa Teach seo ná go raibh 60%, 70% nó b'fhéidir 80% den Teach seo tar éis geallúint roimh an reifreann go dtabharfadh siad isteach reachtaíocht a bheag nó a mhór ag luí leis an rud atá ag an Aire agus go gcuirfeadh siad tríd an Teach é. Ba léir ó thús, dá nglacfaí leis an reifreann, go mbeadh Bille os comhair an Tí seo agus go mbeadh móramh mór ar a shon. Ach níl daoine sásta leis sin mar tá siad ag iarraidh go mbeadh 100% ar a shon, is cuma céard a chreideann siad go domhain ina gcloigne agus ina gcroíthe.

Tugaim faoi deara rud éigin eile spéisiúil faoin bplé atá ar bun. Is é sin nach bhfuil éinne ag rá don dream sin a deir nach bhfuil a dhóthain sa rud seo, go bhfuil sé ró-dhaingean agus ró-dhocht agus go mba cheart go mbeadh sé níos scaoilte, gurb é seo an rud a chaith an pobal vóta ar a shon agus gan a bheith ag lorg níos mó. Tá siad ag rá go bhfuil sé fágtha faoin Oireachtas agus más féidir níos mó a bhaint amach, go n-éirí an bóthar leo. Tá easpa cothromaíochta sa chaoi go bhfuil an díospóireacht seo ag dul ar aghaidh.

Go luath an tseachtain seo chugainn, tógfar vóta sa Teach seo. Is dócha go mbeidh mór-lach mór i bhfabhar an Bhille seo a cheadú ar an Dara Céim agus é a chur ar aghaidh go dtí an roghchoiste. Mar dhaonlathach, glacfadh mé le sin. Glacaim leis nach ndéanfar aon leasú ollmhór ar an reachtaíocht seo ar Chéim an Choiste nó ar an Tuarascáil. Glacaim leis go mbeidh mór-lach mór ar son an Bhille ar an gCúigiú Céim freisin. Tarlóidh an rud ceannann céanna sa Seanad. Ina dhiaidh sin, rachfaidh an reachtaíocht go dtí an Uachtarán ach ní bheidh aon rogha ag an Uachtarán - is cuma cén tUachtarán a bheidh ann - ach é a shíniú ina Acht, ag glacadh leis nach bhfuil aon chuid de nach bhfuil ag teacht de réir an Bhunreacht. Is deacair a fheiceáil go bhféadfadh a leithéid a bheith fíor sa chás áirithe seo, ó tharla go ndeireann an Bunreacht go soiléir anois gur féidir gach rud a bhfuil sa Bhille seo a dhéanamh. Beidh an reachtaíocht seo ina dhlí ansin. Aithneoidh mé mar dhaonlathach go bhfuil sé ina dhlí - gur dlí na tíre atá i gceist - agus is cuma an dtaitneoidh sé liom. Ach an oiread leis na daoine siar in 1983, ní gá dom a rá

go gcreidim gurb é an rud ceart é.

As I said in Irish, there has been much talk about democracy and the will of the people. The chairman of the Referendum Commission was quite clear that the people had voted to leave it to the Members of this House, no more and no less.

Deputy Mattie McGrath: Hear, hear.

Deputy Éamon Ó Cuív: I fully accept - I do not know of anybody who does not - that Article 40.3.3o is no more and that a new article is to be substituted that states it is our business and ours only.

There is something I find strange about the debate that has been taking place, which started on the day of the count. There are those of us who believe *ginmhilleadh* is exactly what it says on the tin - *gin mhilleadh* or destruction. “*Rud a mhilleadh*” means to destroy something. It is put very eloquently in English in the draft Bill which states: “termination of pregnancy”, in relation to a pregnant woman, means a medical procedure which is intended to end the life of a foetus”. That is a very interesting sentence for many reasons and in the context of the debates that have taken place here over many years. Those of us who have had no difficulty whatsoever with any intervention to save a woman’s life and said it is not an abortion - I never believed it was - are having our belief vindicated because it has not been included in the definition of “termination of pregnancy” in the Bill

I received a telephone call one day from a lady who must have been born in the early 1940s. I will not disclose how she was thinking of voting in the referendum; that is her business. Laughingly, she said she should not have been here because she had survived cancer and suffered a heart attack but that she should not really have survived birth. She told me that her mother had had a tricky heart problem and, as far as I can recall, that she had been born at either 23 or 24 weeks, which was extraordinary in the early 1940s. She told me that the doctor who was well known had told her mother that there was no way the baby could survive, but she did. I heard the Deputy opposite. I will check with the woman concerned, but I am sure that that is what she said. She received very skilled care, of that I have no doubt, but the basis of the story was that even though the doctor had thought the baby did not have a chance and would die, to save the mother, he intervened. Once the baby was born, every effort was made to sustain it.

Deputy Mattie McGrath: Of course.

Deputy Éamon Ó Cuív: That lady is still alive and I trust her testimony.

The Bill is a challenge for those of us who believe an unborn person is exactly that. There are those of us who have strong views on life in general across the spectrum and huge moral issues with violence in the world, the militarisation of Europe and the massive arms industry. We are very committed to the preservation of human life and believe the demarcation line as to when someone becomes a person is not the second of birth. Others have a different view. They believe we cannot equate a born person with an unborn person, even if the born person is only one second old and the unborn person is within one second of being born. That is their dividing line; so be it. That is their belief. I do not in any way question anybody’s belief, but I do not understand the reason others cannot see that the other belief is equally reasonable.

Deputy Mattie McGrath: Hear, hear.

Deputy Éamon Ó Cuív: Just because someone is behind a piece of skin and fed in a different way does not make him or her any less of a human being. I have very good friends who have views which are totally different from mine. Likewise, there are people who I know respect me deeply for my views, even though they do not agree with them. However, there are others who seem to believe there can be no thought except theirs.

The second aspect that surprises me is that we are meant to be constrained by the so-called will of the people which was not expressed in voting on the Bill, even though everybody knows that the vast majority of the Members of this House had promised to legislate and that the Government had a clear majority. What would shock me is not if people who were not in favour of the legislation were still not in favour of it. What would shock me utterly is if the 120 Members of the Dáil or more who were in favour of the referendum being carried suddenly came into the House and refused to stand by their word. Knowing that they will not do that, the Minister will get his Bill through the House without any difficulty. To be honest, I do not understand the obsession with trying to secure approval for what he is doing from those who do not agree with him. The public has been listening to the debate taking place in this House.

We must be honest with ourselves. There are Members of the House who believe the Bill does not go far enough and who do not consider they should be constrained by it just because it is one the Minister published prior to the vote on the referendum. They will be pressing amendments to it on Committee and Report Stages. I accept their right to do so. I do not believe they feel constrained because what the people voted for was that there would be no constraints on what the Minister could bring forward in providing for the termination of pregnancy. Is that not correct?

Deputy Mattie McGrath: Yes.

Deputy Éamon Ó Cuív: That is a fact. In the same way as anybody who wants to go further can do so, anybody who does not want to go as far as it can also do so because that is what the people decided, no more and no less.

Deputy Mattie McGrath: Hear, hear.

Deputy Éamon Ó Cuív: I have heard talk that people may try to obstruct the passage of the Bill in some way. I believe such talk arose from a debate here on a road traffic Bill. I looked again at the commentary at the time. It continued for a long while. My colleague might have been involved in using parliamentary tactics that delayed its passage.

Deputy Mattie McGrath: The Bill was recommitted.

Deputy Éamon Ó Cuív: The reason the passage of that Bill took such a long time is the House decided not to employ the Standing Order that provides for the guillotining of the debate on a Bill if there is a major rush to have it passed. I am not suggesting the Minister should guillotine the debate on this Bill, but he has that power if he is in a major rush to have it passed. However, it could prove to be a futile exercise because the vast majority of his colleagues who want to have the Bill passed quickly have stated if somebody is unduly delaying its passage, he could guillotine the debate. This idea that there is some Machiavellian way in which people on this side of the House could hold this up indefinitely is not correct. I checked with the Office of the Ceann Comhairle and there is no change in the Standing Orders. I was 99.99% certain of it beforehand because I happen to be a member of the Sub-Committee on Dáil Reform and I knew we had not brought in anything to limit the guillotine. The reason the guillotine does not

work like it used to in the old days is that the Government cannot do that against the massed Opposition. In this case, however, the masses of the Dáil are totally in the Minister's favour.

Deputy Mattie McGrath: Yes.

Deputy Éamon Ó Cuív: Let us not hear all this whingeing around the place that we are going to hold up this legislation in some way.

There has been a lot of debate here in respect of the amendments. They are issues for Committee and Report Stages. We can deal with them one by one. There is one interesting amendment that caught my eye. The Bill uses the term "pregnant woman" and says that "woman" means a female person. This seems to be a strange term to use in view of the fact that we have various genders and transgenders and so on. The Minister should correct that because it is out of line with other legislation we have brought in. It is unnecessary terminology in the circumstances. It goes against a European court ruling that allows people to be recognised by their gender and whatever. I happened to be the Minister with responsibility for social protection when we started to deal with the European court judgment and I instructed that the legislation be prepared.

Our maternity services have been at stretching point for a number of years. We saw some terrible things happen as a consequence. The public deserves very caring, well-funded maternity and obstetrics care. We have seen recently in another scandal in the treatment of women's health how important that is. If there was €12 million there all along, it is deeply regrettable that it was not made available three, four or five years ago to deal with all of the challenges faced in the maternity hospitals, including the maternity hospital in Galway. I hope this Bill will not add to the crisis levels that seem to arise regularly in our maternity hospitals as a result of pressure on them. I also hope the Minister will make resources available for those who need either obstetric or gynaecological care, which are so important.

Deputy Michael Fitzmaurice: The referendum took place and the people spoke. There has been a protracted debate on abortion down through the years, even when we were youngsters. The issue caused great differences of opinion between people. Ireland has changed a good bit since then, considering the votes that took place before. I do not think anyone questions the numbers in the referendum, the 66% or 67%. The Irish people spoke unanimously to remove the eighth amendment from the Constitution. That has to be recognised. I do not think there is a Deputy who does not recognise the vote. However, there is one other thing that also needs to be recognised. I watched the debate between the presidential candidates last night. It was the only night so far that the candidates sparred with each other, which is not good in any debate. No matter what side we are on, as the previous Deputy said, people are entitled to different views. There is 34% of the population who still believe what they believed. They are entitled to that belief and we must recognise it, as we must also recognise those who voted "Yes". There is an obligation on every one of us as public representatives to do that. Respect is needed on all sides.

A budget will be put in place for abortion services. We should ensure services are free for all women who are expecting a child, whether they want to go ahead and have the child or want to have an abortion, if that is the road we are going down at the moment. People need to be given the choice, as the people of Ireland have decided. That should be done as soon as possible.

Looking at other parts of our health service, I do not want to hear in one, two or three years'

time that somebody could not get a counsellor or anyone to talk to. I see in mental health services at the moment that we have lovely glossy magazines about what we are going to do for people. There is talk about community care teams but unfortunately some people do not get the services described in the glossy booklet. I ask the Minister to make sure the services are put in place in the way of counsellors and people giving advice so we do not have people saying in a year or two that this or that did not happen.

On my way up this morning, I was listening to a debate on the radio. There was a person talking about schools, parents and youngsters. They were on about Facebook, Snapchat and all the different things and saying how parents need to make sure to keep an eye. They were on about bullying and online abuse and saying the parents need to keep tabs on a lot of these things. I hope it does not happen but if there is a 13 or 14 year old who decides she wants to have an abortion, what is the scenario? This is not clear from what I have read and I would like the Minister to give us clarification on that.

No more than anyone else, I do not claim to be an expert but I have met health service professionals such as local doctors, midwives and even consultants working in all parts of the health service. I am fairly tough skinned but the other evening I met some of them and I found the meeting touching enough. Some of these people feel they are being boxed into a corner. If someone wants an abortion, the facilities need to be available. However, I cannot understand why we do not first provide a helpline or phone number. The Department or the HSE should know all the different doctors and places in every county that would be prepared to carry out an abortion. It should be done without forcing those who have a belief that they cannot do this. That message was coming across very strongly the other night and we need to work around that. We cannot afford to lose too many from the health service. That is the first thing. Some of them were in tears when I met them the other night. They are adamant that they will not stay in a service where they have to do it. They are not saying it cannot happen. They just do not want to be forced to do something that is totally against their beliefs. While I am not a legal expert, we need to work around that in case down the line someone decides they are not going to be forced into something. Where does it go if someone refuses to do it? We know that the HSE cannot get rid of somebody for no reason. Some of these people are talking about leaving, which is very unfortunate to hear. These are good people. It is important to find some solution to that. The Minister may have better ideas. I suggest having a helpline that is advertised everywhere, including on television, in newspapers, online etc. so that people can just make one quick phone call and know who is prepared to look after it in the different counties. That may be a workable solution. I do not say it is the only one. There may be better ideas for doing that.

The Minister spoke about the disability issue before the referendum. We also need clarification on that. I will not stay here talking. The previous speaker mentioned people trying to hold up the legislation. I am not into that. It was rightly pointed out that there are ways of doing things if the Government wants to get it through. People recognise that abortion will happen in Ireland. It will be carried out in hospitals or in whatever scenario the Minister sets up for it. We need to ensure healthcare professionals are not forced into something. If that happens, it is not a great way of doing it. I ask the Minister to come back to us with clarification on those points. I will not take up any more of the Minister's time.

Minister for Health (Deputy Simon Harris): I sincerely thank all Deputies, regardless of their perspective, who contributed to the Second Stage debate on the Health (Regulation of Termination of Pregnancy) Bill 2018. We have had a good debate. I resent hearing people imply that we are rushing this. Anybody who wanted to speak on the Bill had the opportunity

to speak. Some who said last night that we were rushing this did not use the entire slot available to them. After 35 years of the eighth amendment and the damage it has done to countless women, their families and society, and providing adequate time for everybody to make their views known on what has been a wide-ranging Second Stage debate, I think this has been-----

Deputy Mattie McGrath: Pre-legislative-----

An Leas-Cheann Comhairle: Everybody had an opportunity. I am not going to-----

Deputy Mattie McGrath: The House is being misled.

An Leas-Cheann Comhairle: No interruptions.

Deputy Mattie McGrath: Pre-legislative scrutiny - none.

An Leas-Cheann Comhairle: The Deputy will have other opportunities on later Stages.

Deputy Mattie McGrath: He is misleading the House.

An Leas-Cheann Comhairle: The Minister, without interruption. I will treat everybody the same.

Deputy Simon Harris: I thank the Leas-Cheann Comhairle. I was just making the point that, as the people's representatives, everybody has had ample opportunity, as is right and proper in this House, to give their views. I thank all Deputies for giving those views.

I also make the point that it is 146 days since the people voted to repeal the eighth amendment. It is important that we do not forget what has happened in that time. We know that, every day, about nine women leave our country to go abroad to access termination. These are women in crisis looking for help that they cannot get in Ireland today. In addition, every day about three women will take the abortion pill, obtained online without any medical supervision or advice. That is roughly 12 women every single day since the referendum passed who have continued to have to access termination in either dangerous circumstances or abroad. As we have the luxury of sitting in this House today, nine women are in our airports and ports heading off to the UK or other jurisdictions. That means that 1,752 Irish women - our mothers, sisters, wives, neighbours and friends - have had to access termination since the people voted to repeal the eighth amendment.

While we have an important job to do to make this, as Deputy Burton rightly said, the best possible Bill we can pass in this House, we must also be conscious that the reality of women in crisis pregnancy continues today. Until we pass the legislation, the instruction the people gave us to get on with and do our job is an instruction we have yet to fulfil fully.

Only this week I received a very heartbreaking email from a woman with fatal foetal abnormality in her pregnancy. This was a desperately wanted baby. She pleaded with me to see if I could do something to help her and her husband to ease what is already such tragedy and pain. The harsh reality is that until this legislation passes, we are not in a position to do that. Those sitting here need to realise that we cannot decouple the scrutinising we need to do from the reality facing women today. That woman is sitting at home today knowing that even though the people have voted to repeal, she will still have to travel abroad because doctors who really want to help her here cannot do it until we pass this legislation.

A number of Deputies rightly say that the people only voted on the question of whether to repeal the eighth amendment. That was the question. Of course, the chairperson of the referendum commission was right. I believe I, myself, said it on a number of occasions. The people voted either for or against repeal; that was their decision. However, they voted in the context of knowing what legislation I would introduce if they voted to repeal the eighth amendment. Those who campaigned against repeal highlighted elements of the Bill and quoted elements of the Bill on posters, in my view often distorted elements of the Bill. We had debates in television studios, radio stations and community halls. We had literature from both sides dealing with the content of that draft legislation. While it is accurate to say that the people's decision was to repeal or not to repeal, it is important to say that the people made that decision in the context of a very detailed debate, following the excellent work of a cross-party committee and the excellent work of the Citizens' Assembly.

Therefore the legislation we are introducing now is not a surprise. It is what we promised to do. There is an onus on me as Minister - I would argue there is an onus on all of us in this House - to legislate within those parameters. I am sure people on both sides of the argument will want to see changes. We should consider each and every amendment; that is our job. I will approach the debate feeling a huge responsibility to introduce a Bill along the lines of what we promised we would do. We told the people if they voted to repeal, this is the legislation I would introduce and that is the task we now have.

I sincerely recognise that there are deeply held views on all sides of the Oireachtas and throughout the country. In taking the next steps as an Oireachtas and as a Government, we must respect and hear them all. However, language is important and insightful. We have had many excellent contributions, including from speakers with a completely different view from mine. Deputy Butler gave a very eloquent and honest speech in this House last night. As a woman who had campaigned against repeal, she was very upfront about her views while also recognising the reality of the people's decision. She made a very important contribution last night.

Unfortunately, some people talking about the issue in this House are using language that gives an insight to a mindset that is worrying. I wrote down a few phrases I heard today. I heard reference to "those women". I have heard reference to "a cooling-off period". I heard an horrific and bizarre suggestion that termination will replace contraception. These sorts of views are offensive, but are also ignorant. They show a lack of understanding of the very difficult decision-making process a woman goes through before accessing termination. To equate in any way termination to contraception shows a fundamental lack of respect for women. It also shows a fundamental lack of understanding about termination and contraception.

As we go to the next Stage of the Bill, which I hope we will in the next few days, it is important that we all use language that is respectful. They are not "those women". They are women from every town and every community in this country who are looking for help in a crisis. We need to be very careful we do not use language that stigmatises, and I ask that we reflect on that.

I assure Deputies I have listened carefully to the contributions made so far. I am pleased to note that, in general, there is very significant support for the Bill in the House, although I recognise there is far from unanimous support. I am mindful, however, that issues have been raised around certain provisions in the legislation and I look forward to Committee Stage, when we will be able to discuss and address these concerns in much greater depth. I am aware, for example, that some Deputies expressed a concern that the term "abortion" is not used in the Bill. I want to address that issue because I think it important. The reason is that this is

the result of the wording inserted into the Constitution by the Thirty-sixth Amendment of the Constitution Act 2018. That amendment inserted a new Article 40.3.3° into the Constitution which states: “Provision may be made by law for the regulation of termination of pregnancy”. Therefore, this Health (Regulation of Termination of Pregnancy) Bill is the means by which the Oireachtas will exercise its new constitutional authority under the new provision. In this way, the Oireachtas is carrying out the will of the people as expressed in the result of the referendum. Using the language of the new Article 40.3.3° in the legislation that seeks to give effect to this provides necessary consistency and clarity in law. What I am doing in the Bill is mirroring the language used in the new constitutional article. That is why we use the terminology in regard to “termination of pregnancy” rather than “abortion”. It ensures that the Bill is consistent with the wording in the Constitution and avoids any potential doubts or unintended consequences which could potentially flow from departing from that language. It is for that reason, rather than for any other reason.

I am aware some disquiet was expressed around the positioning of the offences provision in the Bill. Again, I get this: people pick up the legislation and one of the first things they see are the offences. I have heard the sincere views of Deputies that this could create a chilling effect. The general scheme of the Bill published in July provided for offences in head 19 but the Office of the Parliamentary Counsel, when it drafted the Bill in three parts, decided that under this arrangement offences are in the first part of the Bill. I want to clarify that this section is based on Part 1 of the Bill for purely technical consideration by drafters, as opposed to any policy or political decision. There was no other reason for placing it there and certainly no symbolic consideration behind it. It is something I am happy to look at with Deputies as we move forward.

Several Deputies raised the issue of safe access to services and I thank them for doing so. As they are aware, it is my intention that, following the passage of this Bill, services for termination of pregnancy will be a normal and lawful part of the Irish public health service for women. I recognise, however, that these services carry a significant likelihood of demonstrations taking place, demonstrations which may be distressing and upsetting both for service users and for healthcare professionals. I am concerned we have already had maternity hospitals like the Rotunda having to take to their social media channels to alert women to this very upsetting situation happening outside the hospital. When a woman is accessing a maternity service, and going into a maternity hospital either to have a baby or to deal with a crisis pregnancy situation, that woman and her family deserve to be able to access those services in a way that does not further add to their distress or pain.

We need to act in this regard. Many countries providing abortion services have included provision for safe access to those services in their legislation. In July I sought and received Government approval to draft legislative proposals to ensure safe access to premises in which termination of services may be provided. This would allow patients, service providers, healthcare staff and members of the public to enter the premises without fear of intimidation or harassment, and without being subject to unwanted communications about termination of pregnancy by any means. This would include oral, written or visual displays like the ones we were subjected to during the referendum campaign. While it was my original intention to provide for such safe access in this Bill, a number of issues were identified during the drafting process. In order to allow for full consideration, I decided we could not delay this Bill and that the best way to proceed would be a separate companion piece of legislation. I, therefore, requested and was granted Government approval to draft a separate general scheme of a Bill to provide for safe access to services which may provide termination of pregnancy procedures. Work on this

companion legislation will be concluded without delay and, I hope, will be in place by early next year.

Another issue that has been the subject of concern by some Deputies is that of conscientious objection and the drafting of section 23 of the Bill. Some Deputies have suggested the Bill should not require doctors or midwives to refer a woman on for care where they have a conscientious objection to providing termination of pregnancy services. I would like to point out very clearly, because, frankly, there has been a lot of misinformation in this regard, that section 23 of the Bill as it is drafted is absolutely in line with the current section 49 of the Medical Council's Guide to Professional Conduct and Ethics for Registered Medical Practitioners 2016. This obliges doctors to enable patients to transfer to another doctor for treatment in cases of conscientious objection. It is also in line with the Nursing and Midwifery Board of Ireland's Code of Professional Conduct and Ethics 2014. Let me be very clear. This legislation does not require medical practitioners, nurses or midwives to do anything new or, indeed, to do anything more than they are already ethically required to do under their own professional guidance.

I am somewhat concerned that, while everyone has raised conscientious objection, nobody has raised it with regard to the impact on the woman. We cannot have a situation where a woman finds herself going from GP practice to GP practice in search of a doctor. I have asked Professor Boylan and stakeholders in medical colleges, when I met them in the last month, to consider the conscientious objection from a woman's perspective to ascertain how the woman can find out the information in a way that is safe for the woman and safe for the doctor. I cannot imagine how awful is the extra distress that arises when a woman has to go before a doctor in such a situation, and while that doctor has an absolute right to conscientiously object, this will add to the woman's distress. While we talk a lot about this from the healthcare professionals' point of view, and that is fine and is a legitimate issue, and conscientious objection will be provided for in this Bill, we should perhaps look at this more from the perspective of a woman in distress seeking help from the Irish health service. The question is how we help that woman navigate the situation to find the services she needs. I believe there is something that can be done in that space, as Professor Boylan and others work on implementation from a practical and operational point of view. I am sure we will be discussing this further on Committee Stage.

Some Deputies also raised the issue of greater support in regard to pregnancy in general, but more specifically for women in crisis pregnancy situations. In this regard, several colleagues pointed to the need to implement the ancillary recommendations made by the joint Oireachtas committee on the eighth amendment. I hate that title "ancillary" and while it is only a word, I know the committee very much had these as central, key recommendations. While we sometimes talk about them as though they are merely add-ons, they are very much at the heart of what the committee, the Government and the people want to do. We have seen other jurisdictions like Portugal and Spain that have liberalised their laws on abortion also put in place better services in regard to sex education, counselling, perinatal hospice support and, crucially, contraception, and, as a result, the number of abortions declined. I looked at those figures not long ago, so I know that both Portugal and Spain have seen a very consistent downward trend regarding abortions as the supports have been increased for people in crisis pregnancies, but also in regard to trying to help people not find themselves in a crisis pregnancy situation. No woman wants to find herself in that situation.

I assure the House I am committed to working with the Oireachtas to reduce the number of crisis pregnancies and this is part of ongoing work in my Department. Work has been progressing on the development of more comprehensive sexual health and well-being education infor-

mation and promotion. Recent progress includes the formal launch and ongoing development of a new website, *sexualwellbeing.ie*, which provides information on contraception, crisis pregnancy, consent, relationships and sexually transmitted infections. A new safer sex campaign targeted primarily at young people was also recently launched using the hashtag, *#respectprotect*, and there is ongoing extension of the provision of free condoms to target harder-to-reach groups, including, for example, people living in direct provision.

Regarding Deputies' concerns and legitimate issues on obstetric care in general, I am proud to be part of a Government working with an Oireachtas which is committed to the development of our maternity services. Over recent years there has been a very significant focus on the development of national maternity policy in order to ensure our maternity services are developed in a coherent and evidence-based way. It is hard to believe we did not have a national maternity strategy in Ireland until 2016, so it is clear all of those who talk about the need to do more in this space do not tend to talk about it outside of referendum campaigns, sadly. Nonetheless, we now have Ireland's first ever national maternity strategy, *Creating a Better Future Together 2016-2026*. It was developed by the current Taoiseach when he was Minister for Health. We also have the HSE's national standards for bereavement care following pregnancy loss and perinatal death, including in situations where somebody has experienced loss through abortion. In addition, HIQA has now finalised national standards for safer, better maternity services. When we take all of these developments together, they are clearly key building blocks which will enable us to provide a consistently safe, patient centred, high quality maternity service.

For my own part, I am fully committed to ensuring that all women accessing maternity services should receive the same standard of safe, high quality care, regardless of where they live in this country.

I am also aware some disquiet was expressed around the positioning of the offences provision in the Bill. Again, I get this. People pick up the legislation and one of the first things they see are the offences. I have heard from Deputies their sincere views in this regard, and their view that this could create a chilling effect. Every woman from every corner of Ireland should expect and be able to access the maternity services she needs. Deputy Joan Burton rightly raised the issue of access to anomaly scans. We are rolling out this capacity across maternity services and recruiting sonographers to ensure access to scans will be available in all maternity units. While it is quite an involved process to get through all of the recruitment, we are making good progress and I expect access to scans to be available nationally by the end of 2019.

Last October I launched the implementation plan for the phased roll-out of the maternity strategy which had been developed through the national women's and infants' health programme. While we have a great deal more work to do in this area, we have legislation before us to fulfil a commitment to the people which I made with many Deputies across the House that if they repealed the eighth amendment, we would bring forward legislative provisions largely in line with the all-party committee's report and very much in line with the general scheme published before the vote took place. I am pleased that the debate on Second Stage is concluding and look forward to progressing the Bill through Committee Stage. I continue to think of the nine women who will travel from the country today, the nine who will travel tomorrow and the nine who will travel the day after that. I think of the three women who will continue each and every day to access abortion pills online without any medical supervision. It is for them that we will put our shoulders to the wheel to pass the Bill and that the HSE will work with Dr. Boylan to ensure we will be ready to implement new services at the beginning of 2019.

Question put.

An Leas-Cheann Comhairle: By order of the House today, the division is postponed until after the Order of Business on Tuesday next, 23 October 2018.

Visit of Swiss Delegation

An Leas-Cheann Comhairle: Before proceeding with the business of the House, I welcome the Swiss delegation to the Distinguished Visitors Gallery. The delegation will visit the Border region tomorrow and we might learn something from the delegates in that regard. While we have only one border, Switzerland has a border with four EU members states, namely, France, Germany, Italy and Austria. In particular, I welcome the Swiss ambassador and the friends with whom I served when I was chairman of the European Parliament's delegation for relations with Switzerland, Iceland, Norway and Liechtenstein. It is great to meet them again and I hope the rest of their visit will be very productive. Fáilte roimh go dtí Dáil Éireann agas bain sult sa treimhse anseo.

Industrial Relations (Amendment) Bill 2018: Second Stage

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to recommend the Industrial Relations (Amendment) Bill 2018 to the House. The legislation is being brought forward because of a commitment given by the Government to remove the legislative prohibition on allowing full access for members of An Garda Síochána to the workplace dispute resolution bodies in the State, namely, the Workplace Relations Commission, WRC, and the Labour Court. This commitment was made following a protracted dispute in An Garda Síochána which culminated in a real possibility of a withdrawal of labour by gardaí. At the time of the dispute and following consultation with my ministerial colleagues, I asked the chairman of the Labour Court and the director general of the WRC to assist in the resolution of the ongoing dispute in An Garda Síochána in a manner that would mirror on an *ad hoc* basis the normal dispute resolution procedures which had been successfully deployed in other difficult disputes. I took this step owing to the unprecedented gravity of the proposed withdrawal of labour by members of An Garda Síochána and the impact it would have on members of the public and businesses. In November 2016 agreement was reached at the Labour Court which resolved the dispute. As part of the resolution, a commitment was given by the Government to provide the Garda associations with permanent access to the WRC and the Labour Court.

To assist the Government in honouring its commitment, a working group was convened under an independent chairman, Mr. John Murphy, a former Secretary General at the Department of Business, Enterprise and Innovation, to examine the industrial relations issues in An Garda Síochána. The working group consists of representatives of the Department of Justice and Equality, the Department of Public Expenditure and Reform, the Department of the Taoiseach, the Department of Defence, the Department of Business, Enterprise and Innovation, the WRC and Garda management. The first report of the working group on industrial relations structures for An Garda Síochána was published in July 2017. It acknowledged that the Garda

associations had a legitimate aspiration to have access to mechanisms dealing with all matters related to the terms and conditions of their members' employment. It recommended that the Garda associations be granted access to the industrial relations machinery of the State, namely, the WRC and the Labour Court, to aid in resolving issues and disputes that could not otherwise be resolved.

In September 2017 the Government accepted the recommendations made in the first report and approved the drafting of legislative amendments to provide for the granting of full access for the Garda associations to the workplace dispute resolution bodies. It also mandated the working group to continue to the second phase of its remit, namely, the creation of a regulatory framework within An Garda Síochána to ensure the legislative ambition of this Bill could be achieved. The working group is analysing, in conjunction with the Garda associations, the detailed operation of the industrial relations processes within An Garda Síochána. A robust internal dispute resolution mechanism is essential to the ongoing normalisation and professionalisation of industrial relations processes within An Garda Síochána. Such dispute resolving mechanisms should provide full responses to issues raised in the generality of workplace issues arising and must operate effectively for all concerned. It is important that there be clear time-lines and that issues can be resolved. This approach should ensure that, in line with other places of work, only the more serious and complex cases would be referred to the State's industrial relations bodies for a determination. My Department and the Office of the Parliamentary Counsel have actively engaged in drafting the Bill in discussions with the Departments of Justice and Equality and Public Expenditure and Reform. The Garda associations have participated fully in this process and more detailed discussions facilitated by the WRC.

The House may be aware that some of the Garda associations have expressed disappointment at the decision of the Government not to extend trade union status and the benefits that status gives to the Garda representative associations in the same manner as other employee representative bodies. In that regard, we must bear in mind that An Garda Síochána is a unique organisation. Within our society, gardaí have exceptional and unique powers. They include powers to invade our privacy, deprive us of our liberty, demand answers to questions and achieve some of these things by force, if necessary. It has been said the defining feature of a police force is that it has a monopoly of the legitimate use of force in society. Thus, the question of the right of those working in essential services to take industrial action involves striking a delicate balance between the importance of the public's need for essential services, on the one hand, and the right of employees to a voice in the workplace and appropriate employment standards, on the other. Taking all of this into account, gardaí, as members of a single national police force which is responsible not only for general law enforcement but also State security and immigration, are not the same as other workers. In their unique circumstances different rules must apply.

I propose to outline the main provisions of the Bill, which is short and contains just five sections. Section 1 provides for the insertion of new definitions into the principal Act, that is, the Industrial Relations Act 1990. Section 2 provides for the amendment of section 3 of the Industrial Relations Act 1990 to include definitions of a "member" of An Garda Síochána, "Garda Síochána" and "Garda Commissioner". Section 3 provides for the amendment of section 23 of the principal Act, which deals with the definitions of a number of terms used generally in the context of industrial relations legislation, that is, the definition of "worker", which in the normal course constitutes a person over the age of 15 who has entered into or works under a contract with an employer. In the context of this Bill and the untypical nature of the employment relationship for members of An Garda Síochána, the Bill provides that a worker includes a member

of An Garda Síochána, that a reference to “employer” means the Garda Commissioner and that a reference to a contract with an employer is covered by the particular terms and conditions to which members of An Garda Síochána are subject. Section 4 of the Bill sets out the provisions of the various industrial relations enactments being actively disappplied in the context of the Act. These provisions will form a new Schedule to be included in the principal Act of 1990 and will include provisions relating to trade union law as well as the right to collective bargaining under sectoral employment instruments such as employment regulation orders, sectoral employment orders etc. Section 5 relates to the Short Title, collective citation and commencement.

I look forward to hearing the views of the few Deputies present and working with them to progress this important legislation through the Houses as quickly as possible. I am very proud to commend the Bill to the House.

Deputy Billy Kelleher: We will support the general principle of the Bill. During the legislative process we may seek to table some amendments to improve and enhance it, but in the main we welcome the opportunity to speak on it. It is important and timely that we acknowledge the challenges that members of trade unions and workers across this country have gone through in rebuilding the State’s finances and in the sacrifices they have made in both the public and private sectors. This is very evident if one looks back at the financial emergency measures in the public interest, FEMPI, cuts that were introduced, which had a profound impact on people’s take-home pay. This was emergency legislation introduced to underpin the basic financial viability of the State when it was threatened by forces in the form of the financial crisis coupled with an internal recession and a collapse of the housing market.

The reason I highlight this is that it is critically important to acknowledge that during the passage of that legislation, very often there were concerns and protests on the streets. We sometimes had tens of thousands, if not hundreds of thousands, of people on the streets protesting pay cuts or cuts to public services. People are entitled to protest freely and wilfully and in a peaceful manner, in fact this is a sign of a healthy democracy, but of course one organisation that is equally obliged to maintain the peace is An Garda Síochána. If members of An Garda Síochána were equally involved in these protests, there would have been a very difficult position to address in the event of them turning violent or public disorder becoming part and parcel of a protest either in the main or on the fringes.

This is why this legislation is welcome. It acknowledges the critical role An Garda Síochána plays in the protection of the State, upholding the rule of law and keeping the peace. For all that we need to accept that members of the Garda must be treated differently in how we assess their pay and terms and conditions and equally their contractual obligations to the State. I welcome the Bill from this perspective. Members of An Garda Síochána should be entitled to collective bargaining, as has been highlighted by the Council of Europe’s European Committee of Social Rights. There should be some formal process whereby An Garda Síochána can go to our industrial relations process, the apparatus of the State, and have their grievances aired and their terms and conditions scrutinised and even set. Of course, every sovereign government is entitled to be the final arbitrators on the pay and conditions of any public sector employee or organisation. The system we have in place is a voluntary form of industrial relations whereby people go to the Workplace Relations Commission, their grievances can be heard and the Labour Court can adjudicate if there are still issues to be addressed or to see whether or not they have been maintained. As I said, An Garda Síochána should be entitled to access these processes. Equally, however, there is no way we could as a State or as a people allow a member of An Garda Síochána or the organisation collectively to withdraw its labour, which is effectively

what an industrial dispute is. It is the threat of workers, and their entitlement, to withdraw their labour to highlight grievances they have with their employers, the employer in this case being the State itself.

Some will say that every worker has this entitlement, but equally An Garda Síochána has a special status within the State in the sense that, as the Minister of State outlined, it has extraordinary powers conferred on it. Of course, all these powers are conferred on it by this Parliament, underpinned by the Constitution, so they could be mitigated and withdrawn if Parliament so deemed it necessary. The Garda has extraordinary powers, both as individuals and collectively as an organisation, but only within the rule of law. If a member of An Garda Síochána breaches the rule of law, then as with everyone else, there is a sanction for that.

There are a number of reasons we are here. First and foremost, the European Committee of Social Rights, in *EuroCOP v. Ireland*, found that the State was not in compliance with a number of elements of the European Social Charter. This is non-binding, but at the same time we like to comply when and if we can and as best we can with these recommendations from the various committees adjudicating on Ireland's performance *vis-à-vis* European obligations. The ECSR identified a number of breaches: in respect of Article 5, concerning the right to organise, on the grounds of the prohibition of police representative associations joining national employment organisations; in respect of Article 6.2, concerning the right to bargain collectively, on the grounds of restricted access of police representative associations to pay agreements and discussions; and in respect of Article 6.4, on the grounds of the prohibition faced by members of the police of the right to strike. The ECSR also indicated that restrictions on the exercise of the right to strike, such as requirements relating to the mode and form of industrial action, were acceptable. The type of restriction was not detailed in the ECSR's EuroCOP decision.

In a way, then, the ECSR did find against the State in certain areas, but it equally accepts the fact that members of An Garda Síochána hold a special place. A precedent for this has been set in the context of the Permanent Defence Force Other Ranks Representative Association, PDFORRA, and the Defence Forces themselves. I do not think anyone would suggest we could have members of An Garda Síochána and members of the Defence Forces actively involved in an industrial dispute at the behest of a trade union movement to further the rights, terms and working conditions and pay of either the individuals in those organisations or other workers in some other part of the economy. It simply would not be accepted and would do a grave disservice to the State.

Just as important, it would do a grave disservice to the standing of An Garda Síochána and the Defence Forces. I appreciate that Deputies do not need to give one another history lessons, but I remind the House that An Garda Síochána has served the State exceptionally well. It has been very loyal to the State and, in the main, the State has been very loyal to it in terms of trying to ensure gardaí are protected by the law as they go about their business of ensuring the country functions, the law is upheld and peace is maintained. People may take those sorts of things for granted now, but they were threatened at various times in recent history. The members of the Garda did their duty in that context. Some of them gave their lives in defence of the State. We need to try to find a mechanism for accepting that members of the force will have grievances from time to time, that they are entitled to air those grievances and be listened to, and that there is an obligation on the State to respond to those grievances in a positive way. This Bill has done that. Ultimately, the State and the Government should always hold the entitlement to set pay and conditions in emergency circumstances like those of the past decade.

4 o'clock

18 October 2018

The members of An Garda Síochána who are being recruited at present deserve good working conditions. There is no doubt that the freeze on promotions and transfers brought about a certain element of despondency for a number of years. The gardaí who get up in the morning and put on their uniforms are proud and passionate about wearing those uniforms. They look forward to going to the workplace, engaging with society, upholding the peace and ensuring we have a lawful and orderly country. We should acknowledge that An Garda Síochána is, by and large, a force that works on structures and order. We need to look at how we can facilitate Garda transfers in very difficult personal circumstances. Members of the force are sometimes posted in areas that are not near their homes, the places where they previously resided or the locations they and their families come from. In recent years, difficulties have been caused by the freeze in transfers that were normally accommodated on a compassionate basis. This led to a great deal of anxiety and disquiet among some members of the force. They were unable to transfer closer to home when their parents or other relatives were ill. We are recruiting gardaí and expanding the force, but the human element must also be taken into account as we try to address the concerns of individuals. I know this cannot always be done. There must be some understanding of the plight of individuals. We have encountered traumatic cases which we have been unable to address through the normal process or through any process. There is no real process other than the internal Garda Síochána process, which is hierarchical. Messages always come from the top down. We should be able to be more imaginative, understanding and compassionate in such cases.

This Bill represents a step in the right direction. It is acknowledging something that needs to be acknowledged. There have been previous cases of industrial action by An Garda Síochána. I do not believe the Garda was well served when services were withdrawn, in effect, in the case of the blue flu. Citizens have huge loyalty to the members of the police force in this country. We are policed by consent rather than by fear. Gardaí are unarmed, by and large, and I hope that remains the case for a long time to come. I hope we do not give in to the pressure that exists across the western world to have a heavily armed police force on the streets. While I understand it is necessary to have armed response units, I believe the presence of the uniform without heavy armoury reflects well on Ireland and Irish society. It encourages the public to support An Garda Síochána and encourages An Garda Síochána to work for the public. It has stood the test of time for the State, the Garda and the people of this country.

The GRA and PDFORRA should give this legislation time to work. The State and the Government should reciprocate that patience so that when grievances arise, gardaí can go to the Workplace Relations Commission and, if necessary, the Labour Court. In such circumstances, a positive response must come from the State and the Government to ensure we have a harmonious police force and defence force. The members of An Garda Síochána and the Defence Forces must be well rewarded for the risks they take daily to maintain peace in other parts of the world. I commend the Bill to the House.

Deputy Aengus Ó Snodaigh: Ba mhaith liom mo chuid ama a roinnt leis an Teachta O'Reilly.

Acting Chairman (Deputy Eugene Murphy): Tá sé sin aontaithe.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas leis an gCathaoirleach as an deis a thabhairt dom labhairt ar an mBille seo. This Bill deals mainly with An Garda Síochána. I do not know whether the Minister of State is aware that Deputy Cullinane and I introduced a Bill in this House in April 2017 that would have allowed members of the Defence Forces and An

Garda Síochána to be classified as workers in legislation and thereby give them the option of forming trade unions. The purpose of the Bill in question, the Trade Union (Garda Síochána and the Defence Forces) Bill 2017, was to allow the representative associations of An Garda Síochána and the Defence Forces to reconstitute themselves as trade unions if they wished. This would have given gardaí and members of the Defence Forces full access to the industrial relations mechanisms of the State while making it illegal, for reasons of public safety and national security, for them to have engaged in strike action. Our Bill recognised the different contexts in which the Garda and the Defence Forces operate and the differing needs of the two organisations. We believe workers in both organisations should be allowed to join trade unions to enable day-to-day employment and industrial issues to be dealt with and to be able to avail of certain actions and mechanisms. We introduced our Bill on foot of rulings by the European Court of Human Rights and the Council of Europe, the increase in industrial action within An Garda Síochána and the continued negative treatment by the State of members of the Defence Forces in terms of pay and conditions. I will return to the latter issue later.

The State's continued ban on trade unions within An Garda Síochána and the Defence Forces is in violation of international agreements. It also violates the fundamental rights of people employed in these sectors. The Bill that has been introduced by the Minister of State has a similar, albeit considerably more limited, aim. It seeks to amend the Industrial Relations Act 1990 to allow members of An Garda Síochána and their representative associations to access the State's industrial relations mechanisms, namely, the Workplace Relations Commission and the Labour Court. I acknowledge that this is a step forward. Gardaí have waited for far too long to be allowed to access the industrial mechanisms of the State. Internal disputes have escalated because no forum has been available to address conflicts at an early stage. Although this legislation is long overdue and is welcome, it falls far short of what was intended when the international courts found in a certain number of cases that police forces, soldiers and defence forces in Ireland and other countries should be able to access the full trade union mechanisms. Sinn Féin believes that members of An Garda Síochána and the Defence Forces should also be allowed to join trade unions if they wish. Members of the Defence Forces should also be allowed to access the WRC and Labour Court in the same way as the Minister of State has indicated gardaí will under this Bill. Will he clarify whether there is a particular reason members of the Defence Forces are specifically excluded under the Bill? The indication given to me in my discussions with the Minister of State with responsibility for defence, Deputy Kehoe, was that accommodating their demands was being considered. Obviously, he failed to contact the Minister of State, Deputy Breen, or at least failed to persuade him, given that the legislation before us does not deal with that issue.

We only need think back to last month, 19 September, when several thousand men, women and, in particular, families attended the "Respect and Loyalty" protest outside the gates of Leinster House. The Wives & Partners of the Defence Forces, WPDF, organised that march. Central to it was retired Sergeant Major Noel O'Callaghan. Anyone who met the retired members outside would not need to be persuaded of their loyalty to the State or their pride in the duties they undertook over the years in the Defence Forces. What the people outside were asking for was simple, namely, to be respected, to have their work respected, to change the conditions under which they lived and for someone somewhere to take cognisance of the fact that some of those in the Defence Forces were sleeping in cars and were asked to do duties in the Phoenix Park when the Pope visited in the same month. They get no overtime because it does not exist for them, yet the other arm of the State that was there to protect the dignitary in the Phoenix Park could get overtime. Members of the Defence Forces are expected to sleep in bivouacs and

eat canned food all while doing a good job, which they do with pride, yet members of the Garda rightly get the overtime and recognition they deserve.

In many other circumstances down the years, the terms and, in particular, conditions in the Defence Forces have not reached the standard of a modern army or air force. I debated some of these conditions with the Minister of State, Deputy Kehoe, at a committee meeting today. Nowhere else in the Irish workforce would people be expected to put up with poisoning by chemicals as happened in Casement Aerodrome. Nowhere else in the Irish workforce would people have to comply with taking medication that has been deemed by other defence forces to be virtually poisonous as in the case of thousands who have travelled to sub-Saharan Africa to carry out UN duties, a task they have done with pride for years, only to come home with totally changed lives. Any other workers would be allowed to join a trade union, advocate and protest such conditions, but those who are in the Defence Forces are expected to put up with it or get out, as some have been told. That they can like it or lump it and suffer the consequences because they joined the Army and, therefore, there was an entitlement to make them suffer. That seems to be the attitude in some ways. When making a change like the one outlined in this Bill, I see no reason for the Defence Forces not to be extended the same protections afforded to members of the Garda.

In her recent budget announcement, the Minister for Business, Enterprise and Innovation, Deputy Humphreys, allocated an additional €1 million to the WRC and the Labour Court. Despite not having the extra €1 billion that the Government found down the back of the chair two days before the budget, Sinn Féin was able to allocate even more than the Minister's amount in our pre-budget submission. We suggested that €1.4 million would help to alleviate some of the delays at the WRC and Labour Court. We have expressed our concern at those delays. While €1.4 million might not have helped enough people, our information is that, in July of this year, there were 3,140 complaints waiting to be heard in the WRC, with almost half of those waiting for 12 months or longer. In addition, 1,473 cases were waiting for a decision. That is the backlog. We welcome the extension of protections to gardaí, but unless they can reach the mechanisms and have their cases heard quickly, it is not as laudable as suggested. The Minister of State needs to ask the Minister for Finance, Deputy Donohoe, to check the other chairs in his house. He might find another few million euro stuffed down their backs. The delays are a cause for concern, as many of those who have taken cases and are waiting for them to be heard find it difficult to get alternative work due to their previous employments being under examination. Is the Minister of State satisfied that enough money has been allocated to address the significant delays and provide for the estimated 10% increase in case numbers that this Bill will bring? If its protections were extended to the Defence Forces, that figure could be increased further, possibly by much more.

We intend to table amendments to strengthen the Bill and give effect to the points that I have raised, particularly regarding the Defence Forces. I thank the Minister of State for introducing the Bill. It is a step in the right direction and we will not oppose it, but I will argue strongly on Committee Stage that it needs to do more.

Deputy Louise O'Reilly: I echo the sentiment expressed by my colleague, Deputy Ó Snodaigh, regarding this being a step in the right direction, but it really is just a step and is not what the Garda representative organisations want. They want trade union status, to be represented by a recognised trade union and to have the protections that gives. It is interesting that the people in these buildings who have drafted this legislation have access to a trade union. It is not outrageous to suggest that people should have access to trade union representation.

It was pointed out that members of the Garda and Defence Forces were special and not like other workers. That may be true, but both of the major political parties - we often say that they are in government together - treated them the same as every other worker when cutting their pay. There was no special status accorded to them then. I was a full-time union organiser with SIPTU in 2009 when we joined up with firefighters, prison officers and nurses from other trade unions and members of the Garda. We would have joined up with the members of the Defence Forces also but that was not permitted. We formed an organisation called the 24/7 alliance. During that time, I had occasion to speak and work closely with members of An Garda Síochána. We teased out the issue of access to industrial relations machinery, what that would mean and how one could ultimately get some value out of it. Around the same time, I had a case before the Labour Court, which I won. The recommendation made by the court entitled the members in question to a small amount of compensation. I could not get the recommendation enforced and I returned to the Labour Court to see if anything could be done. The then chairman of the Labour Court was blunt with me and told me I knew what I could do, which was to get out the ballot box and ballot for industrial action.

In a voluntarist system of industrial relations the journey to the end of the road is a long one. Deputy Ó Snodaigh outlined the wait involved in getting access to the industrial relations machinery but a significant amount of time is spent at local level before one even gets to that point. One then gets to the Workplace Relations Commission, the WRC, which was previously the Labour Relations Commission, LRC, and even sometimes when one wins the case, one must still have recourse to a ballot for industrial action. There are hundreds of thousands of unionised workers in this State and very few days have been lost to strikes. That is a testament to the men and women working in industrial relations, human resources and the WRC. Strikes are very rare.

I stress that Sinn Féin welcomes this Bill as a step in the right direction. However, these workers are to be treated differently from other workers. Another worker who has won a case at the Labour Court but cannot get enforcement of the recommendation has recourse to industrial action. Does the Minister of State have plans to give members of An Garda Síochána and, I hope, members of the Defence Forces, if they are included in the scope of the Bill, the option to take this final step? He said they cannot take industrial action but what option is open to them given that strike action is the last resort? We have not lost many days to strike action for a long time. We hit a peak sometime in the 1970s. I worked in industrial relations for a long time, as did my father, and I have a small amount of knowledge of the issue. Strike action is the last action one will take. When it is taken it is because it is necessary and there is no other avenue. Will consideration be given to ensuring there is a mechanism for enforcement? Other workers have such a mechanism, namely, the withdrawal of their labour.

The refusal to allow members of An Garda Síochána access to a trade union and full trade union status is short-sighted. That is what gardaí want and if it is not provided via this legislation, consideration must be given to how gardaí will be able to use the industrial relations mechanisms. Once members of the Garda have access to the WRC and the Labour Court, how will a recommendation be enforced when a member of the Garda wins a case and reaches the end of the road? Having represented public service workers, I can tell the Minister of State that there is zero appetite on the part of human resource managers to simply accept someone has won a case in the Labour Court and then write the cheque or make the necessary change to conditions. It does not work like that. Some sort of recourse is needed to be able to make good on foot of the recommendations of the Labour Court because in a voluntarist system they

are nothing more than recommendations. In the event that the Labour Court makes a recommendation and the members reject it, what happens then? Does the Government simply tell members of An Garda Síochána that it has legislated to give them the right to be unhappy about the outcome of a Labour Court case and they should go on about their business? It is a little pointless if there is nothing at the end of the process to which they can aspire, as they would do if they were members of a trade union.

I do not wish to be overly negative. I say that based on my experience. In 2009, when the threat of pay cuts was very real and we formed the 24/7 alliance, I had lengthy discussions with members of An Garda Síochána and their representatives and full trade union status and access to the third party machinery was certainly what they were seeking at that time. Access to the third party machinery is a welcome step but consideration must be given to what it means in the event that the third party machinery does not deliver or is not capable of delivering for those workers. I remind the Minister of State that when it came to cutting pay, the Government treated these groups the same as every single other worker in the State. It is a little harsh for them to hear that they are special except when it comes to pay cuts.

Deputy Jan O’Sullivan: I also welcome the legislation. While the Labour Party will support the Bill, I also believe it could have gone further. I refer to the EuroCOP v. Ireland ruling which, as we understand, recommended full trade union rights for the Garda Síochána in Ireland and in other parts of Europe as well. While it is welcome that members of the Garda will have access to the WRC and the Labour Court, the aspiration is for them to have full trade union rights. There is an issue around gardaí going on strike but a mechanism could be found to circumscribe that right in some way to enable them to perform the very important duties they have while also having the full right to be in a trade union. It would not be beyond the powers of Government to figure out a way to do that. I am disappointed, therefore, that the Bill has not gone as far as it could have gone or as far as some of the Garda associations would have liked. Nevertheless, it is progress and we should welcome it. I hope it will give members of An Garda Síochána the opportunity to be able to exercise rights in a way they have not been able to do previously.

One of the issues that arose, and it was referred to in the contribution by the Minister of State, Deputy Breen, is that as well as members of the Garda having a role in law enforcement, they also have a role in State security. That is probably one of the impediments to giving them fuller rights. However, we have argued previously in a different context that we should separate the functions of State security and law enforcement, as is the case in many other jurisdictions. That issue should be examined as part of the reform of An Garda Síochána. While it is not a matter for debate today, it should be examined.

All of us appreciate the importance of the role of An Garda Síochána. Despite the many debates in the House about various issues connected with the Garda, there is a great deal of respect for gardaí. People very much appreciate the fact that, by and large, they are unarmed and that they perform a duty in all our communities that is very much respected and regarded by people throughout the country. The fact that, until now, gardaí have not enjoyed the same rights as other workers has caused a great deal of disquiet. This applies also to the Defence Forces, as previous speakers noted, although I acknowledge we are dealing with the Garda Síochána in this debate. I hope this Bill will go some way towards addressing the issues of concern.

I ask specifically about some of the content of the Minister of State’s contribution on the working group convened under the independent chair to examine the industrial relations issues

in An Garda Síochána. That process is ongoing and the Minister of State indicated the working group is currently analysing, in conjunction with the Garda associations, the detailed operation of the industrial relations processes within An Garda Síochána. He noted also that only the more serious, complex cases are referred to the State's industrial relations bodies for a determination, as is the norm in many workplaces. We need more information on what exactly this, as it were, pre-industrial relations process within An Garda Síochána is likely to be and how much progress the working group has made. I would like more information on that, either in the Minister of State's response today or as we move through the later stages of the debate. We need clarity in all of this. All of the processes must be very clear to members of the force and members of the public. I hope that all of these issues will be teased out as the Bill progresses.

Generally speaking I welcome this Bill. While it is fairly simple and short, there are many broader issues around it that will continue to be debated. I hope we will have the opportunity to tease them out further as we move on with the Bill. The Labour Party welcomes its publication today and will support the Bill on Second Stage.

Deputy Thomas P. Broughan: I welcome the opportunity to speak briefly on the Industrial Relations (Amendment) Bill 2018. This Bill is the result of a number of events that led to the Government finally promising legislation to allow An Garda Síochána to have access to the industrial relations machinery of the State, namely, the WRC and the Labour Court. Of course, the need for this legislation was very evident and never more urgent than in November 2016 when the so-called "blue flu" was averted at the last minute. While this Bill is a welcome first step, I agree with my Sinn Féin and Labour Party colleagues that An Garda Síochána, whose members are such an important group of workers in our society, should have full trade union rights.

As always, the work of the Oireachtas Library and Research Service in producing an informative Bill digest is excellent and particular thanks are due to the digest's author, Ms Adele McKenna, from whom I also received a short briefing yesterday. Currently, the conciliation and arbitration scheme is the main industrial relations mechanism for An Garda Síochána. However, according to the aforementioned digest, the scheme remains in place but does not meet very often, if at all. Since the events at the end of 2016, it was agreed that the WRC and the Labour Court would be made available to members of An Garda Síochána on an informal basis until necessary legislation was published and passed. That legislation is, at long last, before us today.

Historically, An Garda Síochána has not been allowed to engage in industrial disputes and to do so would be seen as a breach of discipline under regulation No. 5 of the 2007 Garda Síochána discipline regulations, SI 214/2007. The Industrial Relations Act 1990 and the Garda Síochána Act 2005, about which we had a very lengthy discussion in this House previously, prevent the formation of Garda trade unions and prohibit engagement with umbrella organisations such as ICTU due to possible conflicting demands on the need to police other union protests or the protection of State infrastructure.

In other jurisdictions, such as the UK, New Zealand and Australia, the rights of members of law enforcement bodies to engage in industrial action are restricted. It seems incongruous, at the very least, that the Bill before us would not include full recognition of the rights of gardaí as workers, including the ultimate right, as Deputy O'Reilly so eloquently said, to secure enforcement of the decisions of the Labour Court and the WRC by withdrawing their labour. I do not agree that any worker should be prevented from participating in collective action. In a 2007 paper by Ms Wiebke Warneck about strike rules in the EU 27, the author provides a list of

countries, including Croatia, Greece, Italy, Latvia, Luxembourg, Malta, Poland and Spain, that restrict the right of their police forces to organise and to pursue industrial action. The security role of all of those police forces is highlighted in the paper. At the same time, this critical group of workers in our society is being denied a right that the rest of us regard as both essential and fundamental.

There are four bodies representing members of An Garda Síochána, comprising the Garda Representative Association, GRA, the Association of Garda Sergeants and Inspectors, AGSI, the Association of Garda Superintendents and the Association of Garda Chief Superintendents, AGCS. The GRA is reported to have 10,000 rank and file members but these associations were not invited to take part in the cross-departmental working group on industrial relations structures for An Garda Síochána. They were invited to send in written submissions but it would have been preferable for them to be involved in across-the-table discussions. Preceding the working group, as other Deputies have mentioned, in 2012 the European Confederation of Police, EuroCOP, brought a case against Ireland on behalf of the AGSI to the European Committee of Social Rights, ECSR. The AGSI is a member of EuroCOP and the case was based on the premise that it is a breach of the European Social Charter to deny access to the WRC and the Labour Court. In 2014, the ECSR ruled that Garda associations perform the same duties as trade unions and therefore gardaí do not need to join other trade unions. It also ruled that Garda associations should be allowed to join umbrella union organisations under Article 5, that access to pay negotiations was restricted, breaching Article 6.2, and that gardaí should be allowed to strike under Article 6.4.

The ruling was non-binding but in 2016 Mr. John Horgan, who was previously deputy chairman of the Labour Court, led the Haddington Road agreement review of An Garda Síochána. The Horgan review found that the four Garda associations should become official trade unions and agreed with the ECSR that they be allowed to join national umbrella organisations such as ICTU but that strike action should not be allowed. The working group mentioned previously was established in 2017 and its first report goes against the recommendations of the ECSR and the Horgan report. It did, however, recommend that gardaí be allowed to access the WRC and Labour Court. It is the recommendations of the working group that formed the basis for the Bill before us. The second report of this working group on how industrial relations will operate going forward was due to be completed this time last year but is still outstanding. When will that report be published?

We cannot underestimate the incredibly stressful and difficult working life of members of An Garda Síochána. At a recent meeting of the AGSI, topics discussed included levels of depression and stress suffered by members of the force as well as a range of welfare issues. Disturbingly, it was noted that 12 members had died by suicide between August 2017 and March 2018. We know that there have been morale issues within An Garda Síochána. There has been much discussion and coverage of scandals involving An Garda Síochána, including most recently the Charleton report. It must be remembered that many of the pressures on An Garda Síochána, as with other workers, stem from the savage cuts in pay and conditions that were imposed from 2008. We are talking here about a lost decade. When I questioned the Taoiseach recently about crime levels in our society and referred to the pressures on An Garda Síochána, particularly at community policing level, he referred constantly to 2021 and 2022, when the force will have 21,000 members and ancillary support staff. The existing staff have had to try to deal with very serious anti-social and criminal matters day after day, year after year during this horrendous period. I read an article recently by Mr. Stephen Collins in which he argued

that the blanket bank guarantee actually worked. We know, however, from the levels of cuts to our public services, from the disaster that is housing and health and from the 400,000 young people who emigrated that it did not work. Austerity did not work here, no more than it worked in Greece and An Garda Síochána and law enforcement were seriously impacted by it.

In terms of rights of members of An Garda Síochána, the most fundamental is full trade union rights and all that this entails. While I support this legislation as a step along that road, we must be prepared to give gardaí their full rights.

Deputy Aengus Ó Snodaigh rightly raised concerns about work levels at the WRC and the Labour Court. A 10% increase, on top of the current backlog of claims sent to the WRC and the Labour Court, is expected, or perhaps an additional 1,500 claims. The representative bodies, the AGSI and the others, state this is a conservative estimate of what the conciliation service will have to face. The Minister of State mentioned that the legislation would commence following the establishment of internal procedures and that referrals could only be sent to the WRC and the Labour Court once these procedures were dealt with. He might come back and tell the House what we are talking about. What are the additional internal procedures? Perhaps the Department and An Garda Síochána have discussed this issue, but it is something of which the House is not aware.

This short Bill amends sections 3 and 23 of the Industrial Relations Act 1990. The amendments to section 3 add to the definition in section 23 of the 1990 Act of types of worker and will now include members of An Garda Síochána, although it excludes the Garda Commissioner and members of the Garda Reserve. These exclusions are debatable.

Section 4 inserts a sixth Schedule to the 1990 Act. The GRA is not satisfied with the Bill because it does not extend the right to industrial action or classify the GRA as a full trade union.

I welcome the Bill as a step forward. Access was the first step. On behalf of the trade union movement, a far-ranging trade union recognition Bill was introduced in this House almost 20 years ago. I believe profoundly in the right of every worker to trade union representation. At the time we were campaigning for Ryanair to allow trade union recognition. I congratulate the trade union movement on the fact that, at long last, such recognition has been achieved in that company. The Minister of State knows the aviation sector well. Gardaí should have similar rights. That is the bottom line.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I will deal briefly with some of the comments made.

I thank Deputies Billy Kelleher, Aengus Ó Snodaigh, Louise O'Reilly and Thomas P. Broughan for their participation in and comments during the debate, to which I have listened attentively. Some of the issues raised will be dealt with on Committee Stage.

Deputy Aengus Ó Snodaigh referred to the Defence Forces. The Department of Defence was an active participant in the working group which led to the development of the Bill. There are internal industrial relations procedures in that Department, all of which are under review. I refer the Deputy to the recent report produced by Mr. Gerard Barry who attended the conciliation council for PDFORRA. The report is under consideration by the Defence Forces and the review is ongoing. We should let the Defence Forces continue with their internal procedures. The fact that they were part of the working group should be noted and that they know what has happened here.

Deputy Louise O'Reilly raised the question as to whether the legislation allowed gardaí go on strike. The answer is "No". In Ireland there is no general right for any worker to strike, but trade unions are protected from the consequences of deciding to take strike action in certain circumstances. The Trade Union Acts 1871 to 1990 regulate the rules for trade unions and provide for a system of registration of trade unions. In return, trade unions are protected from prosecution for economic torts through the Industrial Relations Act which confers immunity on workers and their representatives if they are acting in contemplation or the furtherance of trade disputes. Any industrial action must be lawful and several preconditions must be met, including that immunities only apply to members and officials of authorised trade unions. If the dispute relates to an industrial worker, any agreed procedure in the workplace, or procedure normally availed of by custom and practice, must be availed of first. If the industrial action or strike is to be supported by a trade union, a secret ballot must be held first. I assure the Deputy that it remains the position that the trade union Acts do not apply to gardaí and that members of the Garda Representative Association are excluded from the protections under the Industrial Relations Acts for persons engaged in industrial actions.

The WRC was mentioned by a number of speakers. I secured extra funding for it in the budget for next year and some of that money will go towards improving premises for the WRC across the country. It is important that it have premises of which people can avail and that people know that they can take their issues to it.

Some of the Deputies present might have attended recent events such as the national ploughing championships and the Tullamore show, at which the WRC had prominent stands for the public to see what it did. Some of the money will be spent for that purpose.

The WRC will also be putting funds into increasing adjudication numbers. I am happy, therefore, to have secured the extra funding in the budget for next year.

The Committee on Social Rights found, in the case of the European Confederation of Police EuroCOP v. Ireland, that the Garda associations could represent their members. On that count Ireland was not found to be in breach, but it was found to be in breach by not allowing gardaí to access the industrial relations machinery of the State. The Bill will rectify that position, which is why it is before the House.

Members of the Garda associations are full members of the working group which is examining the internal Garda dispute procedures. The second phase of the work of the working group is expected to conclude some time next year.

I look forward to working with all of the Deputies and thank them for their interest in the Bill. It is short but important legislation. The reason for it was outlined in my initial contribution. We do not want a repeat of the situation a few years ago when gardaí threatened to go on strike. I look forward to working with all of the Deputies on Committee Stage. Some of them will have amendments to propose which we will go through. Their support for the Bill is important. We will look at other issues on Committee Stage.

Question put and agreed to.

Industrial Relations (Amendment) Bill 2018: Referral to Select Committee

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I move:

That the Bill be referred to the Select Committee on Business, Enterprise and Innovation pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Local Government Bill 2018: Order for Second Stage

Bill entitled an Act to provide for the transfer of part of the administrative area of the council of the county of Cork to the administrative area of the council of the city of Cork; to provide for the abolition of the positions of chief executive of the council of the city of Galway and chief executive of the council of the county of Galway and the establishment of the position of chief executive of both of those councils; for those purposes to amend the Local Government Act 1991, the Local Government Act 2001 and the Valuation Act 2001; and to provide for matters connected therewith.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move: “That Second Stage be taken now.”

Question put and agreed to.

Local Government Bill 2018: Second Stage

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move: “That the Bill be now read a Second Time.”

Fair play to Deputy Cassells. He looks a bit windswept. The main purpose of the Bill is to alter the boundary between Cork City Council and Cork County Council and to provide for the boundary alteration arrangements and consequential matters. This revised boundary was proposed by the Cork implementation oversight group, following from the report of an expert advisory group in April 2017, which recommended extending the Cork city area rather than merging the local authorities as proposed in the 2015 Cork local government committee majority report. This boundary is being altered by way of primary legislation in the absence of clear evidence of agreement between the two local authorities under the existing procedures for amending boundaries. It is also because the scale of the boundary alteration is very significant, involving the transfer of 147 square km occupied by approximately 80,000 residents from within the administrative area of the county council to the administrative area of the city council.

Key urban parts of the immediate hinterland of Cork city will form part of the city council area, allowing potential for further development within a new city council boundary, while also incentivising high density development and reducing the risk of sprawl. The extended city area will include Ballincollig, Carrigrohane, Blarney, Glanmire and Cork airport, but not Carrigtwohill, Passage West, Monkstown, Ringaskiddy, Carrigaline and the more rural parts of the city hinterland. The population of the city will increase from 125,657 to 205,000 and the

Project Ireland 2040 national planning framework contains a targeted rate of growth for Cork city of at least 105,000 more people by 2040. The scale of the boundary alteration meant that it was not possible to include a map of the transferring area in a schedule to the Bill, which had been the original intention. In order to be adequately legible, the hard copy of the map had to be produced in size A0 which is why it had to be deposited at offices in the Custom House with a physical copy laid before the House.

The main elements of the Bill provide for the revised boundary, which is indicated by hatching on the above-mentioned deposited map that was laid before the House, which will take effect on a transfer day appointed by ministerial order, and that will be fixed to coincide with the new councils coming into office after the local elections in the middle of next year; statutory status, powers and functions of an oversight committee to oversee the boundary alteration implementation process, including provision for an implementation plan to be produced by the committee, which the local authorities will be required to comply with in implementing the boundary alteration; a range of specific arrangements to be made jointly between the local authorities in relation to the relevant area being transferred, including matters such as transfer of assets and liabilities, transitional provisions relating to local authority financial functions, which will largely remain with the county council until 1 January 2020, the performance of functions in the transferred area, transfer of staff and related superannuation arrangements; and an overall financial settlement between the city council and the county council arising from the boundary alteration, to be agreed jointly by the local authorities in accordance with the implementation plan, with default provision for the settlement to be arranged by the Minister, if necessary. The financial settlement will have two components: an annual payment for a period of ten years from the county council to the city council that is linked to the consumer price index to offset the financial loss that will be incurred by the county council, and any other agreed adjustments of varying amounts that might arise from year to year from the financial implications of the various specific arrangements to be made between the authorities under the legislation.

The Bill also covers duties of the relevant local authorities and their employees relating to the implementation of the boundary alteration, including regular reports to the oversight committee; provision for ministerial regulations and directions in relation to the boundary alteration; consequential provisions arising from the boundary alteration in relation to the holding of local elections to Cork City Council and Cork County Council in 2019; and other matters consequential on the boundary alteration, including continuance of contracts and legal proceedings, application of development plans and local areas plans, requirements relating to planning applications and development contribution schemes, application of by-laws in the relevant areas, continuation in force of leases, licences, permissions etc. granted by Cork County Council in respect of the relevant areas, and provision for necessary data sharing, and transitional arrangements in relation to valuations for rating purposes.

This legislation will need to be enacted this year to enable all necessary action to be completed in time for the local elections in mid-2019. While the boundary alteration and transfer of local authority jurisdiction will take full legal effect in mid-2019, the legislation will provide appropriate flexibility in relation to operational arrangements so that transfer of practical responsibility for certain functions can proceed on a more gradual basis, if necessary, to allow time for organisational changes to be completed. However, it is expected that the transfer arrangements will proceed quickly once the legislation is enacted and that this will not be a drawn-out process. Responsibility for the detailed planning and implementation of the reorganisation involved will rest primarily with the local authorities, subject to guidance and oversight

by the oversight committee and compliance with the implementation plan. I acknowledge the enormous work that the Cork implementation oversight group, along with the two chief executives and key members of their teams, have put into teasing out the various implications and arrangements that a boundary change on this scale entails.

While the majority of the Bill's provisions relate to the Cork boundary alteration, in line with the Government's decision in relation to local government arrangements in Galway, the Bill also provides for the appointment of a single chief executive with dual responsibility for both Galway City Council and Galway County Council, who will be empowered to implement administrative integration through delegation of executive functions under the Local Government Acts. This approach, which was recommended by the Galway expert advisory group and is similar to the management arrangements put in place in Limerick, Tipperary and Waterford ahead of the mergers of councils in those areas, will see two separate elected councils being retained for the 2019 local elections and at the same time facilitate the decision in principle to merge the two authorities by 2021. The Bill also contains provisions to copper-fasten the status of cities and counties by repealing the existing power to alter boundaries by ministerial order, save where agreed by the relevant local authorities.

Some further provisions, including ones relating to the holding of plebiscites to consider the proposal for directly elected mayors for Cork city, Limerick, Galway city and county and Waterford and joint structures to facilitate local area and forward planning for urban areas that span county boundaries, will be brought forward on Committee Stage. Amendments relating to the placenames provisions of the local government code may also be brought forward if the urgency of progressing this Bill permits.

Debate adjourned.

Ceisteanna - Questions (Resumed)

Ceisteanna ar Sonraíodh Uain Dóibh (Atógáil) - Priority Questions (Resumed)

Acting Chairman (Deputy Eugene Murphy): I welcome the new Minister for Education and Skills to the Chamber.

Minister for Education and Skills (Deputy Joe McHugh): Thank you very much, a Chathaoirligh.

Acting Chairman (Deputy Eugene Murphy): I invite Deputy Thomas Byrne to introduce his question. I remind Members that they have 30 seconds to put the question. The Minister has two minutes to reply, then there is a supplementary from the Deputy, a reply from the Minister, a final supplementary from the Deputy for one minute and then a final minute for the Minister. I will strictly ensure that those time slots are adhered to in order that we get in as many questions as possible.

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Site Acquisitions

45. **Deputy Thomas Byrne** asked the Minister for Education and Skills the rationale for the purchase price of a stadium (details supplied); the process by which a purchase price was agreed; and if he will make a statement on the matter. [42509/18]

Deputy Thomas Byrne: Cuirim fáilte roimh an Aire ina phost nua. Chuir mé fáilte roimhe ag an gcoiste Oireachtais ar maidin freisin. Leanfaidh mé leis an gceist.

The Department of Education and Skills bought land at Harold's Cross last year from the Irish Greyhound Board to build much needed schools in the area. I understand it is intended to provide permanent accommodation to Shellybanks Educate Together school and the South City Educate Together secondary school at the site. The sum of €23 million was paid for the site and I want to know the rationale for paying that amount.

Minister for Education and Skills (Deputy Joe McHugh): I thank the Deputy for his kind words this morning. My Department's decision to acquire the site was taken in the context of a review of demographics of the area which demonstrated a substantial projected growth in enrolment, known limited land availability and the impending sale. From a school provision perspective, this site is well located to serve south Dublin city.

In March 2017 my Department requested of the Irish Greyhound Board, that the DPER Circular 11/15: Protocols for the Transfer and Sharing of State Property Assets be followed to advance the acquisition.

This circular requires the Valuation Office to provide a determination of market value of the property to be disposed which is binding on both the disposing and acquiring Government Department or State body. The Valuation Office is an independent office which provides independent and impartial market valuations. It is staffed by civil servants. The Valuation Office completed its valuation on the Harold's Cross site in April 2017 in accordance with the Royal Institution of Chartered Surveyors Valuation professional standards and international valuation standards. The valuation took into account, among other things, an analysis of the existing market, the property's zoning relative to residential values and the need to clear the site of existing structures. The Valuation Office report concluded that the site had a market value of €23 million. In May 2017, a formal offer was made by my Department to the Irish Greyhound Board for the site in line with this binding valuation. The acquisition was completed in May 2018.

In the interests of transparency I have arranged for the Valuation Office report and an update from the office related to that valuation that was received by my Department earlier this week to be published on my Department's website.

Deputy Thomas Byrne: It is clear that there is a demand for school places in the area. We supported the acquisition of the site at the time. In fact, my colleague in the constituency, Deputy O'Callaghan, recommended it as a possible solution. The Minister said the price of €23 million was based on market value, but the figure has been questioned by a number of sources. The vendor, the Irish Greyhound Board, had the site valued by the reputable estate agent, Savills, at only €12 million if used for housing and only €6 million if the land was rezoned for recreation.

I accept the valuation the Minister received is from the Valuation Office and nobody can blame him for what happened in recent years, but does it concern him that it appears that the

valuation of €23 million was almost twice the valuation of the site received by the Irish Greyhound Board? It appears as if all its Christmases had come at once when this valuation was proposed. Has the Minister asked for a review or an explanation from the Valuation Office?

Deputy Joe McHugh: The first question I asked when I was briefed on the issue yesterday was if there were any property value comparisons in the area because I wanted to get my head around it. The sum of €23 million for 6 acres is big money. The Valuation Office concluded in April 2017 that the appropriate market valuation for the site was €23 million, which breaks down to €3.8 million an acre. To place the valuation in context, subsequent to the valuation report I understand that a 3.43 acre site on Harold's Cross Road, about 1 km from the site, achieved a price in excess of €15 million, or more than €4.367 million an acre, in mid-2017. That is only one example which provides a context.

I reiterate what Deputy Thomas Byrne said about transparency and the independence of the Valuation Office, which is made up of civil servants. I know the Deputy is not questioning the office's valuation, but he does raise a very important issue in the context of the overall bundle of money that is available that the sum of €23 million is sizeable.

Deputy Thomas Byrne: In his final contribution could the Minister clarify when the document will be on the website?

The Minister needs to ask for a review and I wonder whether he will agree to do that. The issue is that the purchase price of €23 million almost coincides with the debt of Bord na gCon. I am not making a case against anybody. I agree with the Minister that the Valuation Office is professional. However, two facts have emerged. The first is that the sale price is almost the same as the debt and the sale price was almost double what Bord na gCon believed the site was worth if it was sold for residential development. Is there any correspondence in the Department on the debt of Bord na gCon? Is that a matter that ever appeared on the files of the Department of Education and Skills?

Will the Minister order a review of the transaction in light of the fact that the overall value of the bundle available for expenditure on school sites was €28 million, so this would have taken a more significant amount of the overall budget for sites than the Department would have expected? Will the Minister seek a review of the procedures in the case outlined?

Deputy Joe McHugh: I am happy to ask the officials to look at the matter again. There has been ongoing engagement on the site going back to 2016. I hope the information which will be provided on the website tomorrow morning will be comprehensive but if Deputy Thomas Byrne needs further information I will be happy to work him. The issue is new to me as of yesterday and I have been briefing myself on it. One thing I have learned is that when there is a sale from one State body to another they are removed from the equation and that is the reason it was so important to set up the Valuation Office, which is an important bridge in that regard. I can ask one of my officials to phone the Deputy if needs be. The information will be on the website tomorrow morning.

School Transport Provision

46. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the reason a number of children from County Kilkenny, specifically Paulstown, Gowran and Ballyhale,

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have no school transport and cannot get to school; and if he will make a statement on the matter. [42127/18]

Deputy Kathleen Funchion: I was not at the Joint Committee on Education and Skills this morning and so I wish to take this opportunity to congratulate the Minister on his new role and post. I wish him every success with it. I always believe in working constructively with people and I look forward to doing that in future.

My question is exactly as set out. Will the Minister explain the reason several children in my constituency in Kilkenny – specifically, they are from the Paulstown, Gowran and Ballyhale areas - are having serious difficulties with school transport? This was raised some weeks ago at the Joint Committee on Education and Skills. Unfortunately, they are still experiencing those difficulties. I am keen to get the Minister's response.

Deputy Joe McHugh: I thank the Deputy and I look forward to working with her. I will reiterate what I said at the committee this morning. I see the committee providing a key role in my roadmapping and in how I perform my duties as Minister. I am certain about the knowledge the committee has built up during the past two and a half years. I want to continue with the conversation and bring it in to the construct that we are trying to put together for 2019. We want to work on a plan for 2019 but I want to have a more defined three-year action plan as well. I look forward to working with Deputy Funchion in that regard.

School transport is a significant operation managed by Bus Éireann on behalf of the Department. Bus Éireann is required to apply the rules of the scheme equitably in the interests of all those using the service and in delivering value for money.

The purpose of the school transport scheme is, having regard to available resources, to support the transport to and from school of children who reside in remote areas from their nearest school. In the 2017-18 school year in excess of 117,000 children, including more than 12,000 children with special educational needs, were transported in more than 4,500 vehicles every day to primary and post-primary schools throughout the country covering in excess of 100 million km annually at a total cost of almost €190 million in 2017. The scheme is under significant financial pressure arising from growing demographics and the increasing numbers of children with special educational needs seeking transport.

Children are eligible for school transport if they satisfy the distance criteria, if they are attending their nearest school and if it is economically feasible to provide a service. In the latter case, children are eligible for a remote area grant to assist with transport. Children who are eligible for school transport and who have completed the application process on time have been accommodated on school transport services for the current school year where such services are in operation.

Children who are not eligible for school transport can be facilitated where spare seats are available after eligible children have been accommodated. Where the number of ineligible children exceeds the number of spare seats available Bus Éireann allocates tickets for the spare seats on the basis of an agreed selection process.

Additional information not given on the floor of the House

The terms of the scheme, which are regularly communicated, make it clear that concessionary places are not guaranteed and are allocated year to year. It is understood that the cases

referred to by the Deputy relate to children who are not eligible under the rules of the scheme or who failed to complete the application process on time.

Under the terms of the scheme, routes will not be extended or altered, additional vehicles will not be introduced, and larger vehicles or extra trips using existing vehicles will not be provided to cater for ineligible children. Making exceptions to this would effectively create an open-ended scheme with unquantified exposure to the Exchequer and the taxpayer for the resulting cost. Such an approach would not be in the public interest.

Deputy Kathleen Funchion: I appreciate that the Minister is new to the role. My difficulty is that we always get a stock answer about the school transport scheme. With the greatest of respect, I am aware of the school transport scheme and how it works. My own two children get the school bus every day.

My question is about these children in Kilkenny. They number approximately 20 in total in three localities in Kilkenny. They are having difficulty getting to school. Parents have had to try to make alternative arrangements and have had to take time off work. There are spaces on the bus. My difficulty is that any time I raise the matter with those responsible, they do not address any of the issues I am raising. We say to them that there are definitely 12 seats free on the Paulstown route. They come back and say no seats are free. Given that other children and parents have been able to see that 12 seats are free on that bus every day since 1 September, can the matter not even be investigated or looked into? I have raised the matter several times but I have got only one response thus far from Bus Éireann – that is it. The company says the same thing and refers to the school transport scheme and concessionary and non-concessionary tickets. I am calling on Bus Éireann to look at the specific situation in these three villages and come up with a solution rather than simply telling us the rules of the scheme.

Deputy Joe McHugh: I appreciate the frustration of Deputy Funchion on this issue. I realise we are well into the first term. I can understand how frustrating this can be for parents.

I will provide some background for the three areas in question. I will suggest something then that Deputy Funchion may decide for or against. Currently, three school transport services operate from the Paulstown and Gowran areas to Kilkenny city post-primary centre. Bus Éireann has confirmed that six children who are eligible for school transport did not submit payment details by the deadline. A total of 14 children who are not eligible for school transport were unsuccessful in obtaining seats for the 2018-19 school year. In Ballyhale there are two school transport services operating in the national school in Ballyhale. Bus Éireann has confirmed that three of the children who were eligible for school transport did not submit payment details by the deadline. A total of 12 children who are not eligible for school transport were unsuccessful in obtaining seats for the 2018-19 school year. However, under one of the transport services there are two trips in the afternoon: one at 2 p.m. and one at 3 p.m. A total of 11 of the 12 ineligible children have received tickets on the afternoon service only.

The Minister of State, Deputy Halligan, has been working on this issue in several locations throughout the country. He is open to engaging with communities. He is not in the country at the moment but I will certainly ask him to meet Deputy Funchion to establish if there is any way that a local solution can be found to this important matter.

Deputy Kathleen Funchion: I appreciate that the Minister said that the Minister of State, Deputy Halligan, is open to engagement. He certainly has not been open to engagement thus

far in respect of these three villages. The parents concerned will testify to that. If he is willing to meet, that would certainly be a welcome development.

I know the Minister is from a rural area and, therefore, he has some understanding of rural communities. He will know how difficult it can be and how sometimes city-based people simply do not have an understanding of that. This has been the source of much of the frustration as well.

We are talking about children going to school in a situation where there is no other transport option unless parents give up their jobs to get their children to school. It really is frustrating. One of the major problems is that we have not been getting responses aside from stock responses. I will keep raising this issue and talking about it until someone sits down with us and says, for example, that there are definitely seats on the Paulstown bus and agrees to try to come up with a local solution. I would appreciate if the Minister of State, Deputy Halligan, would meet us and if we could have a timeframe for that as well.

Deputy Joe McHugh: I am happy to speak to the Minister of State. I know several of my colleagues have contacted me on the matter as well. Maybe we can have a cross-party group meeting with the Minister of State to see if, as Deputy Funchion pointed out, there is a local solution. That is something I would be happy to pursue.

Schools Site Acquisitions

47. **Deputy Thomas Byrne** asked the Minister for Education and Skills the status of the 42 schools which were announced in April 2018; and if he will make a statement on the matter. [42510/18]

Deputy Thomas Byrne: This question is about the 42 new schools announced last April. I acknowledge an update was given to the Joint Committee on Education and Skills last week. I am concerned about the position of these schools, 17 of which are due to open next September. Parents have little information about them and those responsible need to let parents know what is happening, where these schools will be, how they can enrol their children and who the patrons will be.

Deputy Joe McHugh: As the Deputy has pointed out, my Department provided a comprehensive update to the Joint Committee on Education and Skills, of which he is a member, on 30 September last and has committed to providing updates regularly on the status of the 42 new schools to be provided over the next four years from 2019 to 2022.

The current focus for my Department is to prioritise the 17 schools opening in 2019 so that patrons can be appointed and accommodation solutions can be put in place as soon as possible. My Department has appointed a project manager to assist this work, and potential interim accommodation solution options have been identified for the majority of the 17 schools.

My Department's design and build programme will be the main delivery mechanism for providing permanent accommodation for the 42 new schools. A procurement process is under way to facilitate the appointment of a project manager who will assist my Department in the provision of permanent accommodation for the new schools to be established from 2020 onwards.

A patronage process is ongoing in respect of the four post-primary schools due to open in 2019 and I expect to make an announcement shortly in this regard. A patronage process for the primary schools due to open in 2019 will commence shortly thereafter.

Deputy Thomas Byrne: I have several questions that require clarity. Only two of the 17 sites have permanent accommodation earmarked. There are at least two that do not even have temporary accommodation either. As I understand it, the Minister does not have contracts signed, sealed and delivered for all other sites where the need for temporary accommodation for schools has been identified. When will the results of the patronage process be announced for the four schools which the Minister referred for consideration? Parents took part in a vote during the summer and do not know who the patrons of the schools will be, where they will be located or where they should apply to enrol their children in them. When will the patronage process start for the other schools that are due to open next September? My daughter, Sineád, is at home celebrating her 11th birthday. We are going around second level schools with a view to deciding which one she will attend. Parents are asking me where the new secondary school will be located in the Drogheda-Laytown catchment area. I do not know the answer to that question and I am the Opposition spokesperson on education. I do not know the answer because the Government has not given the answer to it. The same applies to the new primary school in Dunshaughlin which is due to open next September and on which there is no information available. Regardless of what is happening in the background, the Minister needs to get much more information out to parents on these schools.

Deputy Joe McHugh: Parents like certainty when it comes to knowing which school their children will attend. It is something I take very seriously. On ways by which the system can be improved, I will be making an announcement shortly. I am saying this publicly as the Deputy needs that certainty. There are five post-primary schools, namely, those in Donaghmede, Howth, Galway city, Laytown and Wicklow, included in the 2019 bundle, but we also have the other 17. The Deputy also asked when the process to decide the patronage of the other schools would start. I will initiate a conversation with my officials in that regard to set the process in place.

Deputy Thomas Byrne: I should note, with reference to the school in the Drogheda-Laytown catchment area, that there is considerable disappointment in Duleek, County Meath. There was a campaign within the Drogheda catchment area and there is considerable disappointment that the Minister's predecessor decided not to locate a secondary school at that location. He gave the reasons, but it is the largest town in County Meath without a secondary school and I cannot overstate the disappointment felt at the decision made. Also, the schools will start on a fledgling basis. Many of them are medium-term prospects and may not necessarily be needed in every area next year, but they will have an impact on existing schools. For example, I am concerned that the Sacred Heart school in Drogheda which serves a huge catchment area covering Drogheda, south Louth and east Meath seems to have moved into the slow lane in having some relatively minor building works for which it is waiting carried out. They are minor compared to the works involved in some other projects, but essentially the school is waiting for science laboratories and other accommodation to be provided. Is the school being impacted on by the decision to locate another school in the catchment area? Is this something that will feature throughout the country?

Deputy Joe McHugh: Before I get to that point, interim measures, an issue the Deputy raised in his first question, will also be needed. It should be noted that, where necessary, an initial start-up phase is envisaged for the new schools. It will typically involve the use of in-

terim accommodation as part of my Department's forward planning. This is the first time the requirement for new schools has been set out over a four-year horizon. It will provide for a better lead-in period in the planning and delivery of permanent accommodation solutions.

To return to the question of patronage which is important in the context of the lead-in time, parents' choices and delivering certainty, an online patronage processing system has been developed by the Department to provide objective information for all parents which will allow them to make informed choices about their preferred model of patronage for their child's education. Parental preferences were previously collected based on direct engagement with patron bodies. I take the Deputy's point about lead-in times and the mechanisms involved. They are matters on which I will be happy to work with him.

Schools Site Acquisitions

48. **Deputy Joan Burton** asked the Minister for Education and Skills the progress made in identifying a site for the new regionally based secondary school for Carpenterstown, Castleknock; and if he will make a statement on the matter. [42126/18]

Deputy Joan Burton: I congratulate the Minister on his appointment and wish him well. What progress, if any, has been made in identifying a site for the new regionally based secondary school for Carpenterstown, Castleknock? Can the Minister tell parents who are suffering major anxiety where exactly the school will be located?

(Deputy Joe McHugh): As the Deputy is aware, the school to which she refers is included in my Department's six-year construction programme. The acquisition of a suitable site is required to facilitate the project. With the assistance of officials in Fingal County Council under the memorandum of understanding for the acquisition of school sites, a number of site options were identified. They were comprehensively assessed and a preferred site option has been identified. Negotiations with the landowner on the proposed acquisition of the site are ongoing. The Deputy will appreciate that negotiations on school site acquisitions can be complex and price is only one of multiple aspects which need to be agreed. Nonetheless, officials are working to bring matters to a conclusion at the earliest possible date. Owing to commercial sensitivities in site acquisitions generally, the Deputy will appreciate that I am not in a position to provide further details at this time, but I can confirm that the school patron is being kept apprised of developments in the site acquisition process. In the interim, since September the school has been based on a temporary basis at the former Institute of Horology property on Mill Road, Blanchardstown, Dublin 15.

Deputy Joan Burton: I have raised this school site issue with the Minister's predecessor repeatedly in the past two years and, essentially, he has given me the same explanation again, namely, that it is all secret because of the negotiations taking place. Parents are very anxious. Those involved in the feeder schools in the area, including the staff and the boards of management, are also very anxious and deserve a better answer than what the Minister's officials have given him today. To quote his Department, this new secondary school was identified as a regional solution in second level provision in Dublin West. That meant that two school planning areas were combined, namely, Carpenterstown and Castleknock, in providing an additional much-needed second level school. It is a huge area which stretches from the Phoenix Park to the border with County Meath and County Kildare. The selected patron is the Edmund Rice Trust. The new Edmund Rice Trust co-educational college is now in its second year of opera-

tion in premises at the old watchmaker school - the Institute of Horology - located beside Connolly hospital. It was hosted last year by Le Chéile secondary school and now has 60 students. Without progress in identifying a permanent site and location for the school, it may be inhibited in its development.

Deputy Joe McHugh: Unfortunately, as the Deputy rightly pointed out, I am not in a position to offer the clarity the parents want. However, we have a new system in place under a memorandum of understanding between the Department and local authorities which act on behalf of the Department in negotiations. I have no doubt that that the Deputy raising the matter publicly in the House will focus the minds of officials in Fingal to ensure a speedy resolution of this matter. I reiterate that the local authorities act on behalf of the Department in negotiations on the acquisition and purchase of land.

Deputy Joan Burton: I again emphasise that provision of the school is very welcome. It will be a very good school. I have met many of the first-year students and know many of the students who have enrolled in second year. By and large, the parents would like the school to be located in Castleknock. We know that there is a site which was earmarked originally for the provision of a primary school at the old Phoenix Park race course. There are potential sites in other parts of Castleknock. The population of the area is expanding rapidly. Therefore, this is a critical issue for parents. As the principal outlined to me, the number of applications received for next year has increased dramatically compared with the first two years. If this were to continue, we would have to seriously restrict numbers for 2020 if the school was still on the institute of horology site on the Mill Road beside Connolly Hospital in Blanchardstown. This school was created to ease the numbers situation in Dublin 15 for secondary schools. We just need to get on with it.

Deputy Joe McHugh: I am sorry for repeating myself but the site acquisition process is complex, as the Deputy knows. It is subject to completion of successful negotiation and conveyancing processes. Given the complexities involved, I am not able to give a timeframe for the completion of acquisition today and I would be disingenuous in doing so. I and my officials will endeavour to bring the process to a conclusion as soon as possible. I understand the frustration on the part of parents, young teenagers and younger children who are looking forward to a new school. This is something that I am very conscious of.

Special Educational Needs Staff

49. **Deputy Margaret Murphy O'Mahony** asked the Minister for Education and Skills the proposals he will make for improving working conditions for special needs assistants; and if he will make a statement on the matter. [42511/18]

Deputy Margaret Murphy O'Mahony: I sincerely congratulate the Minister and wish him well in his role. The day I first landed in Leinster House in 2016, the Minister was the first person I met so he will always have a special place in my heart.

As the Minister knows, special needs assistants, SNAs, play a major role in our schools. I wish to acknowledge that role today. What plans does the Minister have to improve the working conditions of SNAs in our schools?

Deputy Joe McHugh: I thank the Deputy. I remember that day very well and also the

Deputy quoting Mark Twain. I think the quote was about the two most important times in our lives being the day we are born and the day we find out why we were born. I will not say what the Deputy told me about that second day but she may tell her constituents in private. She did not say she was born to meet me, to be clear - she gave a different reason.

I agree with the Deputy that this is a really important area. The special needs assistant scheme has been a major factor in ensuring the successful integration of children with special educational needs into mainstream education and the provision of support to pupils enrolled in special schools and classes. This support is very much valued by students, parents and schools, as they provide an indispensable service. Increased investment has allowed the Government to increase the number of SNAs by 42%, from 10,575 in 2011 to 15,000 by the end of this year. A further 950 SNA posts are being made available for allocation in budget 2019, increasing employment opportunities in this important field of employment.

The current public service collective industrial relations agreement, known as the public service stability agreement, PSSA, was reached with the public service trade unions in June 2017 and is due to run until 31 December 2020. The pay benefits of the PSSA range progressively from 7.2% to 6.2% over the three years from 2018 to 2020. At the end of the agreement, FEMPI pay cuts will have been restored in full to 90% of all public servants. With regard to the issue of new entrant pay, the measures recently agreed between the parties to the PSSA provide a credible pathway to addressing new entrant pay and represent a fair and reasonable outcome for the approximately 5,000 new entrant SNA recruits since January 2011.

My Department has put in place supplementary assignment arrangements for SNAs on foot of proposals brought forward by the Labour Relations Commission. These arrangements give priority to serving special needs assistants when work is being allocated and enhance the SNAs' working conditions. The arrangement has been demonstrated to work effectively for SNAs and schools.

In 2016, the National Council for Special Education, NCSE, was requested to lead a comprehensive review of the SNA scheme. The review set out to ensure that the scheme is achieving the best outcomes possible for children with special educational needs, supported by the special needs assistants. The review was published on 30 May 2018.

Additional information not given on the floor of the House

One of the review's recommendations is for a new allocation model which would front-load supports into schools. Such a model would remove the existing need for assessments for many students and ensure the support is available to them as soon as they arrive in school. If implemented, it would also substantially further improve job security for SNAs in schools, ensuring greater certainty for them regarding their employment status.

The review also recommends ongoing professional development options for SNAs be provided. The training and development recommendations made by the NCSE review are in recognition of the fundamental importance of building schools' capacity to meet additional care needs of students. These and other recommendations of the review are currently under consideration. I am committed to the continued effective operation of the SNA scheme in consultation with education partners.

Deputy Margaret Murphy O'Mahony: As I have said many times in this Chamber, I have a personal interest in the area of children with special needs and in special needs assistants. It

is extremely important that these children and their assistants are treated fairly. It is also important that the policy put in place by my party, Fianna Fáil, in 1998 is made available to every child with extra needs without hesitation and that stakeholders are confident in the system.

I note that budget 2019 provides €4.75 million in funding that will be made available to commence the implementation of a comprehensive review of the special needs assistant scheme, which is intended to support a new school inclusion model to deliver the right supports at the right time to students with additional care needs. Of course, the devil is in the detail and I note that a more detailed announcement regarding the implementation of the review will be made in due course. The NCSE proposals whereby a greater range of supports would be offered via the special needs assistants makes absolute sense. They have a unique relationship with the child and it stands to reason that their intervention would benefit the child. From speaking with special needs assistants, I know they are willing to learn and are anxious to see their students progress.

Deputy Joe McHugh: I thank the Deputy for her observations about the importance of SNAs in schools. I know we talk about the broader global figures, which will exceed 15,000 in 2019, but I place a high value on the work SNAs do and have gained insight into how they contribute to the overall running of the schools. They play a vital role. We need to provide them with certainty and ensure that they have proper conditions. That is why the review published on 30 May 2018 was so important. Once we publish a review there is a series of recommendations so the hard work of choices starts now. These and other recommendations of the review are under consideration. There are a couple of elements to highlight, such as continuing professional development options for SNAs and ensuring that we substantially improve job security for SNAs in schools, providing greater certainty in respect of their employment status.

I also raise another matter publicly today, one which I raised with my officials on my first morning on the job. There are issues and weaknesses in every organisation. One area which I highlighted when in opposition, and on which I will be happy to work with colleagues across the House, is the position of secretaries in primary schools. Their contracts stop at the end of the school term, as do their pension entitlements. This issue, which I have been aware of since I was first elected to the House in 2007, has not been addressed either. I do not want to create expectations that it will be addressed but I will say that primary school secretaries, as well as SNAs, perform an integral role in schools. I want to work on this issue and I would be happy to hear my colleagues' opinions on it in the time ahead.

Deputy Margaret Murphy O'Mahony: I thank the Minister for acknowledging the important role SNAs have in schools. I agree with him on the important role played by secretaries. They are often overlooked and they play a pivotal role in the schools.

It is well known that early intervention is key and SNAs are integral to a child's progress, as is the relationship between the teacher and the SNA. Additional training is vital to equip the SNAs in this regard. It is also vital that SNAs have security and good job protection going forward. It is also imperative that we have school buildings in place. I am aware that building projects for some schools that were to commence in 2016 and 2017 are yet to materialise, as other Deputies have already pointed out. When a child's future is at stake, political spin must be put aside. I call on the Minister to rectify the matter without further delay.

Deputy Joe McHugh: The recommendations are under consideration and in the meetings and briefing sessions - my head is about to explode with all the briefing sessions I have had be-

tween yesterday and today - SNAs were a subject of those conversations. We will give the recommendations in-depth analysis and ensure they are given proper and adequate consideration.

Schools Building Projects Status

50. **Deputy Robert Troy** asked the Minister for Education and Skills the status of an application for school building works for a college (details supplied). [42073/18]

Deputy Robert Troy: What is the status of an application by St. Cremin's national school in Multifarnham for additional accommodation? I hope the Minister comes bearing good news after receiving such good news himself earlier in the week.

An Ceann Comhairle: Minister, follow that.

Deputy Joe McHugh: No pressure.

I thank the Deputy for raising the question. I confirm that the school to which the Deputy referred was approved for funding in 2017 to provide a mainstream classroom, two resource rooms and a WC for assisted users. The project is devolved to the school authority for delivery. This means that the school itself engages a design team to bring the project through the design stages and on to construction.

The school authority recently submitted its stage 2b report to my Department for approval. This is the detailed design stage of the architectural planning process. The contents would be expected to be in line with the accommodation approved.

However, in this instance, the accommodation outlined in the report exceeds that originally approved by my Department. This has a consequential impact on funding. I understand that the school is offering to make some of its own funding available to offset the additional cost.

The stage 2b report will be fully examined by my Department. Given that the accommodation approved does not coincide with that outlined in the report, this will also now require a review of the schools long-term accommodation needs. This will be done as quickly as possible and a decision will issue directly to the school authority as soon as it is available.

Deputy Robert Troy: The Minister is spot on. In 2017 the Department gave approval which was welcome. However, part of the planning conditions required an upgrade to the sewage-treatment facility. Obviously in order to meet the planning conditions the school had to go back and seek additional works. It also needed to address a leaking flat roof for which it got approval. The Department advised the school to put that in as part of the overall tender.

The school sought some additional space, an extra special educational room, an increase in the library space and the secretarial office. However, the board of management and the parents' council are prepared to bear those costs. In reality there are no additional cost implications on the Department. The school is hoping this can be accelerated. It is ready to go to tender. As the Minister knows, going on eTenders takes a month, followed by the wait to get the contractor in place. The school needs to be in a position to commence the works early next year so that when the school enrolment increases in the next school year, it will be able to facilitate that increase. I ask the Minister to accelerate the process.

Deputy Joe McHugh: The really important piece of work is the reassessment of the school's long-term accommodation needs. It will be required to ascertain the merit or otherwise of the school's proposal. As the Deputy will be aware, over recent years decisions on the location of schools have been based on demographic analysis. The 42 new schools announced earlier this year point to increasing pressures and population demand. It is important that the decision is made promptly. I will certainly speak to my officials to ensure this happens. A decision will issue directly to the school as soon as this process has been completed.

Deputy Robert Troy: I reiterate the point that we are talking about an increase because of a planning condition the school must meet. I think the Minister will agree with that. It is seeking additional accommodation to increase its library, secretarial office and one special educational room, a total of 27 sq. m. We are not talking about a huge extension or anything like that. The board of management and the parents' council will absorb that additional cost. The school has an enrolment of 193 pupils which will increase to 205. There is no question over the need here. All the school now needs is for the Department to follow through on its 2017 commitment and enable the school to go to tender. I guarantee that the school will deliver the project within the budget allocated and it will be ready for the increased enrolment in September 2019. I would appreciate if the Minister could use his good offices to ensure this is accelerated.

Deputy Joe McHugh: The Deputy has made suggestions and I will certainly relay them back to my officials. I am happy to do that.

Questions Nos. 51 and 52 replied to with Written Answers.

Schools Building Projects

53. **Deputy Thomas Byrne** asked the Minister for Education and Skills his views on whether the capital allocation provided in 2019 will allow for the completion of all schools earmarked for completion in 2019; and if he will make a statement on the matter. [42085/18]

Deputy Thomas Byrne: Does the Minister believe the capital allocation provided in the budget for 2019 will allow for the completion of all schools earmarked for completion in 2019? I ask him to make a statement on the matter. I am concerned that despite a large increase in the capital budget for next year, items already programmed into it, such as the summer works scheme, the minor works grant and existing third level capital commitments, will eat up most of that increase.

Deputy Joe McHugh: My Department's capital allocation for the school building purposes is €540 million in 2018 and this will increase by 15.2% in 2019 to €622 million.

This is facilitating an ambitious schools building programme. Construction activity in 2018 and 2019 will involve over 130 large-scale projects and about 280 smaller-scale projects under the additional accommodation scheme. These projects will deliver about 40,000 additional and replacement school places; the replacement of more than 600 prefabs which is a key element of our prefab-replacement programme; enhanced sports facilities through the construction and modernisation of 48 physical education halls at post-primary level and 82 general purpose rooms at primary level. The enhancement and modernisation of physical education, PE, facilities in schools will also facilitate community usage of these facilities; and more than 200 modern science laboratories which will support the delivery of the reformed science curricula and

the roll-out of computer science as a leaving certificate subject.

As part of the significantly expanded building programme, the current design and build programme to cater for urgent accommodation needs is being ramped up. In the past this programme delivered an average of 12 new schools per year. The current programme involves 27 projects in design that are scheduled to commence construction before the end of 2019.

The Government remains committed to delivering on existing projects in the school building programme as soon as possible. I am satisfied that the €8.4 billion investment available under the National Development Plan 2018-2027 will enable us to modernise and transform our school infrastructure in 2019 and in the years ahead.

Deputy Thomas Byrne: We know that 17 new schools are to open next year, only two of which have a permanent home that we know about. We also know that there are about 350 schools in the schools building programme. This comes to approximately 1,000 when schools that are trying to get into that programme are added in. Does the Minister have enough money? I have raised this issue repeatedly. I am glad to see next year's increase. I am not talking about the capital plan; I am talking about next year's budget. If the summer works programme and the minor works grant are to be paid next year, they will take out a lot of the budget because they were not paid out or dealt with this year.

In talking about the capital plan, when people hear the Minister talking about the number of PE halls to be built, the number of prefabs to be replaced, the number of general purpose rooms and the number of schools, they want to know what the delivery on the ground will be. Do we need to put up with schools that are falling apart and schools with very high energy bills because of bad structures or will we see actual delivery on the ground?

Deputy Joe McHugh: There will be a summer works programme next year. From speaking to principals and school boards of management, I know they need a good run-in time. That announcement will need to happen sooner rather than later. There will also be a minor works programme, for which there will be a good enough lead-in time. I know there is no application process involved there.

The Deputy is correct in what he says about existing schools. In particular many secondary schools were built back in the late 1970s and 1980s and we need to consider retrofitting them. I have already raised that issue with my officials and I hope to progress it. Even though we have 42 new schools, many of them were chosen on the basis of demographics. We cannot allow existing school accommodation not to get infrastructure enhancement. The Deputy's suggestion of looking at the economics of a school building in terms of heating and retrofitting is important.

Deputy Thomas Byrne: I will pick up on one point, the minor works grant. This is normally paid out in November every year, although it was not paid in one year, 2012, at the bottom of the recession. This year, according to the figures the Minister has produced, it is not likely to be paid and there is a concern the schools will not get it in November, as they have in the past, and that it will be pushed forward to January. While that might only seem a short period to wait, the truth is the Government will not have paid it in 2018 at a time when the economy is rising, and that will make it one of two exceptional years when it has not been paid. It is also the case that schools have come to depend on the minor works grant for cash flow and for planning the school year. They get particular grants of money at different times of the school year and this

is one that comes in at a good time, that is, at the end of the calendar year. Is there any way it can be paid out in November? We in Fianna Fáil want to make it a statutory obligation of the Department of Education and Skills to pay it out in November. Will the Minister confirm it will be paid in November or will schools have to wait until January?

Deputy Joe McHugh: It is an issue I have already raised with my officials. The timing is very important. School principals are under enough pressure without delayed funding. I have asked my officials to ensure that money for minor works grants is paid at the end of this year, not in January. If we can do it in November, that will be great, but I cannot commit to that here today. One thing I can commit to is that I want this paid out before Christmas.

Schools Building Projects Status

54. **Deputy Robert Troy** asked the Minister for Education and Skills the completion date for a school (details supplied). [42072/18]

Deputy Robert Troy: The question relates to a school building project that is under way, namely, the relocation of Curraghmore national school to the Ardmore Road in Mullingar, which was due to be completed in September but is far from completed. I would like an update on the project and an outline of what role the Department can play in ensuring this contractor lives up to the timeframe stipulated in the contract that was awarded.

Deputy Joe McHugh: I have been made aware of the building project for the school to which the Deputy is referring. Delays have, unfortunately, been experienced in delivering this project. These arose because the contractor encountered unforeseen bad ground conditions, together with severe weather events, which we will all remember from earlier this year. The project had been scheduled for completion for September 2018 but, in view of the issues met by the contractor, the likely completion date is now April 2019.

I know how disappointing this is for the school and I understand how difficult it is for it to manage a growing enrolment until its new building is in place. It is, however, in the nature of any building project, whether it is a school, an office block or a house, that unforeseen issues can arise. The objective is always to deal with these as efficiently as possible to minimise delay.

The project is being delivered by the local county council, which is continuing to pursue the contractor for as speedy a delivery of the project as possible. The council has the full support of my Department in its efforts to achieve this without compromising the integrity of the building being delivered. To ensure the school is kept fully up to date with progress on the project, the county council will be providing the board of management with monthly updates. The intention is that this approach will provide accurate and precise information to help the school to plan and manage its needs until its permanent accommodation is available.

Deputy Robert Troy: The Minister is right in some respects. This school was promised a new building in 2013 and it has been waiting a hell of a long time. It is currently working out of very substandard accommodation. Despite that, it is fortunate to have excellent teachers and the quality of education has not been diminished. However, it is not right and not fair for the students and the teachers to have to put up with the facilities they are operating from.

There was an absolute logjam in September because, at the Department's request, the school

took in an additional junior infants class and the traffic was serious. I compliment the school authorities for staggering the opening hours to facilitate better access. While I accept there has been bad weather and unforeseen circumstances, and the council has allowed the contractor a one-month extension, we are now talking about a completion date of April of next year, which is much longer than a month. Unforeseen circumstances are understandable but having a skeleton staff working on the development is not unforeseen circumstances. We need to bring pressure on this contractor to accelerate the effort to get these pupils into their new school without further delay.

Deputy Joe McHugh: While the Deputy will be aware of the status of the project, for the purposes of the public record, I point out the contractor is on programme to complete the development in line with its construction programme by April 2019. More than 90% of the blockwork is complete overall, with 100% of the structural blockwork complete to roof level. Concrete roof beams are almost complete and the roof steel is due on site next week. Over 45% of the mechanical installation is complete on the ground floor and over 85% of site drainage works are complete. Works have commenced on the provision of the staff car park and the set-down area, including internal roads and the foundations for the boundary wall. In preparation for the opening of the new school, phase one works to upgrade the footpaths on the road extraneous to the site are completed and the county council reports this has made a great improvement to the safety of this road for motorists and pedestrians. Nonetheless, I take the Deputy's point in terms of the frustrations. People want to see progress, particularly parents and students.

Deputy Robert Troy: The Minister is right. I drive by the school a couple of times a week and I can see that progress has been made in recent weeks, so full compliments to Westmeath County Council for sitting on this contractor. However, it is no secret that for weeks and months a skeleton staff was operating there. It was not the weather because there were no staff there on good days, or very few staff. I want to know what penalties will be imposed. It is simply not good enough that somebody who was awarded a lucrative State contract to provide a much-needed, long overdue service can delay like this, for whatever reason. Maybe he is trying to keep two jobs going - I do not know - but he signed up to a contract and he is not honouring that commitment. He got a small extension, not an extension until April of next year. We need to send out a clear message that if we want to provide infrastructure and services for the community at taxpayers' expense, there have to be consequences for the contractors who fail to deliver that. I want the Minister to make a commitment today that those like this contractor will face consequences for not fulfilling their contractual obligations.

Deputy Joe McHugh: A number of issues have arisen on the project, as the Deputy will be aware from hearing it anecdotally on the ground, and these have been referred to conciliation in accordance with the contract. Conciliation is confidential as it deals with contractual issues. While I cannot give the specifics of the issue in this conciliation case, I take on board that the Deputy has raised this issue with a view to getting this project across the line as quickly as possible.

Third Level Costs

55. **Deputy Kathleen Funchion** asked the Minister for Education and Skills the measures taken in 2018 to reduce high costs for students accessing further education or towards tackling the rental and living costs they are faced with. [42119/18]

Deputy Kathleen Funchion: The question concerns the costs of further education. It seeks that the Minister would outline the measures taken in 2018 to reduce high costs for students accessing further education or towards tackling the rental and living costs they are faced with.

Deputy Joe McHugh: In 2018 my Department will spend some €450 million on access measures for further and higher education students. This includes approximately €380 million on student grants and related activities, which is expected to benefit approximately 78,000 further and higher education students. Some 16,000 students are expected to be assisted in 2018 through the student assistance fund at a cost of €9 million. In addition, 12,000 students are expected to be assisted through the fund for students with disabilities at a cost of €10 million.

Under the National Access Plan for Equity of Access to Higher Education 2015-2019, my predecessor as Minister, Deputy Richard Bruton, created a new funding stream called the programme for access to higher education, PATH. To date, the Minister, Deputy Bruton, and the Minister of State, Deputy Mary Mitchell O'Connor, who has responsibility in this area, have secured over €16 million for the roll-out of three strands of the PATH programme aimed at increasing participation from under-represented groups in initial teacher education, a new 1916 bursary fund supporting 600 students over three years, and new initiatives to attract an additional 2,000 students from under-represented groups into higher education. A further 850 students will benefit from the provision of scholarships and bursaries to students from disadvantaged backgrounds.

The block grant paid to higher education institutions includes a specific weighting to promote access to higher education. This involves an additional premium for all eligible access students and takes account of the additional costs of recruiting and retaining students from under-represented backgrounds. For those from targeted socio-economic groups and mature students, this is applied for the first two years of course duration. For people with disabilities, a further weighting is applied for the entire length of the course.

Regarding other steps, the national student accommodation strategy was published in July 2017 to promote and enhance the supply of student accommodation in line with the timescale envisaged in Rebuilding Ireland. It sets a target of 7,000 additional purpose-built student accommodation bed spaces to be delivered by the end of 2019 and the construction of at least 21,000 propose-built student accommodation bed spaces by 2024. This initial target will be exceeded with over 10,000 bed spaces completed or on site as of October 2018. Price is ultimately a function of supply and demand and the national student accommodation strategy is explicitly aimed at increasing the supply of accommodation available to students.

Deputy Kathleen Funchion: I raise the issue because the cost of going to third level has moved beyond the reach of many people. In the first instance, fees are at the €3,000 mark while many people fail to qualify for the SUSI grant. While I appreciate that there is a Minister of State with responsibility for higher education who is not the Minister, we need to look at the SUSI system and how grants are given out. A great deal of reform of SUSI is required because it can be difficult just to access and deal with the body. The rules around how far one has to be from a college are very rigid which impacts students from rural areas more than those who can travel to college from home on a daily basis. That brings me to the matter of rental costs for students. Many students are now forced to commute or may end up giving college because they cannot afford the cost of living along with rent and fees. We have a good record of higher education that we are at risk of damaging due to increasing fees and costs of living. While a promise is there for 7,000 units, we need to see a lot more

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being done a lot faster to provide student accommodation. Otherwise we will slip behind in our record on third level education.

Deputy Joe McHugh: I take the point on the wider constraints facing students and, in most instances, parents given those costs. Since the launch of the strategy, 18,729 bed spaces have been completed or are in the planning process. The figure is broken down as follows: 5,500 bed spaces have been completed; 4,800 bed spaces are under construction; planning has been approved for nearly 8,000 bed spaces and a further 472 bed spaces are in the planning process awaiting a final decision. Student accommodation and the affordability of rent are issues we need to tackle together on a cross-Government basis. I have not yet sat down with my colleague, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to discuss that but I will certainly do so very shortly.

Deputy Kathleen Funchion: I welcome what the Minister says about parents. At a time when a parent is letting a child fly the nest, it is very worrying to be unsure about what accommodation is available, whether it is up to standard and where exactly it is located. That is what is so good about purpose-built and on-campus accommodation. It gives students, in particular first years, and their parents the reassurance they need that they are somewhere safe and known. I appreciate that the Minister is new in the role but this is something we need to continue to work on, including in the education committee. There are many studies on this. Credit unions have produced a study showing how many people are nearly being forced to use money lenders. They have got to the stage where they have borrowed to put one child through college and a second child comes along before the first has graduated. People are getting to the stage of nearly having to go to money lenders because they want their children to move on to further education. That is unacceptable in this day and age and it is a matter we must address. That is why I refer to the need to reform SUSI. Not everything is black and white and not everyone fits into the same category. The system we used to have meant one could call to a local VEC office regarding a grant but that is all gone now. It is now just a person on the phone and one either fits the category or one does not. There is no room for any sort of discretion, which is not necessarily a good thing. Perhaps we can look at reform of SUSI in further discussions.

Deputy Joe McHugh: I am happy to work with the committee on that. I will also be working closely with my colleague, Deputy Mary Mitchell O'Connor, in this regard. I am happy to take on board Deputy Funchion's suggestion that we work collectively on this matter.

Schools Building Projects Status

56. **Deputy Martin Heydon** asked the Minister for Education and Skills the status of progress on secondary school extensions in south County Kildare to deal with increased demand at second level in the area; and if he will make a statement on the matter. [42106/18]

57. **Deputy Martin Heydon** asked the Minister for Education and Skills the status of the ongoing review of secondary school provision in south County Kildare; and if he will make a statement on the matter. [42107/18]

Deputy Martin Heydon: The first of my questions is on progress on secondary school extensions. I take this opportunity to congratulate the Minister, Deputy McHugh, who I consider a good friend, on his elevation to a full Cabinet position. It is a position he is well capable of handling from his experience in the House. It is a great honour for him and his family and a

testament to the work he has done as a Deputy representing Donegal. I look forward to working with the Minister and making him very aware of all the challenges we face in south Kildare in the education area.

Deputy Joe McHugh: I thank the Deputy whose kind words I appreciate. I look forward to working with him on a number of important education matters. No doubt, the Ceann Comhairle will be very interested in a number of these issues also.

An Ceann Comhairle: The Minister had better believe it.

Deputy Joe McHugh: I propose to take Questions Nos. 56 and 57 together.

The Department is currently advancing building projects in a number of post-primary schools in the south Kildare school planning area and these projects will, when completed, provide additional capacity in the region of 1,700 school places. The current status of each of these projects is as follows. At St. Conleth's community college, Newbridge, the project is on site and is due to be completed shortly. At Athy community college, the project brief has been completed and the project has been devolved to Kildare and Wicklow ETB for delivery. At Cross and Passion secondary school, Kilcullen, the project is at project brief stage. At Patrician College, Newbridge, the project is at project brief stage and at St. Paul's secondary school, Monasterevin, the project is at stage 2b, detailed design stage. Recently, my predecessor, Deputy Richard Bruton, announced plans for the establishment of 42 new schools over the next four years, 2019 to 2022. In addition to the new schools announced, there will be a need for further school accommodation in other areas in the future.

While the announcement did not include a new post-primary school in the south Kildare school planning areas, a review of provision at post-primary school level across the school planning areas in south Kildare is now well advanced and the outcome will be made available by the end of October. The review will include an assessment of the extent to which projected needs in the area will be met from the additional capacity being provided by the projects already approved and how any specific additional needs will be best catered for, recognising the importance of maintaining a balance between existing and any additional school provision.

Deputy Martin Heydon: I thank the Minister for his response. Given that the questions are grouped, I have a fair number of points to make. I will stick to the matter of school extensions in this first supplementary contribution. As the Ceann Comhairle knows well, the project at St. Paul's school in Monasterevin has been beset by numerous delays, not all of which were caused by the Department of Education and Skills. While the project is at pre-qualification of contractors stage, we must ensure there is no delay in moving to tender. I reassured parents this week that the change of Minister would not have any impact on that and that the Department will stand ready. I will stay in touch with the Minister on that one as, I am sure, will the Ceann Comhairle. Athy community college has been devolved and a service-level agreement has been established with Kildare and Wicklow ETB. There are now 440 pupils in that school but it was built for 400 and needs to be extended to accommodate 1,000 pupils. There are prefabricated buildings on site and more are coming while the school is under significant pressure. We cannot have a delay there. I am delighted to see the project for Patrician College in Newbridge go to the NDFA. The next step is planning and design and we must keep pushing because there is significant pressure on school places in the Newbridge-Kildare area.

There has been a delay in the opening of the extension to St. Conleth's and that has had a

particular impact on six pupils with mild to moderate intellectual and special educational needs. This is causing serious distress. Officials in the Department made the point previously that they would stand with the parents if there were any delays. The Ceann Comhairle and other public representatives in the area have worked on this matter as well. What the parents have been offered to date, namely, home tuition, whereby they must find tutors, is not sufficient. Huge distress has been caused to those parents who thought they would have places in September. In fairness to the principal of the school, it is not her fault. She is doing her best to manage a very difficult situation. I ask that the special education section of the Department give every support to these parents and that we try to get these six pupils into their special accommodation as soon as possible.

Deputy Joe McHugh: There are a number of schools in the area. I will say one thing about the ongoing building programme and capital plan. In my very short time in the job, I have learned that I cannot walk from one end of a corridor to the other without meeting a Deputy or Senator who is looking for information on a project in the capital plan. In fairness, the previous Minister, Deputy Bruton, introduced a communication system whereby the website shows the different stages at which the projects stand. It is important that we can communicate any changes in this regard.

As for the specific schools to which the Deputy refers, if any further information is needed or if the Deputy's colleagues in the Kildare South constituency need to sit down with one of the officials in the building unit, I would be happy to organise that.

Deputy Martin Heydon: I thank the Minister. This is our opening shot in a process whereby I will make him familiar with the schools in south Kildare. We will continue to brief him on the impact of pressures relating to places as they develop. I welcome his original response regarding a review of the overall demographics of Kildare and pressure on places. I welcome the fact that we are very close to a final announcement on the need for increased provision beyond these extensions.

The South Kildare Educate Together campaign was established in 2014. Since then, we have had meetings with two taoisigh, two Ministers for Education and Skills and departmental officials. Deputy McHugh is the third Minister in the job and we still have not gone away. There is huge demand from parents in Kildare South who have children at primary level for improved provision of choice at second level as well. The Department should not be surprised by this demand. Two Educate Together primary schools were opened a number of years ago in south Kildare. The Educate Together primary school in Kildare town this year has a sixth class for the first time. The parents involved travelled to Portlaoise to look at a second-level Educate Together school because they do not have that option in Kildare south, and this need to be addressed.

The provision of a new school would require all the decisions on the patronage process to be made and site selection and acquisition would take a long time. The review in the Department will show that we do not have much time. Two years ago I stated that one very good fit to work with the Educate Together campaign and to address these issues of pressure on spaces would be to look at the Curragh post-primary school, which absolutely deserves a new building. There are great staff and students working in very difficult circumstances. A partnership or joint patronage process with Educate Together and a new school building for the Curragh could deliver increased capacity in an area between two very big towns, Kildare and Newbridge, that are at bursting point. It could attract pupils from primary schools such as those in Athgarvan,

Ballysax and Suncroft and many more in the area that all feed into those towns at present. This would rejuvenate the area. It would be a very overdue shot in the arm for the staff and students of that school. Irrespective of the location of the site and whether the Department of Defence works with us on the provision of a new site on the camp or whether we have a new site outside of the Curragh but in the surrounding area, this is probably the most common-sense approach that would give us that increased capacity as quickly as possible.

I have no doubt that the most recent figures the Minister's officials possess - these were compiled at the end of September - show that the pressure the Ceann Comhairle and I and other public representatives have indicated exists in the constituency of Kildare South is very real and will not be offset solely by the extensions that are proposed.

Deputy Joe McHugh: The Deputy's observation on the review of the provision of post-primary schools in the general school planning areas of south Kildare is important. It is well advanced and I will certainly make it available by the end of October. Demographics is the research tool used to prioritise accommodation need. If we go back to 2011, when Ruairí Quinn was in office and developing his plan for the period 2016 to 2021, the measurement was to ask where the population pressures lay. My predecessor, Deputy Bruton, oversaw the capital programme starting in 2016. We are still in that 2016-2021 period but we do have a trajectory now over ten years and an €8.4 billion capital fund, which is double the size of that for the ten years prior to the national development plan timeframe we are envisaging. I will keep the Deputy updated and ensure that the commitment given today, that the review will be made available at the end of October, will be honoured.

School Curriculum

58. **Deputy Richard Boyd Barrett** asked the Minister for Education and Skills the reason the circular of February 2018 from his Department to State-run non-religious schools run by local education and training boards and community schools which outlined that alternative subject choices should be offered to students who did not wish to study religion seems to have been reversed; and if he will make a statement on the matter. [42051/18]

Deputy Richard Boyd Barrett: On 19 February, the Department of Education and Skills issued a circular to State second-level schools stating that they must offer alternative subject choices to students who do not want to study religion. This instruction applied to State-run non-religious schools run by local education and training boards and community schools. It was a very good instruction and was welcomed by those who want to see a separation of church and State and choice for people who do not hold certain religious views in terms of the education system and those who want to end discrimination and stigma. Incredibly, at the beginning of this month, the Department issued a new circular essentially capitulating on all this. In the intervening period, there was clearly a lot of lobbying by the Catholic Church and its representatives, and now the alternative choice subject is not to be offered to people who choose to opt out of religion. Can the Minister explain this?

Deputy Joe McHugh: I know that we are tight on time and that Deputy Catherine Martin wants to get in but I wish to take this opportunity, as a former member of the Business Committee, to thank Deputy Boyd Barrett for his collegiality and co-operation at that committee and the Ceann Comhairle and his team for a wonderful experience in how consensus politics can work in getting things done. I just wanted to put that on the public record.

In February 2018, my Department published Circular 0013/2018, which set out an approach to the arrangements that were to be made for religious instruction and worship in education and training board and post-primary community schools. This arose as a result of concerns that multid denominational education and training board, ETB, schools were requiring attendance at classes with Catholic religious instruction.

Section 4 of the circular provided that the school is required to ascertain parental wishes in respect of the child's attendance at such religious instruction. Where a parent did not want his or her child to receive religious instruction, the school was required to provide an alternative subject. Where there was any practice of combining or including religious instruction and formation or worship in the same class time as the National Council for Curriculum and Assessment, NCCA, religious education syllabus, parents were made aware of this fact in order that they could make an informed decision to withdraw their children from that class if this was their wish.

The newly published circular to which the Deputy referred clarifies in section 3 that withdrawal with an offer of an alternative subject does not arise in respect of the NCCA religious syllabus where there is no religious instruction or faith formation.

Religious education is an examinable subject just like history or geography, for example. It aims to develop students' ability to examine questions of meaning, purpose and relationships, to help students understand, respect and appreciate people's expression of their beliefs and to facilitate dialogue and reflection on the diversity of beliefs and values that inform responsible decision-making and ways of living. Crucially, it is not delivered from any one religious perspective.

The second important clarification is that where a school intends to provide religious instruction classes, parents must give consent before admission to the class. This means that the issue of opting out does not arise because the parent has requested a place in the religious instruction class.

This circular has no impact on the right of parents under the Education Act or the Constitution to opt out of any subject for reason of conscience.

Deputy Richard Boyd Barrett: We need clarification here. I am aware, on foot of a report by Emma O'Kelly of RTÉ and freedom of information, FOI, requests that were submitted in respect of this matter, that there was very considerable lobbying by the Catholic bishops, the Association of Trustees of Catholic Schools, former heads of County Dublin vocational education committees, VECs. These bodies were clearly unhappy with the initial circular, a positive document which stated that people have the right to opt out of religious education and have alternative subject choices. It is not clear from the Minister's reply whether that still stands. Do people have the right to opt out and have alternative subject choices in line with what was stated in the first circular? I absolutely believe that they should have such a right. People should not be forced to have religious education or instruction imposed on them. To be honest, the sort of distinction that is being drawn between religious education and religious instruction is a bit bogus. Can we get clarity on this matter?

An Ceann Comhairle: Yes, we can try if the Deputy will let the Minister answer.

Deputy Richard Boyd Barrett: I will. By the way, I thank the Minister for his words. I share the sentiments he expressed about the Business Committee. I wish him good luck with

his new portfolio.

Deputy Joe McHugh: I forced the Deputy to wish me good luck.

Deputy Richard Boyd Barrett: I had to reciprocate.

Deputy Joe McHugh: I will ensure that I get proper clarification. I will direct my officials to do that.

I have some additional information that I hope will be helpful. As a former philosophy student at Maynooth University, I agree with the idea that space should be provided within the curriculum for people to address many of the difficult questions we all face on a day-to-day basis. That does not mean instruction. There is no religious-specific instruction within the religious education syllabus. As part of its normal inspection processes, the Department's inspectorate will inspect whether the National Council for Curriculum and Assessment's religious education subject is being delivered in schools in accordance with the requirements of the circular that was published recently. Schools have discretion in the context of religious education. They may choose not to offer the subject at all. If religious education is to be mandatory or optional in any particular class, group or year, it is to be treated the same as all other subjects, such as history or geography, for these purposes. It is subject to inspection. I reiterate that religious education is a separate subject. It does not involve instruction in any one faith or another. It probably provides an opportunity to broaden the discussion regarding well-being at a time when children and young people have different anxieties and pressures that teachers are dealing with. At this morning's meeting of the joint committee, we discussed how to make progress in the area of well-being. I certainly think there is value in this approach.

Deputy Richard Boyd Barrett: To be honest, the Minister has not provided the clarity I am seeking. Do people still have the right to opt out of religious education in favour of alternative subject choices? The Minister's failure to give me a clear answer suggests they do not have that right in some instances. I was also a philosophy student. At my first philosophy lecture in UCD, a priest who was a member of Opus Dei - there were many of them in the UCD philosophy department - said that before he and his colleagues started to teach us about all the great philosophers, he wanted us to know that Karl Marx, Nietzsche and a whole load of other secular radical philosophers were not philosophers. He said that St. Thomas Aquinas was a philosopher. That was the start of our philosophical education. It was informed by the Catholic religion through and through and that is how it followed. We cannot have that.

An Ceann Comhairle: It must not have worked on the Deputy.

Deputy Richard Boyd Barrett: It absolutely did not work on me. That kind of approach is not acceptable. The approach we are advocating needs to be absolutely clear. This subject should be changed from religious education to philosophy and should include other world views that have nothing to do with religion. We should look at religious views in the context of all views of the world, but that is not what we are getting. People should have the right to opt out of religious education.

Deputy Joe McHugh: I repeat that it is the prerogative of each school to decide whether to offer this subject. My information tells me that instruction from the perspective of any individual religion is not part of this. I am happy to continue the conversation on philosophy because I think young people need space to reflect. As a convent boy who was educated in a Loreto secondary school, I value the philosophy and the caring and compassionate ethos that is

espoused by the Loreto order. That is my perspective. It is not coming from the Department of Education and Skills.

Deputy Richard Boyd Barrett: One can get that from Karl Marx as well, by the way.

Deputy Joe McHugh: I was more of a Descartes fan in philosophy. We have to be very clear about what happens when schools make decisions. My philosophy and vision for my new job is that schools should be empowered to make their own choices.

Capitation Grants

59. **Deputy Catherine Martin** asked the Minister for Education and Skills his plans to restore the schools capitation grant to 2010 levels; the timeline for same; and if he will make a statement on the matter. [42111/18]

Deputy Catherine Martin: Ba mhaith liom gach rath a ghuí ar an Aire ina ról nua. I wish the Minister well in his new role and thank him for engaging so positively with the joint committee earlier on the important topic of mental health promotion in our schools. This question relates to the capitation grant, which was increased by 5% in the recent budget. The primary and secondary school capitation grant is still well below the 2010 level. Does the Minister intend to restore the grant fully in line with the commitment in the 2016-19 action plan for education? If so, what is the timeline for that?

Deputy Joe McHugh: The Deputy will be aware of the many pressing demands in education which my predecessor and his predecessors, including Ruairí Quinn, have had to consider in recent years. Important changes have been made. Provision for children with special educational needs has been resourced and reformed, junior cycle reform has been rolled out, school leadership has been strengthened, primary class sizes have been reduced, guidance teachers have been restored, provision has been made for extra students at all levels and provision has been made for new skills needs in apprenticeships, traineeships and higher education. I fully recognise the need to improve capitation funding for schools. I was pleased that my predecessor, Deputy Bruton, was able to provide for a 5% increase in capitation funding for primary and post-primary schools. This will apply from the start of the 2019-20 school year. I must be prudent in the context of ongoing budgetary pressures. As it is not possible to do everything I would like to do in the education sector in one year, especially in the light of increasing enrolments, I have to prioritise. To answer the Deputy's question in as black-and-white a manner as possible, I intend to seek funding for further capitation increases in future budgets.

Deputy Catherine Martin: I appreciate that the previous Minister, Deputy Bruton, had to consider which of the many issues he faced he should prioritise. Schools have been pleading for capitation increases for many years. The increase in the recent budget was something, but it was very small. Capitation grant funding is still well below where it was in 2010. It is hardly surprising that the INTO has described it as a "pittance", given that it equates to just 4.6 cent per student per day. As the ASTI has stated, the increase will merely keep up with growing student numbers. It is simply not adequate for the real costs of running schools in Ireland today. Principals are under huge financial stress as they seek to make the money stretch. School costs in my constituency of Dublin Rathdown can be higher, but principals have the same amount of money per student to work with as principals in every other part of the country. Schools are buckling under this weight. We spoke at the joint committee about relieving the stress that is

being experienced by teachers and principals. The stress in this area could be relieved by means of proper restoration of the capitation grant. According to the action plan, this was supposed to begin in 2017 and was to happen over three years. However, it now appears that the first sign of an increase will be in 2019. What is the clear timeline on which principals, parents and teachers can rely?

Deputy Joe McHugh: I know from my travels around my constituency in recent years that the capitation grant always comes up when I speak with principals of primary and secondary schools. The grant is a lifeline for many schools as they seek to meet their running costs. There was a massive reduction of 11% in 2009. We have increased it by 5% this year. Annual funding would need to increase further by approximately €25.5 million if grants are to be restored to pre-2011 levels. I will not give the Deputy a false picture of how we can get there in a specific period. However, I can give her a commitment that we will have conversations on this matter when we look at our 2019 programme. I have no doubt that it will be discussed at the joint committee. I want the committee to feed into the three-year strategic plan so that we can ascertain how to get there as quickly as possible.

Deputy Catherine Martin: I appreciate the Minister's commitment. Along with my colleagues on the joint committee, I will hold him to it because actions speak louder than words. The committee held a specific summer school on school costs in September. The impacts of diminished capitation grants are twofold. First, principals are continually stretched beyond the beyond in order to make the most of the money they receive. This is complicated by the minor works grant being announced later each year. It appears that there will be no grant for 2018 and that it will instead come in 2019. That is a major stress on schools when they are trying to work out where everything goes. Second, the pressure placed on parents to cover the gap through voluntary contributions was emphasised at the summer school. We are burdening parents not just with the increasing costs of sending their children to school, with uniforms, books, etc., but also with trying to keep the schools afloat. That is not acceptable. Parents receive an annual letter from schools seeking voluntary contributions, but these are far from voluntary.

I need to see action soon. What our principals need now are fewer of the circulars like those to which Deputy Boyd Barrett referred and more investment in schools.

An Ceann Comhairle: Deputy Thomas Byrne wishes to ask a supplementary question on this matter.

Deputy Thomas Byrne: I was disappointed with the budget allocation for capitation. It was something that my party leader prioritised and numbered among the range of issues in the negotiations. While the Minister was not involved, there seemed to be a major reaction against giving something significant in the capitation grant, perhaps because Fianna Fáil was seeking it. That was a dreadful way to approach not only children's needs but also the commitment in the programme for Government to ensure an increase in the capitation grant, in which respect nothing has been done. It was a major disappointment for schools that the grant was not increased. They will continue to struggle for money and come to the Minister seeking emergency works when proper works could have been done at the right time if the necessary money had been available.

Deputy Joe McHugh: This is an issue and it is one of a number of priorities I raised with my officials yesterday. I made the point that we have to find a pathway in the short-to-medium term to put extra revenue into capitation. I have committed to that. I look forward to working

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with the Deputies on establishing a consensus regarding how to reach to that point.

Having met a number of officials from my Department - I have not met them all because there are 1,300 in total working hard in Athlone, Tullamore and Dublin - I get a sense that they are heeding the importance of long-term planning for schools. Deputy Catherine Martin mentioned the minor works scheme. That money needs to be announced this side of Christmas, as does the funding for the summer works programme. We need to consider giving schools more lead-in time. They face enough pressures and have a great deal on their plate. There are principals who are teaching, performing administrative tasks and carrying heavy loads. The overall issue is something that I will be very conscious of in my role.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Foreign Conflicts

Deputy Richard Boyd Barrett: There is a deafening silence from the Government regarding the rogue Saudi state's murderous activities in Yemen that have brought 13 million to 14 million people to the brink of starvation, amid warnings of the worst famine in 100 years, in a war in which tens of thousands have already been killed and millions of others displaced. Virtually the entire population of Yemen is now dependent on humanitarian assistance. Saudi Arabia, with backing from the United States, the UK and France, is to a large extent responsible for this unfolding humanitarian catastrophe. With American-made weapons, it killed 40 children in a school bus on a school trip in August. In June, it hit a cholera treatment centre run by Doctors Without Borders when it was clearly marked as a medical facility. In April, it killed 20 members of a family at a funeral in the north west. The atrocities go on. In the past week, there was the barbaric killing of Jamal Khashoggi, the journalist, at Saudi Arabia's embassy in Turkey.

What will we do about this? Why the silence? Are we going to speak out about the incredible hypocrisy of standing by while all of this is happening when our Government is doing beef deals with Saudi Arabia and the US, the UK and France are selling the latter arms? After the Salisbury attack, our Government moved rapidly to expel Russian diplomats. Where are the expulsions of Saudi Arabia's ambassador and diplomats?

Deputy Mick Wallace: The control of the story of Yemen and the spin surrounding it are scary. Our own State broadcaster, RTÉ, cannot mention the Houthis without saying "Iranian-backed Houthis" despite the fact that it has no evidence of this. I have not seen anyone else produce such evidence either. The Houthis robbed most of their ammunition and guns from former President Ali Abdullah Saleh's government forces. The current trouble in Yemen began with people protesting about neoliberal adjustments introduced under Saleh. He lost control, but the US-Saudi coalition forced him out. In 2012, his vice president, Abdrabbuh Mansur Hadi, was installed as interim leader and continued the neoliberal agenda. It was all part of a process of plundering Yemen that has been going on for many years. However, Hadi could not

gain control either, so he sat down with the opposition in Yemen and, in September 2014, signed the Peace and National Partnership Agreement with Ansar Allah, the main opposition, and the leaders of all the major political parties. Between them, they agreed to have elections. That was not what the Saudis wanted, however. It did not suit them. They started their airstrikes afterwards. Under the cover of UN Resolution 2216, Saudi Arabia and the US self-authorised their use of violence in Yemen.

The situation is horrific. We are at a stage where the Saudi-United Arab Emirates coalition, backed by the US, the UK, France and Germany, is bombing the people of Yemen into starvation. Only this week, the UN stated that up to 13 million people were at risk of starvation. Did the Minister raise this matter at the Foreign Affairs Council earlier in the week and did he raise it while appealing for Irish membership of the UN Security Council?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I have been monitoring the state of affairs in Yemen with growing anxiety, particularly in recent weeks as reports of the increased threat of famine have circulated. I am deeply concerned by the level of violence in Yemen and by reports of violations of human rights and international humanitarian law.

Three years of war have had devastating consequences for civilians. Yemen is now the world's largest humanitarian crisis, with more than 22 million people, or three quarters of the population, requiring some form of humanitarian assistance and approximately 2 million people internally displaced. The latest report from the UN's humanitarian co-ordinator in Yemen, Ms Lise Grande, sounds an alarm that between 12 million and 13 million Yemeni citizens will be at acute risk of famine in the coming months if the conflict continues.

Ireland has provided almost €16.5 million in bilateral humanitarian assistance to Yemen since the conflict began in 2015. Of this, €4 million was contributed in March to the UN Yemen humanitarian fund. Ireland pledges global funding to a number of organisations that are particularly active in Yemen, including the World Food Programme, UNICEF and the International Committee of the Red Cross. Ireland also contributes to EU support for Yemen. Since the beginning of the conflict in 2015, the EU has allocated more than €438 million to the crisis. It supports therapeutic feeding centres for the treatment of malnourished children, healthcare, food aid programmes and emergency assistance to displaced populations.

Humanitarian access is a critical issue so that aid can reach those who need it. There is a pattern of difficulties with this in Yemen. Commercial access is equally important, since a population of over 20 million people cannot survive on aid alone indefinitely. This has been one of my consistent messages to all parties involved in the conflict. Officers from my Department consistently convey the Government's strong concerns to the Saudi, United Arab Emirates and Iranian Embassies in Dublin. I met the Saudi ambassador this afternoon and stressed the emphasis that Ireland puts on this issue as well as the issue raised by the previous Deputy.

Both at UN level and in EU discussions on the issue, Ireland has sought at all times to stress that military action will not be sufficient to bring a lasting solution to the conflicts between communities in Yemen. Military victory, even if it is achievable, will not address the root causes of the conflict. The pursuit of military victory also brings an unacceptable cost for the Yemeni people on a humanitarian level. We have seen time and again the tragic results of the errors and recklessness which are endemic to conflict situations.

Negotiations must be reinvigorated, and Ireland and the EU fully support the work of Martin Griffiths, the UN Special Envoy for Yemen, and his team. The Government is also vigilant for opportunities to make any progress we can in international fora, including on ensuring accountability for crimes committed during the conflict. At the Human Rights Council in September 2017, Ireland was part of a small core group of countries that drove forward the adoption by consensus of a resolution establishing a Group of Eminent Experts on Yemen. I personally worked closely with the Dutch Foreign Minister at the time, Bert Koenders, on this resolution. The group established is carrying out investigations into all alleged violations of human rights and international humanitarian law by all warring parties in Yemen. Last month, Ireland worked to ensure that the mandate of this group was extended for a year, to allow more time to complete its vital work.

I assure the Deputies that Ireland will continue to take every appropriate opportunity to urge stronger international action, and will press for a negotiated settlement to the conflict in Yemen.

Deputy Richard Boyd Barrett: There are no angels among states and governments in the Middle East but the Saudi regime is a murderous, brutal, rogue one that is the enemy of democracy. It is willing to use the most savage methods, including now bombing Yemen into a famine situation which will affect the entire population, and to do so openly and blatantly. Also, as we saw with the Khashoggi affair, a journalist who wished to speak out and call for a free press and the right of people in the Middle East to criticise regimes like this, is brutally murdered by people who have been clearly identified now as associates of Crown Prince bin Salman. What are we going to do about that? The Minister referred to talking to all parties involved, but this is a rogue regime and the United States and the United Kingdom continue to arm these people to kill people in Yemen and murder a person in an embassy in Turkey. Can the Tánaiste explain to me the reason we expelled Russian diplomats after the attack in Salisbury and we are not expelling the Saudi ambassador and Saudi diplomats after what has been done in Yemen and with Jamal Khashoggi?

Deputy Mick Wallace: I am disappointed with the Tánaiste's answer, and he did not answer my two questions either. Did he raise the plight of the people of Yemen and the threat of starvation this week at the Foreign Affairs Council or did he just talk about the journalist? I am amused that the journalist is getting such coverage and the ordinary people of Yemen are being starved to death.

It has been established by an independent body that the majority of the bombing in Yemen has hit non-military targets. They are literally bombing food supplies now in order to starve the people. Whatever about what is going on in Yemen among the different parties in terms of who should be running the country, the bombing has to stop. The Tánaiste spoke about humanitarian aid. Give us a break. The people who are giving humanitarian aid are the same people providing the bombs. Representatives of Médecines Sans Frontières were before the Joint Committee on Foreign Affairs and Trade today. War is a self-sustaining industry. We have the Germans, the French, the British and the United States providing the bombs. The same people who are bombing hospitals are providing funding to rebuild them, thereby creating work. It is a little like Halliburton making more money in Iraq than some of the bomb makers who dropped the bombs in the first place that caused the destruction. Providing humanitarian aid is not a solution. Stopping the bombing must be the start of a solution. Ireland should be fighting this at a European level.

Deputy Simon Coveney: We are. When the Deputy raises issues such as this, and he is

genuine when he raises them, he is normally well-informed. Calling for the bombing to stop is one thing; actually making it happen is another. The way Ireland can be effective in doing that is to work through EU channels to try to do it. I am not quite sure what the Deputy is asking me to do. I have raised the Yemeni issue and the Yemen war on multiple occasions. There was not a long debate on it in this week's Foreign Affairs Council so I was not able to do it but that is not an indication of the fact that I have not raised this issue and spoken about it, in particular in regard to the humanitarian impact of conflict and the need to bring that conflict to an end. That is why there is a UN Special Envoy for Yemen. The EU supports that special envoy to try to find a way forward on that. That is why I raised it only a couple of hours ago with the Saudi ambassador in my office, along with the issue of Jamal Khashoggi.

Deputy Richard Boyd Barrett: But there were no sanctions.

Deputy Simon Coveney: With respect, Deputy, that is because we do not have the full facts yet. As usual, the Deputy wants to be the first out to call for-----

Deputy Richard Boyd Barrett: We did not hold back before we acted after the attack in Salisbury.

Deputy Simon Coveney: -----dramatic actions. We were well-informed on Salisbury before we made decisions-----

Deputy Richard Boyd Barrett: We are pretty well informed on this one.

Deputy Simon Coveney: -----and we have been proven to be right since. In time, we will be much better informed in regard to what happened here. The Deputy should not jump to conclusions yet despite the fact that many people have been shocked by what happened in this case, and in terms of where and how it happened. We should wait to establish what happened with as much certainty as possible.

The Deputy has the privilege in opposition of being able to stand up and say whatever he wants and to make accusation and assumptions. I am the Minister for Foreign Affairs and Trade and I need to make sure that I make decisions on the basis of facts and informed content.

Housing Issues

Deputy Éamon Ó Cuív: The Tánaiste is a former Minister with responsibility for housing. The situation in Galway is at crisis levels. The reality is that the population of Galway is growing naturally by approximately 1,000 a year. If that is divided in terms of housing requirement, we estimate we need approximately 350 houses to be built per annum. Currently, the latent demand for housing, in other words the backlog, is somewhere between 2,500 and 3,000 units. Between private and public construction fewer than 300 houses will be built in Galway this year.

I hold a constituency clinic in Galway every Monday afternoon and throughout each week I am contacted by people who need emergency accommodation. Not even emergency accommodation is available in Galway currently. There is a three-week waiting period for emergency accommodation which, by its own definition, is an emergency. People are being told to self-fund, to sleep on a sofa or to live in their cars.

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Deputy Simon Coveney: They are not being told to sleep in a car.

An Ceann Comhairle: We will hear the Deputy first.

Deputy Simon Coveney: They are not being told to do that.

Deputy Éamon Ó Cuív: What they have been told is: “We cannot do anything for you.” I ask the Tánaiste to give me the options for them.

Deputy Simon Coveney: I will when I respond.

Deputy Éamon Ó Cuív: There are no options. These are families, decent people. Landlords want to take over their properties. They are putting people out of them and giving them notice to leave. People are scared. One person has contacted me every week as they are due to leave the property they are in next April, and that person knows there is not a housing assistance payment, HAP, tenancy available in Galway. One cannot get a HAP tenancy. Landlords are not taking HAP tenants because the market is so strong. This crisis needs to be dealt with now.

Deputy Catherine Connolly: The people of Galway are being told that there is no place to accommodate them, and that is a fact. The assistant CEO of COPE in Galway said that the homeless crisis in Galway is “unrelenting” and that, in his 20 years in his role, it is the worst he has ever seen. I have less than two minutes so I will not elaborate further. His comments can be read in today’s newspapers.

There are people in Galway who have been on housing waiting lists in the city since 2002. The HAP scheme is the only game in town in Galway. The last time the local authority built a house was in 2009. The authority has recently acquired some houses, and earlier this year it completed 14 houses, but these were the first since 2009. In recent days another young man died on our streets in the curtilage of the city council offices. He is the second man to die on the streets of Galway in ten months, bringing the total to 25 people in the past 15 months.

Coincidentally, nine months ago almost to the day, the Tánaiste was in the chair when I raised this matter on Leader’s Questions. He said then that while he and I often disagreed, he agreed with me about the crisis in Galway, the difficulties with developer-led development, and the lack of local authority housing. He also agreed with me about the acute need to declare an emergency, to put a master plan in place and to ascertain from the local authority where the difficulties lie. Here we are, almost nine months later and none of that has happened. I could repeat the same speech again but will not do so. Since I made that speech, two more people have died, bringing the total in Galway to 25.

I do not like to exaggerate. I like to stick to the facts. We have the most acute housing crisis in Galway. It is worse than Dublin. People have been waiting since 2002.

I will finish with an email I received today from a parent of three children, two of whom are severely disabled. They will be put out of their home in six months but there is no property available to them. It is impossible to get a HAP property in Galway, as the Simon Community has pointed out repeatedly.

Deputy Simon Coveney: I am glad to have the opportunity to respond to the Deputies. This week we learned of the tragic death of a man on the grounds of Galway City Hall on Monday, 15 October. I join the Taoiseach and others in this House in extending my sympathies and condolences to the family of the man who died. Clearly, this is a very difficult time for those

involved, and I ask that we respect the privacy of the family and do not speculate on the circumstances of the deceased or the cause of his death.

As to the need for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to visit Galway city and to see the housing situation for himself, I assure the Deputies that he is fully cognisant of the housing issues and pressures in Galway city. The Minister recently visited Galway and held discussions with senior officials in the council on homelessness and wider housing issues.

The Government is increasing the funding to all local authorities to provide services to those experiencing homelessness. This year the estimated expenditure on homeless services for the west, of which Galway City Council is one of four local authorities, is €5.2 million. This will increase further in 2019.

Supporting rough sleepers is a particular priority. Last month, the Minister for Housing, Planning and Local Government and the Minister for Health jointly launched the national implementation plan for Housing First. Many of those rough sleeping have requirements for significant health supports. As such, Housing First is a collaboration between the Department of Housing, Planning and Local Government, the Department of Health, the HSE and the local authorities. Housing First recognises that a stable home environment is critical to the success of all other interventions, and by providing the necessary supports alongside rather than in advance of a home, we can empower people to tackle the issues that resulted in them becoming homeless in the first place.

The implementation plan will see this highly effective programme to reduce and end rough sleeping and long-term homelessness extended nationwide. The plan sets an overall target of more than 660 tenancies, with individual targets for each local authority. It is one of the most significant responses by the State to date in dealing with long-term homelessness. Under the plan, 30 Housing First tenancies will be created for Galway city over the next three years, with a further 19 tenancies in Galway county. A tender process is under way in Galway to deliver these tenancies. Supports for families experiencing homelessness in Galway city are also being reinforced. Galway city's first family hub is due to open in early 2019. Galway City Council has also identified a site for the roll-out of a modular hub development to be operational in the first half of 2019. It is expected that 15 families will be accommodated for up to six months at a time on this site, if necessary. The principal advantages of these units are that they are quick to erect on site, portable and redeployable elsewhere. A place finder service has been put in place, with a dedicated officer funded by the Department, to support households experiencing homelessness in identifying and securing a property in the private rented market.

The long-term solution to homelessness is increasing the supply of homes, as I am sure the Deputies will agree. A range of measures are being progressed in this regard under Rebuilding Ireland to accelerate all types of housing supply, including social, private and affordable. By 2021, 50,000 new social houses will be provided and housing output generally will be progressively increased towards the target of producing 25,000 houses per year. Galway City Council has a target to deliver 145 new social homes in 2018 and about 1,100 between 2018 and 2021 through build, acquisition and leasing initiatives. In addition, in 2018, a further 254 families or individuals will be housed through the HAP or the rental accommodation scheme. This will bring the total delivery of social housing supports in 2018 to approximately 400.

Despite all of those numbers, I am well aware of the pressures in Galway. Those pressures

were there when I was the Minister for Housing, Planning and Local Government and they persist. There are pressures in other cities too. What we are doing is ensuring that, from a financial perspective, local authorities are supported. There should be enough emergency accommodation in every town and city in the country for individuals and families who find themselves homeless but, if there is not, we are committed to putting the resources in place to provide such accommodation.

Deputy Éamon Ó Cuív: There is not enough accommodation. We are not making this up. It would make one cry, listening to the people coming into one's office.

I do not want the Tánaiste to get the impression that a large number of the people coming to us looking for somewhere to live are rough sleepers. Rough sleepers are a small subset of people who need special attention, and I am very well aware of that. The majority of the people with whom I am dealing do not have social or addiction issues and are not rough sleepers. They have never slept rough but simply have nowhere to live because we are up to 3,000 units short of the demand in Galway.

There is no emergency accommodation because Galway is a big tourism town, as well as being a university town and a town with a large institute of technology, GMIT. There is no property available to rent. The HAP scheme is not the most lucrative market and there are other markets available to property owners. There are approximately 19 tourist accommodation providers in the city, for example, apart from Airbnb. There is obviously a strong market in the tourism sector.

We have been told that 1,100 social houses will be built by 2021. There is one simple step that could be taken tomorrow that will speed up that process. It is the same step that the Government took when it created Irish Water. It provided the money to the utility and allowed it to get on with the job. I cannot understand why local authorities are not being given money at the beginning of the year and being told to do the job. They should not have to keep going back to the Department for approval time and again, which means that it takes them an average of 59 weeks to get permission to build a house.

Deputy Catherine Connolly: I hope the Chairman will show leniency, given the seriousness of the subject.

While I believe the Tánaiste is genuine and interested, I do not think he realises that it is his Government's policy that is causing the problem. The Government is an integral part of the problem, not the solution. Homelessness in Galway is out of control. These are not my words.

7 o'clock I have referred to the comments by the assistant CEO of COPE. He said that the official figures grossly underestimate the numbers of homeless. On Monday of this week, 13 people presented as homeless to one COPE centre in the city. If the Government keeps going down the road of reliance on the market and keeps talking about social housing in the context of HAP, it is not going to learn and it is not going to sort out the problem. We do not want hubs. Obviously, emergency accommodation is necessary, but what we want is a long-term solution.

What land does Galway city own? Can the Minister tell me that? What is the difficulty with building on that public land? There are 14 acres at Ceannt Station, eight of which have gone to a private developer without a master plan. There is land at the docks and on Dyke Road, not to mention institutional lands. Where is the overall plan and commitment to build public housing

on public land to stop this scandal? We are talking about homes.

Airbnb is a huge part of the problem. The Government has refused to regulate it. We are losing streets and houses to Airbnb in Galway.

Deputy Simon Coveney: The one thing the Deputy and I agree on is that we need to get more homes built. They need to be social homes, affordable homes and private homes. Student accommodation also needs to be built because Galway is a big university city. Much of the accommodation that is currently rented by students could and should be available to individuals and families.

All of those things are happening. They are not happening fast enough, but they are happening. Much more student accommodation is being built in Galway. Social houses are being built there. The Deputy is right to quote often the statistic that very small numbers of social houses were built over the past ten years.

Deputy Catherine Connolly: Nothing was built.

Deputy Simon Coveney: That is changing. The Government does not have an ideological attachment to a reliance on the private sector to solve social housing need. Quite the opposite is the case. It has committed tens of millions of euro to roll out one of the most ambitious social housing building programmes the State has ever seen. That is happening. It takes time to build houses and, in the meantime, we must rely on HAP and RAS because there are properties available in which families can be accommodated. We are also looking to switch people from rent allowance to HAP because it is a more secure form of tenancy.

It takes time to build the number of houses we need to solve the problems in Galway, Dublin, Cork, Limerick, Waterford and elsewhere. There is a dramatic increase in the number of social houses being delivered and the number of private houses, many of them affordable, that are being delivered as well. The Government is trying to deliver mixed tenure communities with many extra social houses. In the next few years, 50,000 houses will be provided under the Rebuilding Ireland scheme, which will then go on to provide more than 100,000 houses. That needs to be accelerated, particularly in pressure points like Galway.

Public Transport

Deputy Joan Burton: I want to raise this issue with the Minister for Transport, Tourism and Sport because it is an indication of the mess that the future development of the centre of Dublin is in currently. The Minister has taken a hands-off approach to public transport in Ireland's capital city, where a significant population lives and where people come in from the suburbs all around Dublin, including from my constituency of Dublin West, which includes Blanchardstown, Mulhuddart and Castleknock. If there was proper investment in public transport, those people would find their commute getting shorter; instead it is getting longer.

The BusConnects proposal has recently been developed. That proposal, which the Minister was involved in establishing, is seriously flawed. He said it had nothing to do with him and passed it on. Communities all over Dublin are left uncertain as to what will happen.

The central part of the BusConnects proposal was, in my view and that of many engineers, premised around the fact that College Green plaza would be implemented and significant num-

bers of major bus routes would be removed from the city centre. Those routes were to go down the quays and turn over the Rosie Hackett Bridge and, by other mechanisms, make their way to the south side of the city.

An Bord Pleanála, to which Dublin City Council decided to submit its plans and proposals, stated that the quays are too congested to take much more. That is clear to anyone who uses the buses daily going up and down the quays, as I do, and I know the Minister is also a bus user. An Bord Pleanála saw merit in the plan, but stated the impact, particularly on things like bus services, would be disastrous.

I got details of contracts for consultants relating to transport, presumably authorised in the Minister's capital budget. For 2017, Jarrett Walker & Associates, the firm which designed BusConnects, is listed as having been paid €407,000. In 2018 to date, the same firm of consultants is listed as having been paid €208,000. That is a total of €615,000 in consultancy fees in two years, which is not an inconsiderable sum. We are now thrown into total confusion.

This relates to the Minister's leadership of his Department. A hands-off approach is not good enough for Dublin city and the vast population it serves in terms of public transport. The Minister cannot, like Pontius Pilate, wash his hands of this because he is in the lofty and honourable position of being a Minister. He cannot say that Dublin city transport has nothing to do with him and refuse to get involved.

This decision of An Bord Pleanála simply adds to the confusion about what will happen in Dublin city centre. It is a grievous blow to the city, but so too is the Minister's BusConnects programme, which is now out to public consultation. The topic has been discussed on many occasions in the House. I do not know what will come back after Christmas because now a central feature of the plan, fewer buses within College Green, has been thrown out by An Bord Pleanála for the very good reason that there is not enough bus transport and the quays are already too congested.

The proposals the Minister has been flying kites with simply cannot be implemented.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Burton for raising an issue in terms I have heard before in the House and will no doubt hear again. I reject the premise of what she says but I will try to answer some of the more relevant questions as to whose responsibility this is.

The Deputy is aware that the planning application was brought by Dublin City Council.

Deputy Joan Burton: I said that.

Deputy Shane Ross: The decision to refuse was made by An Bord Pleanála. The decision is being considered by the council and the National Transport Authority to determine the implications. From a transport perspective, the proposal was one of a number of measures developed as part of the Dublin City Centre Transport Study, which was a joint initiative by the Council and the National Transport Authority. The issue of congestion is one which formed the backdrop to that study and forms the backdrop to city centre transport today also. The measures proposed by the transport study were designed to address the transport issues facing the core city centre area, facilitate the implementation of the Council's development plan and safeguard the future development of the city.

In line with those objectives, the study put forward a number of proposals around an improved public transport offering for the city. Since the study's publication in 2015, the NTA also published its statutory Transport Strategy for the Greater Dublin Area and we have this year witnessed the publication of the national development plan and now have visibility of the proposed funding allocations over the next ten years.

A number of recently completed projects have already served to improve the capacity and quality of public transport in Dublin. Since 2015, Luas cross city has opened, heavy rail services have expanded through the re-opening of the Phoenix Park tunnel and ten-minute DART trains have been introduced. We have invested in improved cycle routes and expanded public bike-sharing schemes. We have also invested in new bus services and a new fleet and improved passenger experiences through the roll-out of real time passenger information and the continued development of the Leap card. These are positive developments. We know that we need to continue to increase our levels of investment in public transport and active travel measures, which we plan to do under the national development plan. The Deputy will be well aware of the substantial investments planned to improve the bus network and infrastructure through the BusConnects programme to which she referred disparagingly. The NTA and Transport Infrastructure Ireland are continuing to plan for MetroLink with a view to construction commencing in 2021 and services being ready to start by 2027. The NTA is continuing to work with Iarnród Éireann on the expansion of the DART, which will see the network electrified as far as Drogheda to the north, Maynooth to the west and Hazelhatch to the south west. The issues underlying the development of the 2015 study remain and the NTA will continue to work with all stakeholders, including the council, to improve public and sustainable transport options in the city centre.

The Deputy should note that the Government and the Minister set policy, but we also allocate funds. Not to acknowledge the progress made in the expansion of the DART, with ten-minute DART services, the Luas cross-city service, the proposals for BusConnects and the increases in public service obligation, PSO, funding is disingenuous. This is mainly a matter between Dublin City Council which made the application and An Bord Pleanála, the planning authority, which made the judgment.

Deputy Joan Burton: I thank the Minister for his reply. It is good of him to come into the House to talk about this vital issue for everybody in the city of Dublin. The achievements the lists include the study commissioned in 2014 and 2015, the opening of the Luas cross-city service, the expanded heavy rail services as a result of the reopening of the Phoenix Park tunnel and the introduction of ten-minute DART services. I was one of the people who lobbied for for many years for the new Luas service to Broombridge and was particularly involved, as the Acting Chairman knows, in lobbying to have the tunnel under the Phoenix Park reopened. For the Minister in some way to claim that he has some relationship with these achievements is rather grandiose and history does not support it. I am delighted that they have all been made and about the real-time information application for Dublin Bus. It precedes the Minister's time in the Department. I am talking about his time in it, the fact that he seems to have no time at all to get involved in dealing with the slow strangulation happening in Dublin city centre which has a serious impact in places other than Dublin city in Fingal, south Dublin and Dún Laoghaire-Rathdown. Each of these council areas has seen huge population growth. They require more buses and train carriages, particularly on the Maynooth line, electrification to happen much earlier and the College Green issue to be addressed. The Minister has not told us what his response is as Minister to An Bord Pleanála's decision. I said the application had been made by Dublin

City Council. What does the Minister propose to do about the mess that has become infinitely more complex as a result of An Bord Pleanála's decision? An Bord Pleanála states the plan has merit but talks about a lack of public transport services. We have added into this the issue of the BusConnects programme, a deeply flawed proposal, with the astonishing information that Jarrett Walker has been paid €615,000.

Deputy Shane Ross: I thank the Deputy for repeating almost exactly in her second contribution what she had said in her first. I have responded adequately to it and do not want to be guilty of engaging in the same type of repetition. I emphasise the message I gave her that it is primarily a matter for the council and the NTA. Their application has, rightly or wrongly, been turned down by An Bord Pleanála and it will be for them to consider what action to take. That is from where the initiative came and where it has to be responded to. I have said repeatedly to the Deputy that the initiatives and large projects undertaken by the Department during the years, not only under the national development plan, have been extensive and expensive. She cannot just dismiss BusConnects, the Luas cross-city service and the Phoenix Park tunnel project and claim the credit for herself.

Deputy Joan Burton: I did not dismiss them. The Minister has not-----

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

Deputy Shane Ross: I congratulate Deputy Joan Burton on being on the right side of something for a change.

Deputy Joan Burton: The Minister had nothing to do with it.

Deputy Shane Ross: It was well lobbied for. It is wonderful that something she championed has been achieved for once. She should not pretend the Government is not responsible for some of the great and very successful projects on which we have spent public money and of which she herself is a beneficiary.

Residential Institutions Statutory Fund

Deputy Thomas P. Broughan: The 2017 annual report of Caranua's appeals officer highlights some very serious concerns about the administration of the Residential Institutions Statutory Fund Board, Caranua, which was established under the Residential Institutions Statutory Fund Act 2012. Some of the decisions and procedural issues in Caranua raise many questions, with the continuing reports from survivors of abuse on how they have been and are being treated in their interactions with the organisation. On the "Today with Sean O'Rourke" programme last week we again heard some of the human stories behind the fund and the reasons for its establishment. Of particular concern in the annual report is the lack of information given to applicants on their statutory right to appeal.

Of the €110 million pledged by the religious congregations, €103 million has been received and €80 million expended. Caranua received 6,109 applications, but 1,195 applicants did not receive support on making an application. Of most concern is the fact that in the appeals process, of those who appealed, 66% were successful, with 43% of appeals upheld, with others being referred back to Caranua or partially allowed. There is real concern about the time it took during 2017 to process appeals. Some 39% took over 52 weeks to process, with only 7%

being completed in less than 13 weeks. Some 23% were completed in 13 to 26 weeks; 20% in 26 to 39 weeks and 10% in 39 to 52 weeks. These are unsatisfactory timeframes - there were two working appeals officers - and they are very likely to increase now that the second appeals officer has refused to renew their contract and has not yet been replaced.

The sample appeals are particularly shocking and some of the decisions seem to have been plucked out of thin air. Where are the written guidelines which state only external doors are included? How are applicants expected to provide the requisite information when they are not even being informed of what the parameters are in decision-making?

Deputy Clare Daly: This is another Caranua appeals officer's annual report and another crushing exposé of the severe dysfunction in an organisation which was set up supposedly to administer a fund for the survivors of institutional abuse and which has, in and of itself, become a vehicle for causing further distress to people who applied for supports such as healthcare and house improvements. It is a system which has been revealed yet again to be totally arbitrary, inconsistent and bureaucratic when it could involve a simple application form. It has been adversarial, with a lack of empathy and sympathy being shown. I congratulate the Minister, Deputy McHugh, on his new job but he is the fourth Minister for Education and Skills with whom we have had to raise this issue. Year after year the reports point out the patterns and the problems with the administration of the fund and with the way survivors are treated. As Deputy Broughan said, a clear majority of the refusals by Caranua were subsequently upheld on appeal. We have to take into account that they are elderly and sick people and time is not on their side. In almost 40% of the cases, the waiting time for the appeal, which ultimately becomes successful, is more than a year. That is shocking. In addition, the failure on behalf of Caranua to implement the reports of previous appeals officers and to deal with the successful appeals is frightening because cases which were successfully appealed as far back as 2014 are waiting on the services that they applied for almost four years ago.

The question is when this is going to stop and when there will be an end to barriers being put in the way. People have a statutory right to this fund. Today, there are still 2,449 applications in the system awaiting a decision. Are they going to go into the backlog as well? We need a second appeals officer straight away and we need some action on the reports.

Minister for Education and Skills (Deputy Joe McHugh): I thank the two Deputies for raising the matter. It is a broad one relating to Caranua's 2017 annual report and the appeals process, so I have a fairly broad answer, but there are statistics and bits of information that might be relevant to the discussion.

Caranua is an independent statutory body established in 2013 under the provisions of the Residential Institutions Statutory Fund, RISF, Act 2012 to utilise the €110 million cash contributions pledged by the congregations to support the needs of survivors of residential institutional child abuse. It is entirely funded by those contributions and no Exchequer funding is involved. The board adopted the service name Caranua in October 2013 and set up a website, www.caranua.ie. Section 22 of the RISF Act provides for a right of appeal against decisions made by Caranua. Mr. Pat Whelan, the first appeals officer, was appointed to that position in 2014 with further one-year periods in 2015 and 2016. Two appeals officers, Ms Geraldine Gleeson and Mr. Brendan O'Leary, were appointed in May 2017 to deal with a backlog of cases that had built up. The 2017 annual report, which is Ms Gleeson's and Mr. O'Leary's first report, covers the period 15 May 2017 to 30 April 2018. The report was published on 4 October 2018.

There were 140 cases outstanding when they took up their position and they received an additional 87 appeals between May 2017 and April 2018, giving a total of 227 appeals for consideration. A total of 193 cases were completed during this reporting period, leaving 34 appeals on hand. The report confirms that of the 193 cases completed between May 2017 and April 2018, 83 or 43% were upheld, that is, the original decision on the application was revoked by the appeals officer; 18 cases, which is 9%, were partially upheld; and 26 cases or 14% were referred back to Caranua for reconsideration in accordance with specific directions from the appeals officer. A total of 54 cases, 28%, were not upheld, that is, the original decision was affirmed by the appeals officer; and 12 cases, 6%, were either discontinued or withdrawn.

Of the 87 additional appeals received during the period covered by this report, 26 related to home improvements or repairs, 22 related to personal well-being and health matters, 15 related to household and personal items, eight were for funeral expenses, seven were for education, four for eligibility, four for travel or transport, and one for financial assistance.

The two appeals officers were appointed in May 2017 for a one-year term. For personal reasons, one of the appeals officers decided not to accept reappointment to the position. Given that the number of appeals on hand is manageable by one appeals officer, I do not intend to appoint a second appeals officer at this time but the situation will be monitored. I take on board what was said here tonight in that regard.

To date, costs amounting to €82,200 have been incurred in relation to the work of the appeals officers. Administrative support is provided by a Department official. The annual report addresses a number of specific policy issues, including issues raised in previous annual reports. The perception that Caranua made an administrative decision to refuse to process further applications from applicants, on the basis that they had received support and services, in favour of those who had not yet applied or received support was a core issue of previous annual reports. Caranua's position is that it must manage the fund so that it can be shared fairly among all people who can apply to it. This policy issue is primarily a matter for the board of Caranua. Decisions of the appeals officer may be appealed to the High Court on a point of law. One such appeal was initiated in 2017 by the board of Caranua. The case centred on the personal allocation limit introduced by Caranua in the revised guidelines published in June 2016. Based on the legal advice received, the case was settled by the appeals officers. There is ongoing litigation in the High Court, with seven cases being taken against the appeals officers on the grounds that the personal allocation limit of €15,000 should not be applied retrospectively where the applicant has received funding for services from Caranua.

Deputy Thomas P. Broughan: Given the lack of intervention on these worrying reports by the Minister's predecessors, including the previous Minister, Deputy Bruton, it is very disappointing that the Minister has said he does not intend to appoint a second appeals officer now. That is the least that might have been expected.

There are reports that these vulnerable people, whom the State let down horribly - I am sure the Minister agrees - are being retraumatised by their treatment by an agency that was set up by the State to pay reparations. Mr. Tom Cronin and Dr. Mary Lodato, both survivors of institutional abuse, resigned from the board of Caranua, citing their concerns over the treatment of survivors. What training have the staff of Caranua received to help them deal with this cohort of vulnerable citizens? When will the independent survivor consultation forum be established? What is the situation concerning the CEO? What contingency fund is in place for those cases that are before the High Court? Many questions need to be answered and the Minister needs to

read himself into his brief. I wished the Minister well last Tuesday when he was appointed but he needs to start dealing with the Caranua issues as a matter of urgency.

Deputy Clare Daly: I know the Minister only started in the job this week but I beg him not to provide just the standard answer other Ministers have given us on the issue. Time is not on the side of the survivors of institutional abuse. The reply given by the Minister is simply not accurate. A total of 39% of the cases took more than a year to process. There are 2,449 applications awaiting a decision. How many of them will go on to the appeals process. One appeals officer is not enough. We urgently need two.

As Deputy Broughan said, what is of critical concern is how many of the survivors will be dragged into the courts to get their claims settled. There are cases going through the courts where Caranua has failed outright to implement the decision of the appeals officer. The approximate cost of each of those cases is €200,000 and the costs are taken from the survivor fund, which is shameful. We need an efficient scheme, a review and for the Minister to take some notice of what is going on and to consider some of the suggestions we have put forward over the years. To be honest, I think we have taken a more active interest in the matter than the Department has and we have made some practical suggestions, which I appeal to the Minister to consider.

Deputy Joe McHugh: I take those contributions seriously, whether we are talking about length of time, lack of information or the system being too bureaucratic, given the ordeal of institutional abuse the survivors have gone through and the stage of life they are at. I take on board the suggestion that there will possibly be a need for a second appeals officer. I will monitor the situation and speak to my officials after this debate to see if there are ways in which we can make it easier for this most vulnerable group of elderly people who have gone through such an ordeal. Words such as empathy and sympathy were used, as was the importance of avoiding any form of adversarial approach in the State's dealings with the survivors. I am supportive of working with Members on that. I take on board what has been said and also the fact that Members are affording me the opportunity to get into my brief. I will speak to my officials and get a comprehensive update from them.

Deputy Clare Daly: We will not be so nice the next time.

Deputy Joe McHugh: You are always nice, Clare.

Deputy Clare Daly: I am.

Report on Gender Budgeting: Motion

Deputy John Lahart: I move:

That Dáil Éireann shall consider the Report of the Select Committee on Budgetary Oversight entitled 'Report on Gender Budgeting', copies of which were laid before Dáil Éireann on 30th May, 2018.

18 October 2018

I have been nominated to move the motion by the Chairman of the Committee on Budgetary Oversight, Deputy Colm Brophy, on what is a comprehensive and important report entitled Report on Gender Budgeting. I thank the committee staff for their work in putting together this report. In particular, I wish to acknowledge the work of Catherine McCarthy in assisting the committee.

This is the first opportunity we have had to hold a substantive debate on gender budgeting. The committee engaged with several stakeholders during the past two years on the equality budgeting agenda. They highlighted the important role that the Committee on Budgetary Oversight can play in improving the budgetary process by scrutinising the impact of various budget measures on different groups in society. In the course of its work the committee met the National Women's Council of Ireland, the Irish Human Rights and Equality Commission, Social Justice Ireland, Mental Health Reform, Inclusion Ireland, the Disability Federation of Ireland and the Irish Wheelchair Association. We also received assistance from the Parliamentary Budget Office and officials in the Department of Public Expenditure and Reform, who provided useful evidence about the practical challenges involved in implementing an equality budgeting pilot programme.

A Programme for a Partnership Government made commitments to develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights. It states that arrangements will be put in place to support budget proofing within key Departments. In this regard the role of the Committee on Budgetary Oversight is to encourage greater transparency in the budget process and to monitor progress in rolling out gender and equality budgeting in Ireland.

One may ask what is gender budgeting. At its most simple, it is a way of assessing budgets from a gender perspective and looking at how they impact specifically on men and women. In other words, gender budgeting examines the impact of budgetary measures on individuals and groups. In practice, gender budgeting can be achieved by asking a number of key questions: what impact does this fiscal measure have on gender equality; and does it increase it, decrease it or leave it unchanged. It is only by using these questions as a framework for budget scrutiny and budget policy formulation that we will progress to fully gender and equality-proofed budgets.

Equality budgeting is particularly important. The Dáil should note that gender budgeting is advocated by a number of international organisations, including the OECD and the World Bank. They argue that there are many historical inequalities between the sexes and that budgets are not usually framed with issues such as the reduction of gender inequality in mind. Today, almost half of OECD countries are carrying out different types of gender assessment relating to the budget. Nevertheless, cultural change is required. This is definitely the case in the Irish context. The members of the Committee on Budgetary Oversight are keen to assist in leading that cultural change. International evidence suggests civil servants and politicians need to recognise that the budget is not a gender-neutral exercise. That was the thinking up until recent decades. Such thinking is even reflected in the present day, and we can see evidence of that thinking in the present day in some Departments. For example, many of the chapters in the 2018 tax strategy group papers contain a single line statement regarding the gender and equality implication of various proposed tax measures. Most of these statements simply state that there are no specific gender or equality implications with regard to a particular fiscal measure.

Many gender equality experts have cited this so-called veil of neutrality as one of the ob-

stacles to implementing gender budgeting and putting women on an equal economic footing. In a recent study on gender equality, Dr. Angela O'Hagan explained that for gender budgeting to be truly transformative there needs to be recognition that women have had and continue to have an unequal economic status in society and, therefore, public policy must seek to redress the undervalued, underpaid, under-represented and unequal status of women currently and historically. This is one of the main goals of equality budgeting.

While the committee recognises the challenges involved in implementing gender budgeting processes, it also believes that the benefits to Irish society far outweigh the difficulties. The substantial benefits include improved economic performance, improved design and transparency of budget measures, good governance and, crucially, increased confidence in Government.

Where does the improved economic performance come from? Gender budgeting is not a new concept. Research has established the link between equality and economic growth. For example, in 2014 an IMF note stated:

The Fund has recognized in recent years that one cannot separate issues of economic growth and stability on one hand and equality on the other. Indeed, there is a strong case for considering inequality and an inability to sustain economic growth as two sides of the same coin.

The European Institute for Gender Equality carried out a study in 2017 to estimate the socio-economic impact of improved gender equality. The study found that improving gender equality across the EU could potentially result in 10.5 million additional jobs by 2050. That would represent an increase in GDP *per capita* of almost 10% by 2050.

The benefits of gender budgeting extend beyond simply economic performance. Implementing gender budgeting processes can also help to achieve broader aims of budgetary reform. In its report, *Towards Gender Responsive Budgeting in Ireland*, the National Women's Council of Ireland stated that gender budgeting was good budgeting as it could help to increase accountability, transparency, effectiveness and efficiency of the budget formulation process. The report said it could also help to avoid the expense and time required to reverse unequal policy measures. One such example of an unequal policy measure was the change to the pension bands in 2012, which had a negative impact on female pensions in particular.

The committee's report also highlights the fact that countries with larger numbers of women in ministerial positions or in parliament tend to have lower levels of inequality and a high level of confidence in Government. We noted OECD research which found that increasing the number of female policymakers can result in a more balanced approach to policy design and service delivery.

The key recommendation of the committee's report was an equality budgeting statement. The report went to the Minister for Finance and Public Expenditure and Reform requesting that he should produce such an equality statement as part of budget 2019 and that such a statement should be read out in conjunction with the budget document. The report recommended that the equality budgeting statement should set out broad and ambitious strategic gender equality goals. These strategic goals should be linked to the gender equality performance indicators, objectives and targets chosen by Departments for inclusion in the equality budgeting initiative. This would advance the integration of gender and, over time, other aspects of equality budgeting into the annual budget process. This recommendation was made in line with international

best practice. For example, in Scotland an annual equality budget statement provides analysis that gives citizens useful information on assessing the equality impact of various budget measures.

In the recent budget the Minister referred to equality and gender budgeting in a risible way and in a rather limited paragraph contribution to his Budget Statement. The committee welcomes the Minister's commitment to make further progress to broaden the pilot project he mentioned to encompass other dimensions of equality. The committee also agrees that the establishment of the expert advisory group committed to by the Minister will provide further guidance in this area. However, the committee was disappointed to note that the Minister was not in a position to provide an equality budgeting statement as part of budget 2019 and that he has not responded to the committee's recommendations in this regard.

The committee calls on the Minister to commit to producing a full equality budget statement to be read alongside budget 2020. The introduction of an equality budget statement would represent a significant milestone for Ireland as it would be the first of its kind. It would place the issue of gender equality on a more prominent footing and would cement the Government's commitment to enhancing equality in Irish society and improving budgetary reform and transparency.

The committee welcomes the introduction of an equality budgeting pilot programme in respect of voted expenditure and the corresponding performance of the public services. However, the committee does not believe that the pilot programme is sufficiently detailed or ambitious. The committee recommends that the Parliamentary Budget Office's analysis of the equality budgeting pilot programme and constructive feedback contained in its analysis should be used by the Department of Public Expenditure and Reform to improve the pilot in the six Departments involved.

Another important point highlighted by the National Women's Council of Ireland and other gender equality experts is that the lack of disaggregated data is a key barrier to implementation of a gender budgeting process. Therefore, the committee recommends that the Department of Public Expenditure and Reform put a system in place to help the six pilot Departments identify and record gaps in available budget data. The committee also recommends that officials from the Department of Public Expenditure and Reform appear before it in due course to discuss the results of its annual review of the equality budgeting pilot programme. This continued dialogue will ensure that there is continued progress to build on the work of the pilot programme.

The committee believes that successful equality budgeting involves bringing together gender equality expertise and expertise in public finance management. As a result, it recommends the establishment of a dedicated unit within each of the six Departments participating in the equality budgeting pilot programme.

The committee also received evidence from representatives of disability groups which emphasised the importance of assessing the equality impact of budget measures on different equality groups, including disabled persons. The committee hopes that the equality budgeting pilot can be extended, over time, to other aspects of equality budgeting.

In terms of developments since the publication of the committee's report in May, we received an excellent presentation from Dr. Claire Keane and Mr. Barra Roantree from the ESRI, who showed how budgets can be gender proofed in the future. The ESRI's simulating welfare

and income tax changes, SWITCH, model is widely used at budget time to examine the tax benefit policy changes that have happened and on whom they have impacted. However, the model only examines the impact on socio-economic groups. In a project funded by the Parliamentary Budget Office, the SWITCH model was recently updated. Improvements to the model mean that it can now be used to examine the impact of tax benefit policies according to gender. This updated model is a positive development and offers a very practical example of gender proofing in practice.

I will give a few examples of the SWITCH model being adapted to the budget in terms of gender equality. In the context of budgetary policy between 2008 and 2018, when it used the SWITCH model, the ESRI discovered that female lone parents lost out by more than other singles. When we consider the assumption that couples do not fully pool their incomes, we discover that working-age married women lost significantly more than working-age married men. Most income losses and most of the gender differences in income losses occurred during the austerity period, whereas fewer differences between the impact of budgetary policy on men and women were observed in the recovery period from 2013 to 2018. The committee, therefore, strongly supports the use of the updated SWITCH model to carry out ex-post analysis of budget 2019. Given that the updated model has been made available to Departments, we strongly believe that it should be used to carry out *ex-ante* analysis of key budget measures ahead of budget 2020. The Committee on Budgetary Oversight also recommends in its report to the Minister for Finance that, arising out of the Scottish experience, a report be commissioned into the role of women in the economy.

The committee is committed to its work in continuing to progress, promote and monitor the integration of gender budgeting and other gender equality measures into the annual budget process. The committee believes that by having these tools available to analyse the impact of different budget options in future, we can hopefully try to avoid policy decisions which have an adverse impact on women.

In the context of our recommendations concerning commissioning a report into the role of women in the economy, the Minister has not responded to that suggestion and he has not responded to the Committee on Budgetary Oversight report on gender budgeting, even though it was submitted to him in May. That is my report on behalf of the committee.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan): I am taking the debate on behalf of the Minister for Public Expenditure and Reform, Deputy Donohoe.

I welcome the opportunity to address the House on the Committee on Budgetary Oversight report on gender budgeting. In the past two years, the Department of Public Expenditure and Reform has been working to advance equality budgeting, and the committee's report on gender budgeting contributes to progressing this important work.

Gender and equality budgeting has been a significant part of the committee's work programme, and the report makes ten recommendations in this regard.

The ongoing work facilitated by the Department of Public Expenditure and Reform regarding gender and equality budgeting continues to address many of the report's recommendations and demonstrates the Government's commitment to build on the equality budgeting initiative. The Government's work regarding equality budgeting stems from a commitment in A Pro-

gramme for a Partnership Government to develop “the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights”.

Equality budgeting involves providing greater information on the likely impacts of proposed and-or ongoing budgetary measures, which, in turn, enhance the potential to better facilitate the integration of equality concerns into the budgetary process and enhance the Government’s decision-making framework. While inequality is traditionally viewed through the prism of economic inequality alone, equality budgeting goes further in identifying contrasting outcomes in areas such as health and education, and how these outcomes differ across gender, age, ethnicity and those other characteristics which distinguish our society’s cohorts.

In 2017, the Department of Public Expenditure and Reform announced details of the equality budgeting pilot programme for the 2018 budgetary cycle. This pilot, which is anchored in the existing performance budgeting framework, is currently under way. For this first cycle of equality budgeting, a number of diverse policy areas have been selected, with associated objectives and indicators published in the Revised Estimates Volume 2018 last December. Six streams were identified, with five of those focusing on gender. Progress towards achieving these targets was reported on in the public service performance report published in April.

The committee’s report recommends that the gender budgeting focus of the equality budgeting pilot be expanded to other equality dimensions. The Minister outlined in his Budget Statement last week the commitment to advancing equality budgeting and expanding the initiative to other dimensions of equality, including socio-economic inequality.

I recognise that getting a wide range of opinions is crucial to progress this work effectively. To support this expansion, the Department of Public Expenditure and Reform has established an equality budgeting expert advisory group, including representatives from the National Economic and Social Council, the Central Statistics Office, the National Women’s Council of Ireland, the Irish Human Rights and Equality Commission, the ESRI and academia, as well as the Departments of Finance, Justice and Equality and Employment Affairs and Social Protection. This group will provide expert knowledge and advice on the most effective way to advance equality budgeting policy and progress the initiative.

Strong stakeholder engagement remains central to the work regarding gender and equality budgeting. The expert advisory group has a significant role in this, as does the Committee on Budgetary Oversight. The Department of Public Expenditure and Reform continues to liaise closely with key stakeholders.

In developing Irish equality budgeting policy we also looked at international best practice. A number of countries have begun to develop frameworks in this area. The Austrian, Scottish, Icelandic and Canadian models, among others, were examined. Although many of these approaches are relatively new, it is useful to see the methodology and common themes that have been adopted.

The Department of Public Expenditure and Reform is currently working closely with a number of line Departments to identify new measures for the 2019 phase of equality budgeting. As I said earlier, we are building on the gender dimension and expanding to other areas, including socio-economic inequality. This is in parallel to other more long-term work. As outlined in the committee’s report, there is a need systematically to identify and record relevant data gaps. The ongoing work of the Department of Public Expenditure and Reform in areas such as

performance budgeting and the spending review seeks to address the issue of gaps in relation to data on the outputs and outcomes of public expenditure.

Awareness and implementation of equality budgeting is also key in order to refine and improve the selected indicators as outlined in the committee's report. The Department of Public Expenditure and Reform continues to work closely with line Departments and will undertake awareness-raising measures to maximise the application and impact of equality budgeting policy.

There are a number of established practices and procedures in place in Ireland that facilitate the consideration of likely equality impacts on proposed and-or ongoing budgetary processes and measures. These include distributional analysis where the Departments of Finance and Employment Affairs and Social Protection carry out an ex post impact assessment of the main tax and social welfare measures introduced in any budget. The development of a social impact assessment, SIA, framework has taken place, which is designed to focus on policy areas that cannot easily be incorporated into the existing SWITCH model, specifically the impacts of public expenditure on recipient households. The framework allows evaluators assess how changes in public expenditure policy can impact on household incomes and living standards. Seven papers have been published under the SIA series to date, five of which were published on budget day, including on female labour force participation and targeted childcare supports.

The introduction of equality budgeting has highlighted many issues and identified many areas which need further work. In this regard, and in line with the recommendations in the report, I look forward to working with the committee in further developing gender and equality budgeting.

I thank Deputy Lahart for presenting the report. In respect of his comments on the issues that need to be drawn to the attention of the Minister, Deputy Donohoe, I commit to doing that as well.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Tommy Broughan.

Deputy Thomas P. Broughan: As a member of the-----

Acting Chairman (Deputy Bernard J. Durkan): Are Deputies Broughan and Burton sharing time?

Deputy Joan Burton: I am not aware.

Deputy Thomas P. Broughan: No. I did indicate.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Broughan's name was in first. I do not mind if-----

Deputy Joan Burton: In terms of the Labour Party I thought I was up next.

Deputy John Lahart: Deputy Broughan is a member of the Committee on Budgetary Oversight.

Acting Chairman (Deputy Bernard J. Durkan): There is no particular order for this debate.

Deputy Thomas P. Broughan: It is first come, first served. Those are the rules.

18 October 2018

Deputy Joan Burton: I was actually here awaiting the debate before Deputy Broughan was here.

Deputy Thomas P. Broughan: I gave in my name at the start of the Topical Issue debate.

Acting Chairman (Deputy Bernard J. Durkan): It is not the same order as the normal debates.

Deputy Joan Burton: At least a woman will get in eventually.

Deputy Thomas P. Broughan: We are here because we are interested.

As a member of the Committee on Budgetary Oversight I am delighted to strongly endorse this important report, which was launched on 30 May this year. Gender and equality budgeting have been major priorities for our work. I was of course disappointed that the Minister, Deputy Donohoe, did not present a gender budgeting report alongside budget 2019 on 9 October last, as is recommended in the report before us.

I am grateful to the clerk of the committee, Mr. Ronan Murphy, our policy adviser and economist, Ms Catherine McCarthy, and our administrative officer, Ms Miriam Plunkett, for all their work in bringing this important report before us. Thanks are also due to Ms Annette Connolly, director, and her staff in the Parliamentary Budget Office and finally, of course, to the Chairman of the Committee on Budgetary Oversight, Deputy Colm Brophy and all my colleagues on the committee.

We were delighted to have such a range of distinguished stakeholders present to the committee on gender and equality budgeting. We met with the National Women's Council of Ireland, the financial scrutiny unit of the Scottish Parliament, the Irish Wheelchair Association, the Disability Federation of Ireland, and the Irish Human Rights and Equality Commission. We also had representation from the Department of Public Expenditure and Reform and, of course, the Parliamentary Budget Office. The committee's policy adviser, Ms Catherine McCarthy, travelled to Germany to attend a conference by the European Institute for Gender Equality on gender budgeting and we also examined experiences of the Basque country and Austria. Senator Alice Mary Higgins played an important role in initiating the work which led to this report. I recall a very early meeting that Senator Higgins arranged with Scottish parliamentary colleagues, which Deputy Boyd Barrett and I also attended.

Diane Elson in her 2001 paper, "Strengthening Economic and Financial Governance through Gender Budgeting", defines gender budgeting as trying to "analyse any form of public expenditure or methods of raising public money from a gender perspective, identifying the implications and impacts for women and girls as compared to men and boys." Professor Elson also notes that the practical steps needed to gender-proof budgets include assessing what impact any fiscal measure has on gender equality and determining whether it reduces, increases or leaves gender equality unchanged.

Austria is one of just three countries worldwide that has enshrined the concept of gender budgeting into the constitution. The nation, states and communes of Austria have to assess each chapter of their budgets on a gender equality outcome basis. Of course, the Austrian budget committee carries out ex ante scrutiny of gender outcomes on each proposed budget and its court of audit, which is like our Committee of Public Accounts, does the ex post assessment.

As we learned at the meeting organised by Senator Higgins and subsequently from the Scottish financial scrutiny unit, Scotland's budgets since 2009 have been accompanied by an equality budget statement and the Scottish Government is working on a gender index for Scotland. In 2014, the Scottish Government also commissioned the Sawyer review which sets out an action plan to address the inequalities facing women in Scotland.

In our report on gender budgeting, the committee notes the initiative of the Department of Public Expenditure and Reform in rolling out a pilot programme to progress equality budgeting in Ireland. The programme, of course, involved six Departments, namely Transport, Tourism and Sport; Culture, Heritage and the Gaeltacht; Children and Youth Affairs; Education and Skills; Health; and Business, Enterprise and Innovation. Gender equality objectives and indicators from those Departments have been also published in the revised Estimates volume for 2018. The committee report notes the launch of the pilot programme but many constituents feel the programme could have been much more far-reaching and ambitious to speed up the attainment of full gender equality in national budgets and in the workforce.

The budgetary oversight committee rightly draws attention to lacunae and gaps in the pilot which were researched and highlighted to us by both the National Women's Council of Ireland and the Parliamentary Budget Office. Our report emphasises that metrics in the programme were not clearly linked to expenditure. That is a key point as such a link is needed for this kind of programme. The key high-level metrics for large financial allocations are not linked to the activities and expenditure of each Department in question. Clearly, as the report concludes, the formatting and presentation of pilot metrics and targets could be significantly improved. It is deplorable that a key recommendation of the National Women's Council of Ireland, the publication of an equality budget statement to sit alongside the Budget Statement itself - and the reading of such a statement by the Minister - was not accepted or acted on by the Minister, Deputy Donohoe, for budget 2019. I believe we should also adopt the recommendation of the National Women's Council of Ireland that gender budgeting be placed on a statutory basis, perhaps indeed underpinned by a constitutional amendment.

The analysis in our committee report reflects on the challenges and difficulties presented by a gender budgeting process. In particular, the collection of sex-disaggregated data, as begun, for example, by Israel in 2008, is critical to the successful roll-out of gender budgeting for the future. The Department of Public Expenditure and Reform's request to Departments involved in the pilot programme to identify and log where data deficiencies exist is an important first step but the committee report rightly asks for much more to be done in this regard.

When the Minister, Deputy Donohoe, engaged with the committee, I also asked him if the Department of Finance and Department of Public Expenditure and Reform would utilise the ESRI SWITCH model to invigilate the gender impact of budgetary measures in budget 2019. Regrettably, he replied that this was not possible for budget 2019. However, I commend the initiative of the Parliamentary Budget Office in commissioning the ESRI to examine the expansion of the capacity of the SWITCH model to include effective scrutiny of the gender impact of budgetary measures in Ireland. I note that the ESRI informed the committee that a pilot project ESRI carried out for the Irish Human Rights and Equality Commission in 2014 looked at the gender impact of tax and benefit changes and showed how the SWITCH model could be extended to provide a gender impact assessment. The ESRI reported that working-age, lone parents who are predominantly female are significantly more exposed to changes in tax policy and benefits than other cohorts. Dr. Claire Keane and Mr. Barra Roantree of the ESRI presented to the committee last month and gave us a valuable insight into the work of the ESRI's tax-

benefit SWITCH model. They showed how gender-based divisions of work and caring roles result in differences in incomes and benefits received and how differences in work and PRSI contribution histories can also deeply affect welfare payment rates and whether an individual even qualifies for a benefit in the first place.

The committee report also highlights the Scottish Government's equality and budgetary advisory group and the Austrian system of performance budgeting, which allows priorities such as gender equality budgeting to be included. Briefing paper No. 4 of the Parliamentary Budget Office, "The Gender and Equality Budgeting Pilot in the Revised Estimates for Public Services 2018", has been also of great assistance to the Committee on Budgetary Oversight. The Parliamentary Budget Office report shows that only just over €1.8 million in total was spent on the six departmental programmes and that "there is scope for building upon and enhancing the metrics and indicators employed in the pilot".

The Parliamentary Budget Office is also right to stress that gender budgeting should address specific and identifiable goals and that further development of this pilot is, of course, necessary. Massive development of the pilot is required. The Parliamentary Budget Office also stressed that high-level metrics provided within the pilots are not clearly linked to specific allocations at subhead level and that pilot goal, metrics and indicators are difficult to distinguish from pre-existing programme metrics. If one looks at the programmes, one can see that is the case.

Of course, the pilot programme includes laudable aims including increasing the number of female apprentices, increasing female participation at all levels of sport, achieving gender balance in scientific research teams, improved participation by women in the film industry and the media, and much more affordable childcare.

The critique of the Parliamentary Budget Office and our committee report clearly show, however, how much more rigorous analysis is needed for much more ambitious gender equality programmes in all Departments.

The Committee on Budgetary Oversight report quotes from the IMF that "the Fund has recognized in recent years that one cannot separate the issues of economic growth and stability on the one hand and equality on the other". The report also correctly quotes the study of the European Institute for Gender Equality which found in 2017 that greater gender equality *8 o'clock* across the EU could result in 10.5 million additional jobs by 2050 and an increase in GDP *per capita* of almost 10% by 2050, and that it could be a major economic instrument to address some of the demographic challenges facing Europe. The OECD Deputy Secretary General, Ms Mari Kiviniemi, also quoted an OECD estimate that a 50% reduction in the gender gap in labour market participation would lead to a 6% increase in GDP by 2030. To put it more simply, in the words of the song by Bobbie McGee, "Bread and Roses", "the rising of the women means the rising of the race". I am sure the Acting Chairman knows that song.

Acting Chairman (Deputy Bernard J. Durkan): I am tired of it.

Deputy Thomas P. Broughan: He probably sang it many times as he went marching and demonstrating.

Deputy Richard Boyd Barrett: Waving the red flag.

Deputy Thomas P. Broughan: With those caveats, I am delighted to support the recommendations of the Committee on Budgetary Oversight. I again thank all those who were in-

volved in the report's production and who advised us so well. The benefits of gender budgeting are a *sine qua non* for a highly productive, happy and egalitarian society.

Deputy Joan Burton: In looking at this report, which I think is the first of its kind to be presented to the Dáil, I am conscious that, so far, I am the only woman who has spoken. In terms of gender organisation of the Dáil, many of my women colleagues have young children and probably have a better place to be late on a Thursday evening than be here in the Dáil to speak. Had there been some more gender sensitivity with the time chosen, it might have been possible for many more of our valued women colleagues in the Dáil to contribute to this debate and perhaps bring some flavour of personal knowledge to the debate. The issue is quite personal to many women and potentially very important.

I welcome the debate. That a discussion on an element of gender equality has taken place here is a step forward in the year of the 100th anniversary of women getting the vote. Countess Markievicz said she devoted her life to trying to ensure that women got freedom and equality, particularly and obviously in Ireland. She also joined causes with women throughout the world. It is important for us to use the knowledge and learning gained by women around the world to pursue a broad objective of essentially creating a more inclusive society, which includes women as equals in what the society does and as equals in what Parliament proposes and disposes.

The three previous speakers concentrated mainly on a technical discussion of gender budgeting. Some of the language is challenging enough to understand. It is technical language. I would like us to use language that is available to all women and men regardless of their education levels.

My professional background is in accounting. I start with a basic accounting concept about accounts: what should accounts do? A set of accounts or accounting reports should seek to give a true and fair view of what has happened, what the resources are used for, and in terms of current accounting, what the outcomes have been and whether those outcomes have been fair. True and fair should be the objectives of gender budgeting. It would tell us how resources are disbursed in terms of fairness between men, women and children and between different groups in society. For example, people may need additional support from the State because they have a disability, whether they are men or women. In economic and ethical terms, it is quite a useful concept to adopt as a fresh way of looking at budgetary arithmetic.

Budget 2019 contained a few standout things that indicated that gender budgeting did not get significant consideration. For the third year in a row there has been no increase in child benefit. As we know, child benefit is one of the social welfare payments which is paid directly to the caring parent, usually the mother. For the third year in a row in this period of restoration following a very severe collapse of the economy, nothing has been done by either of the two big parties for women who, while not the only caregivers, are very often the principal caregivers for children in a family. Child benefit is a very important payment, but the Government saw fit not to go near it.

The domiciliary care allowance is paid usually to the caring parent in the case of a child who is assessed as having special needs. For the third year in a row, nothing was done with that very important payment. As Dr. Keane of the ESRI told the Committee on Budgetary Oversight some time ago, carers are largely women. In about 70% of families in receipt of the domiciliary care allowance, which is a significant proportion, one of the parents, usually the mother, goes on to be a full-time carer supported by the Department of Employment Affairs and Social

Protection. These are just small things, and I would have liked to have seen gender analysis of those aspects of the budget.

Other things stand out in our experience of society. Multiple reports on housing by Government and NGOs show that many families experiencing homelessness comprise children with one parent caring on their own, with most of those families headed by women. This is a very significant group experiencing serious difficulties with homelessness.

Travellers, especially Traveller women and children, often experience very serious issues with income adequacy, access to education, employment and training. If we were building the kind of true and fair view we would try to give of society, these are some of the areas that might be considered for inclusion in a gender budgeting statement. I regret that the Minister, perhaps for technical reasons, could not find the time to include that in the budget.

My colleague, Senator Bacik, has brought a Bill through the Seanad on the gender pay gap. That is very important legislation. When that gender pay gap Bill comes before the Dáil, I hope Fianna Fáil, Fine Gael, the other parties and Independents who are represented here will find it possible to address the gender pay gap and we can agree to go forward on a coherent basis.

With regard to the various studies presented to the committee, in the time I have left I want to say that while the ESRI paper was very good, the SWITCH model is very old. When I was Minister for Social Protection, a lot of money was given to the ESRI to improve the model but it is still not good enough to present us with the sufficiently detailed picture that we want in terms of people accepting the gender budgeting report. Some consideration will have to be given by the Minister for Finance to funding the ESRI to improve the SWITCH model so the data examination that is referenced in a whole series of papers as being essential to good quality gender budgeting can be carried out because it cannot be currently. I can observe, as can everybody else here, when there are more men than women in a room, as there are here now. I can observe, when a delegation comes in from the Department of Finance, that they are all male. This tells me something about the role of women in this country and in this Parliament. The SWITCH model is very important. I ask the Minister of State to tell the senior Minister that it is important there is investment in this because it will yield good results.

There are very simple examples around gender-type investments. For example, do we want to lower speeds in estates so women with small children in buggies can safely let the children out to play and the risk of accident is reduced?

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

Deputy Joan Burton: That is not only very important to families but it has a huge value to society. In monetary terms, we do not tend to try to measure this in our budgeting, although it is very important.

Acting Chairman (Deputy Bernard J. Durkan): Time, Deputy.

Deputy Joan Burton: Whether a person is disabled or pushing a buggy, dished pavements represent a very important civic amenity that helps the person to be able to move around the community.

While I welcome the report, we could expand our imaginations, as has been done in many other countries, and I particularly reference Austria-----

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

Deputy Joan Burton: -----to examine gender budgeting and build on what has been done here, which is quite good.

Acting Chairman (Deputy Bernard J. Durkan): Thank you, Deputy. We have several more speakers.

Deputy Joan Burton: We could expand on it to give us a much better picture of the position of women in Irish society.

Deputy Richard Boyd Barrett: I commend the Committee on Budgetary Oversight secretariat and the Parliamentary Budget Office for their great work on all of this and the report that was produced in May, in particular the work they have done in trying to advance the cause of equality budgeting and gender budgeting. I commend the Chairman and my fellow committee members for their work. I thank all of the people who contributed or who came in to the committee, such as the National Women's Council of Ireland, the Wheelchair Association of Ireland and the ESRI, and there are others I cannot remember, unfortunately.

This is a hugely important issue. I agree with Deputy Burton that some of it is quite technical, necessarily so when it comes down to trying to disaggregate information to see how budgets and budgetary allocations impact on women, on different genders, on different groups, such as people with disability, ethnic groups, Travellers, or on any sector of society, given there are obviously different social and economic groups in society. Why is it important to do that? Probably the best case for why we need to do it was set out in the book, *The Spirit Level*, written a number of years ago, where the authors gathered a lot of evidence to show that societies where there is greater equality do better at every single level imaginable. Societies where there are greater levels of equality have better community and social relations, better mental health, better physical health, longer life expectancy, less obesity, less violence, less imprisonment and better economic growth. Every indicator suggests that societies that are more equal do better. That is why it is important.

For many reasons, I find the budgets I have had to interact with over-----

(Interruptions).

Deputy Richard Boyd Barrett: I hope the private conversations can end now. It is a bit outrageous, to be honest.

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

Deputy Patrick O'Donovan: This is not acceptable. We are here for the debate. If Deputy Burton does not want to show a bit of respect, it is regrettable.

Acting Chairman (Deputy Bernard J. Durkan): I know.

Deputy Patrick O'Donovan: Sorry, Acting Chairman. Deputy Burton is giving out about the fact that it is 8.15 p.m. Then she shows disrespect to Deputy Boyd Barrett and to the House.

Acting Chairman (Deputy Bernard J. Durkan): We will proceed. Deputy Boyd Barrett, without interruption.

Deputy Patrick O'Donovan: We are still here.

Acting Chairman (Deputy Bernard J. Durkan): I know. I ask Deputy Boyd Barrett to continue.

Deputy Richard Boyd Barrett: I thank the Minister of State. I appreciate that. Fair play to him. What we just saw was extremely disrespectful.

Equality is good for our society. Obviously, gender equality is critical in so far as 50% of the world's population suffer systematic discrimination and oppression and are disproportionately impacted by poverty, war and all of the injustices and inequalities that exist in our world, given these disproportionately impact on women. If women do not have equality, our entire society suffers. It is imperative for the good of all that we have real equality for women, as part of a fight for greater equality in society generally, because we will live in a better world and have a better future if we achieve that.

The way budgeting has been done to date is frustrating because it does not seem to have any particular objective at all, and it is only with this discussion that we are beginning to address that. For example, I do not know, going into any budget, what exactly the point is of the budget. There does not seem to be any particular point other than to play by certain fiscal rules or to balance books just for the sake of it, or for a thing called economic growth, the benefits of which are a little difficult to ascertain when we live in a country which has the highest levels of economic growth in Europe, yet has a massive housing crisis, a massive health crisis, cannot deal with climate change and has an education system in serious trouble, as our universities tumble down the international rankings and we have the most overcrowded classrooms in the Western world. It makes one wonder what exactly is the connection between the Moses and prophets of economic growth and the actual quality of life of our citizens. Equality budgeting focuses on that and says there should be a point to a budget, and that point should be to have a better society, which means a more equal society, and to address inequalities. One of the biggest inequalities of them all is gender inequality, so it is critical we go down this road. Senator Alice-Mary Higgins has been commended and I should add my voice to that commendation for her efforts in bringing this issue forward.

What if we had these kinds of impact assessments on the consequences of gender inequality and other forms of inequality in our society over the last ten years? I do not know if things would have been different, but we certainly would have had greater evidence to argue against some of what happened. It is deeply ironic that the Deputy who has just left was the Minister for Social Protection when precisely the most savage attacks on women in Irish society took place, in particular in the 2012 budget. This is from the ESRI, not just us. We said it at the time the attacks were launched, in particular the attacks on single parents with the cuts to child benefit, the income disregard for single mothers, rent allowance, with disastrous consequences, and the capital housing budgets. One can go through the list. There were cuts to jobseeker's allowance for young people under 26 years of age. All of this happened in 2012. The ESRI has confirmed with the application of the newly adapted SWITCH model, which takes into account gender impacts, that single mothers suffered the worst while working mothers in couples with children were hit the second worst. These savage attacks had a huge impact on our society generally, increasing poverty and deprivation, and the worst victims were single parents and mothers generally. Where is some acknowledgement of the damage that was done? There might have been an argument about it having to be done, which I would not accept, but at least some acknowledgement of the damage done to some of the most vulnerable women by those who implemented those attacks at the time would be welcome.

It is disappointing that the Government did not take on the recommendation for a gender impact statement in the budget. We need to have that. It is something that can be done in a simplified way. This is where we have to think about it. We must consider how to make it simple and digestible for people to understand the impacts on different groups. To some extent, it is already done at the back of the budget book where examples are given of the social and economic impact of different budgetary measures. For example, one sees the impact on a public sector worker earning the average industrial wage. The example is also given of the impact on a self-employed person in the private sector who earns a particular income. We need to have various metrics covering the different impacts of certain budgetary measures and to put those together in a digestible form to allow people to understand the effects on different groups, including women, about whom we are speaking today, but also persons with disabilities who constitute another group on whom the impact of budgetary measures is something we desperately need to quantify. People with disabilities are another group who suffered quite savagely as a result of the austerity cuts of the past seven or eight years.

I conclude on that and within my time as the Acting Chairman, Deputy Durkan, will be glad to know. I congratulate those who produced the report. I hope the Government is taking this stuff on board and will take it seriously. It will benefit all of us. It will benefit women and groups who suffer inequality and oppression. It will benefit our entire society and make for a better future.

Deputy Declan Breathnach: By way of introduction to the debate and notwithstanding the fact that many people say self praise is no praise, I note as a relatively new member of the House and as the newest member of the Budgetary Oversight Committee how commendable are its staff and members in respect of the work they do. The potential of the committee to look at budgetary and legislative suggestions and ideas excites me a great deal. I encourage Members to put forward such suggestions and ideas to the committee.

The report on gender budgeting is to be commended. The late and great Kofi Annan once said:

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.

Supporting the report on gender budgeting before the House this evening would be a step towards building a foundation block or cornerstone for the Oireachtas into the future. It would ensure that the good governance referred to by Kofi Annan would happen. Members of the Oireachtas must have an awareness and full understanding of the potential positive and negative impacts of budgetary measures on both females and males. While some good work has been done and there have been some achievements, the House and the Government must implement the real, realisable and concrete proposals outlined in the committee's report on gender budgeting. The committee believes that an equality budget statement, as referenced by Deputy Lahart, must be read by the Minister for Finance in conjunction with his Budget Statement. That is paramount to the gender budgeting process. Such a statement must set out the broad and ambitious strategic equality indicators. The committee's report further recommends that the research and analysis carried out by the parliamentary oversight office should be heeded and acted on by the Department of Public Expenditure and Reform. The report also recommends that the six Departments which piloted the initial programme should be allowed to further analyse their operations in order to enhance the work carried out to date.

Borrowing the slogan “Much done and more to do”, it is true that if gender budgets were succeeding in the House, issues of gender inequality would not be raised so continuously here. Issues like affordable child care would have been long addressed and would not have led to women leaving the labour force due to lack of adequate and affordable child-care services. If we were succeeding, the clear gender imbalance in appointments to State boards would not still exist. Participation and investment in female sport would not be the poor relation. The lack of focus until recently on STEM projects in education for girls would, I trust, have demonstrated the lack of parity of esteem for that sex when it comes to brain power in the fields of science, technology, engineering and maths. As a former teacher, the imbalance in the number of male and female teachers, in particular at primary school level, worries me as I believe children, especially younger children, require the involvement of both sexes. While that might not appear to be a gender-equality issue, it needs to be addressed as part of this process.

I do not want to rabbit on about all of the issues, but they are not exhaustive. Many Members have referred this evening to the identification of anomalies in the tax system, social welfare and pension entitlements. The PRSI system, for instance, has treated women unfairly and been regrettable, insensitive and lacking in budget proofing. Recognition of the need for gender budgeting would go a long way towards dealing with this unfair discrimination and these unfair disadvantages. The report recommends bringing together two sets of knowledge and expertise, namely gender equality expertise and public finance management, which would be a positive step. I draw the attention of the House to the enshrining of gender budgeting in Austria’s constitution. If initiated in this country, this would bring real accountability to good gender equality governance.

I highlight to the Dáil a number of challenges in this report, for example, the lack of data broken down by gender, the need for cultural changes, both by us as politicians and equally by our civil servants, also recognising, most importantly, that the current budget process is not gender neutral.

Like others on the committee, I commend its Chairman, Deputy Brophy, and its Vice Chairman beside me, Deputy Lahart, Miriam Plunkett, Catherine McCarthy, the staff of the Department of Public Expenditure and Reform, the Irish Human Rights and Equality Commission, the National Women’s Council of Ireland, the Irish Wheelchair Association, the Disability Federation of Ireland, not to mention the ESRI, who, together with much advice from other budgetary oversight committees on the issue, went way beyond the call of duty. I support this report and, like others, commend it to the House.

Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O’Donovan): I acknowledge the presence of the Deputies who stayed for the duration of the debate. No one in the House should have to apologise for being male or female. It is regrettable that when the issue of gender is discussed, whether in this forum or elsewhere, we almost drift into having to apologise for being male rather than advocating, which is our role, for the position of men and women, women and men. I do not view myself as a Deputy for men or as a male Deputy. I am a Deputy and I take my responsibilities in this regard very seriously, as I am sure do the other Deputies.

I know Deputy Burton is not present now, but reference was made a while ago to the timing of the debate, which is regrettable because it was certainly worthy of a greater level of scrutiny, consideration and debate in the House. Deputy Burton said many female Deputies are probably at home with their families. That is fine, but the rest of us have families too, and credit must go

to those of us who have been here this evening to provide our input into this.

Deputy Burton referred to the budget of the Department of Employment Affairs and Social Protection. It is worth putting on the record that the weekly rate payable to families in receipt of social welfare payments for a qualified child has increased by €2.20 per week for children under 12 and by €5.20 per week for children aged 12 and over. There will also be a €20 increase to the income disregard for one-parent families on the jobseeker's transitional payment, which was not referred to. The back to school clothing and footwear allowance is being increased by €25 per child, up to €150 for those aged four to 11 and €275 for those aged 12 to 22. There is also an allocation of €146 million for emergency accommodation. In addition, there is in excess of €1.5 billion in the 2019 budget for the Department of Children and Youth Affairs, and the introduction of the affordable childcare scheme continues. In addition, the income thresholds and multiple child deduction under the new scheme are to be adjusted to approve supports for additional parents who qualify. It is not fair, therefore, to say that the budget that has been introduced under confidence and supply does not have a family element to it or that it does not have regard to the importance and centrality of children in society. That is not the case.

I compliment Deputy Lahart, in his role as Vice Chairman, on the report. I know the Chairman is not here but I congratulate both Deputies for their level of engagement. It is fair to say that in recent years there have been a number of reforms led by the Department of Public Expenditure and Reform in the first instance, not only in the area of budgetary layout and engagement with the committee but in a great many other areas. We are on target to have the number of women on our State boards at around the 40% mark. Many of these elements of reform are very positive and I think they are improving the position *vis-à-vis* gender equality. While Deputies Broughan and Boyd Barrett may differ with the Government on an awful lot of our economic philosophy, I agree with them that there is no difference between all our wishes that we might see a greater level of engagement with the committee in terms of oversight, scrutiny and pre-budgetary appraisal. We must also ensure we are able as a Government and an Oireachtas to reach out to the greatest number of people we can, male and female, through our expenditure, our tax regime and our governance.

I entirely agree with some of the points Deputy Breathnach made about education. I was a primary school teacher myself and I know that many of my former contemporaries are female, but there are a growing number of males. A continual impetus needs to be placed on this to ensure a greater number of younger men go into that profession. In a previous Department I suggested and attempted to introduce a mechanism to improve the position of women in sport. This has not advanced, which is very regrettable because we need to see a greater number of leadership roles for women, not just in politics but in areas into which Government expenditure reaches. This is not the case at present. An opportunity was missed but it continues to exist.

As for the overall context of the recommendations of the report, in the brief amount of time I have left I would like, on behalf of the Minister, Deputy Donohoe, to comment on some of them, such as an equality budgeting statement alongside the budget statement, to which all speakers referred. The approach taken to the equality budget is anchored in the existing performance budgeting and is part of a whole-year budgetary approach. It is not just a matter, therefore, of the day itself. I know there is a lot of focus on the day itself, even though the budget is nowadays out nearly three or four weeks in advance in many cases. Many elements that are crucial to good equality or gender budgeting are equally good for budgeting itself and policy formulation as a whole. This is the case for clear, multidimensional budgetary impact analysis and for evaluation frameworks that feed directly into the policy and budget cycle. I think it was

Deputy Boyd Barrett who said we are able to produce tables showing how the budget impacts people in different cohorts and economic strata. As we get more and more information from the Departments of Children and Youth Affairs, Employment Affairs and Social Protection, and Education and Skills, and as the committee continues its work, we will organically see the reach of the budget into what it is we want to try to achieve, which is to ensure that the boat is lifted for males and females.

The reporting of relevant targets and indicators aims to enhance the transparency surrounding the progress made through achieving equality objectives. The work on equality budgeting will continue to complement existing structures which consider the impacts of budgetary measures such as the SWITCH model and social impact assessments. Work is also under way to address the data issues. A representative from the Central Statistics Office sits on the advisory group and work has begun to map priorities from strategies such as the national strategy for women and girls onto gender equality and budgeting.

The Department officials have taken note of the issues that have been raised. The Minister, Deputy Donohoe, is very anxious to continue the dialogue with the members of the committee. I compliment the committee on the work it has done on this element and, more broadly, on the production of the budget. I hope we move away from the set-piece day to having a greater level of input from Members of the Oireachtas, who ultimately have responsibility for voting through the budget under its different headings.

I will finish where I started. It is noteworthy that four of the Deputies who spoke are still here. None of us should have to apologise for being male, no more than anyone should have to apologise for being female. I think an awful lot of progress is being made. The work the committee has done in that regard is very welcome. On behalf of the Government, I thank the committee for the work it has done. I look forward to its continued engagement in the coming months.

Deputy John Lahart: I thank the Minister of State for his reply. I thank my colleagues on the Committee on Budgetary Oversight for their contributions. I would like to emphasise a few of the points that have been made. I ask the Minister of State to remind the Minister that he has not responded to the committee's report. The committee looks forward to his response and to that of the Department of Public Expenditure and Reform.

I note what the Minister of State said about the organic nature of budgeting when he was responding to what I said in my opening remarks about the Committee on Budgetary Oversight's disappointment regarding the Minister's failure to include an equality budgeting statement in his Budget Statement. The Minister has committed to doing this in 2020. The Minister of State spoke about the amount of work that is going on in the background as part of the efforts to deal with gender budgeting issues within each Department. I suggest that this would have made it even more incumbent on the Minister to include a more comprehensive gender budgeting statement in the budget 2019 presentation, even as a gesture. The Minister has not responded to the Committee on Budgetary Oversight on this matter.

I would like to respond to Deputy Burton's remark about "technical language". I do not want to labour the issue. My colleagues have made the point. As I stated earlier, when Deputy Burton was serving as a female Minister for Social Protection in 2012, she, either wittingly or unwittingly, introduced measures in pensions legislation that were particularly gender-biased and had a disproportionately significant penalising effect on women than on men, although

some men were penalised by the measures in question.

I call on the Minister to initiate a report into the economic role of women in Irish society, as recommended by the Committee on Budgetary Oversight. It is really important for the committee's message in this regard to be delivered. We have garnered some experience from the Scottish Parliament in this area.

As this is our first opportunity to debate the Committee on Budgetary Oversight's report with the Minister of State, I would like to raise a few general issues with him. My colleagues on the committee would not forgive me if I failed to do so. I am not talking about individual measures in the budget. One of the criticisms levelled at politicians and office holders during and after the economic crash was that advices from eminent organisations and individuals were not heeded in advance of the crash, or certainly in the lead-up to the height of the crash. Between April and September, various eminent witnesses came before the committee. The chairman of the Irish Fiscal Advisory Council appeared on a number of occasions. We heard from stakeholders from the ESRI and many other bodies. It was clear as long ago as April that certain key budgetary themes were emerging, including Ireland's vulnerability in the area of corporation tax, the importance of taking some steps in the area of carbon tax because of our climate change obligations - the equalisation of diesel and petrol measures was one such step - and the need to consider Brexit budget measures. All of those themes were fudged in the budget. They were not dealt with in any kind of significant way. Some of them, including carbon tax measures, were put off for another year. These issues were highlighted again and again at meetings of the committee.

I have referred to Ireland's vulnerability in the area of corporation tax. It is important that we do not continue to depend on this tax. We must remember the consequences of our over-dependence on it previously. Significant steps were not taken in respect of this tax. Equally, the Minister and the Government have not come back to the committee with concrete proposals for how the rainy-day fund will be used. Will it be used as a counter-cyclical tool, as a contingency fund or as an economic buffer?

We have been given some indication that the Minister for Finance will meet the Minister for Health three or four times a year to try to keep tabs on the health budget, but aside from that the overrun in that budget has not been mentioned. The committee has not received details of, or information on, any particular structure to be used by the Minister or the Department as part of their efforts to control spending in the Department of Health. Successive Ministers for Health have failed to control health spending over a period of 20 years.

The corporation tax windfall in advance of budget 2019 is particularly important. I have not run my concerns in this regard by the members of the committee, but I know they will share them. The Minister was good enough to come before us on a number of occasions. The corporation tax windfall in advance of budget 2019 was entirely predictable because it arose from a technical accounting change. We know that such a windfall will not occur again. The committee is concerned that the discovery of this windfall at such a late hour in the budgetary cycle meant that the committee did not have an opportunity to scrutinise the windfall figures or interrogate the manner in which the windfall will be utilised on behalf of society or the economy.

I would not be forgiven if I had not made these supplementary points now that the opportunity has arisen. The Minister of State might inform the Minister and his officials that we do not intend to let any of these issues go between now and Christmas. We are very exercised about

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them. Each of them is very important. There is no point in having a committee such as ours, which meets regularly up to a week or a fortnight before the budget, if it cannot make any input or engage in any oversight when approximately €1 billion is discovered the night before the budget.

The Committee on Budgetary Oversight is committed to its work and will continue to make progress with, promote and monitor the integration of gender-budgeting and other gender equality measures into the annual budgetary process. The committee hopes that by having the tools available to analyse the impact of various budgetary options in the future, it can try to avoid policy decisions which have an adverse impact on women and other people on the margins of society.

Question put and agreed to.

The Dáil adjourned at 8.50 p.m. until 2 p.m. on Tuesday, 23 October 2018.