



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 25 Deireadh Fómhair 2018

Thursday, 25 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

Brexit Staff

1. **Deputy Michael McGrath** asked the Minister for Finance the status of the preparedness of the Revenue Commissioners for Brexit; the number of customs officials who will be required on 29 March 2019 in the event of a no-deal Brexit; the number of customs officials he anticipates will be operational on 29 March 2019; the extra work that will be required in the event of a transitional period being agreed to; and if he will make a statement on the matter. [44279/18]

Deputy Michael McGrath: This question relates to the preparedness of the Revenue Commissioners for Brexit and, in particular, for all possible scenarios. I understand they have informed the Minister they require 600 additional staff in the scenario of an orderly Brexit where a deal is done and then there is a transition period up to the end 2020. It appears we will fall well short of that by March of next year. I hope the Minister can give a House an update on that matter.

Minister for Finance (Deputy Paschal Donohoe): I thank the Deputy for raising this question. I am advised by Revenue that its Brexit contingency plans are progressing well. Revenue's priority to date has been on upgrading relevant IT systems to have the most advanced systems possible to support and facilitate smooth and efficient trade flows. Performance testing is now well advanced and I am assured by Revenue that based on the work completed to date it is confident that the various IT systems will support the expected additional workload arising from Brexit, ensuring customs processes can continue to operate effectively and efficiently in a

post-Brexit environment.

Allied to this upgrading of IT systems, I am advised by Revenue that it continues to bring to the attention of trade the range of authorisations and simplifications provided for within the Union customs code, UCC. These authorisations and simplifications facilitate legitimate trade to operate in the most efficient way possible. I am aware that Revenue is meeting with trade and business representative groups and attending industry seminars to discuss the supply chain challenges that can arise for business from Brexit and how the authorisations or simplifications available under the UCC could potentially contribute to meeting those challenges.

Revenue has determined that it will require an additional 600 staff as a result of Brexit. In line with the Government decision of September, Revenue has a comprehensive campaign in place to recruit these additional resources. Internal, interdepartmental and open recruitment campaigns are well under way. An open recruitment campaign undertaken by the Public Appointments Service commenced on 11 September and attracted more than 3,000 applications. Interviews are now under way.

I am assured that Revenue's plans are on track for the first 200 additional trade facilitation staff to be trained and in place by 29 March 2019. These staff will be assigned to trade facilitation work in the ports and airports and to support trade and business in undertaking an appropriate level of Brexit related preparation.

Deputy Michael McGrath: I will cut to the chase on this one. Revenue has told the Minister it requires 600 additional staff in the scenario of an orderly Brexit and a transition period to the end of 2020. When does it need those 600 staff by? Is it by March of next year or by the end of 2020? The Government will deliver 200 additional staff by the end of March 2019, which is well short of the 600 required, being just one third of the number requested. That is all in the context of a deal being done. What extra resources does Revenue need if this all goes wrong? If we have a cliff-edge Brexit and there is no deal by the end of March 2019, has Revenue given the Minister an estimate of the extra resources it would require in that scenario? If 600 additional staff are required in case of an orderly Brexit, a transition period and a future trade deal between EU and the UK, what number is required if there is no deal? Presumably it will be a significantly larger number. I hope the Minister can give the House clarity on that matter.

Deputy Paschal Donohoe: I will answer the different questions the Deputy has put to me. The staff the Government will make available to the Revenue Commissioners is in line with what they have requested, namely, 200 staff to be in place by that point in March next year. Our aim then would be to recruit the balance of the staff in the period after that across a transitional period. The objective of the European Union and the UK is to reach agreement on a transitional period. What we will be doing, as indicated in my initial answer to the Deputy, is that we have provision available in relation to use of staff that are already employed by the Revenue Commissioners in relation to setting up panels. Some 3,000 people have now applied for these roles, which is of help.

In the event of a no-deal scenario being reached and a disorderly Brexit, the consequences of that will stretch well beyond resourcing. Political and policy choices will have to be made by the European Union as a whole in relation to this because of the challenges that all member states will face. All of the resource needs that I have been asked to meet I will meet and we will ensure that staff are in place by the deadlines that have been asked for by the Revenue Commissioners and communicated in the Government decision to date.

Deputy Michael McGrath: I thank the Minister for his reply but I must put that “what if” question. If that arises it will go well beyond resource implications, which it will. I assume the Revenue Commissioners, which is a competent professional body, have given the Minister its assessment of what is required by March 2019, in the event of a cliff edge Brexit. It will go well beyond the 600 figure that they have put on it, in the context of a deal or a transition period and a future trade deal between the EU and the UK. Could the Minister answer that straight question as to whether they have given the Minister an assessment of what is required in the event of no deal by March of next year, which is coming around the corner fairly quickly at this stage?

The Minister has clarified that in relation to the 600, they had only asked for 200 by March of 2019 under the central scenario of an orderly Brexit and a transition period. I ask the Minister to confirm the position.

Deputy Paschal Donohoe: As already mentioned, we are providing staff and resourcing in line with the central scenario and the request that has been placed on me.

We are engaging in evaluation of what could happen in a no deal scenario. The consequences of being in that place stretch beyond resourcing for all of the European Union. In that place and contingency the provisions that are open to us regarding use of existing staff and interdepartmental panels will then be used. This is why the work in relation to the evaluation and upscaling of our IT systems is so important. We will have a technology platform that will be able to deal with the different scenarios. In the event of us getting to a point where an agreement is not in place, which everybody is working to avoid, the consequences for the European Union as a whole will be exceptionally significant.

The first area of guidance in relation to this is where the European Commission is looking at different papers as to how different member states will handle a no deal scenario in different policy areas. We would have to get an indication from the Article 50 task force that we are in a no deal spectrum. To date that guidance has not been provided.

Tax Avoidance

2. **Deputy Pearse Doherty** asked the Minister for Finance the steps he will take to ensure high-wealth persons pay an appropriate level of tax in view of the information contained in the recent Comptroller and Auditor General report. [44237/18]

An Leas-Cheann Comhairle: We will proceed with Question No. 2 and in the absence of Deputy Pearse Doherty I call on Deputy Donnchadh Ó Laoghaire to introduce the question.

Deputy Donnchadh Ó Laoghaire: The Comptroller and Auditor General report states that there are 140 high-wealth individuals, millionaires 50 times over, who had a taxable income of less than €125,000. Some 83 of these people have taxable income of less than the average worker. Clearly, there are those in society who are not paying their fair share. Will the Minister commit to bringing in the necessary changes to close these loopholes and exemptions?

Deputy Paschal Donohoe: As the Deputy will be aware wealth is already taxed in a range of ways. The local property tax is based on the market value of residential properties. Capital acquisitions tax and capital gains tax are levied at 33% on the sale of assets. Bank interest in most cases is subject to deposit interest retention tax and the stamp duty levy on the transfer of

shares yielded a net total of €449 million in 2017.

The Comptroller and Auditor General's report notes that both taxable income and income tax payable are determined in accordance with tax legislation which provides the tax expenditures in the form of tax reliefs and tax credits. Such credits and reliefs, where applicable, have the effect of reducing the tax liability of an individual in any given year of assessment. As also stated by the Comptroller and Auditor General in his report, while high earners are well placed to utilise a wide variety of credits and reliefs available, they may also be liable to pay additional tax by virtue of their income in the form of the domicile levy and the high income individual's restriction. This status is determined by assets rather than income, while under the high income individual's restriction, high income earner status relates to those with adjusted income of over €125,000.

The Comptroller and Auditor General's report notes that in 2015, high wealth individuals paid an effective tax rate, including income tax, PRSI and USC, of 39.2% compared with an average rate for all taxpayers of 16.3%. Under the high income individual's restriction, where adjusted income is up to €400,000, a tapered approach ensures that there is a graduated application of this restriction, with the effective rate of income tax increasing towards 30%, as adjusted income increases towards €400,000.

Deputy Donnchadh Ó Laoghaire: We all appreciate the work of the Revenue Commissioners, and in fairness, on some issues where my colleague Deputy Doherty and others have identified unintended or unjustifiable tax breaks, the Department, the Minister and the Revenue Commissioners have acted. There are concrete steps that could be taken here that have been ruled out. For example in Britain all taxpayers with income over €100,000 have to fill out a tax return. That might merit consideration even at a higher level.

One of the striking parts of the Comptroller and Auditor General's report was how high the threshold in this State is to be considered a high wealth individual. At €50 million it is very high compared to €10 million in Spain or €5 million in South Africa. This threshold should be lower. Imagine what we would be looking at if there were cases of €20 million and €30 million being considered. The methods to reduce tax liability are well known to us. The use of credits and reliefs, in particular, serve an important role in reducing the tax burden for low earners but for high earners they should be phased out. The evidence points to tax avoiders having the upper hand in the race between the hound and the hare. The result is millions of euro foregone in tax that should be paying our nurses, being invested in our economy and reducing our debt. Will the Minister consult with the Revenue Commissioners in reducing the threshold and will he beef up anti-avoidance rules in the Finance Bill?

Deputy Paschal Donohoe: Any input I get from the Revenue Commissioners in relation to anti-avoidance rules or anything that needs to be done to deal with tax evasion on an individual or a systemic basis I act on.

The policies that we have in place now, I believe, are effective and proportionate. This belief is backed up by the figures on those, for example, earning more than €400,000. In this example, the 2016 report in this area shows that 149 high income individuals, with an adjusted income of €400,000 or more paid an effective average tax rate of 30.1%. When I include the universal social charge in this, the average tax rate they paid was 40.9%. Anybody over that level of income faces a rate of tax that is proportionate to the income that they have. Those who have more should pay more. The tax code that we have in place delivers that.

Banking Sector Reform

3. **Deputy Michael McGrath** asked the Minister for Finance the steps he plans to take to follow through on the Central Bank's recommendation that an enhanced individual accountability framework be introduced for banks and other regulated financial services providers; and if he will make a statement on the matter. [44280/18]

Deputy Michael McGrath: I want to raise with the Minister the recent Central Bank report on the culture across our banking system and in particular its recommendation that we move towards the introduction of an enhanced individual accountability framework. I want to know if the Minister and the Government support that call by the Central Bank. There is such a regime in the UK for the last number of years. It would be appropriate and a positive step and I look forward to the Minister's response.

Deputy Paschal Donohoe: As the Deputy will be aware, I have long been on record as stating that there are cultural failings in the banking sector that must be addressed. I want to acknowledge the Deputy's role in addressing all of this, particularly in relation to the tracker mortgage scandal. The Deputy pursued the issue forensically at the Oireachtas finance committee.

The Central Bank section 6A report on the culture and behaviour of the main retail banks was drafted by the Central Bank in response to my request last November. Indeed, I just spoke on the report at a conference this morning. I reassure the House that many of the specific issues unearthed by the tracker scandal took place more than a decade ago, although the costs still live with us to this day. The new approach to banking supervision has radically changed through, for example, the Central Bank Reform Act 2010, the Central Bank (Supervision and Enforcement) Act 2013 and the European Single Supervisory Mechanism. The Central Bank is now acknowledged as being one of the most robust and challenging institutions in the world.

My Department's analysis of the culture report found that it was a detailed, qualitative and considered analysis of culture within the banking sector. The Central Bank's proposals on enhancing individual accountability by way of conduct standards for all regulated financial services providers and the individuals working within them, having a senior executive accountability regime and enhancing the current fitness and probity regime are being considered by me in light of my intention to introduce a Central Bank (amendment) Bill in early 2019. There is significant merit in the proposals and I look forward to engaging with the Central Bank and the Oireachtas on how we can implement the principles contained in the report in a way that reflects best practice across the world.

Deputy Michael McGrath: For me, this is not about a witch hunt. It is about having accountability at the top level of our financial institutions. The impact of decisions and behaviours is profound. The Minister referenced the tracker scandal. Approximately 3,000 directly affected customers are yet to receive redress and compensation despite us being almost three years on from the commencement of the investigation. It is their money and they have not got it back, which is a scandal. We need accountability across the financial system, particularly at senior levels where decisions are of such significance for people's lives and the conduct of business and trade in our economy.

The Central Bank report was a good one and we have the recent experience of the UK's introduction of a senior managers accountability framework. It is now a global concept. Hong Kong, Singapore, the US and Australia have made moves in recent years to improve account-

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ability frameworks at senior level across their financial systems. The Minister will have the support of our party in making moves to implement what the Central Bank has called for.

Deputy Paschal Donohoe: I thank the Deputy. I have also considered how Holland has been implementing the regime in question.

Regarding redress and compensation, a total of €580 million had been provided to impacted customers up to the end of August. That amount was their money and it required a large amount of effort from the Central Bank to get to this point.

As to sanctions to date and as the Deputy will be aware, there have been six criminal prosecutions in respect of banking matters, defrauding the Revenue Commissioners, fraud and deception. The Deputy acknowledged the work of the Central Bank. We have a strong enforcement regime reflecting the difficulties of our recent past. On the back of what is a very reflective report from the Central Bank, one that deserves the time we have given to its consideration, I will work with the Deputy, the rest of the Oireachtas and the Central Bank to consider how to progress that into an effective legal regime. There is a need in this respect, which was the point I made earlier today.

Deputy Michael McGrath: It remains to be seen whether the enforcement investigations that are under way in the tracker scandal will deliver answers. The people affected will want to know how it could have happened in the first place, that is, how all the main banks could have made the same mistake in a manner that was adverse to the interests of their customers and was favourable to the interests of the banks. I hope that we get a simple and straightforward answer to that question. There should be individual accountability if people are found guilty of wrongdoing. That is the bottom line. We are nearly three years into the investigation, yet there are still nearly 3,000 customers waiting to get their money back.

The Central Bank's recommendations are crucial and it is imperative that we as a House move swiftly to put them into effect. I hope that the Government will make specific legislative proposals to that end without delay so that people can have greater confidence in the financial system and in there being accountability when things go wrong.

Deputy Paschal Donohoe: Those customers and citizens who are concerned - I share that concern - about the need for accountability and redress should be cognisant of the amount of money that has now been correctly returned to customers who were wronged.

The inquiry is being led by the director general of the Central Bank. The Deputy mentioned his hope that there would be a single and clear answer. My expectation is that there will be many different answers to this. I only need to reference the recent tribunal report from the Charleton inquiry to point to the fact that, at the root of great difficulties that we have to confront, many factors tend to be at play. I am not going to prejudge what the Central Bank will do, but I have absolute confidence in the focus and effort that it is putting behind understanding why this happened. I have seen at first hand its determination to ensure that the right level of sanction is applied and customers get their money back. I will continue to work with the Central Bank on dealing with this issue.

4. **Deputy Danny Healy-Rae** asked the Minister for Finance his plans to reduce the take on VAT and excise duties in view of the fact that fuel and motoring costs have risen dramatically since the commencement of 2018. [44241/18]

Deputy Danny Healy-Rae: Fuel and other motoring costs have again been rising significantly in recent times. People in rural Ireland, especially Kerry, are hurting from the extra costs that they must bear. Wages and social welfare payments have not increased to meet their costs. In Kerry and places like it, one cannot go anywhere without a car because there is no public transport.

Deputy Paschal Donohoe: I thank the Deputy for his question. The point he is making to me about the rising cost of fuel gives a different perspective to the debate that is under way on carbon taxation. The reality is that some forms of fuel are increasing in price. Between January and September of this year, the average prices per litre of petrol and diesel rose by approximately 7 cent and 12 cent, respectively. The prices of these fuel forms are determined by a number of factors from tax to the price of the raw materials and exchange rates. The price of fuel on the forecourt is set by the individual retailer. The current excise rates are 58.7 cent on a litre of petrol and 47.9 cent on diesel. These rates have been in place since 2012 and are kept under review. In budget 2019, I made no changes to these rates and have no intention of changing them further as part of this year's budget.

As was noted in the tax strategy group's environmental paper, the Irish rate of excise on petrol is the 12th highest in the EU while diesel is the tenth highest. They are lower than many of our neighbouring countries.

The Deputy will be aware that, for large-scale diesel consumers, the diesel rebate scheme was introduced in 2013. It offers a partial excise to qualified operators and begins when the price reaches €1.23 per litre, gradually rising to a maximum rebate of 7.5 cent when diesel reaches €1.54 per litre.

Deputy Danny Healy-Rae: The first thing I have to point out is that people with ordinary cars cannot claim back the VAT or any rebate on the diesel. They have no other way of going to work and people have to travel long distances to work. Mothers have to bring children to schools, hospitals and elsewhere. Yes, hauliers can get back the VAT. The cost is so exorbitant. Petrol is €1.45 or €1.46 at the pump and there is 58.7 cent added on to that for excise and carbon. That is very significant. Another 47 or 48 cent is added on to the price of €1.40 for diesel. I am asking if there is any scope for manoeuvre to help these people in rural places who have no way to travel to and from their homes other than by motor car. They have no rebate or return of VAT available to them.

Deputy Paschal Donohoe: I fully understand the point the Deputy is making. I understand that for many of his constituents, the car is the only form of transport available to them. I understand that public transport is not always the option it would be for those in our larger cities and towns, whether it be the bus or the train. I know that is not always available. I also acknowledge that our total tax take from fuel is already very high. For example, the contribution that is made from taxation to the pricing of fuel equates to about 60% of the price of a litre of petrol and about 54% of the price of a litre of diesel. While I am not in a position to say that I will be reducing the taxes in the way the Deputy wants me to do, it is in recognition of the issue he has

raised that I decided not to change those taxes in this year's budget.

Deputy Danny Healy-Rae: I have to thank the Minister and his Government for not raising the taxes any further. We recognise that the price of oil is going up worldwide. Heating oil is up by 30% and fuel costs generally are up somewhere around 25%. It is my duty to represent the people who are hurting as a result of the exorbitant cost of the fuel they must use to get to work and to do their everyday business. They are really hurting. It is not wrong of me to ask the Minister and the Government to do something to help those who do not have public transport and have no other means of transport other than their motor car. Young and old are affected and with the cost of insurance and everything else it is practically impossible. Many families that need a second car are losing the second car because they cannot afford it with all the costs, and wages and social welfare have not gone up to meet those costs.

Deputy Paschal Donohoe: It is indeed the Deputy's duty to represent his constituents and it is in cognisance of the points he is making that I made the decision to make no further change to the tax rates that are applicable to the price of fuel. A general point I would make in the debate on carbon taxation that I know is going to ensue from decisions I made on budget day is that if the contention is - and I accept it - that price does change behaviour, if the price of fuel is going up in the way it has in the past, what impact will that of itself have on usage of fuel and on transport choices? The difficulty the Deputy is raising with me is that the transport options available to many of his constituents are different from the options that would be available to those in larger cities and larger towns. As I said, while I am not in a position to announce the reduction the Deputy is looking for, we will be seeing further investment in public transport. The Local Link scheme that has been implemented by the Minister of State, Deputy Griffin, is going to work very well and I am committed to supporting him in those kind of projects in the coming period.

Fiscal Policy

5. **Deputy Catherine Murphy** asked the Minister for Finance the commencement date for the establishment of the rainy day fund announced in budget 2019; the initial amount to be transferred to the fund on that commencement date; the five year expected projection for the fund; and if he will make a statement on the matter. [44393/18]

An Leas-Cheann Comhairle: Deputy Catherine Murphy is not in the Chamber. I am using my discretion; it is customary in such cases to make a request to the Ceann Comhairle's office but in view of the number of questions today, I am allowing Deputy Shortall to introduce the question.

Deputy Róisín Shortall: Deputy Catherine Murphy is held up at the Committee of Public Accounts.

An Leas-Cheann Comhairle: I can understand that, but normally-----

Deputy Róisín Shortall: I just got word of that in the last few minutes so I apologise that I did not go through the proper protocol.

An Leas-Cheann Comhairle: No problem.

Deputy Róisín Shortall: The rainy day fund seems to make sense on the surface of it or on

a theoretical basis. It seems sensible to engage in counter-cyclical planning and when there are boom-time corporation taxes, it sounds like it would make sense to put them away for a rainy day. However, there has been very little discussion or debate about this and it is very hard to find out the grounds on which that money might be spent in the future. It is not the same as what a family would do in terms of putting money aside. Can the Minister tell us some more about how this fund would work and specifically about the timings involved?

Deputy Paschal Donohoe: I want to inform the Deputy that this week I brought the National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018 to Government and this Bill has now been published. It will be circulated to Deputies in the coming days. It provides the legislative underpinning for the rainy day fund, which will formally be known as the National Surplus (Exceptional Contingencies) Reserve Fund. The timing of commencement of the fund will be contingent on the Bill's passage through the Oireachtas.

The fund is part of a number of measures to help increase the State's resilience to external economic shocks. My intention, as outlined again in budget 2019, is to seed the fund with an initial transfer of €1.5 billion from the Ireland Strategic Investment Fund. I have then provided for Exchequer transfers of €500 million per annum from 2019 to 2023. This will see the fund grow to approximately €4 billion by the end of 2023. In addition, the Bill will provide the possibility of placing windfall tax or other receipts in the fund, where the Dáil by resolution so authorises. The projection of €4 billion by the end of 2023 is contingent on a number of assumptions, namely, that there is a near-zero net carry-cost or return over the period; that there is no event requiring a draw-down; that there are no windfall receipts placed in the fund over the period; and that there is no significant event during the period requiring use of the in-year contingency reserve.

I should explain that the in-year contingency reserve is intended to operate as a potential carve-out from the annual €500 million allocation to the fund. Where, as a result of a natural or other disaster, the Government incurs unforeseeable additional expenditure to mitigate the effects of that event, the payment into the rainy day fund in that year may be reduced by an amount of up to that additional expenditure. I look forward to debating my detailed proposals on Second Stage in the Dáil in the next few weeks.

Deputy Róisín Shortall: I thank the Minister. As I said, on the surface it sounds like it is the prudent thing to do. However, when we actually look at the detail it is clear that this is not money that is going to be drawn down when tax receipts are reduced. The Minister said that it is to be a fund that can be drawn down in a *force majeure* situation where there are external shocks due to natural disaster or some major thing like that. It is not actually in keeping with the common understanding that this is money put aside that can be used in difficult times. It is very specific to natural disaster type occasions.

We have a crisis now in respect of housing. The Government is spending €700 million in rent which is going into landlords' pockets. Surely this is the time to invest those available funds into an area that is of such systemic importance to our economy that it is putting huge pressure on wages, for example. Even employers are looking for that money to be invested in housing now rather than putting it away for some potential future use.

Deputy Paschal Donohoe: I will make two points in respect of what the Deputy said. First, the rent supplement and housing assistance payments are not being used to supplement landlord profits. They are being used to provide accommodation to citizens who, in the absence of

these payments, would be unable to access the accommodation they need and deserve while our social output is increasing. I have a question from Deputy Boyd Barrett on the matter as well and we had a debate on the matter yesterday during parliamentary questions to the Minister for Public Expenditure and Reform.

The Deputy made a second point on the fund. The purpose of this fund, as I have communicated today publicly, is to have money available in exceptional circumstances that are recognised by the Minister for Finance of the day. These must then be agreed by Cabinet and then, in turn, a resolution must be brought to the Dáil on the matter.

My view is that we will only know the value of this fund when we need it. If we face an exceptional shock we will lament not having set it up. As things stand, the level of public debt in the country is a little under €203 billion, which is a fraction of where we were when we faced the last economic shock, a shock we are still trying to put behind us. For that reason I believe this is an appropriate thing to do to help with the long-term challenges our country may face.

Deputy Róisín Shortall: Surely the Minister will accept there is a vast capital investment deficit in the country at the moment, and that this is having a major negative impact on the operation of our economy and the quality of life of people. Why would the Government not use available resources now to save in the future? We are over-spending in respect of the cost of the housing assistance payment. Would it not make far more sense to invest in the provision of housing now rather than continuing with the dependence on HAP? Would it not make far more sense to ensure that we did not have long waiting lists for health services? It makes more sense for the Government to invest in the kind of facilities that are badly needed. It makes more sense for the Government to use the money as a catch-up fund to catch up with the under-investment in the capital area that we have saw during the austerity years. The principle centres on spending now to save in the future. Surely the Minister for Finance will accept that it is far more prudent to provide that kind of investment now rather than putting money away for something that may never happen in future.

Deputy Paschal Donohoe: At what point do we begin to save?

Deputy Róisín Shortall: We need to deal with the crisis we have at the moment.

Deputy Paschal Donohoe: At what point do we begin the cycle of trying to save for the challenges we could have in future? I absolutely understand the position, as does the Deputy, because I represent constituents who are dealing with anxiety and trauma in respect of their homes, lack of homes and difficulties in accessing the healthcare services that we all want them to have. That is why, for this year, we have increased investment in capital. “Capital” is a technical word for our hospitals, schools and public transport. We have increased it in this year by €800 million. The key feature of budget 2019 is that for next year we will increase investment in our homes, universities and schools by an additional €1.4 billion.

The Deputy has, on other occasions, pointed to the dangers of how high our debt is and to the dangers of being over-reliant on any particular tax stream. All I am trying to do is get the balance right between getting ourselves ready for the future and dealing with the level of social need that I know to be present today.

Ceisteanna Eile - Other Questions

Credit Union Regulation

6. **Deputy Willie Penrose** asked the Minister for Finance to outline the work his Department has carried out in conjunction with the Department of Housing, Planning and Local Government with regard to the establishment of a special purpose vehicle for credit unions to invest funds in social housing projects; and if he will make a statement on the matter. [43969/18]

Deputy Joan Burton: Will the Minister for Finance outline what work the Department is doing, and has carried out in conjunction with the Department of Housing, Planning and Local Government, with regard to the establishment of a special purpose vehicle for credit unions to invest funds in social housing projects? Will the Minister explain why nothing has yet been loaned by any credit union for housing? They have the funds and the desire to lend but they believe the Department of Finance is not helping.

Deputy Paschal Donohoe: A Programme for a Partnership Government recognises the potential role credit unions can play in dealing with our great housing difficulties. To that end, officials from my Department and the Department of Housing, Planning and Local Government have met with the credit union representative bodies on several occasions to examine how credit unions can assist in the area of social housing.

Following this engagement, the Central Bank undertook a review of the investment framework for credit unions in 2017. The outcome of the review led to the introduction of revised investment regulations, which allow credit unions to invest in tier 3 approved housing bodies through a regulated entity. As such, since 1 March of this year credit unions have been permitted to provide funding for social housing via a special purpose vehicle. This may facilitate a combined sector investment in tier 3 approved housing bodies of close to €700 million. Let us put this figure in context. As of the end of 2017 total lending from the Housing Finance Agency to approved housing bodies was about €356 million.

In supporting credit unions in the provision of funding for social housing my role and the role of the Central Bank has been to ensure there are no undue regulatory barriers. The Central Bank has now fulfilled its role and I have fulfilled my role in this regard. I look forward to seeing the credit union and social housing sectors progressing and developing any specific funding mechanisms for investing in tier 3 housing bodies. In particular, in line with the commitments in Rebuilding Ireland, the Department of Housing, Planning and Local Government has now established an innovation fund to support the development by AHBs of innovative financial models.

Deputy Joan Burton: I thank the Minister for his response. Every side of the House is keen to see credit unions being able to make an appropriate level of investment in a structured regulated entity like a SPV to be in a position to provide funds for housing. From my contacts I understand that the Housing Finance Agency will be providing funding for approved housing bodies and that the SPV for credit unions is now on the back-burner. In practice, it may have been abandoned by the Government.

The Central Bank is often criticised for being slow-moving but it has moved to provide the regulatory framework. When we heard this some time ago we were all rather optimistic that the

difficulty was on its way to being solved. However, the Department of Finance is sitting on its hands and is not really facilitating the process.

Deputy Paschal Donohoe: That is wrong. I am pleased to inform the Deputy that one of the credit union representative bodies has now completed all the preparatory work for establishing a SPV. There were several things that I needed to do and that the Central Bank needed to do. They are now done. Those responsible within the credit union movement have a level of commitment to being involved in this. It is now up to them to work with approved housing bodies to put in place a framework that works for them to meet this need.

It is most welcome that the preparatory work has now been done by one body. I understand that the particular body in question is now awaiting the build-up of a project pipeline to ensure it has the minimum level of projects that it would require to justify the cost of establishing a SPV.

Everything that I have been called on to do and everything my Department and the Central Bank have been called on to do has been done. All the various credit unions involved now need to go through the type of work that must be done to look at the level of risk and the project pipeline that would justify their investment. I know that work is now under way.

Deputy Joan Burton: I am rather disappointed to hear the Minister's lacklustre response. The credit unions have on deposit somewhere between €13 billion and €14 billion at any time. Many of the members would be really happy if, as the Minister himself referenced, a relatively small proportion of funds, something like €700 million, could be invested for starter projects. The Minister referenced that the Credit Union Development Association, CUDA, has advanced the work but does he not understand that in his reply, as with previous replies on housing, he and the Department of Finance are not prepared to assist the credit unions in getting the initiative under way? He said that he wants the credit unions to do all of the work when, in fact, much of the expertise in the structure of the project should be provided by the Department of Finance. The Minister is standing back from that; perhaps he is cold on the idea.

Deputy Paschal Donohoe: I struggle to see how meeting all of the requirements that I was called on to meet can justify being called lacklustre. The Central Bank and I were asked to put in place a framework under which credit unions and the credit union movement could then decide whether they wanted to be involved in funding social housing and that is what we have done. The work began in June 2016 when a review was carried out on section 35 of the Credit Union Act 1997, which deals with this area. In November 2016, an implementation group produced a paper examining amendments to lending regulations. I wrote to the Governor of the Central Bank outlining my support for this approach. In March, the Central Bank informed credit unions that a review of credit union limits had commenced, noting that this issue had been dealt with in different fora. That led to the publication of a consultation paper and, as I have said, this framework is in place. The Deputy is correct that it now requires the credit unions themselves to determine what projects they want to be involved in, what level of risk they are willing to bear and what level of return they want. That is work that they need to do themselves for the simple reason that, as the Deputy well knows, it is the money of their members at stake.

Income Inequality

7. **Deputy Paul Murphy** asked the Minister for Finance if he has carried out an analysis of budget 2019's impact on inequality; his views on a study by an organisation (details supplied)

that indicated that the recent budget will primarily benefit higher earners; and if he will make a statement on the matter. [44225/18]

Deputy Paul Murphy: Does the Minister agree with the analysis of Social Justice Ireland, SJI, that the budget fails to make a notable impact on Ireland's entrenched inequality and which rightly describes inequality as a disease of society where, for example, child poverty has worsened or where, compared to what little benefit low paid workers will receive, those on higher incomes received ten times that amount?

Minister for Finance Deputy Paschal Donohoe: My Department routinely assesses the impact of budgetary measures on inequality. As part of this distributional analysis, the effect of tax and welfare changes by income band is examined. This is undertaken using the Economic and Social Research Institute's, ESRI's, SWITCH micro-simulation model.

In the context of budget 2019, this analysis found that the combined tax and welfare measures delivered the largest gains for those in the lowest income group. They experienced a 0.5% increase in their disposable income. This analysis confirms the intent of budget 2019 to protect our most vulnerable in our society.

Of course I am aware of the analysis and critique study published by SJI, which conducted a partial review of budget measures. This analysis excluded the impact of indirect taxes and important non-tax and welfare measures such as raising the minimum wage and changes to prescription charges. The alternative findings in the SJI study underscore the importance of looking at the impact of the full range of budgetary measures in order to reach a comprehensive view of the distributional impact of the budget.

I have taken a number of important steps in the sphere of equality budgeting. I have piloted an equality budgeting initiative across six programmes in 2018, as part of which associated objectives and indicators were published in the 2018 revised estimates volume. The pilot programme predominantly looks at gender and is anchored in the existing performance budgeting framework. However, it is my intention to expand this programme to capture broader dimensions of equality, including poverty, socioeconomic inequality and disability.

Deputy Paul Murphy: Let us get real about what the budget represented. The Government likes to present itself as a non-ideological Government but is the truth not that the Minister's budget is highly ideological? It is a highly ideological, right wing, neo-liberal budget which is about shrinking the State, whereby Ireland now has the lowest public spending to GDP ratio in the entire EU at 25.76%. It is about tackling crises, not through direct State investment, but through funnelling money to private individuals, who are landlords in the case of the housing crisis. That ideological drive to the budget comes at a serious cost, including increasing inequality, deepening crises in our public services, the horrendous figures on child poverty outlined in the SJI report and maintaining a cohort of workers on low pay and, as such, a low-paid economy.

Deputy Paschal Donohoe: Let us look at the facts. Ireland has the second most progressive tax system in the OECD. The most recent survey on income and living standards conducted by the Central Statistics Office, CSO, found that deprivation in Ireland reduced from 25.5% to 21%. A significant change in levels of inequality and income inequality, in particular, in our country has happened and that is a journey that I want to see continued. Let us also look at the fact that the discretionary measures that were announced in budget 2019, particularly in terms

of the delivery of services, will help those who have the least, particularly those who are on lower levels of income. I want to see the level of income change that is happening in our country be concentrated in such a way that will help those who need it the most. It is extraordinary to hear the Deputy talk about an agenda being in place which looks to shrink the State, given that this is a budget that looks to increase capital investment next year by €1.4 billion and invest in key public services to a level that is higher than at any point in our recent past. All of this is about ensuring that we have a State that can make a difference to those who are in great need. Those are the beliefs that underpin this budget.

Deputy Paul Murphy: It is ironic that in the Minister's first response he talked about the need to look at the impact of indirect taxes but he then cited a study that suggests that Ireland has a progressive tax model based purely on direct taxation because when indirect taxation is taken into account, the bottom decile of the population pays effectively the same percentage of their total income in tax as the top 10% does. We do not have a progressive tax system when indirect taxation is taken into account.

On the idea that the Government wants to solve the crises and so on, the Minister cannot answer on the issue of housing. We had a landlord's budget. It was delivered by a Government that acts in the interests of landlords and the main action in terms of the housing crisis was to choose to funnel more money towards landlords in HAP payments, which are a direct subsidy from the State to them, and additional tax allowances. The fact that the Government chose to do that as opposed to allocating any significant extra money to invest in building houses to resolve the crisis precisely proves the point that it is an ideological budget driven by the interests of the 1% in this country.

Deputy Paschal Donohoe: This is a budget that was driven by my determination and the determination of the Government to make a difference to the lives of citizens, particularly those who need and deserve support in times of difficulty. Let us look at the figures on this. Let us challenge each of the points that the Deputy has put forward and examine what the figures are. Next year, €1.25 billion will deliver 10,000 new social homes. As I did with Deputy Boyd Barrett yesterday, let us contrast that with the figure for HAP over the same period, which is €423 million. If I was not making this funding available to provide accommodation to citizens in times of need when social housing is being built, the Deputy would condemn the Government for not providing accommodation for people at a time homes were being built in the private sector. In respect of housing output, I acknowledge that we need to build more and deliver more. However, in the second quarter of 2018 we saw an increase of 40% in new home completions. We need more new homes to be delivered but progress in that area is being made this year, with more new homes to be delivered next year than this year.

Deputy Paul Murphy: The homeless numbers are at a record high.

Housing Policy

8. **Deputy Richard Boyd Barrett** asked the Minister for Finance his views on the macro-economic impact of the escalating housing crisis and the potential drain on the public finances of Rebuilding Ireland's heavy reliance on the private property sector to deliver social housing in view of the rapidly inflating cost of rents; and if he will make a statement on the matter. [44230/18]

Deputy Richard Boyd Barrett: The main path to emergency accommodation and homelessness, in which we see a shocking further increase today, is from the private rented sector. People are being made homeless by the private rented sector. From a macroeconomic point of view, never mind the humanitarian and social point of view, why is 80% of the housing plan dependent on the private rented sector? It is madness - social madness, economic madness and financial madness.

Deputy Paschal Donohoe: As I said to Deputy Paul Murphy on the question of funding, next year we will be spending more money to deliver new homes than on housing assistance payments to support people. My Department has published a paper, to which Deputy Boyd Barrett referred, looking at how money can be better used in this area. While new homes are being built and we are trying to get housing output back up to meet the level of social need of which the Deputy has spoken, does it not make sense to support citizens in accessing rental accommodation? The alternative is something neither of us would want to happen, where the level of homelessness increases. That is why the payment is in place.

As more and more homes are built directly by the State next year under the Rebuilding Ireland programme, the number of homes delivered through the housing assistance payment will fall from a peak of 17,000 new units to 10,000 new units in 2021. We are looking to change the mix of how housing needs are met through building new homes via the State and local authorities. While that is under way, however, it is incumbent on us to provide support to citizens who need it now.

Deputy Richard Boyd Barrett: We have no choice but to do everything we can to get people into accommodation other than hotels, hubs or the streets. Taken as a whole, 80% of Rebuilding Ireland is dependent on HAP, RAS and leasing and that is the problem. We do not know how much it will cost but some estimates are for between €20 billion and €30 billion in current expenditure over a 30-year period, for which we would get nothing. One estimate is for €1.7 billion per year which, over the period of a home mortgage of 30 years, would be some €30 billion. If we built homes, the upfront costs would be greater and we would need capital, which links to the argument about rainy day funds and strategic investment funds, but ultimately we would have an asset and revenue would be coming back in.

Deputy Paschal Donohoe: It is just plain wrong to say current expenditure going into housing assistance and RAS payments is getting nothing back. The payments are getting bigger year on year but they are used to provide accommodation and if we did not have those payments we would be faced with even higher levels of difficulty than we currently face, and which we want to reduce. We would be facing questions on what we were doing to help citizens to access rental accommodation at a more affordable level. As the level of new homes provided by the State increases, which it will, it will provide an alternative to the levels of investment in HAP and RAS, which will fall over time as we find other ways to meet housing needs.

Deputy Richard Boyd Barrett: The point I made is that the private rented sector is what is driving people into homelessness. The Minister says we are getting something back but we are getting back social housing that is not social housing. It is precarious and the landlord can pull out at any time. There is nothing in the HAP arrangement, which is the bulk of Rebuilding Ireland, that prevents landlords from pulling out, which they do. The people in hubs will be able to tell the Minister that they have been in and out of two or three RAS, HAP or private rented homes and are back in homelessness. To categorise this as social housing and call it part of a social housing plan is deceptive. One cannot hide the grim reality of what it means, which

is record numbers of people in homelessness and huge numbers of people in a deeply precarious situation paying extortionate rents.

Deputy Paschal Donohoe: I am as aware as the Deputy of the grim reality for those who find themselves in precarious rental accommodation, not to mention the reality for homeless people or those facing the risk of homelessness. The plans for next year include meeting the housing needs of over 27,000 families, of which 10,000 will be met through local authority programmes to build new homes, either through direct build or by approved housing bodies. We are looking to a situation in which more homes are delivered directly by the State than in the past. More will be done next year than this year but as we do so, we also must find ways to accommodate and support citizens who face the grim reality described by the Deputy.

Tax Code

9. **Deputy Richard Boyd Barrett** asked the Minister for Finance his views on whether it is acceptable in view of the dramatic inflation of the property market, particularly in relation to rapidly rising rents and property values, that corporate landlords and property investors should continue to avail of tax reliefs such as section 110 and that he is unable to ascertain the amount of tax revenue that is forgone through such reliefs; his further views on whether the imposition of a higher effective tax rate on the large profits being generated in this sector should be reconsidered; and if he will make a statement on the matter. [44226/18]

Deputy Richard Boyd Barrett: The Minister will see that I am on the theme of housing, and the Minister's connection to it, with all my questions of both yesterday and today. The other side of the coin in regard to this housing and homelessness crisis is the lesser known fact that vast amounts of money are being made by corporate landlords and property speculators who are also availing of tax reliefs. The Minister cannot give me an answer to a question I have asked repeatedly as to how much tax is being forgone in section 110 tax relief. Given the obvious profit bonanza being enjoyed by property speculators and landlords, we need to look at whether we need to find new ways to tax this sector to give us more money to build social housing and other things we need in our economy.

Deputy Paschal Donohoe: I do not need to be reminded of my role in respect of housing. I work as closely as possible with the Minister, Deputy Eoghan Murphy, to look at how to make new resources available and to ensure the appropriate policies are in place. Deputies will recall that amendments to the taxation of section 110 companies were made in the Finance Act 2016 specifically to address the issue of returns relating to Irish property. Section 110 companies can only hold certain qualifying assets and real property, such as land and buildings, that are not an asset that a qualifying company can hold. They can, however, hold loans and other financial assets that derive their value from Irish land and buildings. The changes made in the Finance Act 2016 relate to the taxation of qualifying companies which held loans that derived their value from Irish land. The effect of these changes was to ensure that profits generated from Irish real estate remain within the charge to tax.

The Finance Act 2016 also provided for the introduction of a new Irish real estate fund regime which made changes to the way in which Irish funds which derive 25% or more of their value from Irish real estate are taxed. A new 20% withholding tax was introduced on distributions from these funds.

The Finance Act 2013 provided for the operation of real estate investment trusts, REITs, in Ireland. The function of the REIT framework, in common with other jurisdictions, is not to provide an overall tax exemption but rather to facilitate collective investment in rental property.

I have been aware of concerns about the level of activity of the institutional sector in the housing market. I refer the Deputy to data from the Residential Tenancies Board included in this year's tax strategy group, TSG, paper on corporation tax, which demonstrates that over 91% of landlords hold three or fewer tenancies. The 20 largest landlords in Ireland now account for 3% of total tenancies. It is unlikely that landlords accounting for such a small proportion of tenancies are significantly influencing rental prices in the overall market.

Deputy Richard Boyd Barrett: We are talking about the likes of Lone Star, Kennedy Wilson, Cerberus, all these people with whom the Minister's Department, under the management of Deputy Noonan, had 65 meetings in 2013. They swooped in and bought huge amounts of land and property. They will, if I understand this correctly, continue to benefit from section 110 tax relief, which means that if they maintain their investments for a certain period - seven years, I think - they will pay no tax on the rental income or capital gains. Considering that rents have gone up 60% to 70% in that period and property prices have gone up by about a similar percentage, they are walking away with an obscene fortune. Making a distinction between a property and the loans used to purchase property is just semantics because that is what they do: they borrow money to get into Irish property or land and they can then write that off if they are a foreign investor and get massive tax relief. What is shocking is that the Minister cannot quantify it. There is the answer.

An Leas-Cheann Comhairle: I thank the Deputy. Others are waiting.

Deputy Paschal Donohoe: I will deal with each of the points the Deputy raises with me. To respond to the first point, the most recent information available to me - and I have checked this on the back of concerns he and other Deputies have raised - is that real estate firms in 2017 were net purchasers of 1% of transacted housing stock. They are the figures. That is the effect they are having on housing transactions in Ireland. Firms in this category currently purchase less residential stock than public authorities, so our public authorities, in the desire to deal with the difficulties the Deputy correctly raises, are purchasing more housing stock than these bodies are purchasing.

As for the Deputy's concern about my not being able to calculate the amount of tax that would be paid by these companies, the reason for this is that we have a regime in place, which many other countries have in place and which was put in place to try to increase housing output, and he is asking me to state what these companies would pay in tax if that regime were not in place. Of course, the challenge I have on this point is that it is not at all clear whether these companies would be active in providing new homes if we did not have such a regime in place. That is at the heart of the difficulty the Deputy has raised.

Deputy Richard Boyd Barrett: The 2017 figure is misleading because we are talking about the window between about 2012 and the point at which the change was made in 2016. It was in this period that NAMA flogged off most of its land and assets, about €40 billion worth. It was not the little accidental landlord buying the stuff from NAMA; it was Kennedy Wilson, Cerberus, Lone Star and all these big boys. They swooped in on Irish land and property assets. Did they solve the housing crisis, as Deputy Noonan predicted they would, and create a new professional landlord sector? That is what Deputy Noonan said at the time. Not at all. They

sat on their assets and will get huge tax relief. In many cases they just sit on the land; in some cases they are sitting on empty property. I know of two such cases and have highlighted them twice in here. Cerberus and Apollo Global Management are trying to de-tenant property and are just sitting on perfectly good empty apartments because they are watching the value clock up and they know they will walk away without paying any tax.

Deputy Paschal Donohoe: Of course, much of what happened across that period, 2013, 2014 and 2015, happened because our country was at such a level of exceptional economic difficulty and because we did not have investors or investment funds in Ireland that were capable of making those kinds of acquisitions themselves. I have looked at the figures for the most recent period. They are as I have just shared with the Deputy. The reason I believe the taxation regime is appropriate is that I believe some of these companies are playing a role in bringing new housing stock into our economy for our citizens and, at a time of such housing need, that is an important role to be played.

An Leas-Cheann Comhairle: Question No. 10, in the name of Deputy Alan Kelly, is to be taken by Deputy Joan Burton.

Economic Competitiveness

10. **Deputy Alan Kelly** asked the Minister for Finance his plans to ensure Ireland protects its competitiveness and mitigates the risk of overheating pressures in the economy; and if he will make a statement on the matter. [43972/18]

17. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he remains satisfied about the competitiveness of the economy; the potential challenges in this regard; if he has identified specific areas of threatened inflation which might impact on the stability of the economy; and if he will make a statement on the matter. [44176/18]

108. **Deputy Bernard J. Durkan** asked the Minister for Finance if issues have emerged which suggest overheating in the economy; and if he will make a statement on the matter. [44584/18]

Deputy Joan Burton: I want to know what the Minister proposes to do to protect Ireland's competitiveness and to reduce the risk of overheating pressures in the economy, which we have heard about already this morning, particularly in respect of housing and land prices.

Deputy Paschal Donohoe: I propose to take Questions Nos. 10, 17 and 108 together.

As I outlined in budget 2019, the economy at a macro level is in good shape at present, with a much faster than expected recovery from the crisis. The recovery in part reflects improvements in Ireland's competitiveness in recent years, as measured by the Central Bank's real harmonised competitiveness indicator. Our competitiveness has improved by over 20% from the low point in 2008.

Despite the rapid rate of recovery, the main indicators of overheating do not yet suggest evidence of any widespread overheating pressures. While price pressures have been seen in the housing market, these are more a function of structural imbalances between supply and demand that we are actively seeking to alleviate, rather than being themselves evidence of overheating.

The strong growth in employment in recent years has seen the unemployment rate fall from a peak of around 16% to 5.4% in September. While this is an improvement, the unemployment rate is still above, albeit slightly, the level I would consider to represent full employment in Ireland.

As of now, the recovery in the economy has not yet given rise to broad inflationary pressure. In the first nine months of the year, inflation as measured by the harmonised index of consumer prices averaged 0.7% on an annual basis. This follows five consecutive years in which inflation has been below 1%.

Regarding credit growth, it should be noted that lending to Irish households, as the Deputy will be well aware, only turned positive during the second half of last year. Of course, this is a particularly important factor in evaluating whether we are seeing inflationary pressures within the economy.

Deputy Joan Burton: I wish to raise a number of points which I believe are pressure points and which are leading to overheating and other risks in the economy. The first is that we are now, in a way, back to an old Fianna Fáil model, which the Government has embraced, of allowing land prices to soar without restriction. This is great for people who own land and are sitting on it, but the fact is that in large parts of Dublin West, for instance, there has been a tenfold to 15-fold increase in land values and costs on the position a number of years ago. We might have expected a 100% to 300% increase, but the level of increases now is positively dangerous. Many of the people buying or selling this land will effectively pay no tax on it.

The second point relates to the building industry's role in the housing shortages we referenced earlier. Not enough apprentices are being trained. Progress has been made and I was heavily involved with that in my time as Tánaiste. We must now import construction workers from other countries. The rising cost of houses as a result of these two issues is leading to major pressure on wages.

Deputy Bernard J. Durkan: I am trying to ascertain the Minister's opinion having regard to a comment made by a Government advisory service in recent times that overheating in the house building sector could undermine competitiveness and cause the bubble to burst. The reverse is the case in reality. The lack of affordable and local authority houses is an impediment to the competitiveness of the economy. Part of the original taxation system in this country related to the availability of affordable and local authority houses, and this in turn reduced the need for increased wage demands. Is the Government advisory body in question aware of this? To what extent has it studied the matter? One must always watch from where one's advice comes, particularly in this business.

Deputy Paschal Donohoe: I always take the advice of Deputy Durkan seriously on matters like this. The point he makes highlights the balance that the Government must strike. On one hand there is a level of housing need that must be met. Deputy Boyd Barrett focused on it earlier, and Deputies Burton and Durkan did so in the last set of questions to me. We must build more homes to meet the existing housing need. On the other hand, the Irish Fiscal Advisory Council has warned that if too many homes are built at a particular point, and specifically if a level of workers is not available to build them, it would mean that our efforts to meet the level of housing need could in itself end up being an inflationary pressure.

We are not at that point because we are still seeing the housing sector beginning to grow.

The number of new homes being built is increasing. To deal with Deputy Burton's points, of course I track what is happening with the price of land, and this is the reason we made a change with the derelict site levy in place, and which is increasing. The Deputy also made a point on apprenticeships and I want to see the construction sector deliver more of these. We have an apprenticeship programme in place for it and although we have made great progress in dealing with youth unemployment - the Deputy was heavily involved with the most difficult phase of that - we still have young people who want to and can work. The change we have made in increasing the employers' PRSI levy for next year will lead to an additional 10,000 apprenticeships in our economy. The construction sector needs to play a role now in ensuring the framework will allow more young people to enter that industry.

Deputy Joan Burton: I speak a lot to employers, particularly in the Dublin region, many of which are employing significant numbers of people. These include employers coming to Ireland with major investments. I would say the same is true in Cork, Limerick and Galway. Employers are now deeply concerned that the people they hope to recruit will not be able to afford to rent and, if they are Irish, they will in practice be unable to buy for a very long period. This is because we are now again in the grip of rampant speculation in land values. I can understand that, ideologically, it is unacceptable to Fine Gael to seek to control and tax rampant speculation in land prices. I am glad the Minister has said that by next year we will have more apprentices in construction. Currently and notwithstanding all the efforts I made, there are only approximately 2,000 construction apprentices.

Deputy Bernard J. Durkan: Does the Minister agree that a lack of affordable housing in the economy is most likely to lead to overheating by way of house price inflation, which could land us in the position we occupied some years ago and where the State might have to intervene? Would he agree that as long as property prices continue to inflate in the way they do without adequate availability of affordable housing, there is only one way we can go? That will lead us to an anti-competitive position. I put all these questions down, as I am sure the Minister did, ten years ago when the similar signs were there. The problem is now exacerbated because of a major lack of affordable housing. Many people cannot get into the housing market without paying an inflated price they cannot afford, and ultimately they will find this a burden.

Deputy Aindrias Moynihan: I have a related question on the threat of inflation. One of the major sources of inflation for householders is the cost of insurance. There have been a number of years with continuing increases in insurance premiums and the Minister of State, Deputy D'Arcy, has taken a number of actions to tackle that cost, particularly in the motor insurance sector. Transparency is a big factor. The Central Bank (National Claims Information Database) Bill 2018 was introduced to tackle it but it has not come to fruition. What will the Minister do about that?

Minister of State at the Department of Finance (Deputy Michael D'Arcy): The Central Bank (National Claims Information Database) Bill 2018 is moving through the Houses and I am prepared to work with anybody who is prepared to give it time in this House. We are awaiting Committee and Report Stages, and this will have an impact on the insurance debate through two sections of the Civil Liability and Courts Act 2004. The cost of motor insurance is decreasing and costs of premiums are down 21% from the peak. There is movement in the right direction and if any Member from the Opposition or elsewhere wants to make time available for the Central Bank (National Claims Information Database) Bill 2018, I would be very grateful to accept the offer.

Deputy Paschal Donohoe: I will first deal with Deputy Durkan's question. I accept that the lack of affordable housing in our economy and our society not only has a very material effect on the living standards and aspirations of our citizens but it also affects our economy, the wages therein and its competitiveness. I accept the Deputy's point but this is the reason we have such a level of resources going into housing for next year. It is one of the reasons we expect to see well in excess of 20,000 new homes being delivered next year. The balance we are trying to get right is to deliver those new homes without that delivery occurring in such a way that other challenges would be created for the economy.

Banking Sector Reform

11. **Deputy Joan Burton** asked the Minister for Finance the progress being made in the establishment of the promised stakeholder forum on foot of the conclusions of the public banking investigation; the organisations which are stakeholders; when a tender for the independent evaluation of the local public banking concept will issue; if the stakeholder forum will be involved in the selection of the external evaluator; and if he will make a statement on the matter. [43976/18]

Deputy Joan Burton: This relates to the proposal to have a stakeholders' forum on local banking drawing in the credit unions and post offices and which might be inspired by the Sparkasse model in Germany, about which my colleague, Deputy Penrose, has addressed the House on a number of occasions. When will this take place? Will it be like the processes with credit unions or social housing in that it will be drawn out over years, meaning in practice that the issue will be left sitting there?

Deputy Paschal Donohoe: As the Deputy is aware, my Department and the Department of Rural and Community Development published a report on local public banking at the beginning of July. The report concluded there was not a compelling case for the State to use Exchequer funding, which I remind the Deputy was approximately €150 million, to establish a new local public banking system.

However, as set out in the report on local public banking, my Department will commission an independent, external evaluation to establish if there is a requirement for local and community banking in Ireland.

As part of our continued engagement with key public banking stakeholders, my Department has consulted with Irish Rural Link and others in the development of the terms of reference which will form the basis of the evaluation the consultants will conduct. I was involved in the tendering process for this yesterday, and believe that the tender process will be concluded by the end of this year, with a view for the evaluation process to begin in early 2019.

Written Answers are published on the Oireachtas website.

25 October 2018

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Barry Cowen: Yesterday was far from a good day for 430 Bord na Móna staff, their families and their communities. The accelerated decarbonisation programme will move its traditional peat business into renewables and resource recovery and reduce the number of managerial, administrative and peat operations workers. We wish the company well in its efforts to diversify into wind, solar power and waste management, as well as in respect of the prospects for herbal medicine, aquaculture and cluster energy parks. These are all very commendable and worthwhile and we hope they will reap benefits. Immediately, however, we will see the closure of 17 bogs out of 63 across the counties of Offaly, Roscommon, Westmeath and Kildare. The workforce and communities understand the programme associated with decarbonisation and are committed to it. That was borne out by virtue of the workforce agreement with management at the Workplace Relations Commission, WRC, as long ago as 2016, when they signed up to a programme that would have seen the eradication of peat by 2030 and the diminishing of the workforce on those products over time, mainly as a consequence of the age profile associated with that sector of the business.

Bord na Móna was established in the 1940s with a particular remit to create jobs for the people of the midlands region in order that they might derive a living in their own region. The procedures that culminated in yesterday's announcement should not have put the Government on the back foot, but they have. That is why I put the following questions and observations to the Tánaiste. I welcome the comments I heard immediately after the announcement from the relevant Ministers. The first obligation is to those who will immediately lose their jobs, that there be adequate recompense and a package that meets their needs and requirements, and that it be to the fore of all immediate efforts.

Second, can the Government acknowledge the commitment made by ESB and ensure that it is carried out, namely, that it move forward with its planning operations for the cofuelling of peat and biomass at Lanesborough, Shannonbridge and Edenderry, which only has up to 2023? Can they be extended to 2025? They were waiting until last Monday week for the Government to eventually confirm it was Government policy for such cofuelling to continue.

My third question relates to a letter I sent to the Taoiseach earlier this week. Will the Government agree with my suggestion to put in place a just, sustainable forum with the relevant stakeholders available to participate, funded by ring-fenced funds from the carbon tax, savings as a result of the public service obligation being done away with in 2019 for the ESB plants and by the globalisation fund from the EU? I have also written to the relevant Commissioners in this regard.

It is a discussion I had briefly with the Minister for Finance during the negotiations on carbon tax. We did not necessarily agree with its increase except that it be used in the right manner rather than merely a revenue generating exercise for the State.

The Tánaiste: I acknowledge that yesterday was a difficult day for many Bord na Móna workers, their families and their communities. Bord na Móna has a responsibility, and is taking steps, to continue to provide good quality and sustainable jobs in the midlands for many years to come. I welcome that Bord na Móna has confirmed it is seeking redundancies on a voluntary basis. It is important that it puts in place a long-term plan for the midlands. It is planning to provide for long-term sustainable employment for the midlands, including 400 to 500 jobs in new areas of business, such as renewable energy and resource recovery. All relevant State

supports will be made available to the workers impacted by yesterday's announcements. Bord na Móna also will provide additional support to workers who opt for redundancy, including reskilling opportunities when they are asked for. Bord na Móna will also engage in extensive consultation with workers in coming weeks, which will include a series of town hall meetings with senior management.

The midlands has had strong employment growth in recent years, I am glad to say, with 15,300 extra people working in the midlands since 2015. There has been a series of positive jobs announcements in recent years and we have every reason to believe that will continue. I remember well that when Deputy Bruton was Minister with responsibility in the area, he focused on an Action Plan for Jobs in particular for parts of Ireland that needed jobs focus at the time, in which the midlands was a large part.

This is a difficult time for families and individuals who face choices. I am confident that Bord na Móna will offer a generous and supportive package to workers who choose to take a redundancy package. The agencies of the State will work with Bord na Móna and the workers involved to help them reskill, where wanted, to ensure that new job opportunities are there and that Bord na Móna itself, which has been planning for this transition for many years and has been communicating with its workers to that effect, will also ensure that the job opportunities it provides are prioritised for workers who may have difficult choices to make in the coming weeks and months.

On the Deputy's suggestion to establish a forum, the Government would be willing to do whatever is constructive and necessary in terms of giving reassurance that in the transition to a low-carbon economy, which does and will impact on companies and work forces and energy policy in particular as well as other sectors, that we work with people to ensure that people can plan for, deal with and manage in a way which does not undermine their incomes.

Deputy Barry Cowen: The local authorities of Offaly, Westmeath, Roscommon and Kildare will be holding emergency meetings next week. That is because the 15,000 new jobs to which the Tánaiste referred are not very visible on the ground or in that region. I acknowledge the national figures are welcome but most those jobs created for people in the midlands require them to commute to Dublin. We are talking about midlands-specific jobs for midlands-specific people. Up to 450 jobs are being lost. I have asked the Tánaiste a question and he has responded that he agrees with such a forum. If so, will he and his Cabinet put the tools and infrastructure in place to make it real? Will the Government commit the funds I have asked for to make this real? Will it provide an enterprise and innovation fund to give the midlands the chance to emerge from this? I want answers to those questions.

The Tánaiste mentioned that there will be 14,000 or 15,000 new jobs. My children and others like them have part-time jobs to supplement the cost of their education. They are registered with the Revenue and so these are deemed to be new jobs. I am thankful they have them. However, we are talking about 450 specific jobs. The knock-on effect on our region will be catastrophic. There have been infrastructural improvements in terms of roads and transport links with major cities, which of course has benefitted the area. However, it is now time for this Government to provide a subvention for the area. It must put this forum in place, and make sure that it has teeth and money so that it will have an effect.

The Tánaiste: I said that the Government will be open to any constructive suggestions. It will consider them and follow a policy that is in the best interests of people living in the mid-

lands. I do not want to get into an argument with the Deputy over where the 15,000 extra jobs have come from, but they are jobs in the midlands, not Dublin, which people in the midlands can drive to and work at. We are taking a series of measures, and have reinforced them in the recent budget, in terms of rural development and rural regeneration. That might involve the targeting of different rural towns with the rural regeneration fund or structural targeted money through Enterprise Ireland via local enterprise offices to make sure that jobs growth is not based solely in big cities but is spread across the midlands and other parts of rural Ireland as well. We will continue to strive for that. I accept that this is a challenge for the midlands. Bord na Móna has been a fantastic employer across multiple counties and will be in the future. Yesterday a voluntary redundancy programme was announced. Workers in Bord na Móna will have to make choices. They will, I hope, be offered generous packages. This is part of the transition towards a more sustainable future in terms of how we produce power in Ireland.

The Government will continue to work with its State companies where appropriate, but also directly with people who are affected by the choices they are being offered at the moment, to ensure that employment remains strong and continues to grow across the midlands.

Deputy Barry Cowen: What about the ESB application?

The Tánaiste: I will look into that.

Deputy Eoin Ó Broin: When Deputy Varadkar became Taoiseach there were 2,895 children in Department of Housing, Planning and Local Government funded emergency accommodation. The latest figures were published yesterday and show that in September there were 3,829 children in emergency accommodation. On the Taoiseach, Deputy Varadkar's watch almost 1,000 children have become homeless, an increase of 32%, or two children becoming homeless every single day since he took charge. In September the number of children in emergency accommodation rose by a shocking 136. That is an increase of four children into homelessness every single day of that month. We know that these figures do not paint the full picture. Despite repeated requests from my office and others, the Minister, Deputy Zappone, still will not instruct Tusla to release up to date figures on the number of women and children in domestic violence refuges and step-down accommodation. We do not even have figures for 2017, let alone updated figures for this year. Since March, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, has removed 625 adults and 981 children from the homeless figures provided by his Department. According to the local authorities where these people come from, the families were accessing homeless services, living in temporary accommodation and considered homeless at the time they were removed, yet the Minister, Deputy Eoghan Murphy, saw fit to remove them.

The actual number of children sleeping in emergency accommodation tonight is far greater than yesterday's figures show. In response to the escalating family homelessness crisis, Focus Ireland is calling on the Government to take four clear steps. It wants a dedicated strategy in place to end family homelessness; for every homeless family to have a dedicated caseworker to assist them to get out of emergency accommodation; a guarantee that no family with children will be referred to a Garda station to sleep in the absence of emergency accommodation; and a commitment that no family will be in emergency accommodation for longer than six months. Last week I introduced the prevention of family homelessness Bill. The Bill, based on the Focus Ireland amendment, would prevent buy-to-let landlords from issuing vacant possession notices to quit, which is still the single biggest cause of family homelessness. It is our intention to bring that Bill before the House as soon as possible.

Will the Tánaiste, the Minister for Housing, Planning and Local Government and the Government support and fully implement Focus Ireland's four key demands on family homelessness, and will they give a clear commitment that they will support the family homelessness prevention Bill on Second Stage?

The Tánaiste: We have had this exchange on many occasions in this House. I acknowledge that homelessness is one of the greatest challenges this Government faces, and we are determined to resolve it. I hope there will co-operation and constructive opposition from people on the other side of this House. The Minister for Housing, Planning and Local Government published the monthly homeless report for September yesterday. Nationally the number of persons accessing emergency accommodation increased by 171 when compared to August; the report shows an increase of 35 adults and 136 dependents. For the second month in a row, however, family presentations in Dublin are down. It is important to refer to progress as well. The number of new families entering emergency accommodation is also down. Furthermore, in Dublin during September 119 families were prevented from entering emergency accommodation, while 45 families exited emergency accommodation. Despite the high levels of homelessness, results are being achieved. Last year 4,729 adults and their associated children exited homelessness into tenancies. However, we need to do more. We must accelerate exits from homelessness and we have to do more to prevent families becoming homeless in the first place.

Deputy Mick Barry: The Tánaiste should answer the question.

The Tánaiste: On Focus Ireland's request, of course we want to achieve a limit of no more than six months in emergency accommodation. It is one of the reasons we have expended huge resources on putting family hubs in place as well as the supports in those hubs to help families transition from emergency accommodation, which should and can only be temporary in nature. Many families are being moved through those hubs into long-term tenancies and social housing well within that six month period. Of course we agree that no family should be sleeping in a Garda station. We agree with those things. In terms of the request that every family has a case worker, my understanding is that we are working with individual families. Whether they are in hotel accommodation, which is not suitable and which we need to move away from, in hub accommodation, which is only suitable for a temporary period of time, or in some other form of emergency accommodation, we have to work with those families to transition as quickly as possible into sustainable tenancies or into longer-term social housing.

All those things are happening and are under way, but the numbers are still significant. We recognise that, which is why the budget provided a dramatic increase of resources committed to this issue, including €2.4 billion for next year, a 26% increase - almost €500 million - to ensure that we add an extra 10,000 social houses to our housing stock next year and that we deliver an extra 25,000 homes generally across the housing market, as well as focusing on affordable housing programmes, increasing dramatically the resources for housing assistance payments, HAP, spending another €60 million on family hubs, both outside Dublin and in Dublin, and increasing the expenditure on homeless services to help support families through very difficult periods in their lives. An extra €30 million has been provided to that end, bringing the total to €140 million. When one considers the funding for homeless services four or five years ago, or even two or three years ago, we are now talking about multiples of what was available then. We are responding in terms of resources and policy, but it will take time to make the kind of impact on homelessness that we all want to see.

Deputy Eoin Ó Broin: The slowdown in the number of families presenting in the last

month is seasonal. Exactly the same thing happened last year and the year before, so that is not a sign of progress. The second problem is that the number of exits from homelessness the Tánaiste mentioned is incorrect. At least half of those families were never in emergency accommodation in the first place. Talking to the Department and the Dublin Regional Homeless Executive, it is clear that the number of families leaving emergency accommodation is approximately half the figure the Tánaiste has quoted. He is correct to say that funding for emergency services has increased dramatically. That is a sign of failure, not success. How much more time does this Government need? How many more children have to end up in emergency accommodation before the Government accepts that its plan is failing?

Focus Ireland has made four clear demands. It would not have made those demands if the Government was already acting on the issues it raises. Perhaps the Tánaiste will answer the question. Will the Tánaiste commit to those four specific demands now? On the fifth question which the Tánaiste did not answer, will he support the Focus Ireland amendment, when we bring it forward on Second Stage, to ensure no family is evicted into homelessness by a landlord who benefitted from a tax break when they bought their buy-to-let mortgage at the height of the boom?

The Tánaiste: I am not going to commit to individual amendments to legislation on the floor of the House. The Deputy will have the opportunity to make the case and the Minister is more than capable of responding comprehensively to it.

We are putting more resources into emergency accommodation and housing assistance payments because there is a temporary crisis to which we need to respond in a compassionate way to ensure that families and individuals are as comfortable as they can be in emergency accommodation, that we upgrade that emergency accommodation but, at the same time, accept that it is not a long-term solution.

Deputy Seán Crowe: How long is that for?

The Tánaiste: This is a temporary arrangement where the State has to support families through homelessness while we put in place long-term solutions.

We have a five-year housing strategy which we are two years into. The most challenging element of that in terms of human impact is around homelessness, in particular family homelessness. We are more than conscious of that.

We work with, fund and listen to Focus Ireland every single day trying to improve our services. We will continue to listen and work with the agency. However, we cannot have a change of policy on the floor of the House. All of the measures that Focus Ireland is looking for, we are looking to deliver. We need to be honest with people, however, as it takes time to deliver these.

Deputy Paul Murphy: Over 1,000 pupils have no school to go to. Parents are in the situation of scrambling to come up with a plan for how to take care of their children. With 42 schools now to be inspected, this seems to be the tip of the iceberg. How many more pupils are being taught in schools with an 80% chance of a wall falling down in the event of a storm? By the end of the mid-term break, there could be tens of thousands of pupils facing that nightmare situation.

This is a consequence of the race to the bottom model in the construction industry, a model of putting profits before people's lives, in this case the lives of children. This is a model which

resulted in London Grenfell and brought us Priory Hall, Longboat Quay and this crisis. It is a model that has to end. It is a model in which the Government and the State have been active participants. In 2009, the then Minister for Education and Skills, Batt O’Keeffe, boasted about the reduction of 30% in prices achieved for the construction of schools. How exactly did he think that would be achieved? It was achieved by awarding lowest price contractors who were involved in cutting corners. Western Building Systems clearly epitomised what that model meant. It is known within the industry as a bottom feeder and horror stories abound about its practices. One need just look at its books. It has 45 staff yet it built 25 schools in the past three and a half years. It is part of a model of subcontracting and bogus self-employment.

The Government can respond that this is the fault of the builders’ party, Fianna Fáil. However, the Government has wilfully ignored the evidence before it of unsafe practices. These issues have been repeatedly raised with the Department, including under the Tánaiste’s watch, by trade unionists. In today’s *Irish Examiner* Michael Clifford outlined how problems with fire standards in the Educate Together school in Rush-Lusk were uncovered in 2014 with an architect concluding the building could collapse in 20 minutes. Michael Clifford stated:

The matter was kept quiet... Joining dots might have opened a wider problem. Everybody left well [enough] alone.

A year later a journalist, Fiachra Ó Cionnaith, wrote about it and after that, for the best part of the year, the results were kept secret. Why were they kept secret? Most importantly, why did the Department of Education and Skills pay an extra €60 million to this company after which these matters had become public?

Yesterday, the Taoiseach proudly said that this is not a case of public private partnerships. However, it is the same essential logic with the design-build contracts in operation. When one has a private company allowed to design, to build and employ the certifier for essential public buildings, it is a recipe for the disasters like we have in this case. It is an invitation to cut corners, yet the Government continues to use these contracts. Does the Tánaiste agree these contracts should be ended? Does he agree that the received wisdom of relying on private for-profit companies to deliver essential State infrastructure has decisively been undermined and that we need a public construction company which will put safety, workers’ rights and quality first?

The Tánaiste: I am less interested in the party political slugging match and much more interested in reassuring parents, families, teachers and principals that we can fix this. We are talking about a different era of standards and inspection systems which have changed quite dramatically since 2014. We are talking about pre-Grenfell, after which the Minister, Deputy Eoghan Murphy, undertook the inspection of public buildings to make sure that mistakes made in the UK were not made here. What we are focused on now – I thank Opposition spokespersons for their assistance on this yesterday - is trying to ensure we can reassure staff and children that we will put contingency plans in place and prioritise their safety.

The Taoiseach and the Minister for Education and Skills visited two schools this morning to send a clear signal but the Government will prioritise this and ensure all of the schools built by this company will be inspected in the coming days. This will allow us to understand where there are problems, fix them and put contingencies in place for the schoolchildren and their families for the time it might take.

There is a list of schools which are yet to be inspected. There are grounds to expect some of

them will be fine. Some of them will not need to take children and staff outside of school while some repairs might have to take place. There are other schools where there may be dangers to which we need to respond with safety as the first priority.

I ask Members to work with us. Rather than trying to organise protests, we need to organise a calm whereby we can work with principals, boards of management and parents to ensure that, after the mid-term break, if certain schools are going to be discommoded for a temporary period of time, that we do that in as efficient a way as possible that prioritises children and staff in terms of safety and education. That is what we need to do together. There will be plenty of time after we do that for a political debate on what happened, how it happened, can we learn lessons and make changes to ensure it does not happen again.

Schools which are being built today, in terms of independent inspection and certification, are operating to a very different model on-site than what happened before 2014. We should not pretend such progress has not been made.

Deputy Paul Murphy: It is disingenuous of the Tánaiste to counterpose the question of fixing the problem and having a discussion about why it happened. If we do not discover why the problem happened, then we are going to be faced with the problem repeatedly.

I have heard from people involved in the construction industry that it will probably be necessary to knock some of the schools in question and totally rebuild them which will involve two years. This will create a massive dislocation for parents and schoolchildren. Has the Tánaiste any information on that? It seems to be the case that Western Building Systems was involved in building hospitals. Are those buildings being inspected? Why were the results of safety audits from 2016 not released for an entire year? Design-build contracts continue to be used by various Departments. In May 2018, the Minister, Deputy Eoghan Murphy, told the Dáil, “For public sector design-build contracts, the assigned certifier is employed directly by the client.” We still have a problem and we still have public contracts going out under this model.

The Tánaiste: Under the current regulations, in terms of pre-2014 buildings and certification around that, the contractor and contractors’ design team were fully responsible for ensuring quality and certifying that the buildings were constructed in accordance with the works requirements and building regulations at the time. Since then, under current regulation, an independent assigned certifier is appointed. The assigned certifier gathers and relies on ancillary certificates, which must be provided by the contractor. Responsibility for the design and execution of the works in compliance with the building regulations remains with the contractor and the design team for the build contract. What we have now is independent certification and inspection on site, which reflects the concerns that many people have in terms of reliance on contractors and their design teams in their entirety pre-2014. Now, it seems we have seen in some cases the results of this in our schools, although many good schools were also built in that period by many good builders.

Deputy Richard Boyd Barrett: Not by Western Building Systems.

The Tánaiste: With regard to healthcare facilities, at this point there is no reason to believe hospitals are affected but we are going to take a precautionary approach and the HSE is determining what projects have been-----

Deputy Richard Boyd Barrett: It built the Beaumont Hospital extension and the Temple Street hospital extension.

The Tánaiste: -----completed by Western Building Systems. We will, of course, follow up to ensure there are no issues. I am told by the Department of Health that it does not expect significant issues.

Deputy Paul Murphy: What about knocking down schools?

Deputy Thomas Pringle: I want to raise the same issue as Deputy Paul Murphy. I agree with much of what he said on the problems highlighted. It was scary to hear the response of the Tánaiste on this because we will see the same problems arise in years to come.

The Letterkenny Educate Together national school in Donegal is one of the 42 school buildings throughout the country that faces structural assessment in the coming days. This is a result of the unfolding scandal of questionable building practices carried out by Western Building Systems that has already resulted in the closure of three schools. Letterkenny Educate Together national school is newly opened and enjoying its first full academic year as students only moved into the new building last January. Understandably, parents and students are very concerned and have many questions that need to be answered. I have spoken to some of the parents and they have not been able to get any information from the school or the Department, which is adding to the anxiety they already face concerning the future of their children's education. I understand the school board of management has sought to reassure parents that an inspection is a precautionary measure and there is no indication the building is unsafe for pupils and staff at present but that is all they have been told by the Department. Now we hear the Department of Education and Skills has established a communications team to ensure principals have the information they need. I urge that this communication be extended to boards of management to ensure the information is also given out to parents.

I am aware that senior officials from the Department of Education and Skills and Western Buildings Systems are due to meet today. I strongly urge the Minister to present to the House further information arising from the meeting so that all Deputies have an opportunity to relay information back to their constituents. We are speaking about potentially thousands of pupils facing classroom closures. It would be a miracle if, with regard to all 42 school buildings to be inspected, alternative accommodation was secured before children return after the Halloween break.

I hope the Tánaiste can understand why parents in Donegal are particularly concerned about this. A scandal such as this harks back to other construction-related catastrophes, which this Government and the previous Government failed to adequately address. I am speaking specifically about the ongoing mica scandal in Donegal, which has affected thousands of homeowners. In reality, its full extent is still unknown. It took years for residents and public representatives such as me to secure a redress scheme while many homes perished in the meantime and others continue to degrade while we wait for the scheme to kick in. Now we hear that certain hospitals built by Western Building Systems may also be affected, as may houses around the capital.

Will the Government carry out the necessary oversight and accountability measures required of a functioning Government? Will the Tánaiste confirm when the investigation into Letterkenny Educate Together national school will be carried out? What steps will be taken to identify alternative premises should the inspection find one is required?

The Tánaiste: I also have schools in my constituency affected by this and of course parents are asking questions. This is why a specific communications unit has been established in the

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Department to liaise with teachers and principals and ensure information is available on request to establish dates for when the inspections will take place in the coming days. Three contract teams have been taken on to undertake the inspections and they are already under way in a number of schools. I expect the school in Letterkenny will get notification of the day and time when the inspections are likely to take place.

The Department is arranging for structural assessments to be carried out in all school buildings constructed by Western Building Systems using the particular construction method of steel frame and timber infill. As I said, three teams of contractors have been mobilised to undertake the assessments. These assessments will progress today and continue over the weekend and during the mid-term break. The relevant schools will be informed as soon as a time and date is confirmed for their assessments.

A structural assessment was undertaken yesterday in a Gaelscoil in Firhouse, which was completed earlier this year. While the final analysis has not yet been completed, nothing has arisen from the assessment that would warrant the closure of the school. We can expect that some of the schools are unlikely to have serious safety issues but we need to be sure, just like we need to be sure that if the same contractor built health facilities using similar methods we do an audit and address it comprehensively. I am told that as soon as this afternoon we will have information on it. We know that some schools will have safety issues that will result in them being closed. In some cases, where they are three-storey buildings, it may be possible to keep part of the school open with the necessary engineering supports-----

Deputy Seán Crowe: Who inspected them?

The Tánaiste: In some cases, obviously, this will not be the case because we will err on the side of safety always, which is what we must do. We will know more as these audits take place and we will ensure the communications on when and how the audits take place are available for principals and parents.

Deputy Thomas Pringle: There are two aspects to this. One is the current response and one is what Deputy Paul Murphy outlined earlier with regard to the historical case. I will deal with the current response first. The Tánaiste said that information is being provided. I contacted the unit today and eventually received an email in reply to thank me for my email and that the Department will reply to me as soon as possible. This is what parents can expect to hear when they raise the issue. This is not acceptable for anybody and it is not the way it should be. There should be somebody there to fill in people and tell them what is happening and ensure they receive the news so their fears can be allayed. This is vital.

Temporary accommodation will not be available. If it turns out the school needs to have temporary accommodation the Department will just turn around and say it is up to the school to sort it out. That is not acceptable in this situation because these school bodies had nothing to do with the building and provision of these schools. This was solely down to the Department. If the drive of the Department which allowed this certification process to take place is to get the lowest price on tenders that builders will then certify themselves, we will have these problems in the future.

The Tánaiste: It is important to say that price is not the sole determinant.

Deputy Thomas Pringle: It is.

Deputy Mattie McGrath: It is.

Deputy Richard Boyd Barrett: It was with Western Building Systems.

An Ceann Comhairle: Please let the Tánaiste respond.

The Tánaiste: No school will be left on its own. There is already a group of people in the Department whose job it is to work with schools when necessary and to work with the education and training boards, other local educational institutions and other institutions that can help accommodate, if necessary, students and staff in a way that protects their safety and ensures their education can continue. Nobody will be left alone here. This has unfolded quickly. The communications unit was only put in place yesterday and it is getting up and running. I hope and expect that as soon as today the Deputy will see a significant improvement in response times for people who have genuine questions and who are trying to get information.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: We now move to Questions on Promised Legislation. Some 15 Deputies have indicated and we have 15 minutes. I call Deputy Cowen.

Deputy Barry Cowen: The State's dependence on agency nursing staff cost €160 million up to May of this year. There are significant difficulties retaining full-time nursing staff. It now appears that agency costs will rise 20% in the coming year. How does the Government square that circle in the light of the issues that have arisen as a result of the inconclusive report of the Public Sector Pay Commission, the chair of which stated that the standard of available analytical evidence meant that its recommendations lack the credibility they deserve?

The Tánaiste: I am unsure of the Deputy's question.

Deputy Barry Cowen: The Government is paying up to €160 million for nursing agency staff. There are issues retaining full-time staff related to pay and conditions. In the light of a further 20% increase in the cost of agency staff, will the Government continue to rely on such workers?

The Tánaiste: That is why we asked the commission to consider the issue of nurses' pay. It made recommendations which the Government is willing to implement for some of the reasons outlined by the Deputy.

Deputy Eoin Ó Broin: I welcome the regulations for the short-term letting sector published this morning by the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. In particular, I am pleased that the Minister has taken on board detailed proposals made by Sinn Féin and in the report on the subject published by the Oireachtas Joint Committee on Housing, Planning and Local Government last October. Although we need more detail on the plan, its definition of "short-term letting" and the requirement for planning permission are eminently sensible. However, I am concerned by the proposed eight-month lead-in. The rental sector is in such crisis that we cannot wait eight months before the regulations are put on a statutory footing. I am also concerned that there is no mention of sanctions or fines for online platforms or letting agents which advertise properties that do not conform to the statutory regu-

lations. Although we wish to work with the Government to expedite the legislation as quickly as possible, I seek assurance that the Government is willing to work with us on the lead-in time and sanctions, particularly for online platforms.

The Tánaiste: I discussed the matter with the Minister, Deputy Murphy, this morning. He plans to bring draft proposals to the committee and work with other parties to get this right. We are trying to get the balance right between ensuring we have a functioning short-term letting market, where appropriate, and preventing the short-term letting system from undermining the broader and more important rental market, which is needed to provide longer-term tenancies and security of tenure for tenants and so on. The outline of the Minister's approach in that regard is now being openly discussed. He will bring forward the proposals in draft form to the committee and work with others in this House to get it right. Some time will be needed to reflect the fact that there are pre-bookings and so on and that people will have to adapt to new realities.

Deputy Brendan Howlin: Deputy Ó Broin showed an uncharacteristic lack of generosity by not acknowledging the work of Senator Humphreys on short-term lettings over many years.

We are now entering the winter period and the days are getting colder, as evidenced by the weather forecast for next weekend. As we speak, 391 people are lying on hospital trolleys throughout the country and if recent winters are anything to go by, we will again face serious pressures on our health service throughout the winter. We have now reached the end of October but have had no confirmation of the details of the winter initiative, which is normally published at this time of the year. I ask the Tánaiste to confirm what measures will be taken to reduce trolley numbers over the winter season. When will the Minister for Health, Deputy Harris, and the HSE provide specific details of the measures and resources to be deployed to deal with the winter pressures?

The Tánaiste: Planning for winter 2018-19 has begun at hospital and local level. The Department of Health is working with the HSE to ensure these local and regional plans are consolidated and supported through policies and plans at national level to ensure the most effective response to the winter challenges to unscheduled care provision. The budget allocated an additional €10 million to prepare for and manage the expected peak in demand for health services over the coming winter. The funding will focus on initiatives to enable the hospital system to de-escalate before Christmas. Supporting patients in the over-75 age group will be a particular priority along with measures to respond to a surge in capacity and provide transitional beds and care as well as aids and appliances to support patients on their journey home following a hospital stay. We are trying as best we can to prepare hospitals for the increased pressure on service delivery and we have a significant budget to so do.

Deputy Richard Boyd Barrett: In 2011, several building workers took the trouble to join the Labour Party, specifically the branch of former Deputy Ruairí Quinn. For the next three or four years, they tried to impress on him the problems in the school buildings programme and, specifically, companies such as Western Building Systems. The workers described it as the "Wild West" and stated that some people on sites did not have a clue what they were doing, as well as highlighting that the required ties had not been installed. We are now discovering seven or eight years later that those ties are the most basic component in ensuring a wall stays together and does not fall down. Their claims were ignored by the former Deputy, Ruairí Quinn, and Deputy Alan Kelly. Prompted by the workers, I raised the matter in September of last year at which stage the then Minister for Education and Skills, Deputy Bruton, who is sitting beside

the Tánaiste, stated that he was confident that the problems identified in the schools were not widespread.

An Ceann Comhairle: The Deputy's minute is up. He has made his point.

Deputy Richard Boyd Barrett: What is the Government going to do to bring forward a Bill on building controls and addressing the issue of bogus self-employment on building sites, which is directly connected-----

An Ceann Comhairle: The Deputy may ask a question on one matter only.

Deputy Richard Boyd Barrett: -----to the catastrophe we are now facing in schools, as well as hospitals such as Beaumont and Temple Street hospitals?

The Tánaiste: That Bill will not be brought forward in this session. Fire safety inspections have uncovered issues and problems, which led to safety concerns. We have learned lessons from the past. The way in which schools are built now is quite different from former practices and does not rely solely on contractors and their design teams. We will uncover the mistakes of the past and fix them. That is what this is about.

Deputy Mattie McGrath: The programme for Government strongly supports children in national schools. More than 5,000 people took to the streets of Tipperary town last Saturday. Five national schools there came together last year to apply to the then Minister for Education and Skills, Deputy Bruton, who is seated beside the Tánaiste and might be able to whisper an answer to him, for DEIS status but their applications were denied. The shutting out of those schools is of huge concern. The Pobal index of deprivation indicates that they should be granted that status. They met all of the requirements and should have been given this status but it was refused. What does the Tánaiste and the Government have against Tipperary town and its people in terms of jobs, infrastructure and, more importantly, its young people? We have excellent principals, boards of management and parents councils and good people eager to learn but they want a fair crack of the whip. All they want is fairness and to be granted DEIS status like many other schools throughout the country.

An Ceann Comhairle: I call Deputy Cahill on the same matter.

Deputy Jackie Cahill: The five primary schools in Tipperary town were not given a satisfactory answer regarding why they did not attain DEIS status. In light of the problems and social issues in the town, the schools should have no difficulty whatsoever acquiring that status. I ask the new Minister for Education and Skills, Deputy McHugh, to re-examine the applications by the schools in Tipperary town to see if they can acquire DEIS status.

The Tánaiste: The criteria for DEIS status are applied equally across the country.

Deputy Mattie McGrath: The schools met the criteria.

The Tánaiste: It is decided on the basis of CSO statistics on issues such as deprivation, single parents and so on.

Deputy Mattie McGrath: All of the criteria were met.

The Tánaiste: This is not a political decision. It involves criteria that are implemented evenly across the country and schools either qualify or they do not.

Deputy Thomas P. Broughan: Have the Tánaiste and his EU Foreign Minister colleagues given consideration to referring Prince Mohammed bin Salman al Saud of Saudi Arabia to the International Criminal Court in The Hague given the appalling murder of the journalist Jamal Khashoggi and repeated serious crimes committed by the Saudi rulers in Yemen? I remember years ago, when both the Tánaiste and I were in opposition, how we supported the establishment of the International Criminal Court. Is there not a significant case, as the President of Turkey has clearly shown, that the key perpetrators of this premeditated and vicious murder must be brought to justice? Will the Tánaiste take an initiative in that regard?

The Tánaiste: This was undoubtedly a brutal murder that shocked a lot of people and rightly so. It has also shocked an awful lot of journalists who have a job to do in holding governments to account and speaking truth to power. Like many other countries, we want to understand what happened, who was responsible and who sanctioned it. This is why we have asked for a credible and independent report on what did happen. As we do not yet have that, it is very hard to draw conclusions on that basis but we will work with other EU partners to ensure the truth is uncovered and understood. At that point, we will be able to take appropriate action.

An Ceann Comhairle: Ten Deputies wish to speak with just three minutes remaining.

Deputy Michael Collins: With considerable confusion over Brexit and the ever-growing possibility of a hard Brexit looming over us, where does the cross-border directive stand? Up to 3,000 people from the Republic of Ireland will go to Northern Ireland for urgent operations such as cataract, knee and hip surgery this year. Can the Tánaiste assure us that the cross-border directive will work after next March?

The Tánaiste: There are many areas of cross-border co-operation linked with cross-border bodies under the Good Friday Agreement and co-operation on an all-island basis. We expect that co-operation to continue through Brexit.

Deputy Joan Burton: I spent much of yesterday in Tyrrelstown, where 1,200 children have had their schools arbitrarily closed, along with the community centre. Will the Government set up an emergency task force with the participation of the Office of Public Works to find out when the buildings can be re-opened? Will the Government set up a helpline for parents? It is impossible for parents to get answers from the Department of Education and Skills. Will the Government set up a helpline for crèches that operate childcare facilities out of these schools and the community centre for afterschool and preschool care because workers were told yesterday that there was no work for them? Could the Government set up a helpline for the community organisations that now have no community centre to which they go for their activities?

The Tánaiste: A communications unit has been set up in the Department of Education and Skills specifically yesterday to deal with all of the issues.

Deputy Joan Burton: There are no answers from it.

The Tánaiste: I will pass on the Deputy's comments with regard to that. The Deputy is asking me to set up a communications unit when one has already been set up.

Deputy Joan Burton: No, an emergency task force.

An Ceann Comhairle: Allow the Tánaiste to respond.

The Tánaiste: With respect, the Deputy's initial focus was on communications, which is

the most important focus in order that people know what is happening and can understand timelines around inspections and so on. As a specific unit on communications was set up only yesterday to do that, I expect the Deputy will see a dramatic improvement in communications as a result of that.

Deputy Eamon Scanlon: Over a year ago, the Government gave a commitment in the budget that it would make changes to the fair deal scheme, particularly with regard to small farm families and small businesses. As we know, there is a 7.5% charge on the family home for three years. A commitment was given that the same would apply to land and small businesses. It is creating severe hardship for many small business owners and small farm families. When will the changes to the scheme be made?

The Tánaiste: The Minister of State at the Department of Health, Deputy Jim Daly, has done a lot of good work in this area but I will have to come back to the Deputy on the timelines. The political decisions have already been made in respect of this. It is now a matter of implementation.

Deputy Carol Nolan: Page 41 of the programme for Government, which deals with jobs and rural development, states that the Government is committing to revitalising every community across this State. The Tánaiste is aware of the situation at Bord na Móna where up to 430 job losses are in the pipeline. I support the call made by Deputy Cowen for a forum to be set up but the Government has responsibilities in this area as well. The midlands has been neglected in terms of job creation. We have the second lowest income rate in this State. These workers and their families are very upset and annoyed, as am I. I am also very concerned about the small businesses that will be affected. There will be a knock-on effect. What actions does the Government propose to take in terms of job creation in the midlands and supporting small businesses in communities in counties like Offaly that will be directly hit as a result of any job losses?

Deputy Bernard J. Durkan: Could special emphasis be placed on the need to replace the jobs in the areas in which they are about to be lost? Could we use the decarbonisation of the energy sector as a means of doing so?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I wish to reassure Deputies that Bord na Móna is taking its responsibilities very seriously and has put forward a series of enterprise initiatives that will develop alternative employment. This takes into account the fact that there is a decline, as Deputy Cowen said, as a result of decarbonisation, which has been widely recognised. As Deputy Cowen also indicated, there will be an application for globalisation funds through the EU. We have the regional enterprise forum, the regional skills forum and the rural development fund. Bord na Móna is committed to working with local authorities using those funds to develop new opportunities, including looking at enterprise centres and other possibilities for the development of the midlands. As the Tánaiste has said, employment creation in the midlands has been significant -15,000 jobs during the course of the regional plan. That regional plan has been very successful. It has brought an enhanced focus on regional development both by Enterprise Ireland and IDA Ireland. In the context of this decision, there will be renewed effort in this area. It is possible to apply for regional enterprise funds and the rural regeneration fund. We will be utilising all of those vehicles to respond.

An Ceann Comhairle: There are three Deputies remaining. If they put each of their ques-

tions in 20 seconds, I will take the questions and we will then go back for a response.

Deputy Michael Moynihan: The Tánaiste is aware of the significant delay in respect of applications for carer's allowance. Applications are taking between 14 and 16 weeks to be processed - in excess of three months. Does the Government intend to put extra resources into the Department of Employment Affairs and Social Protection to expedite these applications?

Deputy Peter Fitzpatrick: I have been engaging with the Minister for Housing, Planning and Local Government for the past few weeks in the Chamber. I laid out the position in County Louth. There are vacant houses in the county and there is no money to re-let them. We have a landbank with fully serviced sites but nothing is happening. A total of 110 people received emergency accommodation in September. Can the Tánaiste persuade the Minister, Deputy Eoghan Murphy, to engage with Louth County Council? It is paying €1 million per year in interest only on the landbank.

Deputy Anne Rabbitte: Deputy Eugene Murphy and I have a similar question regarding the capital health programme for 2019. It is under page 58 of the programme for Government. Can the Tánaiste confirm whether the 50-bed ward block at Portiuncula Hospital, which is shovel ready and has planning permission, will be included in the next capital health programme?

The Tánaiste: I cannot confirm individual projects with regard to capital expenditure for next year but I can certainly pass on that request to the Minister for Health. In respect of Deputy Fitzpatrick's question, he will know there is ongoing discussion and consultation between Louth County Council and the Department of Housing, Planning and Local Government. I was involved in that when I was the Minister responsible. I know the Minister and the Minister of State, Deputy English, are continuing that engagement. When landbanks are available, the Department is very anxious to work with local authorities to move on those landbanks as quickly as possible to deliver housing, both social and private.

On the final issue regarding carer's allowance, I will ask the Minister to reply directly to the Deputy.

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 the Dáil shall take No. 32a, statements on Tuam mother and baby home, immediately after proceedings on the statements on the disclosures tribunal report (Charleton report) today. The statements will be brought to a conclusion after 85 minutes, if not previously concluded. The statements shall be confined to a single round by a Minister or Minister of State and the main spokespersons for parties and groups or a Member nominated in their stead of ten minutes each with a five minute response from a Minister or Minister of State. All Members may share time and that Topical Issues debate shall be taken on the conclusion of the statements or at 5 p.m., whichever is the later. The Dáil on its rising today shall adjourn on the conclusion of the proceedings on Second Stage of the Vulnerable Persons Bill 2015 until 2 p.m. on Tuesday, 6 November 2018.

An Ceann Comhairle: Is the Minister of State's proposal agreed? Agreed.

Finance Bill 2018: Financial Resolutions

The Tánaiste: I move the following Resolutions:

THAT section 128F of the Taxes Consolidation Act 1997 (No. 39 of 1997), which deals with the Key Employee Engagement Programme, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

THAT Chapter 2 of Part 13 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions for treating certain matters as distributions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT Chapter 2 of Part 23 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to certain farming provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT Part 7, Chapter 1 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which relates to certain income tax exemptions, be amended in section 216A in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT Part 16 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions for relief from income tax for investment in corporate trades, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended by the insertion of Part 35B, which deals with the taxation of certain controlled foreign companies, into that Act and that that Act be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 291A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides relief from corporation tax for capital expenditure incurred on specified intangible assets, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 35 of the Finance Act 2017, which provides definitions for the interpretation of Chapter 1 of Part 2 of the Finance Act 2017 (sugar sweetened drinks tax), be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT Chapter 1 of Part 2 of the Finance Act 2002, which relates to certain Betting Duty provisions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 130 of the Finance Act 1992 (No. 9 of 1992), which sets out interpretation of words and phrases, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 132 of the Finance Act 1992 (No. 9 of 1992), which sets out the charge of

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excise duty (vehicle registration tax), be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT sections 134 and 141 of the Finance Act 1992 (No. 9 of 1992), which set out permanent reliefs and regulations, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 104 of the Value-Added Tax Consolidation Act 2010 (No. 31 of 2010), which relates to repayments of value-added tax in specific circumstances, be amended in subsection (2) in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 81AA of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which provides for relief from stamp duty in relation to transfers to young trained farmers, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 53A of the Capital Acquisitions Tax Consolidation Act 2003 (No.1 of 2003), which provides for a surcharge to capital acquisitions tax payable where a person fails to deliver a return on or before the specified return date, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

THAT section 86 of the Capital Acquisitions Tax Consolidation Act 2003 (No.1 of 2003), which provides for an exemption from capital acquisitions tax in the case of a gift or an inheritance of certain dwelling houses, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.”

Question put and agreed to.

Sale of Illicit Goods Bill 2017: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Sale of Illicit Goods Bill 2017, taken on Thursday, 19 January 2017. On the question, “That the Bill be now read a Second Time”, a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

Question again put:

<i>The Dáil divided: Tá, 69; Níl, 54; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Barry, Mick.</i>	
<i>Breathnach, Declan.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Broughan, Thomas P.</i>	<i>Breen, Pat.</i>	
<i>Browne, James.</i>	<i>Brophy, Colm.</i>	
<i>Burton, Joan.</i>	<i>Bruton, Richard.</i>	
<i>Butler, Mary.</i>	<i>Burke, Peter.</i>	

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<i>Byrne, Thomas.</i>	<i>Byrne, Catherine.</i>	
<i>Cahill, Jackie.</i>	<i>Canney, Seán.</i>	
<i>Calleary, Dara.</i>	<i>Carey, Joe.</i>	
<i>Casey, Pat.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Cassells, Shane.</i>	<i>Coveney, Simon.</i>	
<i>Chambers, Jack.</i>	<i>Creed, Michael.</i>	
<i>Collins, Michael.</i>	<i>D'Arcy, Michael.</i>	
<i>Collins, Niall.</i>	<i>Daly, Jim.</i>	
<i>Connolly, Catherine.</i>	<i>Deasy, John.</i>	
<i>Cowen, Barry.</i>	<i>Deering, Pat.</i>	
<i>Crowe, Seán.</i>	<i>Doherty, Regina.</i>	
<i>Cullinane, David.</i>	<i>Doyle, Andrew.</i>	
<i>Curran, John.</i>	<i>Durkan, Bernard J.</i>	
<i>Donnelly, Stephen.</i>	<i>English, Damien.</i>	
<i>Dooley, Timmy.</i>	<i>Farrell, Alan.</i>	
<i>Ellis, Dessie.</i>	<i>Fitzgerald, Frances.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Flanagan, Charles.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Griffin, Brendan.</i>	
<i>Fleming, Sean.</i>	<i>Harris, Simon.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Heydon, Martin.</i>	
<i>Harty, Michael.</i>	<i>Humphreys, Heather.</i>	
<i>Haughey, Seán.</i>	<i>Kehoe, Paul.</i>	
<i>Healy, Seamus.</i>	<i>Kenny, Gino.</i>	
<i>Howlin, Brendan.</i>	<i>Kyne, Seán.</i>	
<i>Kelleher, Billy.</i>	<i>Lowry, Michael.</i>	
<i>Kelly, Alan.</i>	<i>Madigan, Josepha.</i>	
<i>Lahart, John.</i>	<i>McEntee, Helen.</i>	
<i>Lawless, James.</i>	<i>McGrath, Finian.</i>	
<i>MacSharry, Marc.</i>	<i>McHugh, Joe.</i>	
<i>Martin, Micheál.</i>	<i>McLoughlin, Tony.</i>	
<i>McConalogue, Charlie.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>McGrath, Mattie.</i>	<i>Moran, Kevin Boxer.</i>	
<i>McGuinness, John.</i>	<i>Murphy, Dara.</i>	
<i>Mitchell, Denise.</i>	<i>Murphy, Paul.</i>	
<i>Moynihan, Aindrias.</i>	<i>Naughten, Denis.</i>	
<i>Moynihan, Michael.</i>	<i>Naughton, Hildegard.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Neville, Tom.</i>	
<i>Murphy, Catherine.</i>	<i>Noonan, Michael.</i>	
<i>Murphy, Eugene.</i>	<i>O'Connell, Kate.</i>	
<i>Nolan, Carol.</i>	<i>O'Dowd, Fergus.</i>	
<i>O'Brien, Darragh.</i>	<i>Phelan, John Paul.</i>	

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<i>O'Callaghan, Jim.</i>	<i>Ring, Michael.</i>	
<i>O'Dea, Willie.</i>	<i>Rock, Noel.</i>	
<i>O'Loughlin, Fiona.</i>	<i>Ross, Shane.</i>	
<i>O'Rourke, Frank.</i>	<i>Smith, Bríd.</i>	
<i>O'Sullivan, Jan.</i>	<i>Stanton, David.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Zappone, Katherine.</i>	
<i>Ó Broin, Eoin.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		

Tellers: Tá, Deputies Michael Moynihan and John Lahart; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared carried.

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

Deputy Mick Barry and Deputy Paul Murphy voted against the Second Reading of the Sale of Illicit Goods Bill 2017 due to their concerns about putting an emphasis on criminalising buyers of goods rather than those making profits from goods which may be dangerous or used to finance other illegal activity. The Deputies are also concerned about the increased powers of arrest and search without warrant contained in the Bill which have the potential to be misused.

Sale of Illicit Goods Bill 2017: Referral to Select Committee [Private Members]

An Ceann Comhairle: As this is a Private Members' Bill, it must under Standing Orders 84A(3)(a) and 141 be referred to a select committee. The relevant committee for this Bill is the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Deputy Declan Breathnach: I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and

Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Finance Bill 2018: Second Stage (Resumed)

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Finance Bill 2018, taken on Wednesday, 24 October 2018. On the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

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

<i>The Dáil divided: Tá, 50; Níl, 34; Staon, 40.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	<i>Breathnach, Declan.</i>
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Broughan, Thomas P.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Burton, Joan.</i>	<i>Byrne, Thomas.</i>
<i>Byrne, Catherine.</i>	<i>Collins, Michael.</i>	<i>Cahill, Jackie.</i>
<i>Canney, Seán.</i>	<i>Connolly, Catherine.</i>	<i>Calleary, Dara.</i>
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>	<i>Casey, Pat.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Cullinane, David.</i>	<i>Cassells, Shane.</i>
<i>Coveney, Simon.</i>	<i>Ellis, Dessie.</i>	<i>Chambers, Jack.</i>
<i>Creed, Michael.</i>	<i>Fitzmaurice, Michael.</i>	<i>Collins, Niall.</i>
<i>D’Arcy, Michael.</i>	<i>Harty, Michael.</i>	<i>Cowen, Barry.</i>
<i>Daly, Jim.</i>	<i>Healy, Seamus.</i>	<i>Curran, John.</i>
<i>Deasy, John.</i>	<i>Howlin, Brendan.</i>	<i>Donnelly, Stephen S.</i>
<i>Deering, Pat.</i>	<i>Kelly, Alan.</i>	<i>Dooley, Timmy.</i>
<i>Doherty, Regina.</i>	<i>Kenny, Gino.</i>	<i>Fleming, Sean.</i>
<i>Donohoe, Paschal.</i>	<i>McGrath, Mattie.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Doyle, Andrew.</i>	<i>Mitchell, Denise.</i>	<i>Haughey, Seán.</i>
<i>Durkan, Bernard J.</i>	<i>Murphy, Catherine.</i>	<i>Kelleher, Billy.</i>
<i>English, Damien.</i>	<i>Murphy, Paul.</i>	<i>Lahart, John.</i>
<i>Farrell, Alan.</i>	<i>Nolan, Carol.</i>	<i>Lawless, James.</i>
<i>Fitzgerald, Frances.</i>	<i>O’Reilly, Louise.</i>	<i>MacSharry, Marc.</i>
<i>Fitzpatrick, Peter.</i>	<i>O’Sullivan, Jan.</i>	<i>Martin, Micheál.</i>
<i>Flanagan, Charles.</i>	<i>Ó Broin, Eoin.</i>	<i>McConalogue, Charlie.</i>
<i>Griffin, Brendan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>McGrath, Michael.</i>
<i>Harris, Simon.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>McGuinness, John.</i>
<i>Heydon, Martin.</i>	<i>Penrose, Willie.</i>	<i>Moynihan, Aindrias.</i>

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<i>Humphreys, Heather.</i>	<i>Pringle, Thomas.</i>	<i>Moynihan, Michael.</i>
<i>Kehoe, Paul.</i>	<i>Ryan, Brendan.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Kyne, Seán.</i>	<i>Sherlock, Sean.</i>	<i>Murphy, Eugene.</i>
<i>Lowry, Michael.</i>	<i>Shortall, Róisín.</i>	<i>O'Brien, Darragh.</i>
<i>Madigan, Josepha.</i>	<i>Smith, Bríd.</i>	<i>O'Callaghan, Jim.</i>
<i>McEntee, Helen.</i>	<i>Stanley, Brian.</i>	<i>O'Dea, Willie.</i>
<i>McGrath, Finian.</i>	<i>Tóibín, Peadar.</i>	<i>O'Loughlin, Fiona.</i>
<i>McLoughlin, Tony.</i>		<i>O'Rourke, Frank.</i>
<i>Mitchell O'Connor, Mary.</i>		<i>Rabbitte, Anne.</i>
<i>Moran, Kevin Boxer.</i>		<i>Scanlon, Eamon.</i>
<i>Murphy, Dara.</i>		<i>Smith, Brendan.</i>
<i>Naughten, Denis.</i>		<i>Smyth, Niamh.</i>
<i>Naughton, Hildegard.</i>		<i>Troy, Robert.</i>
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		
<i>Zappone, Katherine.</i>		

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

Question declared carried.

Finance Bill 2018: Referral to Select Committee

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

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Sitting suspended at 1.25 p.m. and resumed at 2.10 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 Joe Carey and Timmy Dooley - overcrowding and resource concerns at University Hospital Limerick; (2) Deputy Michael Moynihan - the need for a progress report on the new amalgamated primary school in Kanturk, County Cork; (3) Deputy James Browne - to discuss the need for further IDA investment in County Wexford; (4) Deputy Niamh Smyth - to discuss the unacceptable waiting times for child assessment of need appointments; (5) Deputy Seán Barrett - to discuss the proposed closure of the National Council for the Blind of Ireland office in Dún Laoghaire; (6) Deputy Mattie McGrath - the need to review DEIS status for the primary schools in Tipperary town and county; (7) Deputy Fiona O'Loughlin - to discuss the M7 roadworks and procedures to reduce the impact on commuters; (8) Deputy Thomas Pringle - to discuss the delays in processing illness benefit payments in County Donegal; (9) Deputies Brian Stanley, Martin Heydon and Barry Cowen - to discuss the decarbonisation programme at Bord na Móna and potential job losses at the company; and (10) Deputy Mary Butler - to discuss the HSE plans to assist carers in 2019.

The matters raised by Deputies Joe Carey, Timmy Dooley, Niamh Smyth, Brian Stanley, Martin Heydon and Barry Cowen have been selected for discussion.

Third Interim Report of the Disclosures Tribunal: Statements (Resumed)

Deputy John McGuinness: First, I compliment Mr. Justice Charleton on the efficient way in which he dealt with the tribunal and on the clear report he submitted afterwards. He was unambiguous in his comments on the various issues raised. He has shown the Government and the State how a tribunal can be run efficiently and over a short time. I also acknowledge Sergeant Maurice McCabe's role in the tribunal and its outcome. I am satisfied that the tribunal heard his version of events, and the tribunal was clear in its acknowledgement that he was vindicated in everything he did and said.

As for the Government and the apology to Sergeant McCabe, it was the most blatant, brazen piece of hypocrisy I have seen in a long time. Sergeant McCabe was telling his story for 12 years, describing what was happening and highlighting issues in the force, yet the Government stood idly by and did nothing. In fact, the time for the apology and intervention was when the current Taoiseach, Deputy Varadkar, said as a Minister that Maurice McCabe's actions were distinguished, not disgusting. However, the Government sat on its hands and watched as that family was put through torture during those years.

The Minister for Justice and Equality continues to preside over a Department that appears to be dysfunctional. I have seen no evidence of the reform that was promised. There are many examples of that, such as the current hearings of the Committee of Public Accounts with prison officers, including Noel McGree. To say that the replies to all the questions I have asked in this House were economical with the truth and misleading in their content is an understatement. The Department feels it is okay to stand over that. Now that the Minister has been converted to examining the actions of the Department and is showing a willingness to say when he is wrong,

will he tell John Wilson, Noel McGree and the two female whistleblowers I am aware of that he was wrong? Will he intervene now and tell them he is sorry for what the State has done to them? Will he give them a chance to get their lives back on track, as he should? I doubt it, because he does not have the backbone to do it. That is the sorry aspect of what is happening.

The tribunal came and went and left its report behind. The Minister appears to think that the dogs will bark and the caravans will move on. However, the country has taken a turn. There is a demand now for truth and justice from all of us who serve, but the people are not getting truth and justice from the Department; they are getting anything but that. The Government has to be dragged, kicking and screaming, to court or through tribunals before it will acknowledge what is happening to individuals in the employment of the State. I have given the Minister the examples and I have asked him to intervene. Perhaps he will tell us what he intends to do about it.

A motion was passed by the House relating to the investigation of the death of Shane O'Farrell. The Government has taken no action to implement the desire of the Opposition to have that matter investigated. It lets Shane's mother, Lucia, his father and sisters wallow in the sorrow of losing him and will not intervene. The Government fails to understand the devastation it has visited on their lives by not recognising them. Ultimately, the motion was passed in the House but nothing was done about it. If the confidence and supply arrangement meant anything it should make a difference in people's lives. Under that arrangement Fianna Fáil should step up to the plate and tell the Government to act on the motion or else. That is what we are coming to because the State and the Government are presiding over the beating up of our citizens by Departments.

Similar to the actions of Sergeant Maurice McCabe, other State employees have come forward and given disclosures. To say they have been treated badly is, again, an understatement. Their lives have been ruined. In some cases they are professionals and their careers have been ruined. There are other cases, such as Douglas Fannin and the Department of Agriculture, Food and the Marine. The Department has not dealt with it. It just continues to ignore it and to pull people through the courts. Last week, the Department of Defence went to the High Court. The Department was totally wrong and had given incorrect and inaccurate replies to parliamentary questions. In the *Morrissey v. State* case the Department of Defence lost. Thankfully that young man is now taking his place in the Cadet School.

I have just highlighted a few cases but I shall also speak about one other case where, again, the House set up an investigation and to this day we do not know what is happening. I refer to the Grace case. Individuals who were mentally and physically challenged and non-verbal were abused while in the care of the State. The State is sitting on its hands rather than dealing efficiently and factually with the cases of Grace and the 47 other individuals. What more do we have to do in this House in the context of debating the issues, of highlighting the issues and of getting action from a Government that quite frankly does not seem to care? The only reason the Minister apologised is because he was flushed out and the matter came out into the open. The State could not beat Maurice McCabe but there are many others out there who the Government seems prepared to beat. The Government is currently dealing with the case of John Barrett. I wonder why that is coming about and what is going to happen.

When individual citizens raise issues in this State, the Government's answer is to bring the house down around the person, to push him or her to the pin of the collar and to break careers, families and health. There is no response from the Government and no showing of humanity or compassion. There is no attempt to bring in the necessary reforms to stop all of this from

happening again and again. People turn to this House for direction and leadership. They turn to this House for protection. They believe they are doing the right thing. If one was to ask Maurice McCabe I would say he is doubtful whether he would do it all over again. He has, however, done an enormous service to the State and he is to be commended on what he did. He should be protected for what he did. The others should also be protected for what they did. I have given the names to the Minister, and I have often mentioned them in public. Out of all of those cases and from the motion that was passed, I believe the Shane O'Farrell case is one that clearly demonstrates to people that the State and the Government have no interest unless they are pushed to the point where action has to happen. By that point, the families are generally broken.

The Minister, Deputy Flanagan, and his Government, have an awful lot to answer for. The political system in this House has an awful lot to answer for. The confidence and supply arrangement has a lot to answer for because it does not demand transparency and accountability. Where it sees the need for accountability, such as the motion on the Shane O'Farrell case, it is not prepared to do anything else. That is just an exercise in voicing an opinion about things rather than an exercise to put in place fair play, justice and an acknowledgment that the State should not beat up families or ignore them. The State should do the opposite; it should show compassion, humanity and an attempt to deal with the reality of the lives of the people who are being destroyed by the inaction of the State.

Deputy Maureen O'Sullivan: Go raibh maith agat a Leas-Cheann Comhairle. Nuair a chuaigh mé abhaile aréir bhí seans agam féachaint ar chlár ar TG4, an clár ar a dtugtar “Finné”. Bhain an clár sin le cad a tharla d'Osgur Breatnach agus do dhaoine eile sna 1970í. Chuir an clár sin na rudaí a tharla in iúl dúinn, rudaí uafásacha, rudaí náireacha. Osgur Breatnach and others were accused and convicted for taking part in the Sallins train robbery. This was due to appalling, cruel and inhumane treatment by certain gardaí who became known as the heavy gang. This group took part in beatings, assaulted prisoners, questioned them throughout the night without any breaks and did not allow them access to lawyers. Prisoners were beaten so badly that afterwards they said they were prepared to sign anything for fear of the violence continuing. The court heard garda after garda saying that the men had beaten themselves up. The men were eventually freed.

Chuala mé ar an gclár sin mar gheall ar an rud a tharla ansin go raibh seans go dtarlódh sé arís. This is exactly what has happened in the years since. We remember the cases of Joanne Hayes, Peter Pringle, Frank McBrearty, Frank Shortt and others, and now the case of Maurice McCabe. The common denominator is the unjust, wrong, immoral and unethical behaviour by some in the Garda, and by some within the Garda who are leaders. We are aware of the saying, leading by example, but the kind of leadership that was implied in that was not what came from leadership in An Garda Síochána.

Apart from the victims of this injustice, I feel for the members of the Garda who have been doing their job in a conscientious, diligent and honest way in serving the public. In common with other Members, I know the gardaí in my constituency of Dublin Central, from the community gardaí to the chief superintendent. They do a very difficult and demanding job. Because of some issues that have arisen in the north inner city of Dublin, this work is sometimes done at risk to their own lives. They do the job well. No matter what branch of public service or what career or occupation one is in, there will always be people who are not suited to a job and there should be an exit strategy. There should be a strategy for helping them while in the job and, if necessary, an exit strategy. Recommendation No. 14 of the Commission on the Future of Policing in Ireland report is a review of the current system of discipline and suggestions for

guidance, advice or training. The Charleton report and the report on the future of policing in Ireland need to go together. I am struck by one section of the commission's report on a learning and development strategy that refers to training - including continuous professional development - and in-service training for gardaí. I believe that this includes supports, be it training or counselling in the Garda, including the applied suicide intervention skills training, which should be mandatory if it is not already.

We have had a damning report from Mr. Justice Charleton. It is damning of Tusla, of the HSE, of journalists and of gardaí. It is like a report card that says there is much room for improvement from everybody. In all of that, lives were damaged. After a controversy we say it will never happen again and that we have learned lessons, but unfortunately we do not learn and the same continues. There is an opportunity now, with the two reports from Charleton and from the Commission on the Future of Policing in Ireland, if the recommendations and points become a reality. If that happens the structures will be in place to prevent the same from happening again or if it does happen, there would be robust procedures to deal with it.

An initiative we have in the north inner city of Dublin has been ongoing for more than ten years. It came out of the prevalent heroin issue at the time 12 or 13 years ago and is called the community policing forum, CPF. The staff work with residents, the local authority, Dublin City Council, DCC, and with the Garda. Meetings held are open to the public where DCC and gardaí - including some quite senior ranking gardaí such as the chief superintendent - take questions and criticism from the public. This can also happen privately, but these forums are a form of accountability and transparency that could be replicated. The policing commission is very supportive of that model. I believe it is the kind of model that can prevent some of the types of cases in the State that we are aware of, where there are questions around the lack of thorough investigations, or where there are no investigations at all.

The seven obligations, as outlined by Mr. Justice Charleton, are the way forward. The first obligation is for gardaí "to take pride in their work and in their uniform." We know that Garda pride has taken a battering. The obligations include the principle of honesty and the need for visibility. This is very much appreciated by communities because they want to see gardaí on the streets and they want to know them. In Dublin inner city we had the small area policing initiative, which is the essence of what is contained in the Charleton report. It is a model of partnership, social responsibility, continuous learning, innovation and improvement. It tried to highlight the values of honesty, accountability, respect and professionalism. If that model had been used in all Garda divisions we may not have been having this debate today.

Other principles from the Charleton report were about politeness, diligence to service and an obligation to the public, instead of what happens such as circling of the wagons and defending the indefensible.

With all of this going on I was struck by a play that I always enjoyed teaching; *The Crucible* by Arthur Miller - and by John Proctor's line, "How may I live without my name?" In the cases we referred to earlier people's good names were taken because of the rush to judgment instead of looking at all of the facts and waiting until everything was known.

We need those proper structures in place and this is the opportunity to do so now. The other aspect that has come out, which is very valuable, is that good names have been restored to those who lost them.

Deputy Thomas Pringle: I will start by paying tribute to Maurice McCabe and his family. It is of vital importance to wish them well. He and his family have had to wait 12 years to get to this stage. It is only because Maurice McCabe was resilient enough and was able to withstand the process that we are at this stage. That is the really sad and worrying thing about the system we have at present. Unfortunately, it is a system we have always had. People from republican backgrounds have known what the system is like and how it has worked. They know how members of the Garda have worked with impunity and can do whatever they want and that this has always been the way. It is only when we see the issue widening out into the wider community that we can see the extent of it, its importance and the impact it can have on people. People who live with and grow up with this kind of corruption and this kind of treatment become immune to it and expect nothing else. Ordinary citizens deserve an awful lot better, however.

We have seen what has actually gone on here. I myself have heard a former Minister for Justice and Equality say in this House, in respect of the investigations that went on in Donegal about which the Morris tribunal went on for years, that the only thing at that time was to make sure that it only affected Donegal and stayed in Donegal. It was the *modus operandi* of the Department of Justice and Equality and of the Garda to make sure that it was a Donegal issue and to suggest that things were different up there when, in fact, the problem is right across the country. The only way to deal with the issue is to recognise that and deal with it. I do not think it is going to happen. Unfortunately I think that we will be here in a couple of years' time talking about somebody else. That is really sad because there is an opportunity to make this happen.

It is also sad for the ordinary members - the people who are joining the Garda now with, perhaps, the hope of making a change or of serving their community. Someone at the top cannot be corrupt unless everybody surrounding him or her is also corrupt because such a person cannot get to the top without cover. Such people will not surround themselves with straight people because straight people will look and ask what they are doing and what is going on. It therefore permeates the whole way through the system. The only way we can have faith in the Garda in the future is to make sure that everybody at the rank of superintendent and above resigns or is retired and paid off. That is the only way we can ensure that this will never happen again. Even at that, we can only ensure that it will never happen again if the proper scrutiny is there, the proper way of looking at the issue is there, and the proper people are in place.

We have seen this report come out and we have seen Maurice McCabe being vindicated but, unfortunately, I have no faith that this will not happen again or that we will make sure that it will not. It is going to happen again. That is the sad thing about it. I have been sitting here for six years. I may not be the person dealing with it next time. It may not be Deputy Maureen O'Sullivan or the Minister either, but we will be back here dealing with the same issues. Unfortunately, that is the way it will be.

Deputy Frances Fitzgerald: I am sure all Members of the House will join with me in expressing the hope that the publication of the recent report by the disclosures tribunal will represent a turning point for Sergeant Maurice McCabe, his wife, Lorraine, and his family. Since its publication I have spoken with Sergeant McCabe directly in order to express my personal good wishes for him, Lorraine, and his family. No words of mine could describe better than Mr. Justice Charleton's the great wrongs which were done to Maurice McCabe by those in senior positions in An Garda Síochána and, indeed, by the prevailing culture. The tribunal's report sets out eloquently and unsparingly the deeply troubling realities we have to confront. Mr. Justice Peter Charleton had an onerous and complex task. He is entitled to the fullest of appreciation for the thorough and expeditious manner in which he did this. He has discharged his task fully

in the public interest. There are, of course, many issues outlined in the report. Deputies have referred to some of them. It must now be considered in detail and responded to comprehensively. Above all, we now have an independent and objective assessment of the facts, which was the reason we in this House decided to establish the tribunal in the first place.

On a personal note, I want to acknowledge that Sergeant McCabe has, and did in the past, make clear that he had no criticisms of me or of how I dealt with the matters in question. His approach, both in November and when appearing personally at the tribunal, contrasted greatly with what I experienced in the Dáil in November and in the responses from some political parties more recently. I can live my life quite contentedly without an apology from the Deputies involved but none of us should stand for an attempt to rewrite facts. For too long, some of the matters at the centre of this report have been approached by others on the basis of what they choose to believe and assert, rather than the facts that have been established. Some Deputies were willing to pay more attention to what is described in the report as “snippets” of information. More Deputies piled in when details of the serious mistakes in Tusla emerged and implied that An Garda Síochána must have been involved. The Minister, Deputy Zappone, will address some of those issues later.

A very understandable concern at how Sergeant McCabe was treated sometimes set at nought the right of others to a good name. As I said in the Dáil, we were in danger of trying to remedy one injustice by creating others. That is something we all need to reflect on when considering this report. In this House we were unwilling to wait for Mr. Justice Charleton to look at these matters, despite the fact that he was doing so at the request of the Oireachtas.

The House will remember that I established the disclosures tribunal on 17 February 2017 following receipt of very disturbing information through protected disclosures made by a member of An Garda Síochána to me in my then capacity as Minister for Justice and Equality. I referred that information to Mr. Justice Iarfhlaith O’Neill and requested that he review the allegations of wrongdoing contained in those disclosures. In light of his inquiries, Mr. Justice O’Neill concluded that he was not in a position to make a determination on the truth or falsehood of the allegation and that a commission of investigation should be established. There were extensive discussions here with all Deputies on all sides of the House, with all spokespeople on justice and so on, as well as with the McCabe family, and we agreed that we would establish the tribunal.

I hope that Deputies can accept, in the light of the findings of the Charleton report, that the allegations relating to former Commissioner Nóirín O’Sullivan were not upheld. One thing is clear. The thrust of the charges made then was that Commissioner O’Sullivan had improperly tried to undermine Sergeant Maurice McCabe at the O’Higgins commission where, it was asserted, he was being treated completely inappropriately and that I, my Department, or both had either conspired with or acquiesced in that approach. The tribunal finds that no such situation requiring intervention by me as a Minister occurred before the O’Higgins commission. The judge also notes that a incidental situation could have arisen which would have required the Minister or the Attorney General to intervene. It did not. These allegations have been found by the tribunal to be unsupported by evidence. The tribunal did not find any evidence that the former Commissioner was party to the calumny visited upon Sergeant McCabe or of any wrongdoing on her part in respect of Superintendent Taylor. I take this opportunity to thank the former Commissioner for what I experienced when working with her, that is, her hard work and dedication to An Garda Síochána. Her position was called into question here because of what was alleged to have happened at the O’Higgins commission, which it now transpires did not

happen at all. I know the personal and family toll which unsubstantiated allegations can bring.

Of course, on a personal level I am pleased that I was found to have acted appropriately and to have used my judgment well and that my evidence has been accepted as truthful. While by last November I had moved from the Department of Justice and Equality, Mr. Justice Charleton found that the Department had acted quite properly in respect of the commission. In fact, there are many dedicated public servants in the Department of Justice and Equality, notwithstanding the changes and reforms that have been recommended.

It is deeply worrying that politicians would use the shelter of Parliament to defame public servants. Had someone done this outside the House legal recourse would have been possible and predictable but inside the Dáil it is untouchable but printable. Unsupported defamation is walked into our national press wrapped in the cloak of Dáil privilege. Defamation laundering is not what this privilege was designed for. It is tempting to jump to conclusions in complex situations but in both politics and the media, this must be tempered by respect for facts and due process. Equally, in taking measures such as the establishment of the tribunal itself, I have always had to have regard to the rights of both those making the allegations and those against whom allegations had been made. Those who think that due process and fair procedure can be cast aside for reasons of political expediency do a disservice to the values of our democracy. The public sees right through this. My experience in the past year suggests strongly that the public is very clear about this. I make these points not to engage in any recrimination but to suggest that we all, both inside and outside the House, need to reflect on how, in some instances, what was in effect fake news came to be accepted as true and was acted on to the detriment of others. A Minister for Justice and Equality cannot assume the truth of all allegations that have been made against others without them having been objectively assessed and everyone involved being treated with basic fairness. The seriousness of allegations or their constant repetition as if they were established fact does not affect the fundamental point in the House. When allegations of wrongdoing are made, they need to be investigated fully and impartially, and that is exactly what Mr. Justice Charleton has done. While not all such allegations warrant the establishment of a tribunal of inquiry, we need to accept the established methods of investigation such as GSOC being ably led by Ms Justice Mary Ellen Ring, the Policing Authority being led by Josephine Feehily and the various recommendations that have now been made by the Commission on the Future of Policing in Ireland. These are appropriate places for various issues to be examined.

Of course, we need to examine improvements that can be made in those bodies, the supports we can give them and how we can help them to do their work better, but it is an important principle of the House that we rely on an independent investigation of these matters by those equipped to carry them out. Political playacting should have no part in dealing with such serious issues. I have no doubt that many good members of An Garda Síochána will be disheartened by what is in the report. We need to make a clear distinction between the bad behaviour of a few members, however senior, and the excellent work done by many members of An Garda Síochána. As Minister for Justice and Equality, I recognised that while An Garda Síochána had generally served us well, serious problems, some of which Members have referred to, beset the organisation. Mr. Justice Charleton is very clear about those. Anyone reading his report and his discussion of what the role of An Garda Síochána should be will be impressed.

I congratulate Commissioner Drew Harris on his appointment. Yesterday, he said the findings of Mr. Justice Peter Charleton are a clarion call for action. He said cultural change, which is now so necessary in the Garda, comes from behavioural change. He said his senior team will

lead this, including by emphasising the code of conduct. He also said there should be intervention for poor performance involving support, supervision and extra training. He said in cases of serious misconduct where one's trust in an individual is entirely broken the person has no place in the organisation. We all agree with that. He recognises the scale of the challenges he faces. I hope the House will support his work and the work of the Minister, Deputy Flanagan, and the Department in moving forward the reforms.

Mr. Justice Charleton makes a point that is central, which is the leaking of a protected disclosure to the Oireachtas and the media. Those who were the subject of these allegations had little or no opportunity to respond. The concept of the presumption of innocence is fundamental to our legal system. The leaking of this information, which had been provided in accordance with the Protected Disclosures Act 2014, was an abuse of the Act. The legislation was introduced to protect genuine whistleblowers when reporting what they reasonably believed to be genuine wrongs. Of course, we have to support whistleblowers who are attempting to bring various issues to light. We must act on the lessons from Mr. Justice Charleton's report and the extensive reforms under way should greatly assist in avoiding such dark episodes in the future.

Deputy Catherine Connolly: I have taken the trouble of reading this report. It is 301 pages, including the afterword. I draw the Minister's attention to the afterword on page 301 which states:

What has been unnerving about more than 100 days of hearings in this tribunal is that a person who stood up for better standards in our national police force, Sergeant Maurice McCabe, and who exemplified hard work in his own calling, was repulsively denigrated for being no more than a good citizen and police officer...The question has to be asked as to why what is best, what demands hard work, is not the calling of every single person...Worse still is the question of how it is that decent people of whom Maurice McCabe emerges as a paradigm are so shamefully treated when rightly they demand that we do better.

I remind the Minister an allegation was made in 2006 without foundation. The DPP saw no reason to prosecute and made that clear. Sergeant McCabe had to endure that false allegation. After 2008, he thought it had gone to bed. It was resurrected in December 2015 and into 2016. It had changed into an allegation of digital rape. Let us just listen to that. In eight years an allegation for which the DPP said there were no grounds for prosecution changes to an allegation of rape.

Unfortunately, Deputy Fitzgerald has left the Chamber but she might look back and read my contribution in the Official Report. I came here two and a half years ago and my first introduction to the Dáil was reading the report of the O'Higgins' commission of investigation relating to Maurice McCabe. It was an absolute eye opener. It was not heeded and here I am two and a half years later reading the report of the Charleton tribunal. The background, as the Ministers who are present in the Chamber, Deputies Flanagan, Zappone and Madigan, know, is we have the Morris tribunal. The latest estimated cost of that is €72 million and rising. Each Government decided it was confined to Donegal and there was no problem anywhere else. This tribunal, Mr. Justice Charleton tells us, is about holding the police force to account. The Morris tribunal was about the same thing. The commission of investigation conducted by Mr. Justice Kevin O'Higgins was about the same thing. I might add that the Toland report on the Department of Justice and Equality and the recommendations made in it were not heeded either. Had any of these been heeded, we would not be here today. It is important to remember that Sergeant McCabe and his family are in the middle of this.

I refer to pages 296 and 297 of the report. We have now gone through all of these tribunals, ending with the disclosures tribunal, to highlight the seven obligations on gardaí. Imagine it takes a tribunal to tell us gardaí should take pride in their uniform. The second obligation is for them to be honest. The third obligation is for them to be visible. Perhaps by the time I finish talking, the Minister might be able to tell me what it has cost us in money and in absolute distress and destruction to family life to learn these seven principles. They are honesty, pride, visibility, politeness. The fourth obligation is that gardaí should be polite. Number five is they should serve the people of Ireland. Diligence and application to duty are expected of all, not moaning. The sixth obligation is to treat the public well and to treat the public as superior to any false sense that individual policemen and policewomen should stick up for each other. The seventh is self-analysis. Those seven principles should not have cost what they did. Those seven principles should apply to each and every one of us in the Dáil. If those seven principles had been taken seriously by the Dáil, we would not have had the Charleton tribunal. Even now the former Minister, Deputy Fitzgerald, is picking certain parts out - I understand where she is coming from in terms of her position - but there is much more serious content in this report that should be referred to by any Minister standing up in the Dáil.

What came out of this? We have a Garda force that has an utter inability to self-analyse and learn from its mistakes and that is crying out for leadership. The report tells us the former Commissioner was not believable on certain evidence set out. That is who was leading the Garda force. It quite rightly praises many gardaí on the ground and identifies those who are honest. However, the report's findings regarding the former Commissioner are absolutely shocking.

With regard to what it found on Tusla, I have a certain empathy and sympathy with the Minister, Deputy Zappone, on how she will deal with those damning findings. They are truly damning findings of a genuine mistake, which is difficult to understand, on the part of the counsellor. When she did find out, she did her absolute damndest to correct the mistake. In 2016, Sergeant McCabe and his wife got a letter accusing him of digital and anal rape even though the counsellor had corrected the file in 2014. It is quite clear from this report that just about everyone who mattered in Tusla knew this was wrong and everyone who mattered at the senior level in the Garda Síochána knew. It is set out that a person - I forget his rank but it was quite high - knew but delayed and did not tell those in the upper echelons in Dublin that this was a false allegation. I will go through it. The words are damning. Page 72 refers to Tusla, which is a name I cannot get my tongue around because it is an abuse of language. It is supposed to mean "the start of a new day" but it is not spelled right. It might give an indication as to what happened with that organisation because "tús lá" or "tús lae" becomes "Tusla".

When the matter of the file is followed up again inexplicably, Mr. Justice Charleton states:

The tribunal cannot identify the mind [I would have preferred if he had said "the person"] behind the decision to revive the matter at that point but the tribunal regards the explanation of mere coincidence as wholly unconvincing. As to whether it was either Laura Connolly or Eileen Argue or someone directing either of them, there is insufficient evidence to make a decision. The reality is that someone within TUSLA realised that they had what they perceived to be unfinished business with Maurice McCabe and decided that for the avoidance of trouble, the business should [...] be dealt with. This was not, as was related to the tribunal, a coincidence. It is very disappointing [I would say "unacceptable"] that the tribunal could not have been told by TUSLA what [...] happened.

A file was subsequently sent to the regional unit in Dublin which, Mr. Justice Charleton

writes, was “filleted”. By the time it came before the tribunal, it had returned to its full contents. Will the Minister explain that?

On page 74, Mr. Justice Charleton states that the error is:

shocking administrative incompetence. Reviewing this account of error upon error, of not attending to duty upon not attending to duty, of not abiding by guidelines and of reporting the same matter multiple times to the police, when the police had in fact originally referred the matter to social services, the tribunal is left utterly dispirited.

I would not use the word “dispirited” but that is the word he uses.

Elsewhere, he writes that he does not accept that the former Garda Commissioner Martin Callinan’s evidence is trustworthy. He mentions “hideous [...] bizarre coincidences”. I would not use that language but I think he is taking the best interpretation. Having read the whole report, I find it impossible not to conclude it was somewhat more sinister than what he described, although that is just my personal opinion. He has explained what happened as “hideous [...] bizarre coincidences”. He also writes about “a change of culture” and the principles I have outlined.

Behind all of this, if Sergeant McCabe had not persisted with his family’s support, if he had not taken the precaution of making a recording, if my colleagues who are not present had not spoken out, namely, Deputies Clare Daly, Wallace, McGuinness and Deasy, or if not for the Committee of Public Accounts, this would not have come to light. That is shocking. When I hear Deputy Fitzgerald use her time to defend herself, it is disappointing. The time should be used to realise what he wrote, such as: “Ní féidir an dubh a chur ina gheal, ach seal. [One can only deceive for so long.]” If the right questions are put, we are halfway to getting the replies. This was unnecessary but the deception will continue unless there is leadership from the top and from the Dáil, not by taking the matter personally but by saying it is a problem, we welcome the questions and we will endeavour to provide answers. We would have much fewer tribunals and commissions of inquiry.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): The report of the disclosures tribunal has fully vindicated Garda Sergeant Maurice McCabe. The tribunal chair, Mr. Justice Peter Charleton, excoriated those who stood in opposition to the stance taken by Sergeant McCabe. The report acknowledged his dedication as a public servant. I agree wholeheartedly and believe this extends beyond his role as a public servant. As a citizen of the State, he made huge personal sacrifices which will make the country a better place. As a member of the Government and as Minister for Children and Youth Affairs, I have apologised unreservedly to Maurice and Lorraine McCabe and their family for the failures which could have destroyed their lives. There are no words to express this adequately. The grace under pressure shown by Maurice McCabe throughout the experience is an example to us all.

As Minister with responsibility for Tusla, the Child and Family Agency, the forthright message from Mr. Justice Charleton is clear. In its mildest interpretation, Tusla needs a radical shape up. I have read comments attributed to Tusla management that politicians, Government and the media need to fall in behind the Tusla message because negative coverage does not help with its aim of recruiting and retaining staff. The foreword to the Tusla business plan of 2018 states:

2017 has undoubtedly been the most challenging year yet faced by the Agency, predomi-

nantly because of an unprecedented level of external scrutiny including a programme of inspections and investigation by the Health Information and Quality Authority, as well as a Tribunal of Inquiry, Commission of Inquiry and investigations by the Data Protection Commissioner, Ombudsman and Ombudsman for Children. The Agency was also requested to appear on numerous occasions before the Public Accounts Committee and Joint Oireachtas Committee on Children and Youth Affairs.

Let me contrast this with the remarks of Mr. Justice Charleton from the report:

A public body, paid for by the taxpayer, has a fundamental duty of self-scrutiny in pursuit of the highest standards. The administration of TUSLA was sorely lacking in application and in dedication to duty.

This morning I met with the board of Tusla and we discussed these remarks. I told it that I need its assurances on self-scrutiny and that in order to assure me it will have to assure itself first. I look forward to receiving these assurances.

All of our agencies need scrutiny, both self-scrutiny and external scrutiny. I know the Oireachtas joint committee and the Committee of Public Accounts will continue to do their duty of external scrutiny and insist on Tusla's presence at committees. I will also continue to insist on external scrutiny. I also read to the board some of the quotations that Deputy Connolly has just read.

I directed the Health Information and Quality Authority, HIQA, to carry out a statutory investigation on Tusla. I did not wait for the results of the tribunal. It was clear to me and many others from what we knew about how Tusla handled the information regarding Maurice McCabe that there could be a serious risk to the health and welfare of children.

3 o'clock The report of HIQA's statutory investigation was published in June 2018 and its findings are echoed in the tribunal's report. The Cavan-Monaghan area was looked at by HIQA once the tribunal had finished its work. It is no surprise that the action plan to address the finding of the statutory investigation, which I ordered, will underpin the reforms of the Cavan-Monaghan area. These improvements should tackle head on the deficits that were fully aired in the tribunal's third interim report.

This is necessary, constructive and badly needed scrutiny. As I mentioned, I met with the board of Tusla this morning and we discussed the tribunal's findings. I make no apology for the need for constructive and badly needed scrutiny. I have asked for a formal response to the report which will set out the evidence of change that will prevent a person's reputation being traduced in this way from ever happening again.

The report makes clear that the root cause of Tusla's failures in this case was not some dark conspiracy but simply incompetence. The reforms necessary to address this will be overseen by the board of Tusla. Tusla has said it is addressing the findings by re-organising and improving management and governance arrangements, introducing a dedicated specialist team to manage retrospective allegations of abuse that are received, introducing a formal performance management system and increasing quality assurance of policies on the ground.

While it is my belief that funding is not the key to delivering on these reforms, I have secured an increase in funding to Tusla by over €30 million for 2019, so this cannot be an excuse for lack of delivery. Changes are needed and changes are being made.

The tribunal says that its report holds the policing body of this State to account. I can say that it has also held Tusla to account. In the report, the tribunal chair has made stark and significant findings about the managers of the Cavan-Monaghan area and a litany of missed opportunities.

I find it appalling that if the case had been dealt with in accordance with existing policies then none of this might have been necessary. The procedures in place at the time were, as the report says, simply ignored. HIQA made a similar finding – the policies were in place but not being implemented.

The tribunal's conclusions reflected the withering criticisms in the report from the regional manager in Tusla. The stark evidence of the inertia within Cavan-Monaghan is almost incredible, except we knew what had happened to Maurice McCabe. That area management did not face up to the mistakes that were made, seek the guidance of, or report what had happened, to the senior management team is what led to the unspeakable misery visited upon the McCabe family.

If we have learned anything from this it is the absolute necessity of having a culture of openness and integrity. It is the duty of management to guide, support and encourage this culture of openness and integrity. It is the duty of management and staff to correct mistakes when they happen. It is the duty of the board to hold management to account to ensure that this happens. I said this clearly to the board of Tusla this morning. It is my duty as Minister to hold the board to account, and I am doing this.

The tribunal drew attention to the setting up of the sexual abuse regional team. This team was the first of four established and the remaining three areas can expect similar teams to be set up in the near future. This is a key action in response to the HIQA statutory investigation. The tribunal says that the setting up of such a team is a necessary initiative.

As the 2013 notification which is central to the tribunal's report concerned an allegation of abuse of a person who was an adult at the time of the notification, this case was managed under the policy for retrospective cases. This is a challenging area for Tusla as social workers have to balance child protection and fair procedures towards the person who is the subject to the allegation. A revised policy, replacing the 2014 policy, is to be published shortly. Tusla's revised policy has an eye to fair process and natural justice and builds on the legal framework that has evolved since 2014.

The report from the Disclosures Tribunal on the handling of this case is clearly devastating in its assessment. In truth, thanks to the excellent HIQA investigation we were expecting many of the high level findings in relation to Tusla's management of allegations of child sexual abuse but reading how these failures devastated the McCabe family was deeply upsetting. My Department has been working with Tusla to progress the reforms since the publication of the report in June this year. However, I was not expecting, and found it utterly shocking, to read the tribunal's comments on the extent and nature of Tusla's co-operation with it in its work.

It is helpful to place these on the record of the House.

Tusla were slow to respond to the public request for cooperation by the tribunal. Statements made were laconic to the point of being mysterious. The tribunal had to seek further information and identify witnesses who might cast light on matters, who had not yet revealed themselves. These then had to be called in evidence, as from them emerged impor-

tant evidence. This kind of holding back is bad enough from a private citizen, never mind a public body.

I spoke to the chair of Tusla about this when the report was published and I spoke to the board about it this morning. I have asked for an explanation. It is simply not acceptable that a Government agency would not co-operate fully with a tribunal of investigation. The board has undertaken to communicate with the tribunal in order to understand the nature of these findings and learn from them.

As we speak here in our Parliament and comment on this most important report, I am thinking of the women and men who, on our behalf, are saving our children in all parts of our country. Right now, a Tusla front-line worker is removing a child from a dangerous situation because she or he is being sexually or physically abused; is intervening for a child that has not been washed or fed; and is comforting a child who has been abandoned or whose parents cannot care for them. They are the people with the courage and resolve to know what is to be done and we must continue to listen to our front-line agency workers. I intend to meet with them to get their views on how we can move forward with the reform of Tusla as we all digest this report.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I wish to start by thanking Mr. Justice Charleton for the time, effort and energy he invested into the writing of this report. His analysis of the evidence is detailed and reflective, his conclusions clear and unarguable and his prose gripping. I am sure that I am not alone in saying that this report is enthralling. I found it hard to put down, due to its author's ability to expertly carry the reader through the vast amount of evidence gathered, and towards the eventual conclusions. Sometimes it is important for legal analyses to be written in a way that commands attention. This is surely one of those times. I thank Mr. Justice Charleton for this.

The report speaks frequently about truth, which, as a concept, is explored in many different guises. The report calls for greater respect for the truth, indicating that a cultural shift is required to achieve this. In the report's contents and conclusions, we see that truth is not always easy, or instantaneous, or obvious. We also see that truth can be betrayed, not only through wilful disregard, but also through omission, or careless neglect.

The betrayal of truth leaves many victims. The first among these is clearly Sergeant Maurice McCabe. Is there anyone in this House who would not now echo the words of the Taoiseach, who in 2014 was the first Member of this House to publicly back Sergeant McCabe, calling him honourable.

Systematic opposition and institutional laxity in relation to the defence of truth has taken its toll on Sergeant McCabe and his family. To have false allegations spread through the public sphere, by way of malicious rumours, gossip and leaks, in quiet conversations and corrupted evidence, would be an almost unbearable burden for any individual. Sergeant McCabe's honour has been restated again in this report, and I hope it is never called into question again. Sergeant McCabe sought to be an advocate for truth. His duty and devotion to public service saw him take the hard road in order to bring to light practices that were unworthy of the organisation and country he sought to serve. He could have kept his head down, hidden himself in the collective, and silently delegated the responsibility to act but he was braver than that. It is hard to speak out against those around us and to put relationships and personal prospects in jeopardy in the pursuit of truth is an act of supreme courage. Humans are social creatures, and the search for group identity and acceptance is inherent. In Sergeant McCabe's case, his group loyalty was

to his country.

The actions of others, some we know by name, such as Superintendent David Taylor, and others we read about as a collective such as staff members of Tusla, were less than honourable. Setting out to deliberately spread misinformation, or accidentally failing to provide correct information due to an erosion of responsibility, has consequences which go far beyond reputational damage. They also damage public trust in institutions of the State. This must be taken into account.

In a different way, my colleague and friend, Deputy Frances Fitzgerald, was a political casualty of the desire of some who practice politics to put gossip above truth. As Minister for Justice and Equality, Deputy Fitzgerald, acted at all times in a way that was honourable, diligent, and fair. This is underlined again in the Charleton report, which exonerates her completely.

I want to make particular reference to the confluence of events that led to the resignation of Deputy Fitzgerald as Minister for Justice and Equality in November 2017. It may be ironic to do so, as I appear to have benefited from this series of events in taking her place at the Cabinet table. The herd mentality, the prioritisation of rumour over fact, the sordid glee in playing the woman and not the ball, made this resignation impossible to avoid, but it did not make it right.

Politics and public service is multifaceted and full of nuance: there is rarely a time when there is an absolute right and an absolute wrong. Others have suffered in the face of a lack of commitment to truth and accuracy. Former Garda Commissioner Nóirín O'Sullivan is one such person; she embodied qualities of leadership necessary for good public service. As Oscar Wilde wrote, "The truth is rarely pure and never simple." I strongly believe that apologies are owed to those who suffered personally and professionally from false accusations and incorrect accounts. I hope, for the benefit of public service in this State, that these apologies are forthcoming.

It is a noble thing to serve the public good. This should not be forgotten, nor should the service of the public be degraded through association with malicious scandal and gossip, the contest of personal rivalries, or the desire for a cheap headline. Mr. Justice Charleton does not spare his words on this topic, particularly in the conclusion of the report. The term "the sober truth" paints an important image. It is clear that what is right is not always easy, and what is easy is not always right. All good things are worth working for. This is also the case when it comes to the truth.

The Charleton report calls on us all to look towards the future and to consider how we can finally end the malpractice that has undermined many of the institutions of our State. Over recent years, we have seen many formerly steadfast and unquestioned pillars of Irish life sustain serious reputational damage. We have seen cultures of secrecy and pride exposed, often with devastating consequences.

An Garda Síochána is an iconic institution of this State. Established in the 1920s by a fledgling Government trying to build a stable country at a time of tremendous upheaval, An Garda Síochána broke with all the stereotypes of State-sponsored law enforcement. An Garda Síochána was not simply there to police, but to be the guardians of the peace. Crucially, the force was unarmed, a few short years after the Irish people asserted in arms their right to self-determination. Most importantly, the gardaí were from the communities in which they served. I say that as someone whose grandfather was a garda. This has been the singular towering strength of An Garda Síochána since the foundation of the force.

The obligations delineated by Mr. Justice Charleton in order to promote honour, trust and leadership within the force are to be carefully noted. In many cases they are attributes that we recognise in the vast majority of public servants we see and work with every day. It should be noted that the work and conduct of the Garda force in Donegal is commended by Mr. Justice Charleton in the case of the unfounded allegations made by Garda Keith Harrison and Marisa Simms. He calls on gardaí to have pride in their uniform, and their work. The force has a long history of devoted public servants, including a number who have tragically died in uniform. The legacy of these patriots should not be dishonoured. Honesty is another obligation that ensures respect. The obligation to be visible reminds us all of the important role that gardaí play in our local communities. The report recommends that everyone serving in the police should give a portion of the day to foot and bicycle patrols. A further obligation is politeness, and a further one is service or duty. Loyalty to the public over all else and the importance of self-analysis are the final two obligations described.

As a State, we owe an immense debt of gratitude to our gardaí for the work they do to keep us safe. Opinion polls continue to show that An Garda Síochána is among the most trusted public institutions or groups in Irish society. This is rightly the case, and should be maintained. Further reports, such as that of the Commission on the Future of Policing in Ireland, provide a blueprint for how we can maintain this level of trust by promoting accountability. My colleague, the Minister for Justice and Equality, Deputy Flanagan, is committed to the implementation of its recommendations, and I support him very strongly in this endeavour. I also commend Garda Commissioner Drew Harris for the work he is doing in this regard.

It is an incontrovertible fact that trust is built on a commitment to accountability and truth. This is the same for An Garda Síochána as it is for any other group or institution. As we look to build the culture shift that Mr. Justice Charleton speaks of, not only for our police force but in all institutions of Irish life, let us not forget the vivid accounts of malpractice and betrayal engagingly described in the tribunal report, and the victims left in its wake. The search for truth is at the heart of our justice system. It should also be at the core of everyone who serves this system on behalf of the public. Be it administrative accountability, strength of character, or a refusal to engage in politics as a mindless blood sport, we all need to make sure these values are present in our day-to-day actions. Let us be advocates for the truth, agus cuirfimid chuige le misneach.

Minister for Justice and Equality (Deputy Charles Flanagan): This has been a most useful exchange of views on the third interim report of the disclosures tribunal. I was very interested to hear what Deputies had to say about it and its conclusions, particularly in light of the clamour in this House that preceded its establishment and the unedifying and unjustified pursuit of my colleague, Deputy Fitzgerald, last November by those here who accused her of acting incorrectly and indulging in wrong-doing. To finally set the record straight, Deputy Fitzgerald, as Minister, acted entirely appropriately. Mr. Justice Charleton could not have been clearer in that regard. I have noted, nevertheless, efforts by many people opposite to say that her departure was still necessary. I disagree fundamentally with that view, and I remind Deputies of their obligation to reflect on words that were uttered here in a frenzied atmosphere and in the clamour to remove the Deputy from her position.

The report of the tribunal is damning. It goes to the heart of how An Garda Síochána handles allegations of wrongdoing within the organisation. We all have a responsibility to respond appropriately to the findings of the tribunal. The House is, rightly, grateful to Sergeant McCabe for his steadfastness in bringing to attention the serious lack of application to duty and failure to

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follow basic and fundamental procedures. As Mr. Justice Charleton observed, his actions arose out of a legitimate drive to ensure that An Garda Síochána serves the people through hard work and diligence. In the face of much adversity, Sergeant McCabe persevered with the support of his family. As I mentioned last week, I spoke with Sergeant McCabe on the phone to apologise to him on behalf of the State for his shameful treatment. I hope to meet him in the near future to offer that apology in person, having spoken to him on the phone. I know that the Garda Commissioner has already met with Sergeant McCabe and his wife and he correctly, on behalf of An Garda Síochána, also apologised to Sergeant McCabe.

The independent Commission on the Future of Policing in Ireland has just reported following its root and branch analysis of policing in Ireland. Its report also makes clear that transparency, governance and accountability in An Garda Síochána is fundamental. The implementation of that report will be the cornerstone of the necessary transformation in An Garda Síochána, and the points made by Mr. Justice Charleton will very much inform the Government's approach to its implementation. The report also points to specific problem areas within An Garda Síochána. At the heart of these problems is discipline in the force. Mr. Justice Charleton notes that, as an organisation, An Garda Síochána has an obligation to be a disciplined service.

The report suggests that the Oireachtas might usefully consider a potential lacuna in the Protected Disclosures Act 2014. The Act was mentioned by some Deputies in the course of their contributions.

I want to acknowledge the importance of the obligations which Mr. Justice Charleton said should at all times underpin the work of our police service. Many of them are obvious and can be said to apply universally. These include the obligation to be polite, honest, to take pride in their work, pride in their uniform and to be visible. I know that the Garda Commissioner is committed to these obligations, and I believe he is quite right. Mr. Justice Charleton also identified an obligation of self-analysis and that the command structure within An Garda Síochána must hold itself to account, in the same way that my colleague, the Minister, Deputy Zappone, has acknowledged Tusla, which is under her remit, must hold itself to account. I assure the House that, as far as An Garda Síochána is concerned, I will have all the matters referenced by Mr. Justice Charleton to the fore during my work with Garda Commissioner Drew Harris and his team as we consider how to implement the recommendations from the report of the Commission on the Future of Policing. It is only right that we acknowledge that Mr. Justice Charleton also pointed to examples of diligence, professionalism and integrity within An Garda Síochána. I have attended several ceremonies in the Garda College, meeting new recruits headed to stations all across Ireland. Their enthusiasm and thirst for public service has been striking. We owe it to these recruits, to Sergeant Maurice McCabe and to the people of Ireland, to ensure we deliver the planned transformation of An Garda Síochána in order that it becomes a model of policing excellence by the time it reaches its centenary in 2022.

Tuam Mother and Baby Home: Statements

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I welcome this opportunity to update the House on the decision by the Government on the site of the former mother and baby home in Tuam, County Galway.

Before I outline the substance of what has been agreed, I warmly welcome former residents, their loved ones, advocates and friends who are here today and those watching proceedings from afar. I acknowledge the role which their collective determination has played in this historic decision. I want to especially mention the heroic persistence of Catherine Corless and other advocates in seeking truth and justice for innocent and forgotten children. I also acknowledge the broad welcome and positive expressions of support for the course of action upon which we are embarking. It is my sincere hope that this process delivers answers that assist to dispel the secrecy and the shame so unjustly experienced by vulnerable mothers and their children.

At its meeting on Tuesday, the Government approved my recommendation for the forensic examination of the site of the former mother and baby home in Tuam, County Galway. This allows for an approach recognised internationally as humanitarian forensic action. What has been agreed is a phased approach, which meets best practice in terms of human rights, as well as science and forensic practice. The actions which will now be taken are a phased approach to the forensic excavation and recovery of the children's remains insofar as this is possible; the use of systematic on-site testing to locate potential burials; the analysis of any recovered remains to include individualisation and identification; and arrangements for the respectful reburial and memorialisation, as well as appropriate conservation of the site.

All reasonable steps will be taken to ensure the children interred at the site have a dignified and respectful burial and to assist their families, as well as the wider community, in seeking answers to as many questions as possible.

I acknowledge the work of Dr. Geoffrey Shannon who produced a report entitled, Human Rights Issues at the former site of the Mother and Baby Home, Tuam, County Galway. Dr. Shannon has examined the legal and human rights issues relating to the burials in Tuam. His report is clear - we have a duty to act to the greatest extent possible. Dr. Shannon's report has now been published in full on my Department's website.

I also acknowledge the work of the expert technical group on the Tuam site. I am grateful to Niamh McCullagh, forensic archaeologist and her multidisciplinary team of experts who helped us understand what options were open to us for the site at Tuam, as well as what each option would entail in practical terms. Both documents endorse the proposed phased approach and have greatly assisted us in arriving at this decision.

A phased approach means an informed and targeted approach to the forensic excavation and recovery of the commingled remains. In this way, the sequence of complex scientific decisions will be informed by real-time information emerging from the site as work progresses. In addition, this approach also facilitates the systematic piloting of an identification programme, including the use of DNA technology. On the potential role of DNA technology, we know it is an ever advancing and powerful science but we must accept it comes with no guarantees before the work commences. The expert technical team has been clear in the need to be cautious and realistic in terms of our expectations in this regard.

The potential scale of the excavations cannot be determined in advance. Excavations will initially focus on the remains we know to be within the series of chambers identified by the commission of investigation last March, with further testing to allow for the informed and phased extension of the field of investigation across the available site as necessary. Forensic excavation of the full site will be undertaken as this is deemed necessary to find answers.

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The expert technical group has already identified eight separate anomalies. These findings will be supplemented by further investigations to determine the extent of potential human remains across the site. We will not include areas where houses and gardens have been built and developed. In this way, I hope the level of disruption around the site can be effectively managed and minimised. Let there be no doubt that every effort will be made to locate and recover all juvenile remains from the site. Such actions are correct. Implementing this decision will not be straightforward. As Minister for Children and Youth Affairs, I am committed to taking a lead on the commencement of this project.

First, new legislation is needed to provide specific lawful authority for the proposed course of action. Exhumation is strictly controlled in law. The two relevant statutes are the Coroners Act 1962 and the Local Government (Sanitary Services) Act 1948. The legal advice of the Attorney General is that the existing legislative pathways are inadequate to sustain exhumations and the related forensic actions in the circumstances of the Tuam site. Before significant works at this site can commence we must ensure there is a sound legal basis upon which to do so. My aim is to have this legislation published by the end of the first quarter of 2019.

Some groups have suggested a role for the local coroner. Again, it is important to recognise that the coroner's role is prescribed in law. A coroner may open an inquest into a death, or seek a licence for exhumation of remains, only in specified and limited circumstances. Should further information emerge about the remains, then it would be a matter for the coroner to consider what response may be appropriate in accordance with his independent functions. I expect the coroner to remain in close contact with relevant agencies as matters progress.

As I announced on Tuesday, a small cross-departmental team is to be established to advance the preparation of the legislation and I have received commitments of support from key Departments. We will work with the Ministers for Justice and Equality, Housing, Planning and Local Government and Rural Affairs and Community Development, among others. Together, we will consider details of drafting necessary legislation, as well as project plans to make sure that our future actions continue to meet the highest possible standards. The wider interdepartmental group on Tuam, led by my Department, will continue to provide an oversight role in terms of strategy and overall approach for the project.

At this point it would be premature to speculate on a timeframe for completion of the legislation or the commencement of site works. By definition this is uncharted territory but I am determined to turn our commitments into action as soon as possible.

With regard to costs, we have estimated potential costs as between €6 million and €13 million. Given that the project will be responsive to the demands of the site, there is clearly potential for high variability in the ultimate costs. Accordingly, I want to emphasise again that these are preliminary figures. Our estimates include excavation and ground works on-site, as well as related technical and laboratory based forensic work with further costs arising for respectful reburial and memorialisation. Further clarity on the contracting authorities and procurement considerations will emerge in the course of preparing the legislation and related considerations but I remain strongly of the view that the church should contribute willingly, unconditionally and quickly towards the costs of dealing with the Tuam site. Estimates of the costs of the options under consideration were provided to the Bon Secours order during the summer. On current estimates, the €2.5 million offer is between 20% and 40% of the estimated costs. The offer accepted in principle is not a settlement. It carries no indemnity in relation to any findings which may emerge from the commission of investigation.

Since confirmation that the site contains the remains of children, my officials and I have been grappling with how to ensure that as a Government, a country and a society we respond appropriately. We have been guided by families and campaigners, the residents of Tuam and the best possible expertise available to us. The views expressed to me during my visits to Tuam were uppermost in my mind as I prepared a recommendation for Cabinet.

The personal testimonies of those who are connected to the Tuam mother and baby home, either through personal experience, family or lost members of family, will live with me forever. There are lost children, lost sisters and lost brothers. The impact on individuals and families has been devastating. We are also mindful of those living close to the site, so as part of our inclusive approach dedicated community liaison and communication processes will be put in place and will be a key element of our plans.

This week our attention has returned to the site in Tuam and rightfully so. We have acted primarily to ensure that where possible people are given answers about their loved ones, acknowledging that the pain, grief and injustice caused by events in that home may never heal. Of course, the mother and baby home history is much wider. What happened in Tuam was part of a pattern of injustice that we cannot overcome unless we acknowledge it.

The commission of investigation will report its findings for the whole investigation early in the new year. As Minister, I will continue to examine the ways we can respond to the wider concerns of the advocates, families and survivors.

Deputy Anne Rabbitte: I thank the Minister. I welcome the opportunity to speak today on the news of what came out of the Cabinet meeting earlier this week. Fianna Fáil welcomes the recent announcement of the Minister that a full forensic excavation will be conducted at the site of the former Bon Secours mother and baby home in Tuam. We fully support all efforts to bring justice to all survivors of the mother and baby homes and to deliver some peace to relatives and survivors. This era in Irish history represents a blemish on our collective morality and we must do our best to right the wrong of this era.

We have reached this point through the tireless work and campaigning of many people, most notably Catherine Corless, the amateur historian from Tuam who slaved behind the scenes for years to investigate the history of the Bon Secours mother and baby homes and finally uncovered the horrific story. Furthermore, a number of survivors' groups and individuals have done Ireland a great service by ensuring the story was heard even when many people had no interest in listening to it.

There is a need to manage expectations, as the Minister has said, with regard to the excavation. In its report the expert technical group, comprising academic leaders in DNA and forensic science, were honest about the severe technical challenges in many cases and the impossibilities of identifying the mingled remains of many very young children. The expert technical group further stated there is a need to communicate realistic expectations about what DNA may be able to produce in a complex site such as Tuam.

Given the advanced age of many survivors of the Bon Secours mother and baby homes we believe it is crucial that the work is done as quickly as possible. This is something I referenced with the Taoiseach yesterday. As the Minister indicated in her speech, we do not have timelines. The Minister has given a welcome commitment that we will have the primary legislation in the first quarter of next year but anybody who has ever come in the doors of Leinster House

realises how difficult it is to get legislation through.

One of the issues I spoke about yesterday was with regard to all of the good work being done by the various expert technical groups and how the excavation will be mastered on a phased basis. It will need to run in tandem with the legislation because there is no point in completing one part of the jigsaw if we are not ready immediately with the legislation. No Member of the House would want legislation to be the cause of a delay. From what I can gather, the Bill will refer to complex existing legislation, including the Coroners Act, the Local Government (Sanitary Services) Act, the Public Health (Ireland) Act, the Criminal Justice Act, and legislation on forensic evidence and the location of victim remains. An awful lot of work must be done in this regard. I am glad and heartened to hear the Minister will work with other Departments to pull it together. That in itself will be fantastic. This will be about using the Tuam site to map how we can bring closure to other sites throughout the country if needs be, with Tuam being the priority at present.

I acknowledge the work done by Dr. Geoffrey Shannon. He produced the report on the former site of the mother and baby home. He brought a human aspect to this as he chronologically went through it.

The only way this can be approached is on a phased basis to take into account the residents who live locally and the survivors at the epicentre of this. It will take into account the community, which is most important. Many people never thought it would come to this stage. They all thought it would just be reports and accolades for Catherine Corless and the fabulous work she has done. I do not believe they envisaged it would come to the stage where we have a report that states it will be done on a phased basis and that the Government will support it. We are happy to be part of that support. It is very productive and heartening to see and it is very welcome. There is a wider community we must bring with us. There is a community that has been silent and this is hitting a very raw nerve. This was the norm and the way of life back in the 1940s, 1950s and 1960s. We are touching history but we are going right under the skin. Some families have never had this discussion and it will go right to their heart. Conducting it on a phased basis, with regard to what the DNA sampling will throw up and what people will learn when they decide to investigate their history, will bring closure for many very good people.

I always reference one or two people when I speak in the Chamber and those I will mention today have been met by the Minister. They are Tommy Ward, who is a good friend of mine, and Pat Duffy. They are deeply grateful for the progress to date but we cannot stop here. We need to ensure that the work of the commission of investigation is completed. I do not know whether it is on track. It has received extension after extension. Will it be finished by February 2019? Are we on track to see the completion of this work?

There is also a concern, and I believe it is only right that I say it, with regard to where it will go next. People are fearful it will turn into a forensic site or a crime site. This is some of the commentary that is taking place. Perhaps the Minister will be able to allay some of these fears. Some residents are afraid that where they are living will be made a crime scene. This is a real question from the residents in Tuam.

There is another moral aspect to all of this. Although the excavation will bring some closure, we must also consider the survivors. In some cases, they were deprived of an education, a proper upbringing or access to their records. The Minister referred to a cross-departmental group which is to be established. Some of the survivors are seeking housing, medical or coun-

selling supports. Now more than ever we must offer them real supports such as counselling. These people need the opportunity to talk with professionals. They need their voices heard and to feel listened to. Some of them do not have access to transport or are dependent on State support. We must find a way to ensure that the survivors of the Tuam mother and baby home have access to a counselling service such as those in Ballinasloe and Galway. It is not like Dublin, where one can take a taxi or a local bus to such appointments. Those services are not freely available in my area of the country. We must find a mechanism to support those seeking counselling or assistance with housing issues. Some of the residents and survivors I have encountered have issues with literacy and numeracy and would like some help. We have a very good council in Galway with which we should liaise in order to support the survivors. We can help them to achieve closure by offering them such supports. I thank the Minister for her action on this matter.

Deputy Denise Mitchell: I welcome the announcement by the Minister of a forensic excavation of the burial site at the former mother and baby home in Tuam. I acknowledge the work of and offer thanks to Catherine Corless and the families and loved ones of those believed buried at the site. I thank the campaigners and activists who kept this issue at the top of the agenda.

This is a very important decision. These institutions are a very dark and shameful part of our State's history. The hurt inflicted on women and children is beyond measure. Addressing these historic wrongs is of great importance. It is important to the victims and those who believe their loved ones may be buried at the site. It is also important for our younger generation who are rightly shocked that this went on in recent times in their country. It is important that those generations see that the relatives and campaigners are not abandoned by the State and that the State is willing to recognise the wrongs of the past and go some way to addressing them.

I hope that as well as bringing the truth to individual families this decision will help reveal a broader truth about how the system operated here for far too long. The State has an obligation to investigate the cause of death of those buried at Tuam and to ensure that their bodies are returned to their families for burial. Many of the relatives of those buried at Tuam are rightly concerned by the likelihood that some of the remains may never be identified. I welcome the statement yesterday of the Taoiseach that DNA analysis and forensic examination will be used to try to individually identify the remains and arrange for their respectful reburial.

A separate scoping exercise is under way into illegal adoptions. I have spoken to many people who were illegally adopted but had absolutely no idea that was so. We must recognise that there are likely to be people who were born in Tuam and illegally adopted and have no idea that a relative of theirs may be buried at the site. That must be addressed.

On the burial site, the Government must do all it can to ensure that whatever resources are necessary are made available to respectfully recover and identify the remains. The Minister made the point that new legislation will be needed to provide specific lawful authority for the proposed course of action and announced the establishment of a small cross-departmental team to advance this priority task. That is particularly welcome given that this is a unique situation. In some cases, the excavation of such sites takes place after armed conflict. I ask that the House be kept informed of the progress of the legislation. It is to be hoped that it will pass swiftly through the House. I hope it will not be the case that nothing can be done until the legislation is passed. Will it be necessary to fast track the legislation? How can we ensure progress on this issue? I ask the Minister to outline whether she believes work will begin on the site as soon as possible.

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In the past few days the religious order which ran the mother and baby home in Tuam, the Bon Secours Sisters, announced that it will contribute €2.5 million towards the cost of the excavation. We do not know how much the project will cost, but reportedly it may cost €12 million or far more. If that is the case, the cost of the excavation should be shared. The €2.5 million offered will not come anywhere near covering even half the cost of this necessary and important work.

The mother and baby home in Tuam is not an isolated case. For decades, women and children were treated appallingly in similar institutions across this island. Many relatives and campaigners have been very upset by the delay in the report of the commission of investigation into other sites. It is due in February and many people across the island and further afield are hoping that similar progress will be made at other suspected burial sites. We must ensure that Tuam is the beginning of a process and that similar steps are taken to investigate, locate and recover remains at other sites in a timely manner. Obviously, nothing can undo the tremendous hurt and wrong inflicted on those who suffered in these institutions. The State and religious orders must do all they can to ensure that at the very least those who died in these homes are afforded dignity in death and that, insofar as possible, the loved ones of those who died are given the answers they seek and find some form of closure.

It is important that survivors and families are informed of announcements before they are made in the media. Some of the families and campaigners were upset when news about the Tuam announcement was reported on radio and online before they had been informed. Regular updates on the progress at the site should be provided to the families and loved ones involved. Members of this House should also be updated. All present are aware of the enormous public interest in this matter. I hope the Minister will ensure that will be done.

Deputy Bríd Smith: Unfortunately, I missed the Minister's opening statement so I might ask questions that have already been answered. I congratulate her on how she has dealt with this. It is probably one of the best outcomes we could have hoped for. As well as congratulations being due to the Minister, huge congratulations are owed to Catherine Corless. There is no doubt that she has become a national hero for her work on this. I have noticed that there is a renewed interest in our history, particularly our recent history, among a lot of young people. Much of it is dark and concerns how the State formed after the War of Independence and the awful things that are emerging. There is a renewed interest in it and our population will keep an eye on how this progresses because people are quite passionate about that and where it ends up.

I understand, which is why I pre-empted it by saying I did not listen to the Minister's opening remarks as unfortunately I had something else to do, that the Tuam Home Survivors Network is calling for an inquest into the deaths and for the coroner to have a statutory obligation to do so. Perhaps the Minister could speak on that.

The striking issue is the cost, which should not be the case because it is worth spending the money regardless of the cost to ensure that we get full disclosure and the survivors and their families are satisfied with the outcome. The reason it is an issue is because of the paltry offer of €2.5 million from the Bon Secours order towards the overall cost of €13 million or so. It echoes the legacy the Catholic Church has given us and its recent failure to pay into the Residential Institutions Redress Board and fully acknowledge its responsibility. Of course, it was a responsibility shared with the State but the church seems very unwilling to share it in terms of actual pounds, shillings and pence, which in itself is not evidence of regret or full retribution but would go quite a long way towards saying it acknowledges its responsibility and its role in this

and is going to meet the State halfway on it. All of us in this House should condemn the Bon Secours order for its refusal to do so, all the more so because the Bon Secours Health System is the largest private healthcare provider in the country and its profits over the past number of years have been enormous. In 2016, it recorded pre-tax profits of €5.4 million. It employs over 3,000 people and does so in a private health system that is basically propped up by the public health system. That is what the Sláintecare report has told us and is one of the causes of the trolley crisis, bed blocking and all of the issues involving waiting lists. The private healthcare system cuts through that and allows medicine to be provided on the basis of who can afford what rather than on the basis of need. Rather than just seeing this as a piece of history, which it is, a fitting tribute to it should be the dismantling of the preference for private healthcare over public healthcare because we end up with understaffing in public hospitals, historic waiting lists and the trolley crisis in our accident and emergency departments. These issues are in no small measure due to the prevalence of private healthcare. These outcomes are not the direct responsibility of the Minister but they are outcomes the population would desire and this State should see as something we want to move towards. This is reiterated in the Sláintecare report.

Another outcome should be the separation of church and State. Everywhere we turn, the legacy of the combination of church and State in education and health is very prevalent. We still see the Catholic Church's domination of our education system and many voluntary hospitals. Many of us in this House, probably even the Minister, are concerned about the future of the national maternity hospital, which the State is giving over to St. Vincent's to build at a cost of at least €360 million. We still have not seen the final i's dotted and t's crossed on that contract and until we do, many of us will be extremely concerned about the genuine independence of the national maternity hospital from the ethos of the Catholic Church. There are many concerns that are indirectly connected with this report on the Tuam mother and baby home.

The main thing here is to remember the babies and show them the dignity they deserved. When we first spoke about this, it was the day after the then Minister for Finance opened the Bon Secours Hospital Limerick at Barringtons. I remember being outraged that the two things coincided, looking at the profits of Bon Secours Health System and arguing at the time that its empire was built on the bones of the dead Tuam babies. I still think there is an argument for what I said then but I think we need to remember the babies, children and the 79% who were recorded as having died in that facility during their first year. It is a shocking statistic that was way above any other mortality rate in any other institution or aspect of Irish society. The one thing this House can do very effectively is to continue to call on the Bon Secours order to carry at least half of the cost of the outcome. I look forward to the Minister keeping us posted as things develop with the excavations, reports and research. I say "well done" on the report and congratulate the people of Tuam and Catherine Corless in particular on the fantastic work they have done in memory of these people who were treated so cruelly by Church and State in our horribly dark past.

Deputy Catherine Connolly: Gabh mo leithscéal nach raibh mé anseo. Bhí mé ag an gCoiste um Chuntais Phoiblí. I apologise; I wish I was here for the opening statement but I am a member of the Committee of Public Accounts, a meeting of which is still running. I did read the Minister's detailed press release and also sped-read Dr. Geoffrey Shannon's work. I also compliment the Minister on her decision, which was the right one, and thank Dr. Shannon. From what I have read, he has been very helpful in placing this matter in a rights-based context. From what I read, there was clearly an obligation to bury the infants lawfully and with decency and respect and the Bon Secours Sisters were under a statutory duty to report each death and

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inform the families of the circumstances. That is my reading of what Dr. Shannon was saying and putting it in a statutory or legal context. Is it not extraordinary that he has to confirm there was a duty on the Bon Secours Sisters to bury the infants lawfully? Is it not extraordinary that in 2018, in the 21st century, we are grateful that he is confirming that this should have been done? Clearly, it was not done.

It is also important to realise that the Minister's decision, which is very welcome and correct, has come at the end of a long journey of pain and suffering for the families. I will declare an interest. I am involved on a personal basis and was involved on a professional basis. I also have a very specific interest on a political basis. This is really just the first step in dealing with Ireland's buried past. I hope that this process is the first positive step in saying that we will leave aside the patronising attitude that was displayed up until now that we knew best and that knowledge should not be given out and that this is a new era where maximum knowledge will be given to the survivors so that they, and I put myself in one of those families, can decide what is best and how we go forward. I attended a briefing in Tuam where we were told
4 o'clock about closure. I do not think it is the Government's business to tell any of us about closure. That is up to each individual based on maximum information. I would like clarification about the inquest that has been mentioned by Deputy Bríd Smith. Very strong representations have been made to us because it is important to establish the circumstances of the death and how the children died. Clearly, there are lots of questions. I pay tribute to Catherine Corless and all of the survivors and their families. It has not been easy for any of them. It has been particularly difficult. There is a huge element that wants to leave well enough alone and get on with living yet there is another segment within us that says no, we cannot do this.

Even though it is messy and difficult, we have to deal with this. We owe it to the families, our relatives and the babies who were never buried with dignity. We need details of the phased aspect of the Minister's decision. I get worried when I hear the words "phased aspect" without time limits. There is an onus on the Minister, and perhaps she has done this, to explain how she approaches the Bon Secours sisters.

I have come from a meeting of the Committee of Public Accounts, which started at 9 a.m. One of the items of correspondence we dealt with and which is relevant in this regard relates to the 2002 legal agreement on redress. First, in 1999, there was an unreserved apology, without conditions, from the former Taoiseach, Bertie Ahern. He said what happened should not have happened and that he was sorry. That was followed by a commission of inquiry which reported in 2009 and there was the redress board. The last figure I saw for this was €1.5 billion out of the State purse. Caranua was established and there was a statutory scheme under the remit of the Department of Education and Skills. What emerged again from the correspondence this morning was that the legal commitment entered into in 2002 has not been complied with. There are still several properties that have not been fully transferred.

In 2009, following publication of the Ryan report, which was utterly damning of the system that allowed children to be incarcerated in the manner they were, the religious orders came forward and kindly offered several properties and money but now, in 2018, we are still awaiting the completion of that offer. There is no legal obligation on them to do that. The initial legal agreement in 2002 under the former Minister, Michael Woods, underestimated what was involved. There is a particular onus on the Minister this time not to agree in any manner behind closed doors on the contribution from the Bon Secours sisters. If we have learnt anything, it is that it should be done in an open and accountable fashion with minuted meetings and be based on reality as to what this process will cost us. It has implications for many other sites so it must

be done with diligence.

We learned today that Lenaboy, the industrial school in Taylor's Hill in Galway that was given over in 2009, is still empty. The Department is now completing a geophysical survey and we do not know its results. There is an intimate connection between this institution and the mother and baby home in Tuam.

In the course of the Magdalen inquiry under then Senator McAleese, a great deal of information emerged. I have highlighted this to the Minister before now. Many Deputies were given briefing papers marked "Strictly Confidential". They had been given to the assistant national director, HSE intelligence. There was no intelligence following these briefing papers. They were also given to the assistant national director, HSE children and family services. They came from the consultant public health physician and epidemiologist. That was health intelligence. I have repeatedly referred to this. It refers to Bessborough but I will not discuss it now.

The briefing document of 12 October 2012 on the Tuam mother and baby home states that the home was involved in the provision of babies to America for the adoptive market. It added that there were letters from senior church authorities asking for babies to be identified for the American adoptive market and that the records relating to Tuam were "detailed and extensive" and would require time to comb through. There were one or two areas of deep concern that needed to be looked at. There are letters from bishops and senior church officials who had written to the home asking for babies to be made available for adoption. A careful study of these letters is necessary it stated. There were also examples of the home sending out bills to parents for the upkeep of their children, in many instances when the mother and the baby had been discharged. The home was also in receipt of State money. Like the institutional diaspora, there was frequent admission to, and discharge from, psychiatric hospitals and so on. The briefing document concluded that in both Bessborough and Tuam there were issues of concern in respect of historic patient safety, medical care, accounting irregularities, and interference with birth and death certification, which required further investigation and so on. It also referred to illegal actions and stated that although much time has passed, the possibility that illegal actions took place required further investigation. This document went to the highest people in the HSE.

According to Catherine Corless and her careful research, there were matching death certificates for 796 infants. If the same number of children and babies is not found or if more are found, there will be serious questions to answer. There are also questions regarding what adult remains will be found there. The Minister has made a good decision, which I welcome. I hope it is the start of maximum information and accountability and letting this Dáil, but most important, the survivors and families, decide what they want to do with that information.

Deputy Joan Burton: On the day of the Pope's visit, I have to confess I felt it impossible to attend the events in Phoenix Park. I wish the Pope and the people who were attending the events well but for somebody like me who has lived through much of this era, the pomp and circumstance in the park, when so many people's stories are incomplete, or in some cases totally unknown to them and their families, was not only hurtful but almost intolerable. I find it difficult to keep on having to talk about this. People who were in the homes have gone on to make their own lives, and very good lives in many cases of which they have every right to be proud because they overcame circumstance and went on to rear families and raise children, yet they still do not have full status in this country.

On that day I went to the Garden of Remembrance, a very appropriate name. I stood with

the people who carried beautiful banners with a blue background simply titled, "Truth Justice Love". That is all that is required. There is no big politics in this. The politics of the people who defended the nuns and priests and the institutions at every stage is gone. Many people would remember them for all the good they did for many people, particularly those who worked in the institutions, local people who supplied food and bread and so on and sold stuff to the institutions. There were many in the community who knew a lot about it. That is our history. In the five years since Catherine Corless discovered the official records showing that 798 infants and children had died at the site of the mother and baby home in Tuam, we have taken a rather long road to this point.

Nonetheless I welcome the Minister's statement and I hope it addresses some of the issues for people who have lived to tell the tale and build their own lives but also for their families. In particular I welcome that the remains will be exhumed, but the Minister should acknowledge that it may be necessary and appropriate to have some kind of coroner's inquiry into the deaths. These were Irish children like any other Irish person who has died. I realise the Minister is probably concerned about the cost. However, sometimes money is not that important and the amount is not necessarily that huge. In order to make a reparation for what was done to people in the name of Irish society down the decades, we need to acknowledge that many of the survivors' families want to see some kind of court proceedings.

I understand that the process of exhuming the remains and examining the site is very delicate archaeological-type work, but we have done that previously. Ireland supported the work on the mass graves in Bosnia, which are still being excavated. Modern technology has developed. We know of the searches being done for the disappeared. The Minister should be confident that this examination will greatly inform us and more importantly inform survivors, families and friends of the little babies who died. They died like flies, really, from neglect, although for a long time officials covered it up.

I commend the officials in the Department of Employment Affairs and Social Protection, working with the registrar of births, marriages and deaths, who were very helpful to Catherine Corless when she commenced her long research. When I was told about it, I immediately complimented the staff on being so helpful. Deputies from the area will know that the staff went out of their way to ensure that whatever records were available were made available, which was important.

On the day of the Pope's visit we had the Truth, Justice, Love protest. That is what we want in all of this. We want to see it completed. In particular I mention Peter Mulryan, brother of the little baby, Marian Bridget Mulryan. We are given to understand that she may have died and was buried in that septic tank, which is a horrible thought for any family. Even if for decades Irish society deemed those children to be illegitimate, one only has to visit little cillíní at the top of mountains to know that was not the total Irish feeling. People did bury children who were outside the structures of the Catholic Church and still continue to visit those graves and honour them. The people in Tuam want to be able to properly honour all those children who died as well as the mothers who died in a way that we find appropriate in this day and age.

One of the problems for Peter Mulryan is that he does not know if his sister is really buried there or if she, in fact, had an arranged adoption to America. When I went searching for my records, I found it is a social worker-led process. By the time I went searching I had been elected several times to this House. I had also served as a Minister of State in three Departments, including the Department of Justice. I subsequently served in Cabinet. Yet, I have no legal rights

to my records. I cannot demand my records. The Minister needs to come out and say I do not need a social worker. I know children who need a social worker, but I certainly do not, nor do many of the adults I know. We have no legal rights in this country. Such legal rights were given in Scotland about 50 years ago and much earlier in other jurisdictions.

I am glad for what has happened, but we need to get the complete story. This first step with modern technology should give us considerable information. However, the Minister needs to listen to the community in Tuam and to the families. As a society, we are obliged to go the whole way on the journey with them. I think the Minister needs to get off the fence and do something about the 50,000 other people who, in this country only, have no rights to their own records. We had the recent revelations about a couple of hundred people, whose births were wrongly registered, but that is just the tip of the iceberg. The Minister knows that, as do I and everybody else here. We know this from the stories we were told.

Going back to the American adoptions, one of the first things I was told was that I was meant to be sent to America, but for health reasons I was not fit enough. That is Ireland's gain and maybe America's loss. When I went to St. Patrick's Guild, the people there continually denied it. Then one day a couple of years later, when my husband was with me, out they brought something like a little trophy and said, "And here's your passport."

When the relatives talk about what they know or what they heard - some of it is pretty awful - a lot of it is true. We need to end this cult of secrecy forever, and just honour the dead and their families.

An Ceann Comhairle: I call Deputy Harty, who is sharing time with Deputy Mattie McGrath.

Deputy Michael Harty: I welcome the Government's decision to carry out a full forensic excavation and DNA testing of children's remains at the site of the Tuam mother and baby home. I know the Minister recognises it will be a huge logistic and scientific undertaking. It is an extremely important decision and is the correct response by the Minister.

This episode in our past is a gigantic blot on our religious institutions and how they cared for and, in this case, did not care for children entrusted to their care. Without the intervention and investigation of this site by the historian, Catherine Corless, and the publication of her findings we would not be aware of this awful episode in our past.

The lack of care, compassion and respect for these vulnerable children is still unbelievable. However, when we add the total disregard for their dignity and humanity in the manner of their disposal rather than burial, the gravity of what happened is compounded. It is incomprehensible today that only a few generations ago, this behaviour was going on in a religious institution, run by members of a female religious order, who should have had compassion as one of their guiding principles.

Illegitimacy seems to have diminished the children's human rights in the eyes of the nuns in the Bon Secours order. When they should have received even greater care and understanding, as they were not responsible for their plight, they were treated in a shameful way. Every one of the 796 children had a mother and father whose rights were also diminished in an appalling manner in the events that unfolded in Tuam.

As there are undoubtedly other sites where events like this were perpetrated, this may only

be the start of a long journey. I welcome the commitment to individualisation and identification of as many remains as possible, and that there will be individual burials in a respectful manner. Between 1926 and 1960, a total of 796 children died at Tuam mother and baby home. Undoubtedly some of these children would have died of inevitable natural causes, but such a death rate seems out of proportion with the general population. This is over four times the number of seats in this Chamber.

Deaths were recorded but no information on why they died or where they were buried was recorded. No post mortems or inquests were carried out. It is inconceivable that these deaths were not known outside of the order. I hope that this forensic examination will start the healing process and bring some closure and peace to families of survivors. As Catherine Corless said, it is a huge statement for justice.

The Minister indicated that bespoke legislation will be now needed prior to beginning the examination of the site. I ask that the cross-departmental group be set up as quickly as possible so the legislation can be brought to fruition.

Justice, truth and healing are essential components of this investigation, and we need to offer the Minister our sincere thanks in making this correct and important decision.

Sculptor Jim Connelly, who works from Kilbaha, County Clare, is working on an evocative and poignant commemorative piece depicting a faceless nun holding a child standing beside its mother. This work is partially finished. When completed, it will be a tangible and emotional memorial to the events that have been uncovered in Tuam.

Deputy Mattie McGrath: I completely accept this is a matter of the utmost sensitivity. I acknowledge the pain and trauma that many people continue to feel owing to the events in Tuam and, in particular, the burial of children at the site.

The Government approval of the recommendation for the forensic excavation of the site of the former mother and baby home in Tuam, County Galway, is welcome, even though questions still need to be asked about what can be achieved. The Government has agreed to implement the multidisciplinary framework as the appropriate response to the discovery of children's remains interred at the site, yet we know that a report presented to the Government in December of last year made it clear that separating the bones found at the Tuam mother and baby home into individual sets of remains could prove to be an impossible task. We know from Dr. Geoffrey Shannon's analysis that the report of the expert technical group states:

There are a number of factors that make this situation unique:

- The forensic requirement of the site;
- The 'significant' quantities of juvenile remains;
- The commingled or intermixed state of the remains;
- The position of the remains within subsurface chambers, with limited access.

The report concludes that the comingled state of the remains renders identification "particularly challenging". Moreover, the expert technical group report states there is a "risk of destruction to human remains" that raises ethical issues. I would like the Minister to be specific about what has changed since those findings were presented and how she and the Department intend

to identify and address these ethical issues.

I welcome the families, loved ones and supporters who are in the Visitors Gallery. We are appalled at the very thought of what happened but some Deputies and many others just wish to keep attacking the sisters. There were obviously many more people involved. Who gave planning permission for the chambers? Who constructed them? Who placed the human remains in these tanks? It could not have happened without these individuals. The children were under the charge of the health board, the regional health board, the county council and the Department of Housing, Planning and Local Government. Are we going to lay all the blame in one area without full acknowledgement and a respectful investigation to find out who was involved?

None of us could say we do not know some people in our past who were sent away. I mentioned a woman before, Peig, who turned out to be a wonderful neighbour. I did not even know she existed. She was banished when she became pregnant. This was with the acquiescence of the families and, indeed, many others. We can all wash our hands and apportion blame.

I appeal to the Minister to address the serious issues affecting young people who are living today. I got calls about this today. There are disturbed children with no access to child and adolescent mental health services, CAMHS. It is impossible to avail of the services in my area. The children need psychological services and treatments to deal with autism and ADHD. The waiting times for young children in these circumstances are appalling. Languishing in the paediatric ward in South Tipperary General Hospital, Clonmel, are adolescents aged between 11 and 14 who are very disturbed and have mental health issues. They are distressed themselves and distressing their families. They are also distressing all the other sick children who are in the hospital for the treatment of normal illnesses. We are just ignoring the present circumstances. It is fine to look back but we must also look forward and at the present.

I accept all the hurt in Tuam but it was not all down to the sisters' orders. There were others involved. Who is holding them to account? Are they being held to account? It is important that they should be.

Deputy Bríd Smith referred to the profits of Bon Secours Health Systems. They were champions here when we did not have health services or medical services. There were also champions in education. It was not all bad, vicious, violent and destructive. We must recognise that also when we note the costs today - €17 billion plus - and the inadequate, terrible and scandalous state of neglect. I got a call today from the parent of a young man who was in the hospital in my area last night. He was waiting for hours in corridors with trolleys. We cannot just keep washing our hands of the past and ignoring the blatant realities of the future. We cannot and must not. We certainly must have justice in respect of what happened, and justice must be for all, not just for a select few to be held up to be kicked around.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): On behalf of the Government, I thank all Deputies who made contributions to the debate. I welcome their positive and supportive comments and the expressions of support on the course of action we are embarking on. The babies in Tuam and the people connected to them have long held a place in my heart. From the very moment I heard of these tragic circumstances, I have made it my mission to do all I can to afford to them the dignity and respect they deserve, which they never had when they were alive. This was so integral to my motivation and work over the past year and eight months since the juvenile remains were discovered.

In the past few days, the headlines around the world reflect the depth of feeling that exists, not only in Ireland but also worldwide, for those with a connection to Tuam and the comprehensive understanding that we did what we needed to do because it was the right thing to do. I appreciate the support of the House in that regard. We have a duty to act to the greatest possible extent. I make a commitment here today, as I did to the Government on Tuesday, that every effort will be made to locate and recover all the juvenile remains on the site. Many Deputies mentioned that it is important that we carry with us realistic expectations with respect to the efforts to identify the remains, particularly in light of the way in which they were buried, which was in a most undignified manner. At the same time, we know we will not really know the extent to which we can succeed until we begin. I am appreciative of the Deputies' support. The Government intends to take the phased approach, step-by-step, beginning with the remains that we know exist and bringing the scientific teams together to do the work. I hope that as the work is begun and as the greatest expertise is brought together in terms of research and people, we will, even at the site in question, learn more about the potential for DNA testing, identification and analysis for the people. Even if we cannot find and identify the remains of victims whose brothers and sister believe so deeply to be at the site, at least they will know we have made every effort.

Deputies raised a number of questions and I am unable to address all of them this afternoon, but I can send them some answers in written form. Many of them raised the question of an inquest. That has been raised by the advocates as well, and I have spent a great deal of time with the survivors and families. It is the independent coroner who makes the judgment on having an inquest, and under the law that is on the basis of evidence brought to the coroner by the Garda. That decision has not been taken yet by the coroner in his independent judgment. Second, I remind the Deputies that the commission will be reporting early in the new year. To reply to Deputy Rabbitte's question, that is the timeframe that has been identified and agreed to. We will have the findings of the investigation then so there might be other information for the coroner. In addition, as the excavation and exhumation proceeds the coroner will be very attentive to what is discovered. The forensic archaeologist who led the team from the expert technical group that was with me on Tuesday indicated that it might be possible to identify some causes of death in that excavation and exhumation. It also might not be possible. An inquest has not been called for yet. That is dependent on the independent judgment of the coroner, but it is something the coroner will continue to examine and consider.

With regard to many of the other issues raised, part of the Government's decision is that I have to return to the Government with the heads of the Bill, a detailed project plan and a greater estimate of the cost in order to receive approval as we proceed. I will continue to update the House in that regard and, to the extent possible, have the Deputies contribute to the debates and conversations as we move forward. I appreciate their deep concern about the urgency of the task and the concerns about the residents. We have tried to take those into account in the decision. We will put in place an ongoing communication and community liaison with those residents. We are aware of the wider issues Deputy Burton and others have raised in terms of the adoption implications of these decisions. Work is ongoing in that regard and on other aspects of my ministry. Above all, I am deeply grateful for the Deputies' support for our decision to do things that have never been done before with regard to one of the greatest tragedies of our history, and for their empathy and concern to walk with us as we do what we can.

Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad]: Second Stage

Minister of State at the Department of Public Expenditure and Reform (Deputy Michael D'Arcy): I move: "That the Bill be now read a Second Time."

I welcome the opportunity to introduce the Public Service Superannuation (Age of Retirement) Bill 2018 on behalf of my colleague, the Minister for Public Expenditure and Reform, Deputy Donohoe. This Bill is a positive and timely measure which responds to the growing consensus that the traditional retirement age of 65 years no longer reflects contemporary life and society. The legislation provides that a large cohort of long-serving public servants, those recruited prior to 1 April 2004, will have the opportunity to continue in their public service employment up to the age of 70 years, should they wish to do so. At present, there is a statutory requirement for these public servants to retire at the age of 65 years. When this change was announced in December, it was welcomed by public servants, many of whom feel they are fit and healthy enough to continue working. For some, financial commitments such as mortgages and supporting children through third level education make retirement at 65 years an impractical prospect. Others simply enjoy their work and feel they have valuable skills and expertise to contribute to their organisations.

All the Deputies here are aware of individual public servants who want to continue in their employment past the age of 65 years. I am eager to ensure that this Bill is enacted as quickly as possible so that as many of those public servants as possible can avail of the new compulsory retirement age. While this will facilitate those who wish to remain at work for personal, professional and financial reasons, it will also address the income gap which is currently experienced by public servants who must retire at 65 years but do not receive the State pension until they are 66 years old. This creates considerable inconvenience for those affected and addressing this anomaly was one of the driving forces behind this legislation. The new compulsory retirement age of 70 years will also accommodate the scheduled increases to the State pension age to 67 years in 2021 and 68 years in 2028, ensuring that this income gap will not crop up again in future. When the Bill is enacted, no public servant, other than a member of the uniformed pension fast accrual group - gardaí, prison officers, firefighters and members of the Permanent Defence Forces - will be required to retire before the age of 70 years.

While this legislation is directed towards public servants, it also responds to the challenges and opportunities that changing demographics in Ireland present for society and the economy. The life expectancy of Irish men and women has increased significantly since the first official statistics in 1926. In the period to 2011, male life expectancy had increased by 21 years and female life expectancy had increased by 24.9 years. This upward trend is set to continue. Ireland, like most European countries, is facing an ageing population as life expectancy increases and birth rates fall. The number of pensioners is projected to more than double over the next 40 years. The result of this is a significant increase in the number of people of pension age relative to the number of people of working age, which has serious implications for the sustainability of the Social Insurance Fund and the State pension system. One of the ways to absorb the impact of this demographic shift is to encourage and facilitate longer working.

Supporting fuller working lives is one of the key policy strands in the Roadmap to Pensions Reform 2018 - 2023, which was published by my colleague, the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, in February. The roadmap commits to ambitious reform across the pensions system - State, public sector, occupational and private

pensions - with the aim of modernising pension provision so we can all enjoy a life of security and opportunity as we get older. This Bill is one of the key actions committed to by the road-map in respect of public service pensions.

It is widely recognised that supporting fuller working lives is key to promoting positive ageing and the continued integration of older people in society. This approach is supported by advocacy groups such as Age Action and was reflected in the recommendations made by the Citizens' Assembly in 2017 with regard to responding to Ireland's ageing population.

This demographic shift is not just an economic challenge but is also an opportunity. The Department of Health's national positive ageing strategy recognises that increasing numbers of older people, better educated and in better health than previous generations, are an enormous opportunity for economic, social and cultural development. I could not agree more with this sentiment. People are living longer, healthier lives and in many cases have the energy and desire to work into what are traditionally considered the retirement years. The new compulsory retirement age of 70 recognises the significant contribution that older public servants, many of whom have built up years of valuable experience in the public service, are able and willing to make.

In line with the Government decision of 5 December last, the purpose of the Bill is twofold: to increase to age 70 the compulsory retirement age for public servants recruited before 1 April 2004, other than the uniformed pension fast accrual group; and to ensure that the additional service by a public servant up to the age of 70 can benefit from pension accrual subject to the maximum of 40 years' service. The provisions for the compulsory retirement age in the public service have been addressed in previous legislation on a piecemeal basis. Compulsory retirement age for public servants is generally determined by their date of recruitment to the public service. Public servants recruited between 1 April 2004 and 31 December 2012 have no requirement to retire on age grounds, while those recruited since 1 January 2013 are members of the single public service pension scheme and have a compulsory retirement age of 70. Public servants recruited before 1 April 2004 are, therefore, the only group currently required to retire before the age of 70. They generally have a compulsory retirement age of 65 and it is this group that I cater for in this Bill.

The selection of the age of 70 as the new compulsory retirement age follows extensive discussions with public service employers and consideration of the other options available, such as synchronising compulsory retirement age with the age of eligibility for the State pension. Selecting the age of 70 not only aligns the potential working horizon for a public servant with the increasing age of eligibility for the State pension, it allows people to work beyond that age should they wish to do so. It is only six years ago that the age of 70 was agreed as an appropriate compulsory retirement age for members of the new single public service pension scheme. Selecting 70 helps to bring about a consistency in retirement ages in the public service by matching the compulsory retirement age of the pre-2004 public servants with that of single scheme members. In taking the decision, consideration was given to the benefits of having a specific age limit which reflected increases in longevity and at the same time respected the existence of a retirement horizon. A defined retirement age is important for planning of recruitment and promotion throughout an organisation. For this reason, it was agreed with public service employers that a specific age limit should be set. While there can be no right answer as to what the perfect compulsory retirement age might be, the age of 70 strikes the right balance.

When the Government made its decision last December, it agreed that the new legislation

would not apply to the uniformed pension fast accrual group - for example, gardaí, prison officers, members of the Permanent Defence Force and firefighters - who are required to retire early for operational reasons. It was agreed that issues relating to the retirement ages for these groups could only be dealt with at sectoral level where the detailed policy, operational and manpower issues relevant to those groups could be appropriately considered. On that basis, retirement ages for these groups remain a matter for the respective Ministers.

There is a small number of other groups to which the new retirement age of 70 will not apply. These are groups which, by convention, have no compulsory retirement age. I refer, for example, the President and Members of the Houses of the Oireachtas. Certain groups, such as members of the Judiciary, whose retirement age is provided for in courts legislation, are being excluded from the Bill. Their retirement ages will continue to be covered by the courts legislation. The new compulsory retirement age will not apply to public servants who have retired and been rehired on contract. Their fixed-term contract terms will continue to apply.

I will now briefly outline the main provisions of the Bill, which has been drafted as an amendment to the Public Service Superannuation (Miscellaneous Provisions) Act 2004. Section 2 identifies the public servants to whom the Bill will apply and refers to them as “relevant public servants”. These are effectively all pre-2004 public servants other than those I mentioned earlier. Section 3 provides for a new compulsory retirement age of 70 for relevant public servants as defined in the Bill. It also provides that the new compulsory retirement age may be increased further in the future by Ministerial order in certain circumstances.

Section 4 gives effect to the Government’s decision to provide that the service between the age of 65 and the new compulsory retirement age of 70 would benefit from pension accrual, subject to the maximum accrual of 40 years’ pensionable service. Section 5 provides that any statutory instrument which sets a compulsory retirement age, which has been set under any enactment, should reflect the new compulsory retirement age provided for in this Bill.

Schedule 1 of the 2004 Act details the public service bodies to which that Act does not apply. These are mostly commercial State bodies. Section 6 of the Bill updates this Schedule by adding Shannon Group plc and Teilifís na Gaeilge to the list. Both of these bodies have a commercial mandate and were established since 2004. For the avoidance of doubt, a global reference is being added to the Schedule to exempt any pre-1922 public service body of a commercial nature established by an Act of Parliament.

Section 7 and the Schedule contain consequential amendments to various sectoral Acts which provide for a compulsory retirement age for an individual public servant or class of public servant, so that those provisions reflect the increase in the compulsory retirement age provided for in this Bill.

The Government recently approved two amendments to the Bill. These amendments concern the exclusion of Central Bank staff and the accommodation for teaching staff in the education sector to remain at work until the end of the academic year in which they reach the compulsory retirement age. These amendments will be dealt with in detail on Committee Stage.

The purpose of the Bill is to enhance the options available to pre-2004 public servants as they approach retirement. Once it is enacted, 70 will be the new 65 for this group. There will be no change to their minimum pension age but they will be able to remain at work on current terms and conditions up to the age of 70, if they wish to do so. This is a positive change for this

large cohort of public servants and it represents a tangible step towards supporting fuller working lives. I commend the Bill to the House.

An Ceann Comhairle: I invite Deputy Cowen to make his contribution. The floor is his but I ask that he move the adjournment of the debate at 5 p.m.

Deputy Barry Cowen: I thank the Ceann Comhairle. I very much welcome the opportunity to contribute to the debate on the Bill. It is crucial that we adapt to a changing society. With advances in living standards, people living healthier lives and enjoying better healthcare. Noticeable improvements have occurred in a relatively short period. Thankfully, people in Ireland are living far longer than at any other period in history. The average life expectancy in the 1970s was around 68.8 for men and 73.5 for women. In 2012, the average life expectancy for both males and females had jumped more than ten years to 78.4 years for men and 82.8 years for women. This is altogether very positive but it creates issues that we have to deal with. There will be greater demands on our health service and a greater burden placed on the social insurance fund, which pays out pensions.

In a wider sense, we need to find ways where we can support people who wish to work on and remain independent and active in our economy past some arbitrary age that was set many years ago. The current mandatory retirement age for public servants of 65 years is just one such arbitrary age. It is clearly out of step with current life expectancy rates in Ireland but it is also out of step for the many workers older than 65 who wish to continue to contribute to society through their work. The State should be supporting these individuals, not hindering them. The benefits to society are obvious and clear for everybody to see. People are better able to support themselves and their loved ones for longer and better able to live longer and enjoy more independent lives. People of all ages value the work they do through their employment; be it in the public or the private sector. People over 65 are no exception. We must not make the mistake of undervaluing people over the age of 65. People in that cohort can still contribute significantly to society through their work. They can provide badly needed experience and knowledge. Think of a college or university lecturer who has built a career teaching young students and engaging in research. Think of the value he or she can offer and which we are currently losing because we have set some arbitrary age which is far lower than what it should be.

The mandatory retirement age is also unfair *vis-à-vis* the current pension age for public servants, who are forced to retire at 65 and who can only start claiming their pensions at 66. This leaves them with a full year in which they are left with little or no income. This income cliff has already led to many former public servants having to sign on for jobseeker's allowance for that year, which is clearly contrary to the purpose of that scheme.

For these reasons Fianna Fáil very much welcomes the Bill. I encourage the Government and everyone in the Chamber to pass it as soon as possible. It is, however, disappointing that it has taken this long to rectify a matter which should have been easily dealt with. Deputy Callery and I have been raising this issue consistently for well over a year. As long ago as last December, the Minister announced his intention to resolve the problem. We were told that the heads of a Bill to address the issue had been approved and that said legislation would be passed by the Oireachtas in a quick and efficient manner. The Minister also announced what was supposed to be a short-term interim measure. While we welcomed this measure at the time, we were under the impression that it was, as it stated on the tin, only an interim measure and not a long-term solution.

Unfortunately, for many workers, this has turned out not to be the case. Despite the assurances given to affected public sector workers and to Deputies, nothing happened until just before the summer recess when the legislation was finally introduced in the Seanad. The Minister informed us in March and April that this is a complex issue. He said that time was needed to get it right. While I agree with the latter, I do not necessarily agree with the former. The Bill contains only eight sections and is just over ten pages long. There is absolutely no reason whatsoever why the Bill could not have been passed and in place before the summer recess. The problem would have been solved and we could all have moved on. The continued delay only serves to show once again that, unfortunately, the Government responds to issues only as they arise. It makes an announcement, pretends that an issue has been solved and hopes nobody notices otherwise. By dragging this matter out until now, the Government has created a new problem. The workers who were expecting it to be resolved before the summer recess have been left in limbo and are, indeed, facing mandatory retirement at the age of 65. This is grossly unfair and I encourage the Minister to consider making the legislation retrospective to the date on which it was first published. We will certainly be making this an issue for further debate and deliberation on Committee Stage.

The purpose of the Bill is to increase the mandatory retirement age for public servants to 70 for people recruited before 1 April 2004. Section 2 provides a definition of “relevant public servant”. That definition explicitly excludes the President and Members of the Houses of the Oireachtas, to whom no compulsory retirement age applies. The definition also excludes the uniformed pension fast accrual group, namely, gardaí, prison officers, firefighters and members of the Permanent Defence Force. These are logical exclusions and we have no difficulty with them. However, we do have a problem with some of the other exclusions. First, as already stated, public servants who are forced to retire before this legislation is passed and enabled by the Minister will be excluded from its provisions. I agree that the changes should start at some point but I would argue that the decision not to include the cohort of workers who were forced to retire between December of last year, when the Minister announced the interim measures, and now is misplaced and unfair. An important point is that what is proposed in Bill will not cost the Exchequer any money. In the explanatory memorandum, it is clearly stated that the measures proposed are not expected to give rise to any additional cost to the Exchequer. Why then has Government chosen to exclude the people mentioned? I hope the Minister of State will reflect on this and carry that message back to Government. As already stated, I will certainly be raising the matter again on Committee Stage.

The other exclusion I wish to raise is that relating to new entrants. I would like to hear further from the Minister of State as to why this cohort is also being specifically excluded. I understand that public servants recruited after 2004 have a minimum retirement age of 65 or 66 rather than a mandatory retirement age. Is it this cohort that is explicitly excluded from this Bill? Can the Minister of State confirm whether a mandatory retirement age for those recruited after April 2004 is set at 70 years? Does this mean, for example, that if somebody is recruited today, he or she will have a compulsory retirement age of 70? If that is the case, I struggle to understand the rationale behind specifically excluding this cohort. Perhaps the Minister of State can clarify the position when replying or on Committee Stage.

Section 3 sets the mandatory retirement age for relevant public servants at 70 years. This section also enables the Minister for Public Expenditure and Reform to increase the mandatory retirement age up to 75 years. The section outlines what steps the Minister must take before he or she decides formally to increase the mandatory age. One of the key steps in addressing the

current issue, if it were to arise again, is the consideration of the pensionable age. Our population is ageing and the demands on the Social Insurance Fund will likely increase significantly in the coming years. We already know that the pension age will increase to 67 in 2021 and 68 in 2028. Thereafter, none of us knows what the pension age will end up being but it is fair to say it is likely to be higher than 68. In order to cater for that scenario, it is correct to give the Minister the authority to make the appropriate changes. We do not want a return to the current scenario, which I believe to be quite unnecessary, particularly given that this Bill will not place any charge on the Exchequer.

Section 4 will mean that service provided between the age of 65 and the new compulsory retirement age of 70 will benefit from a pension accrual, subject to the maximum accrual of 40 years' pensionable service. Section 5 details issues with existing retirement provisions in statutory instruments. Section 6 adds a number of corporate bodies established before the foundation of the Irish Free State to the list of commercial State bodies that are exempt from the legislation and section 7 is relatively technical in nature.

I reiterate what I stated earlier, namely, it is regrettable that it has taken this long to bring this Bill to the floor of the House. It is relatively straightforward and there is no reason why it could not have been done and dusted before the summer recess, as was envisaged at this time last year. We will be supporting the legislation on Second Stage. I have highlighted the issues we would like to debate further on Committee Stage. By and large, however, we will support the speedy passage of this Bill through the Dáil because we believe it is crucial and vitally necessary at this point.

An Ceann Comhairle: Is any other Fianna Fáil Deputy offering? No. I call Deputy Stanley. There are just two minutes remaining.

Deputy Brian Stanley: I welcome the fact that the Bill has come before the Dáil today. We support the principle of it. As Sinn Féin has made clear many times, we support the full abolition of the mandatory retirement age as we believe that the manner and duration of a person's labour should be decided by that person and that person alone, and not be based upon a decision of an employer. If a worker wishes to use his or her labour beyond the age of 65, that is his or her right. The Bill is consistent with this position but the implications of its provisions are inconsistent with the spirit of the Employment Equality (Abolition of Mandatory Retirement Age) Bill which Sinn Féin brought before the Dáil and which would lead to the abolition of the mandatory retirement age across all sectors, not just the public sector. Last year, the Citizens' Assembly voted on this matter and 86% of its members were in favour of abolishing the mandatory retirement age. The Bill demonstrates tentative progress toward that end by increasing the mandatory age of retirement.

The Bill also closes an unjustifiable gap in the current arrangement whereby public servants recruited before 2004 are forced to retire at the age of 65 but only gain access to the contributory State pension at the age of 66. What is proposed has obvious implications for that cohort. As we know, this gap is set to grow as the age at which the contributory State pension can be accessed is to increase from 67 in 2021 to 68 in 2028, with the possibility of it being extended further beyond those years. In light of this, we welcome the move to close this gap in the Bill, which also responds to the challenges of an ageing society by allowing workers to work longer.

The structure of our society is changing. We have an older population. People are healthier for longer as a result of medical advances and lifestyle. It is only logical that our public sector

reflects this trend by allowing people to work irrespective of age.

An Ceann Comhairle: I ask the Deputy to propose the adjournment of the debate.

Deputy Brian Stanley: I propose the adjournment.

An Ceann Comhairle: The Deputy will have in excess of 17 minutes when the debate resumes.

Debate adjourned.

Saincheisteanna Tráthúla - Topical Issue Debate

Hospitals Funding

Deputy Joe Carey: I thank the Ceann Comhairle for selecting this important issue for debate. Last Friday I attended a briefing at University Hospital Limerick, UHL, given by Professor Colette Cowan, Professor Paul Burke and their team. UHL experienced severe overcrowding in 2018. It is a longstanding issue which is not going away. It must be addressed. Management has put forward a number of proposals which need the support of the Department of Health and the Minister for Health. A lack of bed capacity is a major issue at UHL. The proposal to build a 60-bed modular unit at UHL now has the benefit of planning permission. Originally there was an objection lodged with An Bord Pleanála but that has since been withdrawn. It is a shovel-ready project. It now requires €40 million to construct it. Following discussions with the Minister, Deputy Harris, I am very confident this essential project will be given funding in the not too distant future. Will the Minister of State confirm this to be the case? Once funding is confirmed and the green light is given to the project, management is very confident that the project can move forward and will be in place for winter 2019.

In the more immediate term, it is important the winter admissions plan being put forward by management in Limerick is responded to positively. This proposal includes bringing ten additional beds into use, extension of the MAU to a 24-7 service and the establishment of a 24-7 surgical admissions unit which would facilitate direct referrals to it. These initiatives will reduce the overcrowding issues at the emergency department.

I welcome the recent opening of a second emergency department surgical theatre at UHL on Sundays. It is an issue I raised in the Chamber a number of weeks ago. I have raised it repeatedly. It is a welcome development. Management has also put forward the need to open up a second surgical theatre in the emergency department on Friday, Saturday, Sunday and Monday. I support that proposal and I ask the Minister of State to support it as well.

Deputy Timmy Dooley: I welcome the Minister of the State. As with Deputy Carey and other Members of the Oireachtas, I had an opportunity to meet senior management and staff at the hospital in Limerick in recent days. While they are coping to the best of their ability, they are under enormous pressure. The new accident and emergency department at the hospital, which was opened to much fanfare, has seen a very considerable increase in admissions in the

past number of years. It has grown steadily since 2014. Notwithstanding the state of the art facilities in the accident and emergency department, the bed capacity behind it is not adequate or appropriate to meet the growing demands and needs of the region. Part of the issue is demographics and part of it has to do with the way in which reconfiguration was, rightly, accepted by the region. It has put an intolerable burden on the staff and, more particularly, on the patients who present and who are left for an inordinate amount of time waiting in unacceptable conditions. There was a very clear belief that the 60-bed modular unit can be brought on board quickly if the funding is put in place. However, it will still take some time to build. We have not yet entered into the difficult winter period of the winter vomiting bug and other stresses on the health services which will result in increased numbers of patients presenting and, therefore, increased chaos in the accident and emergency department. Even in advance of that, we still have 60 to 70 people per day on trolleys. It is not acceptable.

A number of initiatives can be taken quickly. We need an urgent response from the Department in terms of putting the moneys aside. My understanding, and that of other Members who were at the meeting, is that proposals are coming from the hospital and if they are not already with the Department they will be within the next number of days. To alleviate the really short-term issues, we need funding to open an additional ten beds, which I understand can be done with some reorientation within the hospital. A second trauma theatre at weekends would mean that lots of the work that presents over the weekend would get treated and dealt with over the weekend and it would take away the pressure on Mondays. The acute medical assessment unit should be moved from an 8 a.m. to 8 p.m., Monday to Friday unit to a 24-7 unit. The acute surgical admissions unit needs to be open on a 24-7 basis. It will ensure we do not have peaks and troughs and that work can be progressed more evenly throughout the week so we do not see this spike on a Tuesday. That is the kind of work that needs to be done. I hope that, notwithstanding the additional funding that has been provided to the Department as a result of the recent budget, we can see those short-term funds made available to address the immediacy of the crisis and then work towards getting the additional bed capacity through the modular unit that is proposed. Hopefully we can then move to the long-term situation where the 100 beds that were planned and proposed for the hospital come on board.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Deputies for raising the matter. I will read the statement I have been given by the Department of Health. It may not answer some of the questions that have been asked by the Deputies so I will make sure the Minister, Deputy Harris, receives them.

On behalf of the Minister, Deputy Harris, I welcome the opportunity to address the House on the issues raised by Deputy Dooley and Deputy Carey. The Government is committed to improving access to our health service. The emergency department in UHL is one of the busiest in the country, with nearly 54,000 attendances this year to the end of September. Demand for emergency department services at the hospital has continued to rise this year with an 8% increase in emergency department attendances at UHL compared with the same period last year.

Preparations and planning for winter 2018 and 2019 are well advanced in the hospital and at local level. The Department of Health is working with the HSE to ensure the most effective response to the winter challenges to unscheduled care provision within available resources. 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. The funding will focus on initiatives to enable the hospital system to de-escalate before Christmas.

The Minister, Deputy Harris, has requested the HSE to provide for a significant increase in the provision of social care and other measures to support the patient's journey home in the first quarter of 2019 in response to the expected surge in demand after the Christmas period. A further €10 million in funding is being made available in 2019 to increase acute bed capacity in line with the recommendations of the health service capacity review.

Increasing capacity is a priority for the Government. The Department of Health is in discussion with the HSE in the context of the national service plan 2019 to identify the sites for investment and the associated number of beds, as part of an agreed capacity programme for 2019. The selection and opening of beds on specific sites in 2019 and future years will be considered as part of the annual Estimates and service planning process and subject to financial, operation, human resource and policy considerations and priorities. Increasing capacity is both part of the short-term and long-term solution. The national development plan announcement earlier this year includes provision for a 96-bed replacement ward block at UHL. The HSE has provided capital funding in 2018 to progress the design phase of this project. Further funding will be considered in the context of the capital allocation for health having regard to the availability of funding and level of contractual commitments already in place. Subject to funding and the successful completion of the planning, design and tender phases, it is anticipated that construction is unlikely to commence before 2021. Investment in capacity and reform must go hand in hand. We have commenced implementation of the Sláintecare programme of reform, providing the framework for how health service reforms can be realised across primary and social care as well as acute hospital care. I know that has not answered many of the questions put by both Deputies, but I will return to the matter.

Deputy Joe Carey: I pay tribute to the University Hospital Limerick, UHL, staff, who work under extreme pressure. Attendances there at the emergency department, ED, have increased by 18.5% over the past four years, while it is projected that approximately 71,000 people will visit that ED this year alone. Will the Minister of State convey the outcome of this debate to the Minister for Health, Deputy Harris? It is important that he confirms funding support for the 60 bed modular unit and that he confirms he supports the winter admissions plan put forward by management at UHL, which includes ten additional beds, a 24-7 medical assessment unit, MAU, a 24-7 surgical assessment unit and a second ED surgical theatre for weekends. These initiatives will help address the severe, chronic overcrowding at UHL, and it is important that the Minister of State conveys these sentiments to the Minister and that he responds to us.

Deputy Timmy Dooley: I thank the Minister of State for her response but, unfortunately, it falls well short of what is required. I do not think she needs me or anyone else in this House to tell her the level of crisis that is felt in the mid-west because of the massive level of overcrowding, even during the summer period, which is normally relatively quiet. The infrastructure there is wholly inadequate to meet the demands and needs of the people. I will be back here next week looking for more answers, and what I need to hear is not about what will happen in 2021 but rather what will happen in 2019. I want to hear that funding will be made available to ensure that by the time we get to September 2019, the modular unit is well under way. Prior to that, however, from the very beginning, we need ten extra beds, the second trauma theatre at weekends, the 24 hour acute MAU and the acute surgical admission unit on a 24-7 basis. It will not solve the problem but it will have a meaningful impact. It will allow the staff to give reasonable treatment to people who present and it will give a general expectation to those patients that they will be treated in a timely manner and with dignity and respect.

Deputy Catherine Byrne: I see from both of the Deputies' contributions the frustration and

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seriousness of what they have spoken about. Unfortunately, I am not privy to some of the meetings that were held before I was asked to take this Topical Issue matter. As I outlined, however, the preparation and planning for the 2018-19 winter is well under way in hospitals at local level, the objective of which is to ensure the most effective response to the winter challenges to schedule care provision of any available resources. It is acknowledged that attendances at accident and emergency departments grow year on year, and the health service capacity review indicates Ireland has among the highest acute bed occupancy rate in the developing world, which is why we must invest in more beds in 2019.

We acknowledge the challenges we face are doubtless significant, but I firmly believe all of us in the House wish to find the right solutions for patient-centred, evidence-based results, focusing on sustainable solutions to challenges facing the health service. I assure both Deputies that in my capacity as Minister of State in the Department of Health, I will convey their frustration and serious concerns to the Minister as soon as I speak to him, which I hope will be sometime this evening.

Disabilities Assessments

Deputy Niamh Smyth: I thank the Minister of State for listening to the concern and, I hope, providing some answers. I raise the issue of assessments of need and the bleak reality facing the parents of children who are waiting for that all-important assessment of need. As the Minister of State knows, the assessment of more than 4,000 children nationally is overdue, which demonstrates a huge problem with a ripple effect that seeps into every aspect of those children's lives. As we know, for any child with special needs or a disability, early intervention is key. An early diagnosis is critical to having a positive outcome to provide a fast and effective intervention of therapies.

It was great to have the Minister of State in Castleblayney recently. He opened the new group home, where there is fantastic work happening for adults and young people with disabilities. In the wider Cavan-Monaghan area, however, the assessment of need is overdue for 177 children. These children, therefore, are denied the speech and language and occupational therapies they need, which negatively affects the ability of these children to access the supports they need for their education and schooling. While waiting times for assessments of need is at an unacceptable level, it is exacerbated by the fact that Cavan and Monaghan were without an assessment of needs officer from September 2017 to May 2018. That is nine months without the expertise to conduct the critically important assessment of need for those 177 children, who are arguably the most vulnerable as they struggle to grow, achieve and develop their individual potential, not only because of the lack of appropriate intervention but because of the absence of any intervention. Will the Minister of State address this immediately by employing extra staff, providing extra resources and doing whatever it takes to clear these backlogs and reach the three-month turnaround time that parents should be able to expect from their service from the time of application to the implementation of services such as speech and language and occupational therapies?

In case the Minister of State thinks for one second I am exaggerating the local situation in Cavan and Monaghan, I wish to outline two cases from a long list of cases that are coming through my office. One little boy has waited four years and eight months for his assessment of need. As the Minister of State will be aware, there is a mechanism for parents to make a com-

plaint if they feel the process is failing them. Out of pure frustration, these parents used that mechanism but, alas, they are no closer to achieving their initial assessment of need for their child. Not only is their child losing out on the therapies he needs, he is also missing out on the special needs assistant, SNA, whom he desperately needs to support and assist him in school. It must be said that the school makes a great effort to assist this little boy, but I have photographs in my office that the parents brought in of bangs and bruises on the child from when he fell in school. His mobility and ability to get around school are affected because he does not have that SNA. He cannot wait four years and eight months for an assessment of need.

The second case I wish to highlight is another little boy who desperately needs an occupational therapist. I have a letter from the child development team in Cavan-Monaghan informing the parents that this little boy is on the list for his occupational therapy but the estimated time he can expect to wait is four years and five months. He has autism and needs a home and school plan, but his integration in his mainstream school is achievable with the right resources in place. The crux of the problem seems to be that there is a gap in the transfer for children from Enable Ireland to the child development team.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank the Deputy for raising this important issue of assessments of need. She mentioned my trip to Castleblayney last Monday and I thank her for the warm reception I received. It was great to meet the families, parents and carers and to say well done to everyone directly involved.

As the Deputy may be aware, Part 2 of the Disability Act 2005 provides for a statutory system for the assessment of individual health service needs, an assessment report, a service statement and a complaints mechanism. Since its commencement in 2007, there have been significant year-on-year increases in the number of children applying both for assessment of need and for disability services generally. Regrettably, these increases have led to extended waiting periods being experienced, with almost 4,000 applications overdue for completion. The Deputy is not exaggerating, therefore, when she raises these issues. The HSE and I recognise that assessments of need and early intervention services for children with disabilities are paramount and need to be improved. I am aware the HSE has undertaken a number of initiatives to address the excessive waiting times. Assessment of need compliance improvement plans are in place in all areas and are being actively monitored. Additional resources have been allocated to the areas with the most significant backlogs and those areas have shown a steady decrease in percentage of overdue assessments over the first six months of this year. HSE disability services is currently engaged in a major reconfiguration of its existing therapy resources for children with disabilities into multi-disciplinary geographically based teams, as part of its national programme on progressing disability services for children and young people, 0 to 18 years. The key objective of this programme is to bring about equity of access to disability services and consistency of service delivery, with a clear pathway for children with disabilities and their families to services, regardless of where they live, what school they go to or the nature of the individual child's difficulties. Evidence to date from areas where this has been rolled out shows that implementation of this programme will also have a positive impact on waiting lists both for assessments of need and therapy provision. It is estimated that, on average, one in five children completing an assessment of need do not have a disability. As Deputy Smyth said, I want to focus on the children in most need, and 20% do not have a disability. The introduction of a new standard operating procedure, SOP, for carrying out assessments of need is expected to reduce the number of inappropriate referrals for assessment and will facilitate more timely access for children and young people. While the introduction of the SOP has been delayed by

necessary discussions and consultations with professional bodies, I understand that this process is now entering its final stages.

The Deputy will also be aware that funding for an additional 100 therapy posts was secured as part of budget 2019. These additional posts, along with the reconfiguration of services and other initiatives outlined, are expected to have a significant positive impact on waiting times for assessment of need and ultimately therapy service delivery. It will also help meet the needs of children and young people in a more efficient, effective and equitable manner. I accept the Deputy's point about there being 177 children in Cavan and Monaghan. Something must be done. It is unacceptable that Cavan and Monaghan have been without an officer for nine months and that children are waiting for four years and five months. That is why I am pushing very strongly to resolve these issues.

Deputy Niamh Smyth: The move by children from Enable Ireland to the child development team seems to be where the gap occurs and where children lose out on the interventions they need. They are getting lost in the transfer and there does not seem to be the continuity of care. As a result, these children are suffering. Parents tell me that while they are in Enable Ireland, the services are there and they get the intervention they need but once they reach six years of age, they go on to the child development team. It is heartbreaking to see people being told that they will have to wait up to four years and five months.

Nine months is too long for the system to lack the expertise and it must have exacerbated the problem in Cavan and Monaghan. I ask the Minister of State to take a positive bias towards the constituency to ensure the backlog is cleared and that parents can get the services they need in the turnaround time of three months laid out by the Department. Ultimately, if the interventions are not there early, there will be repercussions. It has a ripple effect at home, in school, and in school work and it is holding these children back from developing, and from getting the education they deserve and need. It is their basic right to have that. I ask the Minister of State to ensure that such positions do not lie vacant. Can he shine light on why such a position would lie vacant for nine months?

I welcome the additional posts to address the issue. They are needed and are welcome. I hope we will see the benefits for the children on those waiting lists.

Deputy Finian McGrath: I share Deputy Smyth's concerns and fully appreciate the frustration felt by parents and public representatives at excessive waiting times. I assure the Deputy that the HSE and myself are acutely aware of the urgency of this matter. The implementation of the compliance improvement plans, reconfiguration of services, the prioritisation of areas of greatest need, the standardisation of the assessment need process and the introduction of revised standard operating procedure are some of the many initiatives being undertaken by the HSE nationally to address the waiting times for assessments and needs. The Deputy referred to Enable Ireland and I agree about the continuity of care. There are vacancies and there is a problem getting people into posts. Recently, many occupational therapists, psychologists and speech and language therapists have returned from England and things are improving. A figure of 177 is something that we should make a dent in and make a positive contribution. It is a figure that could be targeted and dealt with by providing extra resources that could resolve the problem before it goes further out of control. The Deputy spoke of a positive intervention. I will make my views known to the HSE, which I am currently in talks over the extra funding in the budget 2019. I give a commitment that I will make it a priority issue.

Bord na Móna

Deputy Brian Stanley: I welcome the opportunity to address the Minister on this matter as it is a very important issue in Laois and Offaly. As a former employee of Bord na Móna, as were most of my family, I am very concerned about it. The effects of job losses and the closing of the bogs in the midlands are going to be devastating. I was in Edenderry last night, and people there are very concerned. People are also very concerned across County Laois, as are those who work with Bord na Móna in County Offaly, and indeed those who work in south Kildare. There is huge concern locally about this move. The Edenderry plant in west Offaly will have to switch to biomass. The Cul na Móna plant depends on horticultural peat, and it will also have to change due to the demands of retail chains in England, which want peat-free compost by 2020 or 2021. Where is the Government's plan on this? It is the shareholder and it acts on behalf of the people. Bord na Móna was established with a clear mandate to create jobs in the midlands and to develop our indigenous resources and industry. It has certainly fulfilled that brief; it has transformed the midlands of Ireland, in particular Laois-Offaly, parts of Kildare and other counties.

We need to move quickly now. We have to make up for lost time. We have sleepwalked into this situation. I have been highlighting the fact that we need to put other resources in place for a number of years. We must now quickly develop biomass crops and wood products, and moving to renewable gas, solar and biogas. Bord Na Móna can do that, and we have to put those green industries in place now.

Deputy Martin Heydon: I thank the Minister for Communications, Climate Action and Environment for taking the time to discuss this very important topic. My thoughts are with the staff of Bord na Móna and their families on what has been a very difficult day for them. Many of these people are my constituents. Many people hear the words Bord na Móna and think of bogs in Offaly, but there are 330 administrative and management staff working in the biggest town in my county, in Newbridge. It is one of the biggest employers there. There are also 70 or 80 people working in Kilberry at the peat moss plant. Those people knew that this day was coming, but it has still been a difficult week. Part of my frustration is the fact that there was an announcement of job losses yesterday without news of the package that would be available to those taking voluntary redundancies. I would have preferred if people going home last night who were going to be sitting down with their families to talk about their future had that level of detail, because it is a very difficult time. Some of those people will be thinking about taking a package, and others will want to be a part of Bord na Móna's next phase as it moves towards an economically and environmentally sustainable future. We want these redundancies to be voluntary, but for that to happen the package has to be generous, in line with redundancies in other semi-State agencies such as RTE and An Post. It must be worth taking, and it should take into account the service staff have given to the company and the upheaval they will face in trying to change roles.

Can the Minister touch on the supports it will make available to the company and to the staff who are thinking of leaving? In terms of support from Europe and the just transition to a low-carbon economy, what supports are there for the Government to help it ensure the future viability of the company as it seeks to move from brown to green?

Deputy Barry Cowen: I spoke on this matter during Leaders' Questions. The Tánaiste responded in fairly general terms. His response was commendable in the sense that he reiterated

the commitment of Government to making various State supports available to staff of Bord na Móna in the short-term. Perhaps the Minister can deal more extensively with the two questions I asked this morning. Can he confirm to the House that ESB will proceed with co-fuelling at Lanesborough and at Shannonbridge, having received confirmation from the Government last Monday that it is Government policy? I hope that planning application caters for such arrangements up until 2025, as well as an extension at Edenderry from 2023 to 2025. It would guarantee what remains in the peat harvesting sector. Over 900 staff are from my county, notwithstanding the others.

The Tánaiste said that the Government was open to suggestions and recommendations from the House and beyond. The various local authorities are meeting next week to formulate a response and to prepare a mechanism they believe would best serve their own regions. I wrote to the Taoiseach, and he informed me that he forwarded my correspondence to the Minister. I made a proposal for a just, sustainable transition forum which could be put in place to address these issues and make recommendations on innovation and enterprise to support the region with alternative forms of employment. Is funding available for such a forum? Other Deputies have spoken about the EU's globalisation fund, but I would also like to see the Government inject cash into this, perhaps using revenue from the carbon tax. The public service obligation payment to the ESB for those power plants expires next year, which will represent a saving for the Government. A portion of that money could be given towards this area; it would show the community that there is a willingness and commitment to helping the people and a pathway to assisting the region.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Deputies for raising this matter. I recognise the concern that all Deputies have expressed about the potential impact of this on affected families. Bord na Móna is a commercial State company with a mandate to develop the midlands region, and I believe it is taking the appropriate steps now, in a timely way, to set out a strategy that takes into account its obligation to operate in a decarbonised economy. It has recognised this need, and is taking the necessary steps to ensure there will be employment opportunities and that it will continue to be a driver of economic development in the midlands. It has recognised the obligation to decarbonise. The decisions it is taking mean that it will reduce its carbon footprint by more than 90% by 2030. It is a very major step. It also recognises the inevitability of the decisions it had to make.

Bord na Móna has set out in its strategic plan the opportunities it believes it can develop that will provide secure employment opportunities with good prospects for the future. Those opportunities lie in the areas that Deputy Stanley and others have mentioned and include expanding its interest in renewables, expanding its activities in the area of resource recovery and identifying new export growth markets where it can use its very significant assets and strengths to develop new trading opportunities that will deliver employment. I can confirm to Deputy Cowen that the ESB will be submitting a planning application; it is expected in the next couple of weeks.

The other issue raised by Deputies was support for workers who are directly affected. I can absolutely assure the Deputies that not only will Bord na Móna be putting in place its own programme, which it has worked out with its trade unions and has used before, to support workers, to assess their skill base and to support them in finding new opportunities, but all the machinery of the State, whether through the Department of Employment Affairs and Social Protection, the education and training boards, ETBs, or re-skilling opportunities will be made available to the

workers. I assure the Deputies of that.

On the issue of the redundancy terms and the need for voluntary exits, Bord na Móna has signalled that it intends that this will be a voluntary exit programme. It is consulting with the representatives of the workers about the terms of that programme; it will of course require approval from the Department of Public Expenditure and Reform. In terms of ensuring that the State does everything possible to support the building of the future economy in the midlands, I assure the Deputies that Bord na Móna will be working with the implementation committee of the midlands regional action plan for jobs. It will be working with local authorities and taking on board ideas which come forward from them. It will also be working with local enterprise offices and the midlands regional skills fora to develop initiatives. In turn, these can be enabled through the €1 billion rural development regeneration fund and regional enterprise funds from Enterprise Ireland.

Bord na Móna is envisaging the development of tech hubs and enterprise centres which could create opportunities. An application to the European Globalisation Adjustment Fund will be prepared with the trade unions and Bord na Móna to draw on that source.

Deputy Brian Stanley: The key issue is that we do not want the midlands to become the rust belt of Ireland. Last week, when I met Bord na Móna's chief executive officer, Mr. Tom Donnellan, and some of his staff, he outlined how the company has plans for waste to energy, horticulture and aquaculture. Bord na Móna has a site on the ring road in Tullamore. There is the Cúil na Móna site used by AES Waste Collection Services, a Bord na Móna company. It is located at the Togher intersection at Portlaoise, literally at the crossroads of Ireland.

I am glad to hear that the Government will make an application to the European Globalisation Adjustment Fund. We also we need to look at the current subsidies for the burning of peat that are due to be phased out. In the context of the climate action fund, €500 million has been earmarked under the national development plan to reduce greenhouse gas emissions. Bord na Móna has a big part to play, not just in the midlands but also nationally, in moving towards a green, renewable and sustainable economy.

Deputy Martin Heydon: I thank the Minister for his reply and welcome the confirmation that an application will be made to the European Globalisation Adjustment Fund. In many ways, the change in structure of a firm of this size is the equivalent of the closure of coal mines in Wales in the 1980s. It will have a big impact across the midlands, particularly in Kildare where so many of Bord na Móna's staff are located.

For the past 85 years, Bord na Móna did not just generate power for homes and villages, it also created employment. Having met the company's chief executive recently, I was heartened to hear of the ambition the company has for its future. What supports will the Department give to the company as it seeks to fulfil its ambition to become the largest renewables company in the country? It is focusing on its greatest asset, its landbanks, and on aquaculture and other aspects. How can Bord na Móna secure a portion of the climate action fund to support many of the jobs which will be developed in the green sector?

Deputy Barry Cowen: I thank the Minister for his reply. I welcome his statement to the effect that the ESB will proceed with the planning applications to which I referred in the coming weeks. We look forward to that because it guarantees the remaining workforce in the peat harvesting area meeting expected demands. The blueprint for such permissions was set and a

precedent was created with the Edenderry application, which was eventually successful in the courts in recent years.

I also welcome the commitment to apply to the European Globalisation Adjustment Fund for specific targeting in the midlands region. The Minister said that the board, various local authorities and others can make applications to existing financing arms of the State, whether it is Enterprise Ireland, the rural regeneration programme and so forth. Will the Minister commit to a specific forum to deal with the offshoots of this decision and the ongoing transition that is taking place? Bord na Móna has been the driver of economic life in my county and those adjacent to it for 80 years. The effect will not only be on the workers and their families but also on communities and ancillary businesses and services offered in the region. They will be decimated unless there is a specific concerted effort to deal with this issue. That is why we want funding specifically targeted not only from the European globalisation fund but from the State, whether it is from the ring-fencing of revenue carbon tax revenues and the public service obligation saving that will be there from next year on.

Deputy Richard Bruton: We have no intention of allowing the midlands to become a rust belt. I was the Minister who introduced regional action plans. It was the first time ever the State developed bottom-up regional enterprise plans for which we allocated €250 million in regional enterprise funds. That was the first time we had such a concerted approach. Under that, we have established an implementation committee for driving regional opportunities in the midlands. That is the vehicle we will use to work with Bord na Móna, which is a strong commercial State body with 80,000 ha of State lands, significant assets and experience, as well as a strong brand. There is a commitment to drive this forward.

We have the structures in place to address the needs. We have made funds available. The regeneration fund is €1 billion, the climate action fund is €500 million and the regional enterprise fund is €250 million. Every proposal will get a proper chance to be developed. Bord na Móna is doing exactly that. It is a powerful development agency with strong assets and best placed to drive this forward.

The creation of individual task forces does not add value when we have an implementation committee dedicated to the work of driving the midlands region forward. It has the leaders of IDA Ireland and Enterprise Ireland, along with all the key players and the private sector, driving those projects. That is the structure we need. They are tried and proven. We set a target of 14,000 jobs for the midlands region and that figure has been exceeded in the period.

Deputy Barry Cowen: There has only been one IDA Ireland site visit to the midlands this year.

Vulnerable Persons Bill 2015: Second Stage [Private Members]

Deputy Mattie McGrath: I move: “That the Bill be now read a Second Time.”

I am delighted to have the opportunity to debate the Vulnerable Persons Bill 2015, which I submitted quite some time ago. It was No. 1 in the lottery system but every second week at the business meeting it was not drawn. I thought it was stuck to the bottom of the raffle drum.

I thank Ms Sarah Ekada, who, while completing an internship with my office, was instrumental in the development of the Bill, along with David Mullins and my daughter, Triona. What is also remarkable about Ms Ekada is that although her family originally immigrated from the Democratic Republic of the Congo, she has sought to advance at all times the welfare of our own most vulnerable citizens. Today, she cannot attend this debate as she is at a conference in France doing this very work. She is a person of deep faith with a commitment to human dignity and for that she is to be commended. She is a credit to her family.

Elder abuse is one of the most serious and vicious activities that can be perpetrated upon vulnerable persons. It often takes place in great secrecy, hidden even from other close members of the same family who may be unaware of what is taking place. We know parents want to help their children. They want to be able to assist them where possible, including financially. The fundamental point at issue here is that such assistance must always be a personal choice, and one that is made free of coercion, manipulation or threats. Where such a right to financial autonomy and the control of a person's own finances is under threat, and where it involves brute physical, emotional or psychological pain, the State must become involved to vindicate and protect such rights. It has been clear for well over a decade that elderly people who are perhaps experiencing the onset of dementia also experience a very real pressure to transfer over management of their funds. That is understandable in some respects. However, as far back as 2013, the Law Reform Commission was conscious that the elderly constitute a significant and growing group who may also need specific support and protection from the legal system. Its report found that while the majority of elderly people do not need any special legal support or protection, there is a significant minority who, because of illness, disability, impaired mental capacity or social and economic dependency, do need protection. They may require protection from physical or mental abuse. They may need protection from the misuse of their money or property. The commission also found that at some stage they may need help with making decisions and, ultimately, they may need a substitute decision maker. As the report outlined, this matter is of interest to everyone and not just the current generation of elderly people. Any one of us could become a vulnerable adult in need of protection and there is nothing more certain than that.

To give a concrete example of what I am speaking about, I will refer to a case dealt with by my office, which was very distressing to all concerned. I will not give any names for obvious reasons. A lady wrote to me in 2015 because she was very concerned by the treatment and abuse her mother and father were receiving at the hands of her brother. Despite having 37 people who could corroborate the abuse her mother and father received, it took years for effective action to be taken. The HSE senior case worker for elder abuse involved was also verbally assaulted on many occasions. He declined to engage with the brother due to the level of verbal abuse. The public health nurse also referred the case following some disturbing interactions. The shoulder of this lady's mother was broken in the presence of their youngest brother. Can we imagine? The days prior to her final hospital visit also deeply unsettled the neighbours.

The lady claimed to me, and it was subsequently verified, that the Garda never questioned the brother who was being accused of the abuse. This was despite the fact that the elderly mother was found tied up in her bedroom by a neighbour who needed some time to unravel the flex of the hoover with which she had been tied up. Just imagine. The mind boggles. Even the hospital consultant found the alleged abuser's behaviour aggressive, with a family doctor recalling him as a very troubled man. Despite all of this, the DPP's decision was that the evidence available was insufficient to prosecute. This case highlights the extreme difficulties families

have in finding appropriate legal protection for their loved ones.

From an organisational viewpoint, and from information provided to me by the HSE and the Minister for Health, it is absolutely clear that the problem and scale of elder abuse remains hidden in the shadows of our culture. We know from the most recent data that at least 8,000 cases of alleged abuse or neglect of adults were reported to the HSE. We also know from a RED C survey carried out by the National Safeguarding Committee, NSC, that 16% of people admitted they knew a vulnerable adult close to them who had experienced financial abuse. The survey also found that one in three people believe vulnerable adult abuse to be widespread, suggesting the public believes there is a problem with safeguarding those who are limited in their ability to protect themselves.

In 2016, I appealed to the HSE and the Minister for Health, Deputy Harris, to increase the number of HSE case workers assigned to process and combat elder abuse. Sadly, it fell on deaf ears. I am not aware of any significant subsequent increase in resource allocations that would allow us to state greater inroads have been made in tackling this specific crime. I was informed by the head of operations and service improvement in the HSE's services for older people that only 31 senior case workers for the protection of older people were employed on a local health office area basis between 2011 and 2015. Clearly it is not being monitored and we are scratching at the surface and not dealing with it. The Taoiseach and the Minister for Health claim the budget is €17 billion, with €1 billion more in the Estimates every year. There are massive overruns but gaps across the board. In this case we have the distressing situations of the people who built up this country and gave us all that we have today. The years from 2011 to 2015 were also when more than 13,000 referrals of such abuse were recorded and assessed by senior case workers in the HSE. We need to know what the Government and, specifically, what the Minister has done to address this gaping deficit in service provision. I hope when he replies the Minister of State, Deputy Kehoe, will be able to tell us and not pass the buck for the Minister for Health.

During the summer, Ms Evelyn Ring of the *Irish Examiner* wrote an excellent and informative article summarising many of the concerns about this issue. I compliment her and challenge other journalists to do the same and expose this heinous behaviour. Her article made clear that reports of alleged abuse of older people and persons with disabilities increased by almost 30% in the past year. We must ask ourselves why this is happening. We are told every day about the recovery and that we are coming out the dark recession when many families fell into awful situations. Many parents and grandparents tried their best to help out and they are still helping out. Why is this increasing at a time of supposed economic recovery? What is driving people to this distracted state in which they would abuse their elderly? It was also noted that 10,118 safeguarding concerns were raised with the HSE last year, a 28% increase from 2016, with the largest increase recorded for those aged 18 to 64. These are staggering and shocking figures that are a huge cause for concern. Of the concerns reported to the HSE's national safeguarding teams, 7,199 came from a service setting and 2,915 from the community. This is also staggering and a shocking indictment. RTÉ discussed this on Mary Wilson's programme and tonight on "Prime Time" it will have an exposé on something similar. I salute it for this.

An analysis of the reporting rate shows that it increases with age. Concerns about women are higher in all age categories but reporting increases threefold for men aged over 80. Some of the key findings of a recent report by the National Safeguarding Committee found that for persons aged under 65, physical abuse is the most significant category at 46%. Psychological abuse and financial abuse at 31% and 22% remain the most significant categories for those aged over 65. In cases of alleged financial abuse, a son or daughter accounted for 40% of cases for

those aged over 65, with a further 24% involving another relative. This is shocking. It was specifically highlighted that training and public awareness increased the level of concerns notified to the HSE safeguarding service.

I do not want to give the impression that this issue is specific to Ireland. By and large, we are still a culture that cherishes our elderly and incidents of attacks upon them are still greeted with the absolute disgust and horror they merit. In the broader European context, we have the European strategy to combat elder abuse against older women. The EU understands abuse of the elderly as a human rights violation affecting a significant number of old people, among whom a high percentage are older women.

Violence against the elderly is a violation of Article 25 of the EU Charter of Fundamental Rights, which recognises and respects the right of the elderly to lead a life of dignity and independence and to participate in social and cultural life. There has been much discussion of rights in this House in recent years. These are very basic human rights which should be respected.

6 o'clock A Eurobarometer special report on health and long-term care in the European Union highlighted that 47% of European citizens think that poor treatment, neglect and abuse of dependent older people are common in their country. That is a staggering figure. It is a shocking statistic which speaks to the pervasiveness of this issue. Women are also particularly vulnerable to abuse. Two thirds of Europeans aged 80 or more are women and more than a third of them suffer from Alzheimer's disease or dementia, which makes them even more vulnerable to abuse.

It is clear that the issues addressed by the Bill are widespread and urgent. The specific intention of the Bill is to protect, on reasonable grounds, the financial autonomy of vulnerable persons, specifically elderly people who lack reasonable mental and physical capacity, to guard against financial abuse. We often hear of scary things happening relating to power of attorney and wards of court also. The Bill provides:

“elder abuse” may be defined as an intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person;

“financial abuse” means interfering with the financial autonomy and wellbeing of a vulnerable person, which involves a person knowingly by deception or intimidation, obtaining or using, or endeavouring to obtain or use an elderly person's funds, assets or property with the intent to temporarily or permanently deprive the elderly person of the use, benefit or possession of the funds, assets or property, or to benefit someone other than the elderly person;

“vulnerable person” means a person, other than a child, who—

(a) is suffering from a disorder of the mind, whether as a result of mental illness or age,

(b) is suffering from a physical impairment, whether as a result of injury, illness or age, or

(c) has a physical disability, which is of such a nature or degree—

(i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or

(ii) that the person is incapable of adequately providing for his or her own health

I am entirely open to amending the Bill to remove any conflicts with existing legislation. My aim is not solely to try to do something in my capacity as a legislator but also to try to keep a national conversation going on this matter. I accept that it is a difficult and challenging issue to discuss. It would be easier to pretend that the problem is not as widespread as it is, but that would do nothing to help those most in need. If Members are not here to help such people, they have no right to be here in the first place. I note the basic goodwill on all sides of this House in terms of addressing this matter. All Members want to do what they can to advance remedies that work and are effective, but we need resources and more fully trained and professionally skilled people who can recognise, identify and engage with families or individuals who are experiencing these problems. It is up to us all to play our part and make this a country where the old are cherished and valued. As stated by Robert Greenleaf, “Where there is no community, trust, respect, ethical behaviour are difficult for the young to learn and for the old to maintain.”

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): I am taking this Private Members’ Bill on behalf of my colleague the Minister for Justice and Equality, Deputy Flanagan, who is unable to attend. I thank Deputy Mattie McGrath for bringing the Bill forward and giving the House an opportunity to discuss this important issue.

The important objective of the Bill is to protect, on reasonable grounds, the financial autonomy of vulnerable persons, specifically the elderly, who lack reasonable mental and physical capacity, to guard against financial abuse. A person might, because of their age or for another reason, be especially vulnerable to exploitation. He or she may lack the capacity to take certain decisions and, because of that, could be taken advantage of by persons on whom he or she relies for care. The Government fully recognises that and has taken steps to address the issue, most notably the Assisted Decision-Making (Capacity) Act 2015 and ongoing policy initiatives in the health sector.

Section 1 of the Bill sets out definitions for “elder abuse”, “financial abuse” and “vulnerable person”. I understand that the purpose of the section is to codify in legislation what is meant by financial abuse of the elderly. Deputies will be aware that definitions are normally used in Bills to explain what is meant by terms that are used in the Bill itself. The terms defined here are not used in the Bill and cannot have any application outside of the Bill. In that context, I note that the Bill appears to conflate vulnerability and age. Of course, not all vulnerable adults are elderly and, similarly, not all elderly persons are vulnerable.

Section 2 is the substantive part of the Bill. It creates several offences relating to the financial abuse of elderly persons. Most if not all of the offences set out are crimes under existing legislation. Subsection (1)(a) makes it an offence to use an elderly person’s confidential financial information and funds for unauthorised self-gain. This would, in most cases, be prosecutable as a fraud offence. An offence under section 6 of the Criminal Justice (Theft and Fraud Offences) Act 2001 is committed where a person dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception induces another to do or refrain from doing an act. Paragraph (a) of subsection (2) creates an offence of taking or forcibly taking the belongings of an elderly person without his or her permission or consent. This would be covered by the offence of theft under section 4 of the Criminal Justice (Theft and Fraud Offences) Act. Under that section, a person is guilty of theft if he or she dishonestly appropriates property without the consent of its owner and with the intention of depriving its owner of it. Paragraph (c) of subsection (3) makes it an offence to “forge signatures and make a false instrument/statement with the intention that it shall be used to induce another person to accept it as genuine and, by reason of so accepting it to do some act, or to make some omission,

to the prejudice of the elderly person”. This is already covered by the offence of forgery under section 25 of the Criminal Justice (Theft and Fraud Offences) Act.

These new offences are not required. Moreover, they would be more difficult to prosecute than the existing offences because they have additional elements that would have to be proven by the prosecution. For example, in regard to the offence of taking an elderly person’s belongings, the prosecution would have the burden of showing that the person is elderly. There is the added complication of there being no definition of “elderly”.

There are also issues regarding the penalties provided for in the offences. The offences under subsection (1) carry a penalty of “a fine not less than €600”. For the offences under subsection (2) the penalty is “a fine not less than €1,500”. For the offences under subsections (3) and (4) the penalty is “a fine not less than €3,000 and/or imprisonment for a term not less than 3 years”. As Deputies may be aware, normal practice is for legislation to specify maximum penalties, leaving the precise sentence to be determined by a judge depending of the facts of each case. Perhaps that is what Deputy Mattie McGrath intended in the Bill. If that is the case, then the penalties fall far short of those under the theft and fraud offences legislation. Under the existing law, the maximum penalties are an unlimited fine and imprisonment for a term ranging from five to ten years. The much lower penalties in the Bill would be a significant departure from the existing position and would greatly reduce the deterrent effect.

On a literal reading of the Bill, these penalties would be minimum penalties but no maximum penalties are provided. That would also be very problematic. In general, minimum sentences are not used in Irish law. Absolute minimums, where there is no discretion for a sentencing judge to impose a lower sentence, even in exceptional circumstances, are very rarely used - murder is one example - and even then there tends to be a maximum sentence. There are also constitutional issues as there is no scope for a judge to impose a sentence in keeping with the circumstances of the offender and the offence. The lack of any maximum sentences is particularly concerning. It means that life imprisonment could be imposed for these offences which, again, would be a dramatic departure for the law in this area. As I say, it is not completely clear what interpretation is intended but either way, the result is disproportionate sentences. Furthermore, Members will be aware that the Minister has stated that he will provide for the introduction of sentencing guidelines in the Judicial Council Bill, which is currently before the Seanad. These guidelines, which will be constitutionally compatible, will ensure greater consistency in sentencing.

There are also several drafting issues in the Bill. For example, as I have mentioned, there are defined terms that are not used elsewhere in the Bill. There are also terms that are imprecise and perhaps should be defined. Section 3 provides for a regulation-making power but does not set out any detail as to what is to be prescribed by regulations. There are some places where words are repeated and others where it seems words have been omitted. As I mentioned, the Government is committed to ensuring that elderly and vulnerable adults are safeguarded from financial abuse. Since Deputy Mattie McGrath introduced his Bill in November 2015, the Assisted Decision-Making (Capacity) Act has been enacted. That Act provides a modern statutory framework to support decision making by adults with capacity difficulties. It provides for the repeal of the Lunacy Regulation (Ireland) Act 1871 and the Marriage of Lunatics Act 1811. The current wards of court system for adults will be phased out. The Act offers a continuum of options to support people in maximising their decision-making capability. The Act provides for the setting up of the decision support service within the Mental Health Commission, which is under the aegis of the Minister for Health. It also provides for three types of decision-making

support options to respond to the range of support needs that people may have with regard to decision-making capacity. With each of the three decision-making support options, decisions can be made on personal welfare, property and finance or a combination of both. As part of a suite of safeguards against exploitation of persons with decision-making difficulties, the Act creates a number of offences relating to persons with decision-making capacity difficulties. In particular, under section 145 of the Act, a decision-making assistant, co-decision-maker, decision-making representative, attorney for the relevant person or designated healthcare representative who willfully ill-treats or neglects the person will be guilty of an offence and will be liable on conviction to a fine of up to €50,000 and-or a term of imprisonment of five years.

The Act also creates a number of offences relating to coercion or undue influence of a person with capacity difficulties that forces the person to enter into, alter or revoke one of the decision-making support arrangements under the Act. Appropriate sectoral safeguarding initiatives may complement the protections afforded to vulnerable adults under the criminal law. The Government has tasked the Department of health with developing an over-arching national policy on adult safeguarding in the health sector. Work in relation to developing this sectoral policy is under way in consultation with key stakeholders. The policy will cover the entire health sector, public, voluntary and private. It will also address collaboration, co-operation and referral arrangements between the health sector and other key sectors, including the justice and welfare systems. The Department of Health aims to circulate a draft health sector policy for public consultation by the second half of next year and to secure Government approval for detailed and costed policy proposals around the end of 2019 with draft legislation being introduced as required thereafter to underpin the approved policy.

In conclusion, I again thank Deputy Mattie McGrath for having raised this issue. While the Government is fully supportive of the objectives of the Bill, we believe they are achieved by other measures: the existing criminal law, the Assisted Decision-Making Capacity Act and operational measures and policies in the health sector. For these reasons and because of fundamental difficulties with the criminal law provisions proposed, I am opposing this Bill.

Deputy David Cullinane: I commend Deputy Mattie McGrath for tabling this Bill and using Private Members' time to move it. I am making this contribution on behalf of Deputy Ó Caoláin, who is unable to be here. I am disappointed the Government is unable at least to support the Bill to Committee Stage. Very often, the Government cites errors in a Bill which, as we know, can quite easily be rectified on Committee Stage. This is why we take Bills in various Stages, so that we can correct and iron out any difficulties that might be there. I accept what the Minister said as there has been movement in some of the areas in terms of the Assisted Decision Making (Capacity) Act that has improved the situation but this Bill would complement all of that and should have been supported to at least Committee Stage so that we could argue and tease out the difficulties the Minister says are in the Bill.

My party fully supports the intent of the Bill and its progress to the next Stage. The abuse, financial or otherwise, of our elder citizens or other vulnerable people is beneath contempt. It is unfortunate and very worrying that this is becoming more prevalent. I listened with intent as Deputy Mattie McGrath spoke about the statistics and facts behind all of this. It is very troubling that an awful lot of this abuse comes from family members such as sons and daughters. It is also worrying to hear that a high number of these incidents happen in service settings, which means that they also happen in State agencies and organisations tasked with looking after people. Deputy Mattie McGrath talked about an edition of "Prime Time" that will air this evening. A number of editions of "Prime Time" have shown problems in this area over the past

number of years. We have seen it not just in this area but in the childcare sector and nursing homes. Having said that, it must be said that the vast majority of people in care service settings receive very good care. I am sure Deputy Mattie McGrath would acknowledge that as well but where there is a problem, it must be dealt with decisively and robustly when it comes to very vulnerable people who are exposed.

It is not pleasant to have to acknowledge in the Dáil that the circumstances of this abuse sometimes originate within families. It does not give us any pleasure to say that but it is a reality. In acknowledging that, we must do much more and improve in whatever areas we can to ensure we reduce these types of incidents and make sure those responsible for this disgusting behaviour are held to account. We have a duty of care as legislators and as a society to our most vulnerable citizens. We must protect them from this abuse. I have acknowledged some advances by Government that have been made in recent times since Deputy Mattie McGrath moved his Bill in 2015 that give greater protections to older and vulnerable people who may be at risk of these types of incidents but I still think there is merit in the Bill, that we can add value to what has been done and that we can always improve on the circumstances.

It is important that we commit as much resources as possible to highlight this issue further. One of the things this Bill does is give us an opportunity to talk about these issues and have a conversation that perhaps we do not always have. More resources to highlight the issue further and make people more aware of its prevalence are also important. The more we talk about it, the more people become aware of it and the more difficult it might be for people to behave in an inappropriate way. I would also encourage more resources for a particular campaign where An Garda Síochána community officers can use outreach with regard to senior citizen advocacy groups and speak directly to them in an educational capacity to enable them to recognise the warning signs. If we can anticipate and learn from previous experiences and anticipate potential warning signs or flags raised so that all of those involved from law enforcement to people who work in the service settings to other family members can see and be aware of the warning signs, that is obviously to the good. This is why putting more resources into highlighting these issues and having these types of debates plays a very important part.

I know other people want to speak. I contributing to this debate on behalf of Teachta Ó Caoiláin who asked me to say he supports the Bill and wants to commend Teachta Mattie McGrath on bringing it forward. We support the intention of the Bill. As with all these Bills, there are imperfections. It is very difficult for members of the Opposition to craft Bills. We do not have the army of civil servants Ministers have when they are crafting Bills. We have various Stages in the Dáil to correct and perfect Bills where there are imperfections. I do not like the habit of knocking back Bills just because we see some errors in them. I am sure the author of the Bill would be more than willing to accommodate and work with Government and Opposition to improve the Bill. I have been in this position and it is unfair to people who introduce Bills. It is not the way we should deal with Private Members' Bills. Many motions are brought forward as Private Members' business but when a Bill is brought forward, we should give it due recognition and at least go to Committee Stage. Then we can decide whether there is merit in taking it further. I commend the author of this Bill on allowing us the opportunity to discuss this very important topic.

Deputy Michael Harty: This Bill introduced by Deputy Mattie McGrath is very timely and should be considered more seriously. It can be amended on Committee Stage so the Minister of State might give it more attention. We need to keep focusing on elder abuse as our population grows older. The Vulnerable Persons Bill 2015 is designed to protect the financial autonomy of

vulnerable persons, specifically elderly people who may not have the mental or physical capacity to guard against financial abuse. Elder financial abuse is understood by the National Centre for the Protection of Older People as the unauthorised and improper use of funds, property or any resources of an older person. This may include theft, coercion, fraud, misuse of power of attorney and not contributing to household costs where this was previously agreed. It is generally agreed that financial and-or material abuse is under-reported and is often difficult to recognise or detect.

The Joint Committee on Health considered this issue last year and produced a report on adult safeguarding. We considered a Bill introduced by Senator Kelleher, the Adult Safeguarding Bill 2017. The committee met twice to discuss matters relating to it. Representatives of the National Safeguarding Committee highlighted financial abuse as an ongoing concern and referred to the barriers to investigating such abuse. First, safeguarding teams have no right of access to a home when a high or reasonable suspicion of financial abuse exists and, second, financial institutions often work independently in investigating financial abuse. The National Safeguarding Committee stated it is discussing these issues with various financial institutions but legislation was required to set up guidelines for notification and reporting of financial abuse. The monetary cost of financial abuse of adults is unknown, but given that the Department of Employment Affairs and Social Protection pays €7.2 billion in State pensions every year and €3 billion in occupational pensions, the potential monetary cost is very high.

It is important to note that the term “adult at risk” should be used rather than “vulnerable adult”. That could be looked at when considering the Bill. It is not exclusive to any particular group and recognises that any individual may require support or care at some time. As such, safeguarding may directly impact everyone at various stages in their life.

The Joint Committee on Health met several bodies, including the Health Service Executive, Inclusion Ireland, the National Safeguarding Committee, Sage, the Department of Health and the Institute of Public Administration. These discussions included some of the most prominent ongoing issues, particularly the development of processes and structures in the HSE and other health agencies and the need for greater legislative provisions. The committee acknowledged that legislation is urgently required. The HSE reported that it received 8,000 notifications of abuse concerns in 2016. The national study of elder abuse and neglect report from 2010 estimated that 10,000 older people are mistreated or neglected every year, with 6,000 cases of financial abuse. Some reports suggest that, based on international prevalence of abuse, the figure may be 5% for people over the age of 65. In Ireland that is 32,000 people over the age of 65 years who may be experiencing mistreatment and much of that is financial abuse. It is also noted that further public awareness is required.

Ambiguity about adult safeguarding still exists and there is uncertainty as to what constitutes abuse of adults at risk. Adult safeguarding is a complex area and the committee was happy to have had the opportunity to discuss the matter with the groups who attended the committee meetings. The committee’s report examined the areas covered in these meetings and made recommendations on adult safeguarding. Thus a “person at risk” is a better description than “vulnerable person” because it is a wider definition. The report made several recommendations with regard to adult safeguarding. These recommendations reflect the key areas which were highlighted in the two committee meetings. The recommendations cover areas such as setting up a national safeguarding authority, the types of abuse, staffing, inter-agency collaboration and advocacy. The committee examined financial abuse of adults at risk, in particular. The committee recommended that notifications of abuse be rapidly investigated and comprehen-

sively reported and that any legislation should define who is considered an adult at risk, what is considered abuse and the various types of abuse. It recommended that measures be taken to improve public awareness in understanding abuse of adults at risk, particularly financial abuse and how to report such abuse; that any legislation should ensure that adults at risk be provided with access to an independent advocate; greater public awareness of the right to an independent advocate on behalf of a vulnerable person; and further consideration of the benefits of mandatory reporting for adult safeguarding.

Adults at risk are susceptible to a number of possible abuses. A RED C survey, commissioned by the National Safeguarding Committee, illustrated various types of abuse that adults had experienced or that were experienced by someone close to them. Some 32% suffered emotional abuse; 20% experienced abuse by a service provider, whether public, private or voluntary; 18% experienced abuse based on ageist attitudes; 16% experienced abuse based on a disability; 16% experienced financial abuse; 16% experienced physical abuse; and 10% experienced sexual abuse. The RED C survey also stated that 84% of adults are unclear as to what constitutes psychological abuse and 81% are unclear on what constitutes financial abuse. The committee believed that it was necessary to eliminate ambiguity in respect of the “definition of types of abuse and what is considered an adult at risk”.

The Minister of State should give serious consideration to this Bill. It is not perfect. It is produced by a group which does not have the access to expert advice on drawing up Bills but the issue we are trying to illustrate is so important that the Minister of State or the relevant Minister should reflect on it. As a GP, I see many adults who are vulnerable to financial abuse. It is very difficult to identify and prove it because the ability to investigate is very limited. It can be very obvious that people are being abused within their own homes, having their pensions taken from them or having their money restricted. It can even come down to limiting the amount of food an elderly person can get.

We need a code of conduct in respect of vulnerable people who have carers coming to their homes. I know there is a code of conduct and Garda vetting for carers who go into the home, which is extremely important. We need to acknowledge that this is a huge issue and I ask the Minister of State to reflect on his summation of the Bill.

Deputy Mary Butler: Fianna Fáil supports this Bill and will work to strengthen its provisions on Committee Stage. I congratulate Deputy Mattie McGrath. I know he has waited for three years for the Bill to come before the House for Second Stage. The Deputy is right in saying that abuse of the elderly can take many forms. The Bill seeks to tackle one form of that abuse, namely financial abuse.

Arguably much of what is provided for in this Bill is already covered by criminal legislation. However, Safeguarding Ireland, established by the HSE in 2015 to work to safeguard vulnerable adults from abuse, has called for legislation specifically to root out financial abuse of vulnerable adults. This cannot be ignored and that is why, as spokesperson for older people for my party, I am disappointed that the Government is not supporting the Bill.

Financial abuse of the elderly can be as subtle as spending a portion of a person’s pension as a perceived reward for helping with his or her care, or it can be highly calculated, involving acts of theft, coercion or fraud. It is difficult to ascertain the prevalence of financial abuse against the elderly. Overwhelmingly, the perpetrators are immediate family members and as a result of embarrassment, concerns over getting family members into trouble with the Garda and other

factors, there is significant under-reporting of this abuse.

International studies estimate the prevalence of abuse in the community at 1% to 5% of the population aged 65 years and older. The HSE's national safeguarding office, NSO, reports figures of abuse of elderly people and vulnerable adults. The NSO examined 10,118 complaints of abuse of the elderly in 2017. This was an increase of 28% on the 2016 figure. For adults over 65 years old, 22% of complaints related to allegations of financial abuse. That equates to more than 2,000 complaints of financial abuse. Financial abuse becomes significantly more common as people grow older. Of people aged over 80 who were of concern, 25% of the complaints related to financial abuse. The report concluded that for those over 65, their children were the main category of suspected abusers.

As the number of older people in Ireland increases, there is growing concern about levels of elder abuse. While elder abuse affects only a tiny minority of older people its impact can be devastating and it is important to know the signs of abuse. One-fifth of substantiated elder abuse cases reported to the HSE relate to financial abuse.

Older people with dementia are more vulnerable to abuse. People with dementia sometimes make false accusations and claim that family members or caregivers are mistreating them or stealing from them. In these cases, the dementia may be making them paranoid and delusional. Unfortunately, there are also times when seniors with dementia are being abused. People with dementia are especially vulnerable to abuse because of their impaired memory, communication skills and judgment. Unscrupulous people take advantage of these vulnerable seniors because they are easy targets.

They are not likely to report the problem, they might not be believed, or they might not be aware that abuse is even happening. Even if older adults do not recognise what is happening or cannot speak for themselves, it is important to recognise the signs. Age Action produced a very comprehensive document on the subject. It asked what is financial abuse. Financial abuse can be crimes, such as: theft of money; the use of another person's identity in respect of credit and bank cards; forging someone else's signature; and the use of counterfeit cheques or being tricked into signing blank cheques. It can also take the form of harmful behaviour, such as being pressured to sign documents or change one's will, and threatening to withdraw care unless money or property is provided.

The Alzheimer's Society in the UK published a comprehensive report on protecting people with dementia from financial abuse. A huge amount of work went into that report. The reality is that this is a problem and we will have to deal with it. The purpose of the report is to gather new information about the issues that people with dementia and carers face when managing their finances.

The report found that the progressive nature of dementia has particular implications when it comes to managing money. There is often a slow deterioration in the person's ability to carry out tasks such as paying bills, dealing with paperwork, or making decisions about property and investments. Part of the problem is that these tasks require memory, comprehension and the ability to assess risk.

The increasing prevalence of dementia means more people will need support to manage their finances. As we are all aware, every day in Ireland 11 people are diagnosed with dementia. We have an aging population because, thankfully, we are all living longer. As people with

dementia are likely to face the highest long-term care costs, financial planning for the future is particularly important. Meanwhile, broader social and demographic changes are highlighting the importance of the issue of financial management for people with dementia.

The way people manage their finances is changing rapidly through, for example, online transactions, cash machines, telephone banking and declining use of cheques. This could make it more difficult for people with dementia to manage their own finances and leave them more open to financial abuse.

The number of people with dementia who have pensions, property and other resources may attract those keen to exploit them through fraud and theft. Meanwhile those who have few resources are less likely to plan for the future and may struggle as their declining cognitive abilities make it harder to manage their money. Financial decision-making also presents wider concerns for people with dementia, including questions about inheritance, intergenerational relationships and debates about paying and charging for care.

It is difficult to ascertain the prevalence of financial abuse against elderly and vulnerable people. One case is one case too many. The statistics showing that more than 2,000 cases of financial abuse were examined in 2017 certainly merits a rethink of the Minister of State's decision not to support the Bill.

I look forward to working with Deputy Mattie McGrath as the Bill progresses, as no doubt it will. We need to continue to protect our older vulnerable people.

Deputy Michael Collins: I welcome the opportunity to speak on this important Bill. It is very poor for the Government to dismiss this Private Members' Bill as it has. I have stood up here in the Dáil many times to advocate for the rights of vulnerable people and the elderly. I support the Bill because it seeks to protect the financial autonomy of vulnerable persons, specifically elderly people who lack the reasonable mental or physical capacity to guard against financial abuse. The question is as follows. Would someone know if an older relative, friend or neighbour was being financially abused?

Last year it was reported that the alleged abuse of older people and people with disabilities had increased by almost 30%. The National Safeguarding Committee chairperson has stated that international research suggests that up to 10% of older adults may experience financial abuse. A total of 1,645 cases of alleged adult financial abuse have been reported to the HSE's national safeguarding office since it started collating data in January 2016 up to June 2017. This includes an increase of approximately 44% in the first half of 2017 compared with the same period in the previous year.

The bottom line is that elder abuse exists. It is all around us. Sadly, many older people are suffering in silence, unaware of what they can do about it. In my heart of hearts, I know we are seeing only the tip of the iceberg regarding the level of abuse that exists by comparison with what is reported. It is time we stood up to lift the lid on the financial abuse of older people.

This Bill would take measures to protect vulnerable people and the elderly. For example, it would make it an offence to use an elderly person's confidential financial information and funds for unauthorised self-gain. It would make it an offence to force changes to a will or other legal documents. It would make it an offence to deny an elderly person the right to access his or her personal funds. This Bill is very relevant. Unfortunately, it is required because of the need to protect the rights of the vulnerable and the elderly. The Government is being very unfair in re-

spect of the Bill. It was written in 2015 before nearly all the legislation to which the Minister of State referred even existed. How could Deputy Mattie McGrath anticipate that his Bill would conflict with legislation that did not yet exist? This is nothing short of an absolute nonsense on the part of the Government. Thankfully, it seems that Fianna Fáil and Sinn Féin see the importance of protecting the elderly.

Minister of State at the Department of Defence (Deputy Paul Kehoe): Despite the Government's opposition to this Bill for the reasons I have outlined, I thank the Deputy for giving the House an opportunity to discuss this important topic. The Government agrees fully with the main objective of Deputy Mattie McGrath's Bill, namely, the need to protect the most vulnerable, particularly the elderly and those whose limited capacity makes them a target for exploitation. However, having reviewed the technical points raised in the Bill, it is clear that much of what it aims to achieve by way of criminal offences is covered under existing criminal law, notably the Criminal Justice (Theft and Fraud) Offences Act 2001. I encourage the Deputies opposite to read that. Many of the broader policy objectives of the Bill have been incorporated into more recent changes in the law and policy since Deputy Mattie McGrath introduced it in 2015.

The Assisted Decision-Making (Capacity) Act 2015 supports decision-making by adults with capacity difficulties, irrespective of age. There is significant ongoing work on this, in addition to operational measures and policies in the health sector that will come on stream over the next 12 months. The Deputy may ask what the Assisted Decision-Making (Capacity) Act does. I encourage Deputies to study it because many of the issues the Deputy raised are covered by it. The Act provides a modern statutory framework to support decision-making by adults with capacity difficulties. It was signed into law on 30 December 2015. It provides for the repeal of the Lunacy (Regulation) Ireland Act 1871 and the Marriage of Lunatics Act 1811. The current ward of court system for adults will be phased out. The Act offers a continuation of options to support people in maximising their decision-making capacity. It provides for the setting up of the Decision Support Service within the Mental Health Commission, which is under the aegis of the Minister for Health. Ms Áine Flynn was appointed director of the Decision Support Service on 2 October 2017. I encourage the Deputy to meet her. Commencement of the substantive provisions of the Act - the repeal of the Lunacy (Regulation) Ireland Act 1871 and the Marriage of Lunatics Act 1811 and the abolition of the ward of court system for adults - is necessary for Ireland's compliance with the UN Convention on the Rights of Persons with Disabilities. Robust safeguards have been included in the Act to guard against the exploitation of vulnerable adults with decision-making difficulties and to ensure persons appointed under the Act to support decision-making by a person with a capacity difficulty abide by their responsibilities under the Act.

Let me address some of the points raised. Deputy Cullinane asked that the Bill be allowed to proceed to Committee Stage. The provisions sought already exist. I said in my opening remarks that the offences covered in what Deputy Mattie McGrath is proposing already exist in law. Some of the issues could be brought to the attention of the Minister for Health.

Deputy Harty made some interesting points but the important work of the safeguarding body and the health sector legislation on reporting are matters for the Department of Health. This Bill's approach is from a criminal law perspective and not from a Department of Health perspective.

The Minister for Health can reflect on some of the issues raised by the Deputies opposite.

I am not saying that Deputy Mattie McGrath is not very well meaning in his Bill. I say that genuinely but I stated in my opening remarks that much of what is covered in it is already covered in law. It is regrettable that we are not accepting the Bill. The Bill was put on the Order Paper a while back. There has been considerable legislative change since then. I have set out the reasons we are not supporting the Deputy's Bill.

Deputy Mattie McGrath: I thank all the Deputies who supported me this evening. I admitted at the outset that we do not have the resources to research legislation. We do not like the teams of civil servants that the Government has, nor can we carry out pre-legislative scrutiny. The Government railroaded through the termination of pregnancy legislation without any pre-legislative scrutiny. Therefore, it cannot be critical of me. It forced through an horrendous Bill without legal scrutiny, yet it wants to apportion blame to backbenchers. The Government has the powers of the State, yet it will not even acknowledge this. Pre-legislative scrutiny has been evaluated recently and found to be of great help in getting legislation right and tweaking it properly before it comes into the Houses. On this side of the House, we do not have that support.

This Bill was initiated in 2015. The Minister of State read out a plethora of legislative measures that have been introduced since. *Dúirt bean liom go ndúirt bean léi*. The Minister of State reminds me of a fellow who was at a dance one time but who is now dead. His two girlfriends are dead as well so I can speak about them. I will not speak ill of the dead. The man was going to the stage in Ballymacarbry, which is in Deputy Butler's constituency. He had one girlfriend called Cathy and another called Katie. This was found out because on the night he turned up, he said, "God damn it, I have neither Kitty nor Cathy tonight." He had nothing. The Minister of State is the same. He has neither this nor that. He could not even bring home the soldiers from the Lebanon two weeks ago after six months.

An Ceann Comhairle: We need to stick to the Bill.

Deputy Paul Kehoe: Mattie, do not be like that.

An Ceann Comhairle: We need to stick to the topic.

Deputy Mattie McGrath: I am sticking with the Bill but I am reminding the Minister of State of his inadequacies as Minister of State. With all his officials, he left behind soldiers-----

Deputy Paul Kehoe: He should go to the Oireachtas Library-----

Deputy Mattie McGrath: -----from my county and others, who spent six months in the Lebanon. He abandoned them. They were all ready to come home. They had holidays planned and loved ones waiting for them and everything else.

Deputy Paul Kehoe: The Deputy should stick to the subject.

Deputy Mattie McGrath: I am sticking to the subject. I did not interrupt the Minister of State.

Deputy Paul Kehoe: We are not accepting the Bill because the Deputy did not spend time studying it.

An Ceann Comhairle: Can we calm down?

Deputy Mattie McGrath: From what I have heard, the Minister of State's ramble-shaggle-

taggle Government is going to be forced to accept it because Sinn Féin and Fianna Fáil are supporting it. The heroes and great socialists, who want all legislation, do not care about the elderly. They do not care about the young or the unborn either. Where are they? The Bill will be put to a vote here next Thursday. Tá súil agam go mbeidh an bua againn. Today the Government was beaten out of the gaff again. The Minister of State should have researched the Bill himself before he came in. I accepted that there are parts of the legislation that I am not an expert on. In proposing that it proceed to Committee Change, I accepted it would be changed. Deputy Harty made a great recommendation in regard to the Title, stating it should be called the "Adult Persons at Risk Bill". That is a wonderful suggestion. Deputy Harty is dealing with all the circumstances in question in his surgery as a general practitioner of some renown in County Clare. The Minister of State referred to the Judicial Council Bill. My God, I have asked about that legislation about 100 times in my 11 years here. It has been delayed time and again. Then the Minister for Transport, Tourism and Sport, Deputy Ross, took it up with gusto and the Government sent out all types of people with statements to try to derail him also. What impact will that have on what I said?

The Minister of State also referred to the theft and fraud offences Act. If he had listened to my contribution - my script was carefully drafted and I did not deviate from it - he would know that the case I quoted went on for decades or more. Over 30 people could corroborate and support the allegations, but there was no investigation by An Garda Síochána. HSE case workers, social workers and district nurses were all in fear of this person who was said to be abusing his unfortunate mother while her shoulder was broken but nobody acted. In the heel of the hunt when the Garda got involved and sent a file to the Director of Public Prosecutions, no prosecution was recommended. All the Minister's talk about different legislation is like boiling the bacon without the cabbage or the turnips. It is very untasty stuff. He was not listening to what was said.

The Minister of State also referred to the assisted capacity legislation. It has been passed and I welcome it. I also contributed to the debate on it. However, people are being neglected, especially the elderly and the vulnerable. Deputy Harty referred to them as adult persons at risk. There are cracks and even gaping holes, as the Minister knows. I quoted the figures, as did Deputies Butler, Cullinane and Michael Collins. Deputy Harty quoted figures too, with his personal reports of dealing with people. From where are we getting those figures? They are independent. Deputy Harty was at pains to point out that the health committee, at which he has done powerful work on behalf of the Government, had held meetings with all of the stakeholders who made many requests. They saw the gaping holes and have demanded action. However, when a Deputy like me, with limited resources, tries to take action and waits for two years in a lottery system, this is the respect the Government has for the Private Members' Bill. This is the new politics and the type of Government we have. It rubbishes the Bill. As I said, the Government can amend or redraft it in whatever way it wishes. It is not sacrosanct.

I had the same problem with the former Minister, Alan Shatter who was mightier than anybody. We had a scrap about precious metals when I attempted to introduce legislation in that regard. At the time the country was being plundered - it is still being plundered - of precious metals, wonderful ornaments and masts for aviation and so forth, but the Bill was declared to be rubbish because it had come from us. Nothing has been done about it since. A closed hospital within view of this House was stripped one weekend. Parked lorries and signs for road works were placed and everybody thought a big job was taking place. Every bit of steel and precious metal in the building was cleaned out, put on a boat and taken out of the country. We are still

waiting for that Bill.

The Government has numerous Bills, but there are still gaping holes. Above all, we are neglecting the most vulnerable who are at risk. We have been aware of this since the recession and the credit unions are anxious to deal with it. We have met its representatives and listened to them. Representatives of many other organisations have appeared before the health committee and spoken about huge concerns. The Minister of State also knows this. The assisted capacity Bill has been passed, but that legislation is not infallible. One can find a legal eagle to tackle any Bill, while the Garda is limited and frustrated in what it can do.

As Deputy Butler said, this problem is very subtle. It happens within families and there is a shocking incidence in care services, whether they are in the home or provided by outside providers. I am involved in Tigh na nDaoine i gCaisleán Nua which operates a listening service - Good Morning South Tipperary. It is staffed by a wonderful set of volunteers who give of their time and meet every Monday morning. They telephone lonely and isolated people. I cannot recount the stories as they are confidential, but we hear the stories and about the loneliness when we have meetings to review and assess. Anybody who is involved in community alert or other voluntary organisations in the parishes that are trying to look after the vulnerable and people at risk knows them, as does the Minister. This legislation is an attempt to deal with the matter, but the Minister of State is high and mighty and against it.

There is another aspect to this and I mean no disrespect to the Minister of State. However, he is the Minister of State at the Department of the Taoiseach with responsibility for defence. He is not looking after it very well either. Neither the Minister for Health nor the Minister for Justice and Equality could come to the House this evening, nor could the Minister from any of the other Departments that have anything to do with this legislation. It is a downright insult to the House. God help vulnerable people in the Defence Forces if they are depending on the Minister of State to defend them because they are not getting much of it. It is an insult that none of the Ministers I mentioned could attend the debate. They do not care. The same happens during the Topical Issue debate. The Ministers of State in various Departments are sent in to take it-----

Deputy Paul Kehoe: Stick to the subject.

Deputy Mattie McGrath: I am speaking about the subject of an arrogant Government and arrogant Ministers. They do not care about ordinary people. Ní neart go cur le chéile. That is what I support. The Government does not support anything only that it is mightier-----

Deputy Paul Kehoe: Stick to the subject.

Deputy Mattie McGrath: I am sticking to the subject.

An Ceann Comhairle: Can we stay with the subject of the debate, please?

Deputy Paul Kehoe: Give us a reason to support it.

Deputy Mattie McGrath: I have given the reasons. I have quoted the figures and statistics. The HSE stated 8,000 people had called it last year.

Deputy Paul Kehoe: It is fraud.

Deputy Mattie McGrath: What?

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Deputy Paul Kehoe: It is fake news.

Deputy Mattie McGrath: You are the fake news. You are the fake Government, as you will find out very soon. It will be a Rialtas imithe. The people saw through it in 2016 and they will see through it again with all of the issues. Patients are languishing on hospital trolleys. When people are sick or stressed, they cannot receive treatment. They cannot gain access to GPs who are being punished and banished from rural Ireland. The Government will not reappoint a GP. Deputy Butler and I have been fighting for the last six months to have a GP appointed-----

Deputy Paul Kehoe: Stick to the subject.

Deputy Mattie McGrath: I am speaking about vulnerable people. The Minister of State might not care about them, no more than he cared about the farmer I went to help. He was looking out over his own ditch in County Wexford. He knows all about it. The truth hurts.

An Ceann Comhairle: Can we focus on the subject, please?

Deputy Paul Kehoe: It is fake news.

Deputy Mattie McGrath: The Minister of State is the fake news. He left the soldiers, our proud peacekeepers, abandoned in Syria for two weeks after they were supposed to come home. He could not even organise the flights. I do not know if he will find his way home to County Wexford tonight. If it is dry, he probably will, but if there is fog, he will probably get lost and end up in Dungarvan or somewhere else.

Question put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 8 November 2018.

The Dáil adjourned at 7 p.m. until 2 p.m. on Tuesday, 6 November 2018.