



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 7 Samhain 2018

Wednesday, 7 November 2018

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Structural Assessments of Schools: Statements

An Leas-Cheann Comhairle: I call on the Minister for Education and Skills, Deputy Joe McHugh, to make his statement. He has ten minutes.

Minister for Education and Skills (Deputy Joe McHugh): Ba mhaith liom buíochas a ghabháil le mo chomhghleacaithe as ucht seans labhairt i dtaobh inní atá ar na daoine sna scoilenna i gceist agus i dtaobh an ábhair iontaigh thábhachtaigh seo. I appreciate the opportunity to update the Dáil on the structural assessments that were undertaken at 42 schools constructed by Western Building Systems and the next steps to be taken by the Department of Education and Skills. Throughout this process, my priority and that of my Department has been the safety of school students and staff. We fully appreciate and acknowledge the disruption and inconvenience that has been caused to parents, teachers and pupils by the assessments and by the precautionary measures implemented. I am aware that the recent disruption has been difficult for families and that many parents have had to arrange childcare or take time off work because of these developments. I want to take this opportunity in the Dáil to recognise that.

Tá sé ráite go bhfuil an fhírinne searbh ach ní searbh atá sé; tá sé garbh. It is often said the truth is bitter but it is not; it is rough. This has been a rough truth for many communities, many that have been involved in building and many involved at every step of the way with the schools. It is also a rough truth for the staff, parents and young people who go to these schools. I am committed to ensuring we have these problems rectified in as timely a manner as possible.

I express my sincere thanks to school principals, patrons and boards of management who have worked and continue to work in close co-operation with my Department through this difficult period. The outcome of all 42 structural assessments, including the full list of schools requiring precautionary measures, was published on 1 November. The summary of the situation is as follows: 19 schools were cleared to open in full this week without any precautionary works; a further 19 were enabled to open in full following external precautionary measures in the form of a fence around the building, or part of a building, and protective decking at all entrances and exits; three schools, two in Tyrrelstown and one in Lucan, are being enabled to

open, initially at ground floor level only, following the implementation of both internal engineering solutions and external precautionary measures; and one building, namely phase 1 of Ardgillan community college, built in 2009, remains closed but with the use of phase 2 of the college and overflow accommodation it has been possible for the school to open fully. There has been intense deliberation and contact between the education and training board, ETB, the CEO, Paddy Lavelle, and the principal, Michael O’Leary, to come up with a solution. I acknowledge the role of the ETB in that regard.

I would like to give a more detailed update in regard to two of the schools, St. Luke’s national school in Tyrrelstown and Tyrrelstown Educate Together national school, which have required internal as well as external precautionary measures. Following feedback received from the school authorities at a meeting with Department officials on Monday, further work was undertaken over the past two days to minimise the impact of the precautionary measures on the smooth running of the schools. Time has also been required this week to work through other operational and logistical issues, such as a traffic management plan. As only the ground floors of the buildings will be opening initially, some students will need to be accommodated in alternative locations.

Prior to the reopening of the schools, the school authorities have invited parents this morning to view the precautionary measures in place and to raise any questions they might have. Representatives from the independent structural engineering firm that conducted the assessments, along with Department officials, are on site at the schools to assist in answering any questions arising. We are collectively working towards the reopening of both schools this week; however, the arrangements for reopening will be communicated by the schools directly to parents and pupils.

The Department’s clear priority over the mid-term break was to ensure that the structural assessments were conducted and any precautionary measures implemented to ensure safe occupancy this week. This required significant mobilisation of engineers and contractors. I acknowledge their commitment and support. In total, some 250 workers were on site in the 22 schools requiring precautionary measures. All measures were in place by Sunday night, 4 November. I acknowledge all the individual communities who worked hand in glove with the school boards of management and principals to ensure solutions were put in place in this tight timeframe.

The Department now intends to move as quickly as possible to the next phase, which is to initiate more detailed structural investigations at the 42 schools and, following this, to implement the permanent remediation works required. We cannot give a precise timeframe at this point for the duration of precautionary measures or the implementation of permanent works as this will depend on the outcome of the next phase of investigations. Every effort will be made, however, to keep the duration of temporary measures to a minimum. I wish to give a direct message to principals that my team of officials and I are committed to ensuring we do this in a speedy way because we do not want principals to face uncertainty as to what length the fencing around their schools will be, such as the 3 km fence around the three-campus school in Ashbourne. My commitment to the principals and the school communities is that this will remain a priority when we start the more comprehensive investigations into the 42 schools.

The structural issues uncovered during the programme of assessments have raised many questions and concerns that need to be addressed. It is important to restore trust in our school building programme. Schools are at the heart of our local communities. As a part of that, it

is our intention to initiate a programme level review of the Department's design and build programme to include aspects such as procurement, quality control, workmanship and oversight. This review will be informed by the detailed structural assessments at WBS constructed schools. It will be an independent review conducted by a person or entity from outside of the Department. I want to see this done in as timely a manner as possible. I am not in the business of having a six month or nine month review which will potentially hold up proceedings. I want to ensure this review, examination, investigation or whatever people wish to call it will be done independently and in as speedy a manner as possible. It will be a single process.

If there are specific lessons for the Department or the wider system, we want to learn them and ensure they inform our building programme. As Minister, it is my duty to fix whatever needs to be fixed. I want to be crystal clear, however, that in parallel with this we fully intend to pursue WBS through all contractual and legal challenges for the costs arising from the structural defects. Under the public works design and build contract, the contractor and the contractor's design team are clearly responsible for ensuring quality and presenting certificates which confirm that the buildings are constructed in accordance with the works requirements and building regulations.

The certificates signed by WBS are on the Department's files. As we have seen, significant issues were uncovered in buildings which were confirmed by the contractor as having been compliant with regulations. As we turn our attention to some of these important questions, I am conscious that it is school students and staff who must deal from day to day with the significant disruption and inconvenience caused by the structural defects. Our priority remains their safety and that will continue to be the case. No effort will be spared in ensuring all defects are remedied on a permanent basis and that students and teachers can enjoy the highest quality education environment.

Ba mhaith liom mo bhuíochas a ghabháil leis na daoine uilig sa Teach agus sa Seanad, go háirithe baill an chomhchoiste oideachais, don chumarsáid agus don chomhoibriú thar an coicís atá imithe thart. I thank all the Members of this House and the Seanad, in particular, the members of the Joint Committee on Education and Skills for their co-operation and communication over the past fortnight. Níl sé éasca do na daoine uilig sna scoileanna. It is not easy for all the people within the schools, ach tá mé tiomanta don ghealltanas atá luaite agam le coicís anuas agus arís ar maidin. The commitment I give this morning and have given for the past two weeks is that I will ensure the safety of the pupils and staff in these schools and get this work done properly to the highest possible standards.

An Leas-Cheann Comhairle: Each spokesperson has six minutes for questions and answers. No question or answer will be longer than one minute.

Deputy Thomas Byrne: To clarify, does the Minister have six minutes to answer?

An Leas-Cheann Comhairle: Yes. The Deputy can ask a question of no longer than one minute and the Minister will reply.

Deputy Thomas Byrne: May I make a statement for a couple of minutes beforehand?

An Leas-Cheann Comhairle: No. This is the order of the House.

Deputy Thomas Byrne: That is fine. I wished only to clarify the rules.

An Leas-Cheann Comhairle: It shall consist of alternating questions. We will start the clock now.

Deputy Thomas Byrne: I will use my six minutes to ask questions and get answers.

Deputy Ruth Coppinger: I did not understand the order to be so strict and that there would be one minute back and forth.

An Leas-Cheann Comhairle: That was the order of the House yesterday evening. We must move on.

Deputy Thomas Byrne: If I use less than a minute, may I ask another question?

An Leas-Cheann Comhairle: The Deputy may ask four questions, provided it is under a minute in total.

Deputy Thomas Byrne: Three questions in one minute would be 20 seconds per question.

An Leas-Cheann Comhairle: The Deputy may have a go.

Deputy Joan Burton: To clarify-----

Deputy Thomas Byrne: We have six minutes back and forth.

Deputy Joan Burton: Is it the case that each spokesperson has three minutes, while the Minister has three of the six minutes? If there is time remaining before the debate concludes, will time be allowed for another round?

An Leas-Cheann Comhairle: No, we will not have another round.

Deputy Joan Burton: That is fine.

Deputy Thomas Byrne: We each have six minutes back and forth.

Deputy Róisín Shortall: On a point of order, it was agreed yesterday at the Business Committee that if the 57 minutes was not used in the question and answer session, we would continue and use the full 57 minutes.

An Leas-Cheann Comhairle: We will see. I will be as pragmatic as possible. I will be surprised if all the time is not used. We must take parliamentary questions at 10.30 a.m. We must start now.

Deputy Ruth Coppinger: I asked for time to be provided for this discussion. It is a little strict and constrained to have one minute back and forth. I was not at the meeting of the Business Committee.

An Leas-Cheann Comhairle: It was agreed by the House last night.

Deputy Ruth Coppinger: It was agreed by the Business Committee and the information was sent out.

An Leas-Cheann Comhairle: I can implement only that which is agreed by the House. The agreement states that following the Minister's statement, each party or Opposition group will each have six minutes, consisting of alternating questions and answers, each of which shall

not exceed one minute.

Deputy Thomas Byrne: We can ask as many questions as we wish within the six minutes, which is great. Does the Minister accept there was a cover-up regarding fire safety audits before his time in the Department, and that it is only as a result of freedom of information requests and the Information Commissioner's decision on journalists, that this issue was discovered?

Deputy Joe McHugh: No, I do not agree there was a cover-up. An intensive assessment of 55 schools was begun in quarter 4, 2017. Last August, a team and plan were put in place to ensure the opening of works, which happened two weeks ago. Before that, assessments were also done in 2014. Fire defects, however, must be separated from the structural defects that were found in the past fortnight.

Deputy Thomas Byrne: Is there a clerk of works on every major project or is it just on major projects that started after the announcement made in 2017?

Deputy Joe McHugh: There is a clerk of works from the Department on every major project. Obviously, there are different summer work schemes of perhaps one or two classrooms where there is no clerk of works, but on major extensions and major capital programmes, there is a clerk of works on every one of them.

Deputy Thomas Byrne: There is a financial cost to all of these works. I certainly support the Minister pursuing to the ends of the earth those who are responsible, as well as perhaps the builders and other professionals. The financial cost is having a considerable impact on the Department's capital budget. Will the Minister confirm that he will seek further money from the Minister for Public Expenditure and Reform? Will he also confirm that no other building projects, whether small, medium or large, under the Department's auspices are being delayed because of this debacle?

Deputy Joe McHugh: On the question about the Department of Public Expenditure and Reform, there has not been an assessment of costs for the past fortnight's work and some of the work is ongoing this morning. As soon as we receive it, we will look for the costs to be recovered. The significant cost will emerge next year and, therefore, I do not expect the Department to seek additional money through the Estimates process this year. The significant work will be when the comprehensive assessments are carried out in 2019.

On the second question, I meet Deputies and Senators in the corridors every time I leave the Chamber and they raise with me various projects that need to go ahead. I am committed to ensuring they will go ahead. We also have a very extensive ten-year bundle of capital projects worth upwards of €8.4 billion. It is important that we continue with those schemes.

Deputy Thomas Byrne: Will the Minister confirm that there are no delays on those projects? I know that staff are working on this issue. Is anything being held back? Are decisions being delayed because of tendering, etc?

Deputy Joe McHugh: There was a mobilisation of the team in the last fortnight. Over the bank holiday weekend people from different parts of the Department came together in Tullamore. Thirty staff members, from a total Department staff of 1,300, were working on this interim accommodation measure to find solutions for assessment. In the last fortnight there was a deployment of staff. Obviously, this has had an impact on their day-to-day work. There has been a focus on getting students back into class and teachers back teaching, which is what they

want to do. Once that has been done and the interim arrangements for transportation to other venues have been mobilised, we will get back on track to pursue important things such as other building projects.

Deputy Thomas Byrne: At a meeting of the Joint Committee on Education and Skills in September last year the then Minister, Deputy Bruton, said the Department would engage with Engineers Ireland and other similar bodies. As part of that engagement, did Engineers Ireland specifically warn the Department about Western Building Systems or design and build projects? Was there a specific warning about the danger to children in these schools?

Deputy Joe McHugh: According to the information I have, no alert whatsoever was received of any structural issue in any of the schools.

Deputy Thomas Byrne: I am concerned that in his opening statement this morning the Minister failed to give an exact timeline for when he expected permanent solutions to be put in place and final investigations to take place in schools. Deputy O'Loughlin and I were the only two members of the joint committee who were able to attend last week's meeting in the Department, to which all members were invited. At that meeting I understood solutions would be put in place within weeks, but the Minister has not been as specific in his remarks this morning.

Deputy Joe McHugh: I need to separate the two elements. In the case of schools where internal and external works are needed such as in the two schools in Tyrrelstown and the school in Lucan, internal works are now complete on the ground floor and we are looking to do the first and second floors in the next few weeks. We are looking to get the students back into their school campuses in the coming weeks. In the case of the 42 schools where more permanent works are needed, we will go to tender and get the structural engineering company that wins the tender to assess the extent of the works that need to be done. That will take a little longer. I reiterate the commitment made in Tullamore to getting students back into the two schools in Tyrrelstown and the school in Lucan within a matter of weeks.

Deputy Thomas Byrne: The process will take considerably longer in Ashbourne and Raithoath which are in my constituency, if there is a need to go to tender and contract. I have contacted the building control section of Meath County Council to ask it whether it is investigating this issue. It has the power to bring prosecutions. Has the Minister contacted the local authorities involved to ask them to investigate the matter? Perhaps they are already doing their job by investigating this activity and possibly bringing criminal prosecutions in respect of it.

Deputy Joe McHugh: I have made no contact with the local authorities. As the Deputy has rightly pointed out, the local authority building control units have a role in this regard. It is important to get their input into any review of the design and build process. I will be happy to encourage it.

Deputy Pat Buckley: I will make things easier for the Minister by asking all of my questions in a single contribution. I suppose he has inherited a disaster. It is not very promising and I will get straight to the point. I have a number of questions.

In his opening remarks the Minister confirmed that "the certificates signed by WBS are on the Department's files" and mentioned that "significant issues were uncovered in buildings which were confirmed by the contractor." Do we know what the significant issues are? It is obvious that there are foremen and site clerks, etc., on these sites. They also have to sign off on stuff. Will they be held accountable and responsible for this? A great deal of money is involved.

I pay tribute to the principals of some schools who had the gumption to refuse to allow students to go back into their schools on health and safety grounds. The Minister has mentioned that safety is paramount. The approach being taken has to be welcomed, even if teachers and other staff, students and family members are inconvenienced.

The Minister has said there has been no cover-up, but surely somebody signed off on the buildings in which defects have been found. Somebody somewhere has to be hiding something. Someone must be covering someone else's back. I am not saying this as a personal attack on the Minister, but I would like to know if there will be clarity on this issue. Many schools, including six in my local area, are affected by it. While I accept that the situation with the Carillion group is different, nothing is happening with the vocational school in my town of Midleton.

This is all about the need for clarity. We need to get answers. I would like the Minister to follow up on the issues I have raised. I am interested in knowing who signed off on these projects. Did a foreman or site clerk sign off on them? I have a background in this area, having spent 22 years in construction. When I worked as a foreman, I had responsibilities. If I had let down the people I represented, I could have faced jail. That is how important this issue is. I would be very much obliged if the Minister answered the questions I asked.

Deputy Joe McHugh: I thank the Deputy for his questions. I appreciate that there are difficulties in a number of schools in his constituency. I will begin by providing clarification on certification of compliance. Unlike the Deputy, I have never been involved in major works on building sites, although I did a bit of hod carrying in my day. I remember that there was a need for vigilance, oversight and responsibility on site.

I make it clear that responsibility for design, build and operate projects lies with the contractor and the design team, on which we rely entirely for certification of compliance. They are responsible at each stage. For example, when the inside cavity wall is finished, somebody has to look down to ensure there are enough wall ties in the right places. The onus is on the contractor and the design team to make sure that happens. As I said at yesterday's meeting of the joint committee, I know from speaking to people in the private sector that the new regulations which have been in place since 2014 are adding approximately 18%, on average, to the cost of buildings. There can be delays in getting in fire safety officers. It is right that design teams are very picky to ensure every stage is completed properly. It is important to point out that although four schools which have been built since the introduction of the 2014 regulations have shown signs of potential structural issues, there has been a move towards a more regulatory environment. I remind the House that the clerk of works has been on site since 2017, which provides an added layer of oversight.

The Deputy asked about certification of compliance. Once again, the onus is on the contractor and the design team. There has been a debate about certification of completion because it is a grey area. Certificates of completion are signed off on by representatives of the Department. They are signed on the understanding all other works have been completed. If one goes to Ardgillan and Tyrrelstown, one will see nice and lovely new schools that have been freshly painted, but one does not know what is inside the walls. An unacceptable lack of standards and workmanship has brought about the situation in which we find ourselves.

I would like to separate a few of the schools. Ardgillan community college is an outlier. The Deputy asked whether there were visible signs of some of the defects. Issues were noted when Ardgillan community college was opened up. There was an insufficient number of wall

ties in the right places. The inside timber relief was not joined to the steel structure or properly embedded on top of the concrete. Such standards are completely unacceptable. That is why the phase 1 building from 2009 has been closed. It is closed today. The school also has a phase 2 building. There has been disruption. Over 200 students have been relocated off-campus.

The schools in Tyrrelstown and Lucan also have internal issues. Engineering solutions have been agreed to to make the internal walls safe. Junior students in Gaelscoil an Eiscir Riada in Lucan were able to go to school on Monday. In the schools in Tyrrelstown there were a few jagged edges with the new supporting and strengthening timber infrastructure. The principals, staff and boards of management have rightly worked with the team. I acknowledge the Tyrrelstown team for also doing that.

An Leas-Cheann Comhairle: Deputy Burton can use her time as she wishes.

Deputy Joan Burton: Yesterday afternoon at the Joint Committee on Education and Skills, the Minister agreed that he would have an inquiry and I suggested to him that such an inquiry would need to have somebody very experienced and competent in building and technical issues, for example, a structural engineer and-or architect. Furthermore, a reputable senior counsel would also be needed because, as the Minister stated, a great number of legal issues arise as to where ultimately the legal liability will fall.

When does the Minister propose to bring his request for a proper full inquiry into this matter, with datelines setting out when all of these building projects commenced and when the design and build process commenced? I understand the Department moved to design and build some time around 2005 and this approach had been written up by 2008. We need to have this information. The schools which were mentioned as having the biggest problems - one in Whitehall was mentioned yesterday and the Minister referred to the Ardgillan school just now - all go back, apparently, to the period between 2005 and 2009. It is important that we understand the timeline for these buildings because considerable effort was put into changing the regulations in 2013-14.

From my experience as a Minister, I believe this will cost the Department between €50 million and €120 million. The other day, I saw at least 250 cars parked in the car park of the community centre in Tyrellstown where Tyrellstown Educate Together school and St. Luke's national school are located. Other cars were parked on verges of the road as far as the shops. Some Members who are expert in the building trade will be aware that the workers in question could earn €200 a day and some of the more qualified among them could earn €600 over a weekend. If we tot up the figures, they amount to a lot of money. It is imperative that the Minister asks for a Supplementary Estimate to fund this to ensure funding is not robbed from the existing school programme. Schools in Dublin West and elsewhere in the country are waiting on buildings to be provided. We have seen this caper in the Department of Health. I put it to the Minister - who I know is trying very hard - that we do not want to go down that road with his Department.

Deputy Joe McHugh: I am committing to initiating a programme-led inquiry specifically to examine design, build and operate projects. It has to be independent. The Minister for Health Deputy Simon Harris, appointed an international expert to inquire into CervicalCheck. I am open to suggestions from this House regarding the design of the inquiry to ensure we address culpability and accountability and, first and foremost, have safe schools for our younger generations.

On the other issue the Deputy raises, my total focus over the past fortnight has been on safety and finding a solution for the short-term problem of relocating students. That is why the Department established a team to deal with interim accommodation and a second team to deal with communication and keep principals and parents informed. That has been the total focus to date.

I will take on board the Deputy's suggestion. This matter is moving very fast and is very fluid. I agree that there must be a sense of urgency about setting up the review, which must not impact in any way on our legal processes. The legal processes and channels we are pursuing have to continue. We have four litigation cases ongoing with WBS in four separate schools and I want to continue with those apace.

The type and model of the inquiry have not been decided. I want to ensure there is accountability and that a message goes out to members of the public, some of whom have had to deal with housing defects in recent times. I have personal experience of the mica issue in County Donegal where people are living in houses that may fall down. This type of culture drives people crazy but it is not reflective of the entire construction industry and the many bricklayers, blocklayers, carpenters and electricians who work hard and comply with the rules. This case sends out a bad message that the problem is across the board when that is not the case. There is substantial compliance with the 2014 legislation and even during the crazy years of 2008, 2009 and 2010 there was considerable compliance. The case of Ardgillan community college shows clearly that we had unacceptable practices. We have to find out what went wrong at that school and with the design, build and operate system with which there was not proper compliance. Culpability has to be followed up in that regard.

The Deputy also cited a figure for costs. I will not state a figure as to what this will cost. To give an indication, the 42 schools in question cost upwards of €151 million to build. We will not even approach that figure because many of these schools will not require the level of structural work as other schools. I do not have a figure for costs. The important issue is to have the comprehensive assessment done as quickly as possible.

Deputy Ruth Coppinger: Yesterday, the Minister told the Joint Committee on Education and Skills that clerks of works were on site. To make it absolutely clear to people viewing these proceedings, clerks of works do not check safety, as the Minister confirmed today. As we speak, therefore, we are putting thousands of children into buildings for five or six hours a day and hundreds of employees, yet we do not have a policy where any of the work has been checked.

Today, the Minister spoke about unacceptable working standards, which almost implies that the bricklayers may be to blame. This is a policy decision by the Department of Education and Skills and successive Governments, ranging from Fianna Fáil-led Governments to the current and previous Governments, to have bottom-feeder companies that build at the cheapest rate. The company in question has 45 employees officially on its books but is able to build 20 schools, modular housing and hospitals. This is incredible. Three years ago, despite findings of unacceptable fire safety standards in Rush and Lusk Educate Together school, the company was allowed to continue regardless.

The Minister announced that he will establish an investigation. Will he have a criminal investigation? Will he contact the Garda Síochána about this? It is surely a crime to build without any regard for basic safety. Could we have had a Grenfell Towers-type scenario involving children in this State? Is that what we are talking about? If so, the Garda should be called in

rather than just having an inquiry that may examine some specific matters.

Why is WBS such a favoured company with the Department of Education and Skills? Many of the other companies that are doing projects for this Department seem to be based outside the State and are able to undercut other companies by up to 30%. We have to assume that the reason they are able to do this is that they are driving workers down from the North, many of whom are probably claiming welfare payments in Northern Ireland. This is the belief of building workers here who cannot get decent employment with these companies. That is, as is well known, a policy of previous Ministers.

The point was made that politicians were very eager to announce new school buildings. They were certainly eager to do so in Dublin West, Dublin Mid-West and Dublin Fingal. In areas of high population growth, houses were thrown up and people had to clamour to get schools built. For elections and so on, it was very important to announce new school buildings. In the rush to do that, safety was secondary and profits and cost were the priority.

Deputy Joe McHugh: The Deputy made a series of observations and asked some questions, to which I will try to respond as best I can. To be clear, it was the role of the clerk of works that I was talking about yesterday at the meeting of the joint committee. That role is to give additional oversight. If the clerk of works sees something that indicates safety is not being done right, he or she has a responsibility to issue a direction and ensure it is done right. That might involve ensuring that the work is happening within a particular period of time. The clerk of works has a general role, but it is not his or her responsibility to ensure compliance. I made that distinction yesterday. Compliance is the responsibility of the contractor, even if he or she is sub-contracting the work or supplying different bricklayers for the site. I am not blaming anyone for this because we have no evidence yet. We are pursuing legal channels to establish the facts. The contractor has responsibility for compliance, and the line of communication between the sub-contractors and contractor is important.

At each stage of the building, be it the closing of the cavity walls or the putting on of joists, extra oversight costs money and is therefore resource dependent. Perhaps something will emerge from the investigation or review into design-build-operate, DBO, contracts in that regard. We need to be very realistic about this. There is a culture of taking responsibility in this country. There are good bricklayers working this morning, and contractors and designers are doing their work in compliance with regulations and legislation. This is why it is important to pursue legal channels, to ensure that the deficits or weaknesses in this system are addressed.

There is no correlation between a fire safety audit and the structural defects found in Ard-gillan. However, as a result of the findings that some schools have severe fire safety defects, there is now a correlation established between fire safety and structural issues. This has been highlighted in the last fortnight.

The Deputy mentioned criminal investigations and asked whether An Garda Síochána will be asked to investigate. My job is to ensure that the legal team in the Department continues to work closely with the office of the Attorney General and the CSSO to ensure there is a proper and deliberate pursuit of truth and an inquiry into who is responsible for this. We will see what emerges from that investigation.

The awarding of contracts was discussed. In this DBO 60% is awarded on technical merit and 40% is awarded on cost.

Deputy Mick Wallace: There are many issues at play here, and we can only scratch at them at the moment. The problems in the construction industry in Ireland reflect poorly on this Government, the previous Government and the Government before that. Nothing is being done about the problems that prevail. How in God's name did one company get so much State work? I would love to know that. What kind of connections does it have? If a company tenders for work in this country one of the first things it will be asked about is its turnover. It is not asked how good its building record is, but rather how big the company is. Big is considered best. I can tell the Minister that the majority of bad work in this country is done by bigger entities, not smaller ones. That is a fact. However, the Government is wedded to the financial end of things. When my company started, the rule was that unless we had completed a contract of a particular size we could not tender for work. It is absolute nonsense.

There is some confusion about the role of the clerk of works. In a design and build scenario, if there is a clerk of work on site who sees that concrete is about to be poured but the steel is a size smaller than what it is supposed to be - for example, 25 mm instead of 32 mm - the contractor should take responsibility for that. The Minister is correct that responsibility lies 100% with the contractor. It is not the clerk of work's fault because he or she does not actually have the power to stop such work progressing under DBO-type contracts. The situation is crazy. It is not a good idea. DBOs create huge problems, in the same way that public-private partnerships, PPPs, create problems. It is so blatantly obvious that there are many problems around how the Government is doing things. I cannot, for the life of me, understand why nobody gives a bollocks. Why is there no desire to change this, or to address the inherent problems that have been there for years? These problems can be fixed, and things can be done differently.

A guy from my office pulled out an article this morning which dated from October 2015. It reads: "Education Minister Jan O'Sullivan confirmed she is currently arranging the safety checks on [some] facilities built by Western Building System, which has constructed 26 schools for the State since 2008, after ... chronic problems [were exposed]". In 2014 and 2015 the same company was awarded contracts to build more schools by the same Government. Why would a company that had proved itself to be doing poor work be given more work? Can the Minister answer that question? Why does a company that has a poor track record get more work? I do not understand that. It does not make any sense. Does the standard of building matter or are one's connections and the size of the company the only things that matter? Since I became a TD in 2011 regulations have decreased. The Minister spoke about an 18% increase in the cost of building. He is correct, but that increase relates entirely to paperwork. None of it concerns better regulation or better supervision, inspection or oversight. It is all paperwork, and it is absolute nonsense.

Deputy Joe McHugh: The Deputy has raised a number of very important points. When one speaks to people in the building trade and at a wider level it is clear that smaller companies feel that they are precluded from tendering for contracts, even when they have a proven track record, because of the turnover threshold. I am on public record on that issue, and I certainly agree that it is an issue that should be grappled with. We should ensure that smaller companies with good track records should not be precluded from tendering. My Department is looking at bundling projects for the Higher Education Authority. I have publicly commented on that issue in the past.

The head of building control has agreed to give a briefing to the members of the committee on the processes that are employed. I am taking the DBO process very seriously in this instance. There were unacceptable building standards applied to schools, and those unacceptable

standards have led to chaos for families and children. Parents are wondering if their children were in a school that was unsafe in the first place and if the school they are attending is now safe. It is completely unacceptable. Whatever the findings of this review in terms of culpability and accountability, and whatever the legal outcome, I want to learn from this to ensure that personal responsibility is taken. We cannot have a situation where someone is looking over a bricklayer's shoulder and checking every block that he or she lays. That is not possible. However, we can provide legislative accountability in terms of who is responsible, i.e. the contractor and the designer. The Deputy has identified a weakness with the role of the clerk of works in this particular DBO process. I am happy to highlight that, and I am sure the review-----

Deputy Ruth Coppinger: What about political accountability?

Deputy Joe McHugh: -----will highlight it as well.

Deputy Mattie McGrath: I wish the Minister well in his new portfolio; I am sorry that he has been greeted with this matter. I worked with him when he was Chief Whip and he was very co-operative. I know he will be the same in his new role.

My questions are similar to those asked by Deputy Wallace. I want to declare an interest in this as I am a plant hire contractor. I have worked in many jobs. To lay a simple water main one has to pressure test the water main before it is finished with a certain pressure to detect leaks and bursts. It is simple. The Minister said that clerks of works cannot be expected to look at every block. They certainly can be expected to do that. They can look at every wall to make sure they are level and strapped up in the correct way. We have become too fancy, with too many DBO contracts. I welcomed those contracts because it seemed they would speed up the process, and I also welcomed PPPs. Perhaps I am going to have to reconsider that. We have lazy and lethargic people working as clerks of works. I remember dealing with clerks of works when I was involved in building houses. One particular chap would have a spirit level on a letterbox, and if it was out a fraction, even if it was not noticeable to the naked eye, it would have to be changed. Now there are no clerks of works. They are the people inside in the building on a daily basis. The Minister is correct about the thickness of the steel; the clerk of works should have stopped that job, or had the power to stop it. We have to empower the inspectors. We have all kinds of design, cosy cartels and arrangements. Deputy Wallace was right in what he said. Many contractors contacted me. Unless one has a turnover of €1 million one cannot tender for a job. What is big is not wonderful. We have seen that with the group that had a meat empire, with the vulture funds, with the Coolmore empire, which is now buying everything, and with the supermarkets. The small people, na daoine beaga, are the people who keep Ireland ticking over and who kept it going during the recession, not the big powerful entities.

Why is the line of command not in place during the design, build and operate process with the design being properly assessed by engineers in the Department? We have so much regulation, bookwork and paperwork but paper does not build houses and schools, or keep them standing. Health and safety is a vital issue. All the brickies going onto those sites had to be kitted out to the last with everything, including face masks, and rightly so, yet a building is constructed that is faulty and could fall down and, God forbid, destroy lives. I want to add my voice to the thanks to the patrons of the schools, the boards of management, the parents council and the parents and the students for their co-operation. This is frightening for people. We have some fine new schools in my constituency which were delivered under the design, build and operate, DBO, process and a fabulous job was done but we are now thinking about them in terms of safety as problems were found in schools elsewhere built by the same company that

built those schools in our constituency. However, if one walked through them, one would think a fine and noble job was done on their construction.

We need to be able to trust the system and have a clerk of works who would have the support of an engineer, or a clerk of works who would have his or her own qualification and engineering support, and who would be able to withstand the might of the big contractors and say that he or she takes that responsibility. It is no good in terms of responsibility if the steel in the construction is too small or too light and it gives way and does not have the holding power or strength.

The Minister should get rid of the plethora of senior officials in his Department and allow the people on the ground who know what they are talking about to implement the regulations but, first, he should get rid of half of the regulations. We have overkill with all the regulations. We are not implementing the basic ground rules of good building with a design, build and construct process and to standards that should be delivered. Can the Minister give us those guarantees, including that there will be a clean out in the Department of Education and Skills? I understand there was a whistleblower. I did not have proper evidence of that two years ago but that whistleblower was pushed aside. We need whistleblowers but we all know what is going on.

Deputy Wallace hit it on the head. How can companies get billions of euro worth of contracts? What about the small contractors who have track records, can deliver these projects, employ local people and pay all the subcontractors? When the contractors leave they are gone and the subcontractors are left with bills and to deal with structural elements. Will the Minister give us a guarantee that he will get rid of half the dead weight in the Department, bring in people who understand this area and have them follow through the building process from the turning of the sod to the turning of the key?

Deputy Joe McHugh: The Deputy has covered a broad range of issues. I want to clear up the issue about the clerk of works. The clerk of works is involved on a permanent basis on each major build, be it a major extension or a major new school building, and that has been in place since 2017. That has acted with respect to, and added further, oversight. When examining this review, we have to take account of what that impact has been.

The Deputy mentioned the Department officials. The only thing I can say about them is that in the two weeks I have been in the Department they have shown versatility in being able to deal with a major crisis, in responding to it and in listening to suggestions I made, and I received suggestions from colleagues in this House and from people within the building trade. I noted their adaptability in listening to those suggestions. I commend to the team that put this plan together. Potentially 16,000 students were going to be decanted. That was the issue we faced on the Friday the walls were opened in the Ardgillan school, which posed a potential hazard. We were thinking about decanting students to other schools. It was a major issue but the officials demonstrated a great level of versatility and foresight in knowing what to do in that situation.

I hope the review will bring together all the information, suggestions and proposals to ensure we learn from the mistakes and start building trust again with school communities. Those 42 school communities would have been actively involved in the build up to those schools, which are part of their communities. I appreciate the buy-in they have had in that process but now they have had to face this issue of trust, and of trusting the people at every single level. We, as politicians, have to be trusted in terms of opening schools on the basis of understanding that the cavity walls are done and that the fire-proofing is in place to make sure the firewalls

are protected. All that is based on an understanding but the more oversight we can put in place the better. Obviously, however, that is resource dependent and those will be decisions that will have to be made.

Deputy Róisín Shortall: I had a number of questions submitted for reply last night on these issues but the responses to them were less than transparent. I will be returning the questions today and I would appreciate the Minister giving a commitment that he will provide full answers to each of the questions.

The structural assessment programme that has been under way in recent times has been project managed by a company called KSN. Can the Minister tell us how that contract was awarded and whether that company had any role in project managing any of the 42 school building projects?

Deputy Joe McHugh: Yes. KSN was the project manager on up to 12 schools. To be clear on what a project manager does, the project manager does not certify any issue of compliance on the project. It went through a process to get the job with regard to the 55 school assessments, the 30 Western Building Systems, WBS, schools and the 25 other schools - a random audit. It got that, having gone through the process. Obviously, its know-how and knowledge of these buildings were paramount during this process. They were very important linkages in ensuring that we took the proper steps during the past two weeks but, ultimately, PUNCH Engineers was the company that carried out the structural assessment. It was the independent assessor and was not involved in any of these schools.

Deputy Róisín Shortall: How was the contract awarded to KSN?

Deputy Joe McHugh: As far as I am I am aware, it went through a proper tendering process.

Deputy Róisín Shortall: How can it be that there is not an obvious conflict of interest here where we have a company that project managed 12 of these schools and then the Minister is bringing that company in to do a structural assessment? Surely there is a conflict of interest there. There is no transparency because that company has already been involved in delivering those projects.

Deputy Joe McHugh: Let me be clear about it. That company acted and advocated on behalf of the Department. In terms of the certificate of completion, it was not the Department officials who signed off on the certificate of completion but the company acting on behalf of the Department. The project manager was KSN and it was working on the understanding that at each stage of the compliance process all the work had been done and carried out by the company and the designers. It does not act in an oversight role in certifying compliance, and that must be made clear.

Deputy Róisín Shortall: It had a role. It was project managing those 12 schools and now the Minister is sending it back to look at doing a structural assessment. There is no transparency in that. Can the Minister not see there is a conflict of interest there?

Deputy Joe McHugh: From listening to some of the parents of the students in Tyrrelstown and from speaking to the principal, fears were expressed about the fact that KSN had been involved in a number of schools on a project management basis, but let us be clear. In terms of certification of compliance at each stage, KSN was the Department's representative in signing

off the certificate of completion that the works were complete on the understanding that at each stage the company or the contractor and the designers were complaint the whole way along. That is something I take very seriously.

Deputy Róisín Shortall: The Minister is being quite Jesuitical about this.

Deputy Ruth Coppinger: Yes.

Deputy Róisín Shortall: By any standard, it just does not stack up that there is clarity and transparency on the whole issue regarding those 12 schools. Why is the Minister only examining structural issues? The structure involves the walls, the roof and the foundations. There are many health and safety concerns about several of these 42 schools. For example, there are concerns about windows falling out, doors collapsing and guttering falling off the building which would pose a real health and safety danger. Why is the Minister only considering the structural issues? I notice he and the Taoiseach keep saying that it is structural structures and that it is signing off on structural issues. There are a myriad of other issues which pose a safety threat to people using those schools. Many of those issues have been brought to the attention of the Minister's Department. What has his Department done about a very high level of shoddy work?

Deputy Joe McHugh: Just to be very clear, we are not just looking at structural issues. We have been looking at the assessment of fire safety. We are taking that very seriously. That assessment was completed in August of this year. Works now need to be done. We have asked Western Building Systems, WBS, to look at four particular schools to see whether it will come forward and do the required work. The Deputy is aware that those four cases are undergoing litigation, so I am being careful as to what I say in that regard. We are going to be looking at all the outcomes, all the recommendations, all the weaknesses and all the defects from the fire assessment reports that were completed last August. A total of 55 have been assessed. Some 51 reports are in and there are four outstanding. We will be pursuing WBS for those as well as for the structural issues.

To reiterate once again, I want to find out all weaknesses, deficiencies or shortcomings that are in this design, build, and operate scheme because I want to ensure that we restore confidence and build up the trust that has evidently been lost in respect of this particular type of system.

Deputy Róisín Shortall: Does the Minister have any concern about any official-----

An Leas-Cheann Comhairle: No, it is all over.

Deputy Róisín Shortall: -----or ex-official in his Department regarding some of the building companies concerned?

An Leas-Cheann Comhairle: We do not have time.

Deputy Joe McHugh: No, I have no concerns.

An Leas-Cheann Comhairle: We move on to the questions-----

Deputy Ruth Coppinger: Can I just say one thing?

An Leas-Cheann Comhairle: No.

Deputy Ruth Coppinger: Questions have not been answered here today.

An Leas-Cheann Comhairle: The Deputy will have to find-----

Deputy Ruth Coppinger: It is very frustrating. The Minister has been asked by nearly everybody why the Government continued with a company that was known three years ago to have breached fire safety standards in a school. He was also asked whether we could have had a situation similar to Grenfell in respect of these schools. He has not answered these really important questions.

An Leas-Cheann Comhairle: I will give the Minister a minute if he wishes. Otherwise I have to move on.

Deputy Ruth Coppinger: Why continue with this company when it was known years ago that there were problems with it? That was the first question.

Deputy Joe McHugh: Let us be very clear about the process. The process was set out very clearly in the immediate aftermath of Grenfell, which I believe happened in June 2017. These assessments in the fourth quarter of 2017 included 30 schools built by WBS because they were showing weaknesses in other assessments, along with another 25 schools. That assessment was completed in August of this year. A team and a work plan had to be put in place. I arrived in my job on a Tuesday and got the first report that there was going to be a wall opened in Ardgillan on Thursday afternoon. I got a call at 3 p.m. on Friday to say that there was structural issue with Ardgillan. Obviously there was then concern around all the WBS schools. We are working now. I am working on the information I was given on a Friday at 3 p.m. My first concern was the safety of the students. The Deputy should also remember that once this issue came into the public domain, there was a lot of concern around continuity of education. That is why we set up the team.

Deputy Ruth Coppinger: The Minister's predecessor knew the position three years ago. That is the question.

An Leas-Cheann Comhairle: If there are other questions, the Members and the Minister will have to find another way to ask and answer them. I am complying with the rules of the House.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Youth Services Provision

1. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs if her attention has been drawn to Tusla's decision to terminate its service-level agreement with a programme (details supplied) in County Galway and the negative impacts this will have on young persons

in the county. [46135/18]

Deputy Anne Rabbitte: My first question is to ask the Minister for Children and Youth Affairs if her attention has been drawn to the Tusla decision to terminate its service-level agreement with a programme in Galway, Youth Advocate Programmes, YAP, Ireland, which has been in operation in Galway for the past 16 years and to the negative impacts this decision will have on all persons in Galway and Roscommon because the organisation does not provide the service only to Galway, but to Galway and Roscommon.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): Tusla, the Child and Family Agency, has an annual service level agreement in place with the organisation to which the Deputy refers, YAP Ireland. Under the terms of the current agreement, the organisation is contracted in the Galway-Roscommon area to provide a support service to 18 young people in need. The young people are assigned an advocate that will work with them over six months.

During the course of this year, Tusla developed an initiative called creative community alternatives which is designed to support the planned exit of children and young people who are in residential care or foster care and to avoid those at risk being placed in residential care. The overall aim of the community care alternatives is to enable children and young people at risk to live in their communities with wrap-around supports. Children and young people with very complex needs can display challenging and high risk-taking behaviours, drug and alcohol issues, mental health issues, attachment issues, educational problems and family environmental issues. The broad ranging intensive wrap-around supports provided through the creative community alternatives are designed to meet the identified needs of each child or young person.

One example is a nine-month programme which works intensively with a child or young person who is identified at high risk of admission to care. It is a partnership between Galway and Roscommon Education and Training Board, Foróige and Tusla. The programme sets goals and measurable outcomes for each young person. There is a heavy emphasis on participation and citizenship.

With the roll-out of community care alternatives in Galway, Tusla made a decision not to renew its service level agreement with YAP Ireland in the Galway-Roscommon area. Tusla has also advised me that the decision not to renew the service level agreement was communicated to the CEO of YAP Ireland and its director of services on 28 June 2018 and that a meeting was held in September 2018. Tusla is also engaged with YAP Ireland in respect of the termination of the service level agreement.

Additional information not given on the floor of the House

I believe it is good practice for Tusla to review its services continually, including the work carried out by Tusla staff in the Galway-Roscommon area through its creative community alternatives plan. I have been assured by Tusla that the needs of children and young people in Galway will be met under the new arrangements. Tusla will continue to work with YAP Ireland in the region until the end of 2018 in line with the service level agreement signed by both parties. Tusla is engaged with YAP Ireland with regard to the termination of the service level agreement.

Deputy Anne Rabbitte: I thank the Minister for her response. Needless to say I would not have raised this question as a priority issue if I had not deemed it a serious priority for Galway.

YAP Ireland has provided service for the past 16 years and has looked after people and provided a community for alternative care. The Minister has described what Tusla is looking for. YAP Ireland has a service level agreement nationally with Tusla. With regard to its own levels of governance, this decision goes directly against Tusla's corporate plan for 2018 to 2020 and its commitment to have a wide menu of services available to work with children, young people, and families in need. What the Minister is after describing is exactly what YAP Ireland does in Galway. It provides that wrap-around service. It may not be for nine months and it may not be for children exiting care, but guess what YAP Ireland does? It prevents children falling into the whole care set-up. That is what it is about. It provides a 26 week service during which there is a worker who works with not only the child, but with the family.

Deputy Katherine Zappone: I appreciate the Deputy's questions and concerns in this regard. I do not dispute the fact that YAP Ireland has been providing those services. In light of the review of YAP Ireland's work in Galway and Roscommon, however it has been identified that the approach that has been developed there does not meet the identified needs of the children in that community in terms of both the length of service provided and the qualified professional staff to enable sustainable and local solutions. I have also been advised that there is no requirement for an advocate employed by YAP Ireland to have a recognised social care qualification. What I am describing in my response to the Deputy, while not disputing what YAP Ireland has done in the past but looking at moving forward, is the creation of a new approach and, in the context of Galway and Roscommon, this approach will be more appropriate in terms of the length of time and the professionals involved.

Deputy Anne Rabbitte: What the Minister is after telling me is quite worrying because it leads me to believe that, in terms of the work YAP Ireland carries out, Galway is just the first to see these jobs cut. That is what it would indicate to me. If that is the decision we have made at a local level in Galway, it means that the other 22 centres nationwide will possibly be hit. Tusla would not have made that decision if it did not intend to roll out its community care alternatives scheme nationwide. It is also worrying that Tusla is not listening to the fact that we have a shortage of skilled workers and to the fact that it is very difficult to recruit into Tusla and that sort of organisation. Where are we going to find the staff? The Minister talked about the fact that YAP Ireland does not have enough professional staff, yet at the same time it was able to provide a 24 hour wrap-around service for those families and those children who were on its books at any time. It is unfortunate that communications at a local level within Tusla and YAP Ireland have fallen down. That is becoming very apparent.

Deputy Katherine Zappone: Again, I appreciate the questions and concerns of the Deputy. On her first issue, all I am doing is reporting on the decision of Tusla in respect of Galway-Roscommon. I am aware that YAP has services that operate throughout the country. It does not necessarily follow that this is just the first of many, which is what the Deputy is suggesting. As I understand it with regard to the decision relating to Galway and Roscommon, Tusla developed an approach that had regard to the analysis of needs there and, on that basis, identified that it would terminate the service level agreement. I appreciate that this is very challenging and possibly disheartening for the people involved. That is the decision of Tusla, whose rationale I have described.

Regarding the question of whether Tusla has adequate services in Galway and Roscommon to address young people's needs and the Deputy's concerns about the necessary professionals, my understanding is that Tusla has developed significantly in the area of family supports. The local area has a contract with Foróige, and this service has 12 embedded staff working in the

area of family support teams to respond to children's needs.

Aftercare Services

2. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs if additional resources are being provided to Tusla to provide aftercare supports, including housing and education supports, for young persons leaving State care; and if she will make a statement on the matter. [45952/18]

Deputy Denise Mitchell: Will the Minister tell me whether additional resources are being provided to Tusla to provide aftercare supports, including housing and education supports, for young persons leaving State care?

Deputy Katherine Zappone: Aftercare constitutes a key element of how we, as a society, help young people leaving the care of the State to make the critical transition into adulthood. Aftercare was one of the areas I highlighted when I secured additional resources for Tusla in 2019. The aftercare provisions of the Child Care (Amendment) Act 2015 came into force on 1 September 2017. This means that there is now a statutory obligation on Tusla to prepare an aftercare plan for each eligible child and young person. This plan encompasses the range of supports that a young person may need from all service providers, including Tusla, to help him or her make the transition to independent adult life. This plan must specifically include consideration of the young person's needs with regard to education and accommodation and set out the assistance that Tusla will provide to the young person to meet this identified need either directly or through accessing external services. This support can include direct financial support in the form of the aftercare allowance, which Tusla provides to young people in aftercare to enable them to pursue further education and training.

The majority of young people who leave the care of the State each year upon turning 18 do so with stable accommodation in place. In this regard, 45.2% of young people leaving care remained with their former foster carers, 25.1% were living independently, 10.5% were at home with their birth parents and 9.3% were in a residential care placement or supported lodgings. However, 9% of young people leaving care are at a more pronounced risk of entering unstable accommodation due to the complexity of their support needs. It is for this reason, on foot of a specific suggestion by Fr. Peter McVerry, that I ensured funding was made available to approved housing bodies under the capital assistance scheme, CAS, to provide accommodation to these especially vulnerable young people.

It was difficult to adapt the scheme to the needs of young people leaving care. However, I am happy to say that the first care leaver has recently taken occupancy of an apartment in north county Dublin under the scheme. An additional 40 units consisting of a mix of one and two-bed units are sale agreed and should be available for many other young people leaving care in the near future.

Additional information not given on the floor of the House

These will become available in Dublin, Carlow, Kilkenny, Sligo, Tipperary, Limerick, Kildare and Westmeath. The security provided by a tenancy in CAS accommodation, combined with the aftercare supports identified by Tusla as part of the aftercare planning process, can help ensure that these young people have a safe base from which to begin their independent

lives.

I am pleased to be able to confirm that I have secured €33 million for additional investment in Tusla, the Child and Family Agency, in 2019, bringing the total budget available to Tusla in 2019 to €786 million. The additional resources secured for Tusla in 2019 will assist in meeting key priorities. The extra investment will allow Tusla to recruit a range of additional staff to respond to areas of identified risk and to meet increased demand for services, including aftercare supports.

Deputy Denise Mitchell: I thank the Minister for her response. I recently attended the launch of the annual report of Empowering People in Care, EPIC. EPIC works with young people in the care system and those leaving care. I cannot speak highly enough of the great work it does. As the Minister is aware, young people leaving care face unique challenges in housing and education. I found it particularly worrying that the report outlined that 12% of those leaving the care system face homelessness. I hope the Minister will work with the Minister for Housing, Planning and Local Government on this because I find it unacceptable. These young people should be prioritised when it comes to housing and education. They are the most inspirational young people any of us could meet. Will the Minister commit to raising this issue with the Minister for Housing, Planning and Local Government and engaging with EPIC to find solutions?

Deputy Katherine Zappone: I have done so and I will continue to do so. Not that long after I entered my Ministry and having met Fr. McVerry and other representatives of the housing and homelessness associations, we identified the need for accommodation for young people leaving care. I indicated in my initial reply that, on foot of that, we got access to funding through CAS to set up suitable accommodation and that it has taken time to establish that. However, I have a list of 40 units that have been identified and are sale agreed, and I am happy to share that list with Deputy Mitchell and other Deputies. Focus Housing Association is in the process of taking over a number of them in places like Dublin, Sligo, the mid-west and Limerick. The Peter McVerry Trust is also involved in other settings throughout the country where it will renovate, adjust and accommodate young people leaving care. Those are the additional supports that are coming on stream.

Deputy Denise Mitchell: I thank the Minister for that response. It is to be hoped we will see the information she has at hand. It is unfortunate that in some cases, once a child turns 18, he or she is left with very few supports. We recently saw a report in the media where a young man in Clondalkin who was just four months out from sitting his leaving certificate was told he had to source accommodation or face homelessness. We can only imagine the stress and worry that caused this young person when he should have been concentrating on his examinations.

We also have a very serious shortage of aftercare workers. In my area of north Dublin, 35 young people are waiting for an appointment with an aftercare worker while 14 are waiting on residential services. In July, Tusla said it was developing supports for these young people, which is what the Minister is talking about here, so I would like to find out the status of that development and whether any other resources will be made available to EPIC.

It was reported that a professor of social work at Trinity College, Dublin, said that extending care until the young person is 21 should be considered. Is the Minister looking at that?

Deputy Katherine Zappone: In my initial reply, I meant to say that I am very familiar

with and have high regard for the work EPIC does in many different settings. In respect of the Deputy's question, we will continue to look at future resources or funding. I have spoken about the housing that will come on stream. What education supports are available? Encouraging and supporting young people leaving care who wish to pursue further education and training is a major priority in my Department's aftercare policy. Continuing in further education and training entitles them to receive the standardised aftercare allowance, even after they turn 21. This allowance is €300. When the young person in education and training remains with the former foster carer, the money goes to the foster parent, but if the young person is independent, it goes to him or her. Student Universal Support Ireland, SUSI, provides a targeted application process for young people leaving care. There are various supports but it is important to ensure that aftercare workers work with young people to find and access the supports that are available.

Affordable Childcare Scheme Implementation

3. **Deputy Anne Rabbitte** asked the Minister for Children and Youth Affairs the status of the implementation of the affordable childcare scheme; the date by which the information and communications technology system will be operational; and if she will make a statement on the matter. [46137/18]

Deputy Anne Rabbitte: Will the Minister for Children and Youth Affairs tell us about the status of the implementation of the affordable childcare scheme and the date by which the information and communications technology system will be operational?

Deputy Katherine Zappone: I am delighted to report positive progress regarding the development of the affordable childcare scheme and to confirm that I plan to introduce the scheme in October 2019. The scheme will open to applications in October 2019 with payments flowing from November 2019. The launch of this scheme will alter the landscape of childcare in Ireland. It will provide financial support for parents, establish a sustainable platform for investment in the childcare sector for decades to come and, crucially, allow us to continue to invest in giving our children the best start in life. Legislation establishing the new affordable childcare scheme, the Childcare Support Act 2018, was signed by the President in July. This will be underpinned by detailed secondary legislation and formal policy guidelines. We will also bring forward regulations providing, for the first time, for the registration of school age childcare services by the Tusla early years inspectorate. This will ensure that such services can participate in the scheme from its inception.

Regarding the ICT system, my Department concluded a full open tender public procurement process earlier this year. A contract was awarded and our IT development contractor, Codec, is busy working with officials from both the Department and Pobal to develop the system. Consultation and engagement with stakeholders is ongoing and, in the new year, a comprehensive awareness campaign will be launched for parents and the public, alongside training and information supports for childcare providers and other key stakeholders. Finally, budget 2019 provided for significant enhancements to the scheme which will ensure that an even greater number of families will now benefit from it once launched.

Deputy Anne Rabbitte: I thank the Minister for all of that information. The one question I have is on her degree of confidence that the scheme will be delivered in October 2019. To reel back through the years, the scheme was announced in budget 2016 but we realised legislative changes were required in March 2017. That meant we did not hit the targeted launch in 2017.

We looked forward to 2018, but failed to deliver on that target also. The target is now 2019, which is why I ask about Codec and the Department's work. Are trials taking place? Is the scheme up and running in some of the various city and county childcare areas? Where exactly are we with a timeline? There is no point having an awareness programme if we are not fully confident that we are going to be able to deliver. Why is the target October 2019 instead of August 2019? Why not have it in place before the new year starts? It should be our ambition to deliver the scheme for August 2019.

Deputy Katherine Zappone: On the Deputy's last point, if I said I hoped we could deliver it by August 2019, I would not meet that target. I know that right now. The Deputy is right as an Opposition Member to make critical comments on not meeting other targets. We know that because of the work that remains to be done, not only in relation to ICT but its underpinnings in the use of the *mygov.ie* website and the cards families will need to access through the Department of Social Protection to apply for the subsidies in the great scheme that will be available. We hope to have it available and up and running in November 2019. It will not be available until then because of issues around the GDPR and *mygov.ie* which must be resolved to allow families to get the subsidy in November. However, applications will be accepted in October.

Deputy Anne Rabbitte: Is the Minister saying that the families who apply in October 2019 will receive an immediate benefit under the scheme from November 2019? It is not the families coming forward in August 2020 that will be the first families to benefit. Rather, it will be the families in next year's cycle that will benefit. I pick up on the Minister's point about *mygov.ie*. Is it the case that when some families engage for the first time, they might find themselves very close to or outside a threshold? Will they have to go through other avenues within the social protection system to apply for cards or will the website cut away all of that red tape so that the decision will be made through *mygov.ie* in conjunction with the Department of Children and Youth Affairs?

Deputy Katherine Zappone: In reply to the Deputy's first question, the single streamlined scheme will be implemented from November 2019. As the Deputy knows, families are currently accessing different schemes and providers are coping with administering those. From November, however, the scheme will be implemented and the new thresholds will apply. In light of the huge transition from one way of doing things to where we want to be, we are allowing families to continue to access the subsidisation of their childcare supports in the way they have been doing. They will be given time to move over to this new approach. They will have a number of months. We must also conduct a very significant awareness and information campaign from the beginning, probably, of next year to get people ready.

Child and Family Agency Funding

4. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs if the necessary funds will be made available to an organisation (details supplied) in order that it can continue to offer both the residential care and the early intervention family support service to families and vulnerable children; and if she will make a statement on the matter. [46128/18]

Deputy Richard Boyd Barrett: The value of early intervention for vulnerable young people and families is beyond question. All NGOs and organisations working in this area agree and I have seen the Minister at some of their gatherings, including a meeting of the Children's Rights Alliance at which the undeniable value of early intervention was discussed. In that con-

text, my question is really a plea to the Minister to make funding available to the Cottage Home family support service in Shankill. The service needs just €400,000 to keep going. It has been funding itself from the proceeds of the sale of the Cottage Home in Tivoli Road, but that money is now running out and the service is under threat if it is not funded by the Minister.

Deputy Katherine Zappone: I thank the Deputy for his question about the Cottage Home family support service, which provides family support services to children and families in the south Dublin area. The organisation also provides a residential care service for young people and, in 2018, Tusla is providing €1.6 million in funding for the residential component of this service. I have received correspondence from several Members of the Oireachtas, including the Deputy, on this matter. I have also received detailed correspondence from the management of the Cottage Home detailing the nature of the valuable work the organisation does, the cost pressures it is under and the reasons it wishes to receive State funding for its family support service to ensure its sustainability.

While the provision of family support services is a matter for Tusla, I have raised with it the concerns of the Deputy and others regarding the future funding of this organisation. I have been informed that the family support service has been in operation for a number of years and, to date, has been privately funded by the Cottage Home. It has not received funding from Tusla or the Health Service Executive, which provided child and family services prior to the establishment of Tusla in January 2014. Tusla acknowledges the value and benefits of this service in the community it serves and has advised me that its service director and the area manager are familiar with and have visited the services provided by the Cottage Home. At the time the Cottage Home made a request for funding, available resources for family support services had been allocated to services in the area. However, Tusla has advised the Cottage Home to apply for funding through one of its funding streams, including support for counselling, which would assist in the provision of some of its services.

Tusla is currently compiling a services commissioning plan in order to assign resources to areas of the greatest need and ensure the best possible outcomes. Requests for funding from the Cottage Home will be considered in this context. The planning process will help inform any future spending in the area based on evidenced needs. Tusla has invited the Cottage Home to be involved in stakeholder consultations on the planning process early next year. As previously highlighted, Tusla is committed to working with service providers in the area to ensure services are available to vulnerable children and families.

Deputy Richard Boyd Barrett: I welcome the Minister's reasonably positive response and acknowledge her response to my previous correspondence. However, there is uncertainty here because the private funding from the proceeds of the sale of the Cottage Home on Tivoli Road is running out. There are six qualified staff here and they are, frankly, saving the State a great deal of money. This is the important point about early intervention. It is estimated that every child who has to go into State or residential care will cost the State €200,000 a year. Here we have a service with six qualified staff, which has dealt with over 150 young people in its few years of existence, keeping many of them out of residential care and saving the State money, and it is asking for what is really a pittance.

It needs certainty as it is very difficult without it for it and the service users it supports. They are hoping for an assurance that this small amount of money will be made available to secure the future of the service.

Deputy Katherine Zappone: Unfortunately, I cannot absolutely promise it right now, although I would like to be able to do so. Tusla and I acknowledge the excellent work of Cottage Home and the contribution it has made in providing residential and other services. Cottage Home came to Tusla with this request at a time in the year when resources had already been disbursed to other services Tusla provides in these and other areas. Tusla may have wanted to respond positively, but the resources had already been spent. It is developing a commissioning strategy and approach in every area to identify needs. It is changing its approach to provide funding on that basis, of which Cottage Home is aware. It will be able to apply for funding in 2019 in that context.

Deputy Richard Boyd Barrett: I am not quite sure what to make of the Minister's answer. If this service goes, it will be a major blow to an area where there is very substantial disadvantage and in which there are many vulnerable families and young people. Reviews and new ways of commissioning are fine, but this service needs to be maintained. If it is not, vulnerable families and young people will lose a vital service. The State would be cutting off its nose to spite its face. It will cost Tusla and the State more if the service is not maintained. I do not see why there is any ambiguity about this. It may be an issue that the funds have been allocated for this year, but we are very familiar with overruns in the health service and moneys being found in those circumstances. We are talking about a small amount of money in the greater scheme of things. I would like a bit more reassurance, as would the people who work in the service and the families and children who depend on it.

Deputy Katherine Zappone: I have tried to be very clear in my answers. I acknowledge the contribution Cottage Home has made. The organisation, another or a combination of five or so organisations-----

Deputy Richard Boyd Barrett: By the way, these people are in the Visitors Gallery.

Deputy Katherine Zappone: -----may decide midway through the year that their funding resources are drying up and that they want the State to give them additional money, but there is a process for resourcing the services provided for children throughout the country, including in the Deputy's area. If they need moneys now which they did not need before, they have to go through the process Tusla offers. I have agreed to meet the organisation and Tusla to look into the issue in more detail, but I believe the approach I have outlined is very reasonable. We are trying to run our budget in that context.

Acting Chairman (Deputy Eugene Murphy): I appeal to all Members to stick to the time limits. A Member has 30 seconds to introduce his or her question. There are two minutes for the Minister to reply. There is one minute for a supplementary question and one minute for the Minister to reply. That is also the case for the final supplementary question and the Minister's final reply. I ask Members to stick to these time limits because it will allow more questions to be asked and answered.

Youth Services

5. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs the way in which voluntary youth work can be supported in view of the considerable demands on voluntary boards and volunteering. [45787/18]

Deputy Maureen O’Sullivan: I ask the Minister for Children and Youth Affairs the way in which voluntary youth work can be supported in view of the considerable demands on voluntary boards and volunteering.

Deputy Katherine Zappone: I pay tribute to the fine work of the many thousands of volunteers within the youth work system. The contribution of volunteers to youth services, projects and clubs is very significant and their commitment is crucial to the strong and diverse youth infrastructure which has been developed across the country. In recognition of the contribution volunteers make for young people, I announced a 13% increase in funding for the local youth club grants scheme in 2018, bringing the overall funding allocation to €1.79 million. The additional funding will result in a greater volume of volunteer-led youth activities over the course of 2018. In addition, last year I announced the local youth club equipment scheme, under which €6.35 million was made available to volunteer-led clubs and groups that worked with young people in communities throughout the country. The scheme enabled these volunteer-led clubs to purchase equipment for sports, arts, adventure and other much needed items.

In addition to this funding, my Department provides annual funding for the National Youth Council of Ireland, NYCI, the representative body for voluntary youth organisations in Ireland. The NYCI supports the interests of volunteering youth organisations and provides an online resource for anyone interested in volunteering in youth work. This online resource brings together useful information on volunteering opportunities, advice and downloadable resources such as a national induction training programme and details of the NYCI policy on volunteering to assist youth work organisations in the recruitment and retention of volunteers.

I am conscious that owing to their size smaller youth organisations can find it difficult to meet compliance and administrative requirements. With this in mind, my Department is engaged in a process to provide funding for the NYCI to enable the recruitment of a suitable provider to offer professional assistance to smaller voluntary youth organisations. It is intended that the chosen provider will offer a shared service to support the organisations in meeting their compliance, legal and regulatory duties.

Deputy Maureen O’Sullivan: I have asked the question to highlight the tremendous work done over many years by volunteers in the real meaning of the word, for which they are not remunerated. They are, however, finding it very difficult and it could come to the point where we will have no voluntary boards of management, no voluntary directors and no volunteers in the youth service. As there are 600 volunteers in Dublin alone, we should reflect on what would happen if a significant number felt they were no longer welcome, or that what they were contributing was being undermined. The one-size-fits-all approach makes it difficult. I agree with good governance, transparency and accountability, but there is no allowance for the difference between the directors who are really voluntary and those who are being remunerated. There is so much administrative work to be done that one has to ask if the quality of youth working has improved as a result. The most vital component is the relationship between a young person and a youth worker. I do not dispute the need for rules and regulations, but we need to look at this issue because we are in danger of losing many volunteers.

Deputy Katherine Zappone: I always welcome the Deputy’s passion for these issues, her commitment and the experience she brings. I acknowledge everything she has said about the contributions of volunteers and the additional burdens they face, some of which I understand are being addressed by my Department and the National Youth Council of Ireland. My Department met representatives of smaller national youth organisations at the end of August, with the

aim of agreeing to a sustainable long-term approach to assist in reducing the impact on small youth organisations of the compliance and associated administrative burden. They identified possible solutions and came up with prioritised shared services, shared systems and a provider to support them in meeting their administrative requirements. We listened to them and are putting in place what they recommended.

Deputy Maureen O’Sullivan: There are a lot of requirements in the supervision of volunteers in the City of Dublin Youth Service Board, while some volunteers have to complete the Tusla online safeguarding programme. Some older people do not have the IT skills to do this and some of the retraining courses are being offered at times that do not suit volunteers because they work on a full-time basis. Some may feel insulted that after many years of volunteering they now have to be Garda vetted. For example, I have some 40 years behind me of volunteering with a youth service. If I was to go back and offer the service one night per week I would have to be Garda vetted. Another example is a youth service whose buses are now under Tusla, but Tusla is saying that it does not recommend using volunteers even though the service has been using volunteers with clean driving licences for many years. The alternative is that the youth service now must train some of its own workers, at a lot of expense, to be drivers and to have the D licence. I agree with the paid youth service conditions of employment but the volunteer is the person who can give the hours late at night, who can work weekends and holidays. They are not looking for overtime and they are not looking for time off work.

Deputy Katherine Zappone: I thank Deputy O’Sullivan. While I appreciate the concerns the Deputy brings with regard to the volunteers on whose behalf she speaks, and while I understand what the Deputy is saying, the example given is the person who has years of experience in volunteer work. Am I correct in hearing that even as we move towards having a system for the safety of young people and children of which Garda vetting is part that we should just suspend the vetting requirement for people who have been in the field for a while? I do not believe that is what the Deputy is saying, but I appreciate the additional burden it may require. I also hear the number of other issues raised by the Deputy. There have been meetings with my Department and with smaller organisations to try to take account of the concerns of some of the volunteers. I understand that there is another meeting of these organisations on 12 November. I will ask them to pay attention to the issues raised by the Deputy and to ensure they are taken into account in that meeting in moving forward.

Ceisteanna Eile - Other Questions

Acting Chairman (Deputy Eugene Murphy): Parliamentary Question No. 6 is in the name of Deputy Coppinger. Unfortunately the Deputy cannot be here and she sends her apologies.

Question No. 6 replied to with Written Answers.

Departmental Funding

7. Deputy Bernard J. Durkan asked the Minister for Children and Youth Affairs the extent to which she remains satisfied regarding the adequacy of the budget available to cater for the

full extent of her Department's responsibilities including the protection of children, the monitoring of at risk cases and the follow-up as necessary; and if she will make a statement on the matter. [45721/18]

Deputy Bernard J. Durkan: My question seeks to ascertain the extent to which the Minister remains satisfied that she has adequate resources at her disposal to carry out the work and the tasks entrusted to her, including all the referrals, the first instant responses, the placements and the follow-ups.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy; brevity is his middle name.

Deputy Katherine Zappone: I am pleased to inform the Deputy that the gross amount of funding being made available to my Department in 2019 will be €1.511 billion, which represents an increase of 9% over its allocation for 2018. The allocation includes a current provision of €1.479 billion and a capital allocation of €32 million.

Just over half of the total funding, or €786 million, is targeted at public services within Tusla to protect our children and to provide for their welfare. A further €574 million will help us to build an accessible, affordable and high quality childcare system. I have secured an additional €110 million for Tusla since becoming Minister in 2016. With regard to 2019 funding, I am pleased to confirm that the agency will receive an additional €33 million. This will bring Tusla's overall allocation to €786 million, an increase of 4% over the 2018 allocation. Some €25 million of the overall increase will be used to meet increasing costs associated with existing services.

In addition to this, the extra funding I secured for Tusla will be used to progress a number of key priorities including the implementation of recommendations made by HIQA following its investigation into the management of child sexual abuse allegations. Together with experts from Tusla, the Garda, children's rights campaigners and advocates I have been examining how we can improve our support and help to children who have been sexually abused. This is another issue.

Funding has now been secured to allow us to pilot a new approach to ensure children do not have to relive their abuse by having to retell their experience over and over again. A new One House model will be piloted in 2019, and this represents a joint approach across three Departments and three statutory agencies.

Deputy Bernard J. Durkan: I thank the Minister for her reply. To what extent does the Minister continue to be satisfied regarding the response rate and the time from the first notice of a child, children or a family at risk? Does the Minister remain satisfied that she has achieved an adequate response rate, that the follow up for placements is quick enough to ensure the protection of children and that it is effective enough to ensure the children are not replaced in similar circumstances?

Deputy Katherine Zappone: I thank the Deputy for his thoughtful question. I can certainly say that I feel very assured that when a child comes to the attention of Tusla, in the context of what is going on within the family, and if there is an immediate risk to the child's safety, the processes are in place for supporting the child and that the risk is removed.

Subsequent to that, and with regard to the second part of the question, there are processes for

analysis of the issues and circumstances and the best ways of supporting the child in the context of the family, prioritising the child in the context of the other children and families Tusla has to address in the different areas. I am aware that those are arenas where the processes and numbers of people who are working in Tusla need to be improved and are being improved with various action plans and reform plans in place. This is in light of many of the difficulties it has experienced, even in the last year. It is not as good as any of us would like to see it, but I know that plans are in place for reforms.

Deputy Bernard J. Durkan: Is the Minister satisfied that adequate steps can be taken in the current year to address the issues that have concerned her in the past and that continue to concern people who have an obvious interest in the welfare of children?

Deputy Katherine Zappone: There are two arenas. There is the retrospective abuse case allegation with regard to the McCabe issue. The disclosures tribunal reported on that. The statutory investigation by HIQA also reported on that. In both cases, and certainly in the statutory investigation, the board put in place an action plan. I have met the board recently and it is working through that. We identified a number of areas that the board needs to ensure are addressed. In both of the contexts I feel confident that the plans are in place and that the organisation is attentive to the real, deep concerns that are there, and what needs to be done in order to change.

Youth Services Funding

8. **Deputy John Curran** asked the Minister for Children and Youth Affairs the number of youth projects established under the single targeted youth funding programme to date; the details of each project; the location of each; the funding each project has received to date; and if she will make a statement on the matter. [45939/18]

24. **Deputy John Curran** asked the Minister for Children and Youth Affairs the status of the several sample projects that were established in 2016 and 2017 in relation to the future development of a single targeted youth funding programme to replace the current schemes; the number of these projects which are now fully operational; the number of new sample projects that have been established to date in 2018; and if she will make a statement on the matter. [45938/18]

Deputy John Curran: For some time the Minister and her Department have engaged in establishing a single targeted youth funding programme. A number of individual projects have been set up. Will the Minister give details of those projects and the future timeline for the roll-out of the entire programme?

Deputy Katherine Zappone: I propose to take Questions Nos. 8 and 24 together.

A key recommendation of the Value for Money and Policy Review of Youth Funding Programmes was that we should amalgamate four existing funding schemes into a single targeted youth funding scheme. To provide continued funding to the youth sector during this process, sample projects were established across the State. There are now 23 such sample projects approved since 2016, of which 20 are operational and a further three are to commence by 1 January next. Of the 23 projects, seven have involved the augmentation of existing projects to respond to identified needs. The three new projects approved are in Skerries, Carrigaline and County Longford. My reply includes a set of tables with details of the 23 sample projects, by year of first approval and by amount of funding provided in 2018 to date.

7 November 2018

In determining the sample projects for funding, my Department has worked closely with the 16 education and training boards, all of which were invited to nominate locations within their catchment areas for new and augmented projects. End of Take

The 23 sample projects fall within ten of the education and training board, ETB, areas. The remaining six ETBs are involved in a process to identify the local needs of young people in these areas with a view to submitting applications for new or augmented services in 2019.

I am committed to supporting and reforming our youth services and I believe that the reformed system will bring substantial benefits to our young people.

New Sample Projects approved 2016

Location	ETB	Allocation of current funding provided in 2018	Current Funding Received 31st October 2018
Boomerang Youth Service Drogheda, Co Louth	Louth Meath ETB	€100,920	€109,920
Crosscare Youth Service West Wicklow	Kildare Wicklow ETB	€144,538	€108,405
Cahir Youth Project, Co Tipperary	Tipperary ETB	€116,288	€87,216
Fethard/ Killenaule Youth Project, Co Tipperary	Tipperary ETB	€111,545	€83,658
Bounce Back Youth Project, East Cavan, Co Cavan	Cavan Monaghan ETB	€176,211	€138,106
Roscommon VFM Project, Co Roscommon	Galway Roscommon ETB	€229,462	€172,095

Augmented Projects approved 2017

Location	ETB	Status as of 31st October 2018	Allocation of current funding provided in 2018	Current Funding Received 31st October 2018
Include Youth Service Co Monaghan	Cavan Monaghan ETB	Project fully established.	€161,803	€101,545
Cloyne Diocesan Youth Service Project Middleton	Cork ETB	Project fully established.	€76,090	€38,045
Crosscare – East Wicklow Youth Service	Kildare Wicklow ETB	Project fully established.	€206,844	€138,141
Ossory Youth Kilkenny Gateway Project (YWI)	Kilkenny Carlow ETB	Project fully established.	€115,803	€115,083
Croom Foróige Youth Project, Croom Co Limerick	Limerick Clare ETB	Project fully established.	€101,170	€50,585
Co Longford Youth Service (CLYS)	Longford Westmeath ETB	Project fully established.	€109,863	€109,683

Dáil Éireann

Location	ETB	Status as of 31st October 2018	Allocation of current funding provided in 2018	Current Funding Received 31st October 2018
Templemore Youth Project & Thurles Youth Project, Co Tipperary	Tipperary ETB	Project fully established.	€181,554	€136,164

New Sample Projects approved 2017

Location	ETB	Status as of 31st October 2018	Allocation of current funding provided in 2018	Current funding received by 31st October 2018
Bounce Back Youth Project West Cavan	Cavan Monaghan ETB	Project fully established	€106,780	€81,920
Carrigaline Youth Project, Co Cork	Cork ETB	Project not yet fully established. ETB anticipate project will be fully operational for start of 2019	€0	
Mitchelstown Youth Project, Mitchelstown, Co Cork	Cork ETB	Project fully established.	€65,853	€36,128
Dublin Rural North (Skerries)	Dublin Dún Laoghaire ETB	Project not yet fully established. ETB anticipate project will become operation before end of 2018	€0	
Tyrrelstown Youth Project Dublin 15	Dublin Dún Laoghaire ETB	Project fully established.	€80,260	A funding request in regard to this project is currently being processed.
County Longford Project	Longford Westmeath ETB	Project not yet fully established. ETB anticipate project will be fully operation for start of 2019	€0	
Foroige Gort Youth Project, Gort, Co Galway	Galway Roscommon ETB	Project fully established	€75,180	€37,590
Tullow Community Youth Project, Tullow Co Carlow	Kilkenny Carlow ETB	Project fully established.	€81,050	€40,525
Garryowen Youth Project, Garryowen, Co Limerick	Limerick Clare ETB	Project fully established.	€71,700	€35,850
Foroige Ballyhaunis Youth Project, Ballyhaunis, Co Mayo	Mayo Sligo Leitrim ETB	Project fully established.	€87,620	€43,812

Deputy John Curran: I thank the Minister. I do not have the detail of the chart yet, but I

thank her for the information.

My initial concern is that this targeted programme comes about as a result of a value for money programme that was done in 2014, we are now in 2018, and 20 projects have been rolled out. The immediate concern is the roll-out of the programme in full.

The secondary concern is around the identification of the projects to be funded and, in particular, looking at the programmes that they are replacing, specifically the young people's facilities and services fund and local drug task force projects, many of these projects were aimed specifically at some of the most problematic and disadvantaged communities in our area. That is why the clarity around the identification of projects and the future roll-out of the programme is very important. My concern is that our most needy and disadvantaged areas may not be receiving this funding and these supports.

Deputy Katherine Zappone: I share the Deputy's concern and I am pleased he raised this matter. He noted that the process of changing the way funding happens has taken some time and I acknowledge that. The research was done, the recommendations came and the sample projects are in place to ensure that youth services do not lose out when we move to the final points of the single targeted funding stream. The Deputy has identified that as his concern. I understand there are some remaining areas. Six ETBs are involved in identifying, with the use of tools, where the sample projects should be. That is taking some time. Some of that is indicative of the need for my Department to work with them and support them to ensure that their ways of doing things effectively are at the standard required of these services. That is ongoing and my Department is working intensely with them.

Deputy John Curran: I thank the Minister for her reply. I want to put this in context and, while I talk about the Minister's funding, my concern is dealing with areas of greatest disadvantage and it goes across a number of Departments. When I join this up with other programmes, I have a concern that the most disadvantaged areas are not receiving the targeted support they did previously. I specifically talk about places where RAPID funding has become the community enhancement programme. When I look behind the detail of the programme, it is a much broader spread rather than targeted at the most disadvantaged.

Regional and local drugs and alcohol task forces have not seen any increase in funding since 2014, having been cut in the previous years. It is in that context that I raised the issue with the Minister and I will raise it with others. The single targeted youth funding programme must be sure that it is identifying and meaningfully supporting our most disadvantaged areas. I am concerned that this number of programmes is resulting in them not being as targeted now as they were previously. That is the source of my concern.

Deputy Katherine Zappone: We are in the process of change. As I said, I share the Deputy's concern and understand what he is speaking about from the perspective of having done that work professionally. I also know that the people who are providing the service, the organisations that Deputy Curran is speaking about, largely have been participating in a process with my Department to try to do this in the best possible way. I was with 200 such people in Croke Park this week. The aim is ultimately to ensure that those who need it the most are not lost or left behind, as well as finding more efficient ways of working, but not reaching those who need it most should not be sacrificed for efficiency. I accept what the Deputy is saying, but I am also saying to him that people who have worked in the field have been working very closely with my Department over this time to ensure that does not happen.

Mother and Baby Homes Inquiries

9. **Deputy Denise Mitchell** asked the Minister for Children and Youth Affairs the timeline for the beginning of excavation works at the site of the former mother and baby home at Tuam; the draft legislation required to advance this project; the offers of financial contributions that have been made by religious orders and institutions; and if she will make a statement on the matter. [45725/18]

Deputy Denise Mitchell: Will the Minister for Children and Youth Affairs outline the planned timeline for the beginning of the excavation works at the site of the mother and baby home in Tuam? What is the draft legislation required in advance of the project, and were there any offers of financial contributions?

Deputy Katherine Zappone: The Government agreed an approach to dealing with the site of the mother and baby home in Tuam, County Galway, at its meeting of 23 October last. I am committed to leading this project. It is my view that a phased approach will mean an informed and targeted approach to the forensic excavation of the available area. In this way the logical sequence of complex technical, legal and forensic decisions will be grounded in real-time information emerging from the site as the work progresses. My proposals are based on offering compassion and dignity for the children who were interred in such an horrific manner on this site.

As outlined in the expert technical group report, the circumstances in Tuam are unprecedented and, because of this, we need new or bespoke legislation to enable the necessary work to proceed. Exhumation is strictly controlled in law. It will take time to prepare and enact the new legislation and we need to get it right. I am putting in place a small cross-departmental team to develop the legislation as a matter of priority. We will have a clearer picture on an overall timeframe once the cross-departmental team has commenced its work.

I started negotiations with the Bon Secours order on a contribution to the costs of taking the proposed measures at the site in Tuam. The order has willingly and constructively engaged with me, and an offer of €2.5 million has been made. To be clear, this is not a settlement offer relinquishing the order from any future liability. It offers no indemnity. I will revert to Government to seek approval of the agreement in the coming weeks.

I understand that this is a very important decision for all connected to the site in Tuam, most especially those who believe they may have a loved one buried there and those now living close to the site. I am committed to ensuring that all the children interred at this site can have a dignified and respectful burial. It is only by taking the right actions now can we truly demonstrate our empathy, compassion and commitment to work towards justice, truth and healing for what happened in our past and, most especially, for those who were abandoned.

Deputy Denise Mitchell: I thank the Minister for her response. I know we dealt with much of this before the recess and, again, I commend the Minister and her Department on the work done here. The decision taken is certainly the right one.

The Bon Secours sisters announced that they would contribute to this important work. Have any similar contributions been offered by other religious orders in terms of other sites? Has the Minister officially received a response yet from the Vatican to the letter she wrote in August?

Deputy Katherine Zappone: To answer the Deputy's first question, I have not sought nor

received any contribution from any other religious orders. To be perfectly clear, the reason we did this in this circumstance is specifically related to the site and the remains of the children there and because knowledge and evidence of that was referred to the Government and it responded. That is why I looked for resources. I have not looked for resources relating to any other things that have gone on in that home or any other home before the commission of investigation reports.

I have not heard anything back yet from the Pope or the Vatican to my communication, but we are making inquiries about that communication through our new ambassador to the Vatican who is being appointed this week.

Deputy Denise Mitchell: I thank the Minister for her reply. It is a bit disappointing that she has not got any acknowledgement yet from the Vatican, and I want to put that on the record. I also note the Minister has committed to updating the House on this issue, and that is welcome.

I know the commission's report is due out early next year. Will the Minister tell us if she thinks this process at Tuam is going to be a blueprint for how we deal with similar sites? Will she also tell us if she thinks that this is the beginning of a process that will develop beyond Tuam?

Deputy Alan Farrell: I thank Deputy Mitchell for her question. It is pertinent given the discussion we had in committee yesterday. I understand the Minister attended a conference where the potential impact of this proposed legislation on other sites was widely discussed. Will the Minister offer some clarity to the House? As Chair of the Minister's line committee, the Joint Committee on Children and Youth Affairs, I presume this Bill that the Minister is proposing will come before that committee and, if so, when does she expect to present that Bill to the House?

Deputy Katherine Zappone: I was at an extraordinary conference in Boston last week. It brought together many top-class Irish scholars as well as some international scholars. It was a privilege to be there, I learned a lot, and I am taking much of it into account as we move forward. On the legislation itself and whether that has the potential to form the basis for the use of a template or model for other sites, should that be required, I expect that it could and I hope that it will. That is a decision that has to be made once the people gather together to begin to develop the approach. It does, however, seem a reasonable one.

In respect of the committee, perhaps it will be the Joint Committee on Children and Youth Affairs. The issue is that the legislation to be created relates primarily to issues of justice as well as coming within the context of the mother and baby homes. That will again be decided in the context of development of the legislation.

Children in Care

10. **Deputy Catherine Connolly** asked the Minister for Children and Youth Affairs further to Question No. 1165 of 7 September 2018, if the report of the national review panel, NRP, which commenced in 2016, on three cases of child abuse in a foster home in County Galway has been completed; if so, when it will be published; and if she will make a statement on the matter. [45923/18]

Deputy Catherine Connolly: My question is on the independent review set up in respect of the three children on whom appalling abuse was perpetuated. I will not go into the details in the Chamber, particularly given the young children in the Public Gallery. The Minister knows well the case I am talking about. It is the Tuam case. The review arose as a result of a “Prime Time” programme. I have asked repeatedly where is the review and why it has not been completed, given the lapse of time.

Deputy Katherine Zappone: I thank the Deputy for her important question. The abuse suffered by these very brave young women while in foster care in the early 2000s is shocking, and I am very sorry that their lives were so disrupted and deeply impacted by it. The Deputy will appreciate that although the review was started in 2016, it was suspended during the criminal investigation and prosecution and only became active again when these processes were completed. I have been advised by Tusla, the Child and Family Agency, that the NRP expects to finalise its report by the end of this month. It had been expected that the report would be completed by the end of October.

Part of the review process is to give all those who participated in the review, including the young people involved and Tusla staff, an opportunity to review and respond to the sections of the report which relate to them. When deciding whether to publish any NRP report, Tusla must consider the views of the young people involved and the potential impact publication may have on them and their families. The guidance governing the NRP states that it must operate independently of both Tusla and my Department. I therefore cannot instruct the NRP to bring forward the submission of the report. I am not in a position to interfere with the process. To do so would be inappropriate and would run the risk of compromising the independence of the NRP.

I am aware that the reviewers are leading experts in the areas of child protection, foster care and child sexual abuse. It is important that the work is independent, and can be clearly seen to be independent. The NRP must also be allowed the time it requires to complete its work properly, and for the Tusla staff involved to be afforded fair procedures. I very much hope that the report will be published, subject to the points I have outlined here, and most important, subject to the views of the young women involved.

Deputy Catherine Connolly: I never asked the Minister to interfere in any way with an independent process. What horrifies me is that we are now in November 2018 and there is no sign of the report. Is there a problem with staff or are there insufficient resources? We have seen the report from Mr. Justice Charleton in October 2018 and that tribunal was set up in February 2017. We saw the number of documents and witnesses that went through his hands and he still has a report quicker than this review of a specific case of three young children under the age of ten who suffered repeated abuse.

I understand that all of the files were reviewed in April 2016, the terms of reference were set up in October 2017 and here we are in November this year and there has been no communication. Questions have to be asked about what is needed to complete this review. Are extra resources needed? What is the position? Those questions can be asked very efficiently without interfering with any independent mechanism. Clearly, those questions have to be asked. We all watched the programme. Deputy Rabbitte has asked questions, the leader of Sinn Féin has asked questions and I have asked questions. but the answers we are getting are unacceptable.

Deputy Katherine Zappone: I appreciate Deputy Connolly’s frustration and the questions that she is raising. I do. My understanding is that a certain portion of the delay, as the Deputy

is aware, is because of the criminal investigation. The national review panel was requested to pause, effectively, and now it is back working. I do not understand that it has to do with resources or people. The NRP is working through whatever ways it decides itself with the expertise that it has. The Deputy is aware that we do have some appropriate professionals doing the work. My understanding is that it will be reporting at the end of this month.

Deputy Catherine Connolly: At the end of the “Prime Time” programme, the girl who was brave enough to give her name said that she did not know why she came forward. We have to show that we are responding to these issues in a timely manner. It is stated on page 7 of the report that the Minister commissioned from the Health Information and Quality Authority, HIQA, Report of the investigation into the management of allegations of child sexual abuse against adults of concern by the Child and Family Agency, Tusla, upon the direction of the Minister for Children and Youth Affairs, and which was presented in June this year: “it is imperative that Tusla ensures its own operational arrangements and cross-agency working practices do not allow criminal investigations to impede its statutory duty to safeguard children”. That was a specific imperative that Tusla look at this and not be caught by criminal investigations. Notwithstanding all of that, this man was convicted in April of this year. The NRP started looking at this case in April 2016 and here we are now in November 2018.

I cannot accept it. It looks like the Minister has had some communication if she understands that there is no problem. What mechanism is there for this independent review panel to communicate with the Minister and the Government in respect of what is happening with time and resources? The Charleton tribunal, which was on a much larger scale, could report in less time and communicate with us regularly. The commission in respect of Tuam and the various mother and baby homes is also coming back to us regularly. Where is the mechanism to explain to us the delay?

Deputy Katherine Zappone: On the issues the Deputy raised about Tusla and its practices, as I referred to, the national review panel is independent of Tusla as well. It is also independent of me. I again appreciate the questions raised by Deputy Connolly. I indicated that I understand that the report will be delivered within a short time. I do not have any more information than that because it is operating independently of my office. I accept the questions that the Deputy is asking but I do not have any more information and I do not have any power to bring it forward.

Child and Family Agency

11. **Deputy Catherine Connolly** asked the Minister for Children and Youth Affairs when the oversight group to ensure recommendations contained in a report (details supplied) was established; the membership of the group; the progress to date on the implementation of the recommendations contained therein; and if she will make a statement on the matter. [45924/18]

Deputy Catherine Connolly: On the previous question, I will go back to what the Minister said about having no control and that the panel is independent. Mr. Justice Charleton was very independent and he still kept us updated. We have independent investigations all of the time that keep us updated. Something is seriously amiss here with the terms of reference for this investigation. My specific question relates to the oversight group. As I stated, there is overlap between the two questions. The HIQA report from June had a number of recommendations, including four overarching recommendations, with one of those advising the setting up of an oversight group to ensure recommendations are implemented. Will the Minister tell me the

membership of that group and the up-to-date position on the group?

Deputy Katherine Zappone: I directed HIQA to carry out the report being referred to by the Deputy. HIQA made four key recommendations, one of which was to establish an expert quality assurance and oversight group to support and advise Tusla and the Department on the implementation of the recommendations of this investigation report, as well as the implementation of Tusla's child protection and welfare strategy and corporate plan. The group referred to as the expert assurance group has been established. I appointed the chair of the group on 29 June and the full membership on 23 August. The group held its first meeting on 30 August and has met three times so far. The membership of the group has expertise in governance, law, human resources and child protection and comprises Dr. Moling Ryan, chairperson; Dr. Helen Buckley, fellow emeritus at the school of social work and social policy, Trinity College Dublin; Mr. Gerry Verschoyle, human resources consultant; Mr. Andrew Lowe, public policy consultant; Dr. Conor O'Mahony, lecturer in law, University College Cork; and Ms Michele Clarke, chief social worker at my Department. The group will report to me each quarter and these reports will be published. I expect the first such report at the end of November.

Each of the remaining three key recommendations is being addressed. The first recommendation is for Tusla to develop an action plan to address the findings in the HIQA report. Tusla's board approved its action plan in September and it is structured under themes of the screening, preliminary inquiry and initial assessment of referrals, safety planning, retrospective cases, interagency working, information management and learning, workforce and governance. The second recommendation is about working with higher education authorities on educational pathways and on an operational review. My officials and officials from Tusla are working with an interdepartmental group that is engaging with third level institutions with respect to the health and social care workforce. My officials are also to meet representatives of the Technological Higher Education Authority and the Irish University Association. Tusla is preparing a workforce strategy that is expected to address recruitment, retention, team skill mix, etc. The third recommendation is for a review of regulatory frameworks. My officials chaired a roundtable discussion with national bodies and are carrying out a survey of the regulatory mechanisms in other jurisdictions, as well as a review of literature on relevant regulatory frameworks.

Deputy Catherine Connolly: I thank the Minister for confirming that. As she can see, my concern, like hers, arises from the various reports I have been reading. The HIQA report confirmed that it was a matter of significant concern that Tusla, a learning organisation, had the same issues emerging over and over again. The Charleton report had much to say about Tusla but in particular it indicated the lack of upfront honesty and a failure in self-analysis and self-criticism led to a tribunal of inquiry. That is where we are with the failure of an organisation.

The good work of Tusla has been complimented in various reports as well but, unfortunately, the serious concerns and the danger to the protection of children outweigh that good work. I can give a flavour of what the Charleton report stated. It indicated that nobody within Tusla considered owning up to the serious mistakes that had been made. It sent a file where it should not have been sent, and when the file arrived in Dublin, certain documents were taken by some unidentified person in Cavan or Monaghan and so on. I could give many such examples but my time is limited. It is why I have the most serious concerns. I welcome that the Minister has set up the review panel and the reports will be published in an ongoing fashion.

Deputy Katherine Zappone: The Deputy has articulated her concerns arising from the report of the disclosures tribunal with great passion and clarity, and I share them. The Deputy

raised issues and Deputies mentioned other concerns when we discussed the findings of the disclosures tribunal the week before last. I raised them explicitly with the board of Tusla when I met it approximately two weeks ago, just before the break. Serious failures have been identified, some of which relate to the disclosures tribunal report, as the Deputy identified, as well as practices.

Arising from the meeting I had with the board, I sent an extensive letter to the chairperson detailing the key issues I wanted addressed that it said it would address. That is separate from the other action plan and the process of tackling the other four matters raised in the HIQA investigation mentioned by the Deputy. I appreciate her comments and I have put in place ways that I hope will address her concerns over a short period.

Deputy Catherine Connolly: The Minister is really the last hope in this as it is quite clear institutions have no ability to self-reflect. We knew this from the Garda and health service. We know it now about Tusla and the Health Service Executive. The Minister is the last stop in town, as it were, so what she sets up must be implemented. From the report I can see a high level of cases where a social worker has not been appointed. Yesterday I was told there is no social worker for south Connemara and I am checking that out as I do not know if it is true. If this is the 21st century and there are no social workers being appointed to cases, leaving aside governance matters and the failure of self-reflection and to learn from mistakes, we are in serious trouble with child protection.

Going back to my first question, the young woman was courageous enough to come forward but she could be left with a feeling that has her wondering why she came forward because nothing is happening. That is the message coming across from the panel. Will the Minister communicate with them so that confidence can be restored?

Deputy Katherine Zappone: I will do that if I can. I appreciate and value the Deputy's comments on the way forward for Tusla. I agree with her and it is what I am working towards. When we work with an organisation that has more than 4,000 employees, and which the Deputy knows is in transition with its leadership at executive and board level, the option is to work with the organisation and do the analysis. It is about asking the board and executive to put in place plans and ask the executive to be accountable to the board and the board be accountable to me. That is what I am doing. I share the impatience of the Deputy and I wish it could happen more quickly. It is my hope, given that various plans have been put in place and the way in which I am trying to intently monitor or seek accountability from the board, which will ask the same of the executive, that things will change.

Family Resource Centres

12. **Deputy Thomas P. Broughan** asked the Minister for Children and Youth Affairs the new role of family resource centres under the auspices of Tusla in providing services to families and children experiencing homelessness; the guidelines for the centres; the extra resources being made available to them; and if she will make a statement on the matter. [45726/18]

Deputy Thomas P. Broughan: As the Minister knows, we still have almost 4,000 children experiencing homelessness in emergency accommodation, with perhaps thousands more in insecure and unsuitable accommodation. The Minister told me earlier this year that we now have 120 family resource centres operating across the country with a budget of approximately €14

million. Does the Minister intend to give increased allocations to some or all of the centres in order to provide some services for families and children experiencing homelessness?

Deputy Katherine Zappone: Tusla has an important role to play with a number of elements of Rebuilding Ireland, the national Action Plan for Housing and Homelessness. As the Deputy knows, these include a number of areas where family resource centres, part-funded by Tusla, have a role to play, such as enhanced liaison on family support, child welfare and child protection, practical supports for daily family life and practical supports and advice for good nutrition for those without access to cooking facilities. Tusla is committed to helping provide spaces where homeless children and families can avail of services in a safe, warm, welcoming space and where they feel comfortable and respected. Family resource centres provide facilities where children can do their homework, relax, receive nutritious food, avail of laundry facilities and Wi-Fi and receive family support services and any other relevant supports. Services using this model have been put in place in a number of family resource centres, including in Mulhuddart, Ballyfermot and Ballymun.

Tusla homeless family support services are also engaging with a number of other family resource centres which may be in a position to offer similar enhanced services. Tusla will extend this service across the greater Dublin area in 2019. Furthermore, as an interim measure, it has established an evening service to support homeless families at the Focus Ireland coffee shop. It has also appointed a homeless liaison officer to facilitate the planning, co-ordination and integration of services with other relevant agencies. I have been informed by Tusla that, where enhanced services as referred to are to be rolled out to family resource centres, they will be underpinned by a service level agreement.

I am pleased to be able to confirm that I have secured €33 million for additional investment in Tusla in 2019, bringing the total annual budget for it to €786 million next year. The additional funding includes €6 million for new developments and other priorities, including further development of family resource centres.

Deputy Thomas P. Broughan: That €6 million is welcome, but people are still unclear on the exact role family resource centres will play. Are the new services only for those families in hubs or will the supports be available to all those in hotel rooms, guest houses and bed and breakfast accommodation? The constituency I represent and that represented by the Minister are among those that have the highest numbers on housing and homeless lists in the country. Are the new services targeted at those centres?

I know that there have been some changes recently to the Focus Ireland placement service. I was in contact with its director, Mike Allen, who told me that changes in how families were booked into homeless accommodation had taken place. For example, I mention the Focus Ireland evening coffee service which is part funded by Tusla. Will the regional housing executive co-ordinate these efforts in the additional services being provided?

Is this not still a very piecemeal approach the Minister is adopting to providing essential services for families and children? We seem to be operating on an *ad hoc* basis. As the Minister knows, we have the scandal where a vast number of children are homeless, some of whom have been in unsuitable accommodation for more than two years. How exactly will the guidelines for family resource centres operate?

Deputy Katherine Zappone: In the time available to me I will deal with two of the issues

raised, including the final question about the piecemeal approach being adopted. In the past it was piecemeal, but we are trying to make it less so by focusing on the provision of supports for families within the hubs the Deputy identified. Tusla can provide services and operate in that context, but it also provides other supports where it has a liaison officer, but I am specifically talking about trying to bring forward some additional services in order that the approach will be less piecemeal and that services will be provided in more than one place in hubs and family resource centres.

On the issue of additional investment, we have allocated additional resources for family resource centres in 2019. There will be engagement with each of the original 109 Tusla family resource centres to determine the best way to allocate much of the funding, but in addition I will request that some of the money be used to provide additional supports for homeless families, especially in Dublin, Limerick, Galway and Cork, to build on the approach developed in 2018.

Deputy Thomas P. Broughan: Children can suffer mental health difficulties because of the unsettling and distressful nature of being in emergency homeless accommodation. We recently received the National Women's Council of Ireland report, *Out of Silence*, which referred to the high rate of suicide among girls in this country compared to the rates in other EU member states. Will mental health supports be made available to complement the services family resource centres can provide? Given the waiting lists in child and adolescent mental health services, CAMHS, and for mental health services generally, is the Minister liaising with community centres in areas in which the homeless figures are high and which have not yet been designated as family resource centres to also involve them? Again, my constituency and that of the Minister are probably exemplars of areas where such supports are necessary.

Deputy Katherine Zappone: I am always so pleased to be asked a question about concerns about the mental health of children and the services required because I acknowledge that there are not enough such services provided. Tusla has to provide some of them, but other Departments also have to be called on. Some of my biggest concerns are in this area. I share them with the Deputy and others. On family resource centres, in some places Tusla is bringing together teams, particularly as part of a therapeutic approach, to offer the services the Deputy has identified. That is one way for us to move forward.

On access to and waiting lists in CAMHS and other services, GPs refer patients to CAMHS. If it cannot take care of a patient, Tusla often provides private therapeutic support for individual children and families because of the lack of services elsewhere.

Commissions of Investigation

13. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs if she will consider the recommendations made in a report (details supplied) for the commission to hold hearings in public and provide a transcript for witnesses who have given oral evidence to it in private; and if she will consider the request for the archive not to be sealed once it finishes its inquiry. [45789/18]

Deputy Maureen O'Sullivan: Will the Minister consider the recommendations made in the Clann project report for the commission to hold hearings in public and provide a transcript for witnesses who have given oral evidence to it in private? Will she consider the request for the archive not to be sealed when the commission finishes its inquiry?

Deputy Katherine Zappone: I welcome the submission made by the Clann project to the commission of investigation. I am not in a position to comment in detail on the report, as it was submitted in the context of the commission's ongoing work, but I thank the Clann project for its work. It is important to recognise that a statutory commission is fully independent in the conduct of its investigations. The precise timing and approach to the gathering and examination of evidence are matters for the commission to decide and progress. The decision to hear evidence in public is a matter for the commission. It is open to an individual to make a case to the commission to do so.

The confidential committee module of the commission of investigation was established to provide a forum for persons who were formerly resident in the homes or who worked in the institutions to provide personal accounts of their experiences in confidence and in private as informally as is possible in the circumstances. I acknowledge the courage it took in providing testimony on personal experiences to inform the commission's work. The crucial value of first-hand witness testimony to the statutory investigation is reflected in the arrangements establishing the commission. It is open to those who have given testimony at the confidential committee to contact the commission to make arrangements to view the transcripts of the evidence they gave to the committee, if they so wish. The commission will produce a report on the confidential committee's investigations.

The Commission of Investigation Act 2004 provides direction on what will happen to the records once the commission submits its reports. What will happen to the records will depend on their nature. I intend to discuss these matters with the chairperson of the commission in due course. Before the dissolution of the commission, the chairperson is obliged
12 o'clock to deposit all evidence received and all documents created by or for the commission with the prescribed Minister. It is then up to the prescribed Minister to decide what will happen to the records. As the prescribed Minister, I will be obliged to balance all relevant parties' rights and requests, as well as observing due process, natural justice and respect the Constitution when making a decision on the records, but as a matter of principle, I am supportive of transparency and the widest possible access to them.

Deputy Maureen O'Sullivan: As I could not hear all of what the Minister was saying, I will read the Official Report, but I got some hope from it that the Minister would consider some of the recommendations made in the report of the Clann project. I attended the launch of the report and heard some of the people who made statements. It was harrowing listening to them as they told about the abuse they had suffered. The apologies and financial payments are important, but the truth is also important. It was important for some of the witnesses to be able to make their statements in public. They may not all want to do so, but it was important for those who did. When the work is done, it is important that the archive become available because we still have to discuss an appropriate memorial because if the silence continues, the abuse will also continue.

Deputy Katherine Zappone: The truth is important.

As I indicated in my response to an earlier question, I spent the last week with many of these people and with all of the authors of the Clann project report and am very familiar with their recommendations. As I also said previously, an independent commission of investigation is currently operating. That said, I understand the desire to have some of the testimony in public and we are considering that issue. I also understand the issue of access to records, which we are also considering both in the current context as well as in terms of future processes. I have

heard and understood all of the issues that Deputy O'Sullivan has raised and assure her that we are working on them now.

Deputy Maureen O'Sullivan: I acknowledge what happened at the two-day conference in Boston University. I read what the Minister said at the conference and am aware that members of the Clann project also attended. One of the themes of that conference was transitional justice and how important it will be. In its report, the Clann project provides a comprehensive account of the countries where access to records is provided, including the UK, Germany, Spain, Austria, the Netherlands, Sweden and Belgium. Why should Irish people be treated differently?

I take hope from what the Minister has said today, that some witness statements can be made in public and that she will consider the matter of the archives when the report is finalised.

Deputy Katherine Zappone: One of the issues discussed towards the end of the aforementioned conference was whether the term "transitional justice" is appropriate in Ireland. I, too, have been using that language. Various stakeholders, researchers and experts, having spent two days discussing these matters at the conference, asked whether it would be more appropriate to talk about transformation as distinct from transition. If we are able to find additional processes for making the truth public, providing access to records and making the testimony public and doing so across the board, in the context of various institutions that oppressed our children and young people in the past, then perhaps we are in a better position to bring about the systemic and structural transformation of Irish society for the future.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: It is now nearly two years since the Minister for Health, Deputy Harris, promised to establish a compassionate access scheme for the medicinal use of cannabis in certain circumstances and for patients with specific conditions, namely, drug-resistant epilepsy, spasticity in multiple sclerosis patients and nausea and sickness in cancer patients who are being treated with chemotherapy. However, progress in establishing this scheme has been very slow. It is close to two years since the original promise was made. We are all aware that there are many families under great stress and strain because of the absence of such a scheme. I meet them on a regular basis. We all know the story of brave Vera Twomey who had to spend three months in Holland with her daughter Ava under the supervision of a paediatrician with an interest in neurology so as to validate the utilisation of cannabidiol, CBD, and tetrahydrocannabinols, THC, for Ava's epilepsy. Ava is doing well and her quality of life has improved. However, there are many other families under stress and strain.

There are now 12 patients in Ireland who receive CBD and THC via an import licence arrangement. That involves families of patients with cancer or other very difficult conditions having to travel to Holland, in the main, to secure the medicine in the Transvaal Pharmacy. As many in the House will recall, the access programme was proposed as an alternative to the legislation that was put to the House by Deputy Gino Kenny, which many of us felt was not a realistic or pragmatic approach. The medicinal cannabis access scheme was recommended by the Health Products Regulatory Authority, HPRA, expert group and would allow for the monitor-

ing of usage, refinement of dosage and so on. The absence of a compassionate access scheme represents the absence of compassion for the many families and patients who seek legal access. Unfortunately, many families are accessing this medicine illegally, which has its own dangers.

I received a letter yesterday from the Minister for Health, Deputy Harris. It is a bit disingenuous towards the end in suggesting that the Department has no control over commercial operators. It also refers to difficulties in sourcing medicinal cannabis thus: “The Department of Health has no control in relation to business decisions taken by commercial product manufacturers and has no powers to compel companies to supply their products to the Irish market.” No-one ever said that the Department had such powers. What is required here is proactive and intensive engagement with companies. I am aware that there has been engagement, although the correspondence does not suggest so. I also understand that it is within the capacity of a company to supply medicinal cannabis here in the first quarter of 2019 if a push can be made in terms of intense engagement between the HPRa, the Department of Health and the company concerned. It is simply not sustainable that people would continue to access this medicine through importation licences.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Deputy Martin for raising this issue and I appreciate that there is cross-party interest in it. The Deputy made reference to Vera Twomey and her daughter Ava. I am very familiar with their case and have attended meetings on this issue with the Minister for Health and colleagues of Deputies Martin and Gino Kenny. There are two distinct issues at play here, as Deputy Martin has outlined. There is the issue of medical cannabis which has the component THC and is available under the ministerial licence system. It is my understanding that up to 12 families have been approved under that system to date. There is also the parallel issue of a medicinal cannabis access programme. The process of setting up such a programme is under way in the Department. Departmental officials recently visited Denmark to see at first hand how the process there works. We are looking at best international practice in this area to make sure that any actions we take are appropriate, consistent and medically informed in the best interests of those families who have an interest in this. We are, in many respects, breaking new ground in this country. A limited number of families have access to the product containing THC and I do not believe that any consultant led application for such access has been refused. That said, I appreciate that there is a second part to this issue and the Department is currently considering how best to progress in that regard. This involves looking at international best practice and there has been engagement with stakeholders in other jurisdictions on the matter.

Deputy Micheál Martin: The Minister’s letter states: “Until suitable cannabis products are made available in Ireland, it will be a matter for the prescriber and their patient to source the prescribed product.” We know this already. The letter also says that the Department is aware that “a Canadian company is in discussions with an Irish-based distributor to supply their products to the Irish market”. It adds that “no further details are available on the date of availability of these cannabis products and no import licence application has yet been sought by the Irish distributor to bring these products into the country”. The Minister signed the letter but the person who wrote it knows full well why an import licence application has not been made. This company supplies all of Europe and the bottom line is that someone needs to get moving on this. Having officials go to Denmark and elsewhere is simply going off in new directions. We are two years on from the initial promise. The Government must remember that many in this House co-operated constructively with the Minister for Health on this issue. The agreed approach was to set up a medicinal cannabis access scheme but progress has been too slow.

This issue can be resolved. The product can be made available in Ireland early next year if a push is made. There has been an institutional resistance to this in certain areas. There has also been a cultural issue among some medical professionals. I understand the concept of a clinical, evidence based approach and the importance of clinical trials.

An Ceann Comhairle: The Deputy's time is up.

Deputy Micheál Martin: The bottom line is that this House and the Minister for Health committed to this two years ago. It is time to get this sorted on a compassionate basis for the sake of the many patients and their families who need this medicine. We should not be forcing families to travel to Holland and elsewhere every three months to access it.

Deputy Michael Creed: I appreciate the points made by the Deputy. I do not believe there is any foot-dragging in the Department as the Deputy seems to allege there is. The Department established an expert group to assist in dealing with this issue. It comprised all of the appropriate expertise required to make an informed decision. Collectively, there is a willingness to move, but we need to make sure that in so doing we will not be taking any undue risk in accessing the product. The Minister for Health has engaged with many people, including individual families who have an interest in accessing the product. I am certain that there is no resistance politically. I am not aware of any resistance medically, but we have to make sure the steps we take will be in the best long-term interests of patients.

Deputy David Cullinane: Yesterday the Taoiseach let the mask slip again in his latest attack on nurses and doctors in what was a vindictive attempt to shift the blame for hospital overcrowding away from him and his track record as Minister for Health, the performance of the Minister for Health and the Government. He attempted to put the blame on the shoulders of front-line staff in hospitals - nurses and doctors. There are moments when we see the true character of the Taoiseach in his attitude to workers and others. We got a glimpse of it when he was Minister for Social Protection. We all recall his welfare cheats crusade which turned out to be a ball of smoke and a publicity stunt, but it hurt many in receipt of welfare payments. We also saw it when he exposed his attitude to workers when he proposed in the run-up to the Fine Gael leadership election a Thatcherite ban on striking. We saw it again yesterday. It was little wonder when he was confronted with his record and that of his party in dealing with hospital overcrowding that he sought to shift the blame away from his performance onto the shoulders of hardworking nurses and doctors.

To be clear with the Minister and the Government, nurses' and doctors' leave is not the problem. It does not contribute to the problem of patients languishing on trolleys and hospital overcrowding. It is not why almost 1 million patients are waiting to see a hospital consultant or why we see record numbers of patients lying on trolleys in acute hospitals every day of the week. There are thousands, many of whom are older people who need support. The problem is the lack of capacity in public health services and the difficulty in recruiting and retaining front-line staff. The majority know that when they get into the system, they receive a very good service. That is because of the professionalism of front-line staff - nurses and doctors - and despite the fact that the Government has not invested in the public health service. It was appropriate and right that nurses and doctors pushed back against the Taoiseach's narrative yesterday because it was deeply unfair.

We all know in our constituencies - I can give the example of University Hospital Waterford - that when there are major problems in the emergency department, the people who must

try their best to make sure patients are treated as quickly as possible are the nurses and doctors. The Government should stop blaming others for its failures. The Taoiseach should stop blaming front-line health workers for the problems in the health service. What plan will the Government put in place to deal with overcrowding? It should forget about blaming the nurses and doctors. What is its solution? What are the increased investment strategies which will be put in place to make sure patients will not have to languish on hospital trolleys in the coming weeks and months?

Deputy Michael Creed: On the contrary, the Taoiseach's comments yesterday were clear evidence that the Government's priority - it is also the priority of front-line staff - was to make sure we would deal with patients in an effective and humanitarian way. It is highly distressing for patients to have to wait for long periods on trolleys in emergency departments. In any business, as I think the Taoiseach said, there are periods when peak demand can be anticipated. For example, in the hospitality sector peak demand is probably in the summertime, while in teaching it is probably when schools reopen. We have known for decades that peak demand in the public health service is in the winter, immediately after Christmas. The Taoiseach's comments were a clear recognition that front-line staff - doctors, nurses and supporting ancillary staff in laboratories, etc. - were critical in resolving the issue. Far from denigrating them, the challenge the Taoiseach posed yesterday was to HSE management.

Deputy Brendan Howlin: He did not say that.

Deputy Michael Creed: We have more doctors and nurses in the service. What we need from HSE management is appropriate management of the most valuable resource in the health service, the human resource, to make sure it is deployed in the most efficient way possible to deal with patients in the most humanitarian and effective way.

There is another issue - capacity. We have been reversing the trend, the result of a decision taken by a previous Administration to reduce hospital capacity at a time when the resources available to the State were plentiful. Since 2014 we have been reversing it and increasing hospital capacity. It is not, however, like flicking a switch to open hospital beds. When hospital beds are opened, doctors, nurses and other supporting staff are needed. We have opened and will in a short time open additional acute hospital beds, all of which, collaboratively, will I hope address the issues to which the Deputy has referred.

Deputy David Cullinane: The Minister's response does not address the questions I put. What the Taoiseach said yesterday was very clear. It was not what the Minister has repeated today. The Taoiseach did put the blame on front-line workers. I sat here yesterday and listened to what he said and it was 1 million miles away from the response the Minister has given today. He was not talking about managers in the health service but about leave for nurses and doctors. In the view of nurses and doctors, whom the Minister admits do a wonderful job in the health service, it was clear that the Taoiseach was putting the blame and responsibility on them. We all know that it is not like flicking a switch, but the Government has been in place since 2011, since when record numbers have been trying to get into the system to see hospital consultants to be treated and too many have been left on hospital trolleys. It is not that long ago when the Taoiseach launched another attack on health workers when he said there had been no corresponding increase in activity in the health service. That is a falsehood because the Department of Health has noted that attendances at emergency department are up, that the level of surgical day case work is up by in excess of 70% in the past ten years and that the number of outpatient assessments has reached 3.3 million annually. The level of activity is up, but the Government is

not putting in the resources to make sure there is capacity. It cannot blame anybody but itself. The Minister for Health and the Government need to take responsibility and stop putting the responsibility for failures in the health service on the shoulders of front-line staff.

Deputy Michael Creed: The Deputy has referred to the fact that we have been in government for several years. That is the case, but he cannot divorce where the health service is at from the economic catastrophe that befell the country for several of the early years when we were in government. Because of sound public finances we are now in a position to rebuild the public health service and increase capacity within it. There are 22 additional beds open today in St. Vincent's University Hospital, 29 in Our Lady of Lourdes Hospital, Drogheda, 17 in University Hospital Limerick and 30 in University Hospital Cork, with more to come on stream in the last quarter of 2018 and others early in 2019. We are recovering. We acknowledge that we need to do more to increase capacity, but the point the Taoiseach made was that in terms of the issues that were predictable in providing care in the period immediately after Christmas, we needed to make sure the HSE would manage the resources at its disposal in that critical period such that we would not have to deal with the consequences of having a backlog in emergency departments by having the appropriate quorum of critical staff - doctors and nurses - scheduled to work in that critical period.

Deputy Brendan Howlin: After 39 years, the Taoiseach made the startling discovery yesterday that Christmas comes every December. There may indeed be scope to change rostering at Christmas time, but the Taoiseach should not blame hospital staff, as he did, whatever the Minister says. He mentioned staff taking their annual entitlement to leave. Rostering and ensuring the presence of sufficient staff, as the Minister has said, is a management issue and should be addressed through constructive engagement with trade unions and not with abuse of people, either in this House or on public airwaves.

Another annual phenomenon in the health service is that, towards the end of the year, a number of budget lines run out. I am aware of several cases where people cannot access a home care package because the budget has apparently run out. They are told to reapply in January. That is ludicrous. If the Government is serious about using hospital resources effectively and efficiently, including very expensive acute beds, to take the pressure off the busy Christmas and winter period, surely it makes sense to provide step-down beds and home care packages to patients in acute hospital beds who are awaiting transfer home. Many patients are most anxious and could more appropriately be cared for at home. They want to be at home. In the budget of €17 billion just allocated by this House to the Department of Health, we know the money will be there in January. It is purely an administrative decision not to issue home care packages now. Telling people occupying economically acute beds which are very inappropriate with regard to health to apply again in January is madness. The decision will worsen our bed capacity and the capacity of hospitals to respond to emergencies in the critical winter period approaching. The Government management of the home care package budget makes no sense to anybody.

Will the Government undertake to unblock the delays in giving home care packages to the list of people that anybody in this House can provide? They are waiting to go home to a more appropriate and less expensive setting. Will the Government ensure that patients who need home care packages, such as those who are contacting my office in Wexford, whose details I can give, will be home for Christmas?

Deputy Michael Creed: I am sure the debate on this matter has familiar tones for the Deputy as a former Minister for Health and for Public Expenditure and Reform. It is not sim-

ply a case of throwing money at the issue. We need to make sure that the additional resources that we provide are used appropriately. In budget 2019, we provided a fund of €10 million for spending in the latter end of this year to facilitate appropriate discharge through an appropriate care setting of people who are in an acute hospital bed but who are deemed no longer to be in need of that level of care. We are taking steps to improve capacity in the health service. That is not to say that we are not responding accordingly. We are providing additional resources. The Deputy alluded to the resources provided for in 2019 being significantly increased from 2018. We also made provision in the budget for dealing with the issue of appropriate discharge, which itself frees up acute hospital beds for people who are awaiting admission.

Deputy Brendan Howlin: The Minister talks about throwing money at it. I am a former Minister for Public Expenditure and Reform. I am talking about value for money and much better health outcomes for people. Will the Minister not concede that it is ludicrous for somebody to be in an acute bed at enormous cost in an acute hospital when that person is willing, able and anxious to go home but community care cannot provide the money for a home care package? Much more money is available within the HSE to keep them in an acute bed than would be required to provide them with the dignity of going home for Christmas. If the Government cannot solve that conundrum, there is no management, no system and it is dysfunctional.

Deputy Michael Creed: I am informed by the Minister of State, Deputy Jim Daly, that the HSE and the Department commissioned a report on that issue of appropriate discharge to appropriate step-down facilities. That has just been completed.

Deputy Brendan Howlin: I am talking about home care.

Deputy Michael Creed: The Deputy chose to ignore in his supplementary question that we provided an additional €10 million to be made available-----

Deputy Brendan Howlin: It is not enough. Why would the Government spend more on acute beds?

An Ceann Comhairle: Let the Minister answer.

Deputy Michael Creed: We are responding with resources to address the issue of people who are inappropriately in an acute bed but who do not have the facility to be discharged because of a block in the system.

Deputy Brendan Howlin: It is not doing that.

Deputy Michael Creed: That €10 million should go some way towards resolving that issue.

Deputy Bríd Smith: Six days ago, we saw one of the most historic actions to be taken on a global scale by Google workers in Tokyo, New York, Dublin, Berlin, London and many other cities that were not mentioned. Tens of thousands walked off the job in protest over sexual harassment. It is little known that their other demands were for normal things such as pay equality, workers' representation on the board and more accountability from management on the question of sexual harassment. They deserve to be complimented on that. Given that this is a company which is not known for its trade union activity or membership, this bodes well on an international scale for how young workers are responding to demand equality, an end to harassment and to have representation. I hope the Minister will join me in congratulating those

workers. One said: “I don’t know what it will take to change the system, but I do know that we are a crazy force to be reckoned with.”

In line with the theme of the two previous speakers, I want to talk about another crazy force to be reckoned with, the nurses in this country, who are about to ballot for nationwide industrial action to secure pay increases that will allow them to live decent lives, to be able to afford to pay rent and to afford childcare, and which will help them to address the serious shortage on the wards and in emergency departments. There are 200 vacancies in emergency departments throughout the country with more than 1,000 vacancies for nurses in the public health system. They have a problem with recruitment and retention because of the low pay. Nurses still work a shift for nothing every eight weeks. It sticks in their craw that they have to go in for an evening, work through the night and get nothing for it. Nobody in this House would do that. I would argue that we are overpaid for what we do compared with the low pay they get for what they do.

We are facing a winter of discontent. It is not just from Google workers but will be from nurses in hospitals, psychiatric nurses who are about to ballot about pay, and ambulance drivers who refuse to do overtime because they are not getting trade union recognition. This winter of discontent is about to see working people try to change that very system. The Minister may call them crazy and they may call themselves crazy, but they are definitely a force to be reckoned with.

Will the Minister congratulate the workers in Google, not just in Dublin but globally, for the example and action they have taken? Will the Minister deal with the question of low pay in our health service, specifically for nurses, and the issues in the ambulance service? That must be done. If the Government cannot do it now, then I suggest the Cabinet does not take a Christmas holiday and works hard over the holiday period to ensure these issues are settled.

Deputy Michael Creed: I would not call them crazy at all. They are a critical part of the public service and do invaluable work. I salute Google workers and acknowledge today that the CEO of Google has come out and said that they need to do more in that space. That is a very welcome development.

On public service and nurses’ pay, we concluded a public service pay agreement, to which the public service unions signed up. Within the provisions of that, a review was undertaken of recruitment and retention issues in nursing. It made a number of specific recommendations that were considered by the Government recently, and all of those recommendations within that relating to nurses’ pay and new entrants were accepted. I appreciate that the INMO is in the throes of balloting members but the predictability that comes from a negotiated public service pay agreement across the public service has considerable merit. It is not open to the Government, as a party to the agreement, to unilaterally breach its terms and conditions without it having considerable consequences for all the public finances and public services the State tries to provide. Nurses are a critical element in delivering those public services in the area of health care. The initiative we have taken to deal with public service pay, and nurses pay within that, is based on looking at the issues agreed in the context of that agreement around retention and recruitment. The report, which the Government has accepted, is the basis for agreement for the years ahead.

Deputy Bríd Smith: The Government may have accepted the report but the people on the front line have not. I do not know if the Minister has looked at the details of the Public Service Pay Commission that is dealing with nurses. Nurses in certain specialties will get an extra €7

a week. One would not buy two pints of beer with that pay increase. It is an absolute insult to them and it is only certain sections of the nursing staff that will get it.

The Minister said it is not open to the Government to breach the terms of the public service pay agreement without serious consequences. I put it to him that the Government's failure to open proper pay negotiations with the nurses is having serious consequences. As I stated, nurses are balloting for a series of 24 hour stoppages. When nurses walk out of hospitals will the Minister congratulate them, as he just congratulated Google workers, on taking action to change the system that is crippling the health service, preventing recruitment and driving young workers, out of desperation, to walk off the job they care about? Will he congratulate them when they take action because he is worried about the serious consequences of breaching a pay agreement? Strikes are also serious consequences and the lives of those involved will be seriously damaged.

Deputy Michael Creed: My understanding is that the public service pay agreement and the pay commission's review of recruitment and retention will deliver significant benefits for up to 10,000 members of the nursing profession. There is evidence of goodwill in respect of what was an independent analysis of the issues around retention and recruitment undertaken within the auspices of the public service pay agreement. That has delivered a specific additional financial package to up to 10,000 nurses. That is significant. Negotiation is key and it would be appropriate that the INMO would meet departmental and HSE management in an effort to avoid unnecessary strike action.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: I already have 20 Deputies offering. I ask Members please to adhere to the time limit, which is one minute per question.

Deputy Micheál Martin: The programme for Government refers to cross-party consensus on healthcare planning and a shared vision. Yesterday, the Taoiseach responded to my question – it is a pity he is not here today for my follow-up to it – about why the winter plan for hospitals had not yet been published. A report stated the plan should be published by July. The Taoiseach declared in a narky response that it was all the fault of nurses and consultants. The bottom line is that he insulted those at the front line. It was a classic case of blaming somebody else. When I asked him where the plan was, he said I should not mind the plan that is produced and talked about his own plan. He said the plans for the past six years were useless. That is more or less what he said. He attacked successive Fine Gael Ministers for producing winter plans that apparently had no impact. He told us at the time by the way that they would have a great impact. We were told every year they would have a great impact and now, hey presto, yesterday, when we asked where the latest winter plan is he said it was the fault of the nurses and doctors. Apparently, they do not turn up at Christmas time. That is what he said yesterday.

An Ceann Comhairle: The Deputy's time is up.

Deputy Micheál Martin: He said it was the nurses' and doctors' fault.

An Ceann Comhairle: Does Deputy Martin have a question?

Deputy Micheál Martin: That is how it has been received. When is the apology going to come from the Government in relation to that?

An Ceann Comhairle: The Deputy asked when an apology will be made.

Deputy Micheál Martin: I also asked when we will see the winter plan for 2018-19.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I appreciate that it is political to twist what the Taoiseach said to suit a political narrative.

Deputy Micheál Martin: The Minister should read what was said.

Deputy Michael Creed: I was here yesterday, as was Deputy Martin.

Deputy Timmy Dooley: The Minister should know in that case.

An Ceann Comhairle: Please allow the Minister to answer.

Deputy Michael Creed: I appreciate that the Deputy has a particular narrative that he is anxious to spin, and that is fine, but the Taoiseach did not blame doctors or nurses.

Deputy Timmy Dooley: Will the Minister come out of the fog for God's sake?

Deputy Michael Creed: He said it was appropriate that there should be a critical mass of doctors and nurses on duty and support services, including laboratories, should be available at the most challenging time for the health service. That is not an unreasonable point to make.

Deputy Brendan Howlin: Whose job is that?

Deputy Michael Creed: With regard to-----

Deputy Micheál Martin: Does the Minister not know that nurses and doctors work every Christmas? Who the hell keeps the lights on?

Deputy Michael Creed: I appreciate that.

Deputy Micheál Martin: Come on.

Deputy Michael Creed: What the Taoiseach was doing was challenging HSE management to make sure-----

Deputy Timmy Dooley: He was challenging the nurses and doctors.

Deputy Micheál Martin: He took a cheap shot at the people on the front line.

An Ceann Comhairle: The Minister's time is up.

Deputy Willie O'Dea: What about management?

An Ceann Comhairle: We will move on. I call Deputy Ó Laoghaire.

Deputy Michael Creed: The Deputy does not want to hear the reply.

Deputy Timmy Dooley: He does not want to hear any more of that ráiméis.

Deputy Willie O'Dea: We had enough of that yesterday.

Deputy Patrick O'Donovan: It was much better when Deputy Martin was over here.

Deputy Donnchadh Ó Laoghaire: Yesterday, the Joint Committee on Communications, Climate Action and Environment discussed the Digital Safety Commissioner Bill, which I proposed. The Bill is supported by the ISPCC, CyberSafeIreland and the Office of the Children's Ombudsman. Industry bodies were also quite open to the concept yesterday. The Government's action plan for online safety states that it will implement actions that address many of the same objectives of the Bill. The previous Minister broadly supported the Bill, as does the Fine Gael Chairman of the committee, Deputy Naughton. However, it is still not entirely clear whether the Taoiseach or the new Minister for Communications, Climate Action and Environment, Deputy Richard Bruton, are in favour of such an office. Online safety is the key children's safety issue of our time and we need to act. We need a regulator with real powers. Is the Government in favour of this kind of office? Will the Minister answer that question as directly as he can? Will the Government work with me and the committee to ensure that this office is established as soon as possible?

Deputy Michael Creed: While I am not aware of promised legislation by the Government on this issue, I appreciate the Deputy's interest and the committee's interest in the matter. If we are to move from self-regulation to a statutory oversight in this area, we need to make sure that the law is sufficiently effective and robust to meet the challenges all of us want in terms of-----

Deputy Donnchadh Ó Laoghaire: It is a very simple question. Is the Minister in favour of the office?

Deputy Michael Creed: The simple answer is that Government legislation is not proposed on the issue.

Deputy Brendan Howlin: I raise with the Minister the commitment in the programme for Government to reduce outpatient waiting lists and waiting times, in particular waiting times for ear, nose and throat, ENT, services in the south east based in Waterford University Hospital. We have been told repeatedly by the manager of the hospital that the waiting time to be seen in the outpatients' department of Waterford University Hospital is now four years. One case relates to a child of 15 who is on antibiotics for acute tonsillitis. We have been told that the hospital cannot give a date for an appointment but that waiting times are currently in excess of 48 months. I have seen waiting times of 51 months in the same department. What is the Government going to do to address that or is the commitment to the programme for Government entirely fatuous?

Minister of State at the Department of Health (Deputy Jim Daly): As a former Minister in the Department of Health, the Deputy knows there is not a short answer to questions such as the one he raised. Everybody accepts that the waiting lists are far too long. They are unacceptable and not good enough. The issue is what we do and how we do it, which will take a fundamental shift. A one line answer from me today would not wipe 700,000 people from the outpatient waiting lists.

Deputy Brendan Howlin: What will the Minister of State say to this child?

Deputy Jim Daly: Under the Sláintecare approach, we will bring healthcare down to the lowest level possible and ensure that people are treated in a more appropriate and timely manner.

Deputy Brendan Howlin: That must be funding led.

Deputy Jim Daly: It will take a year or two before the implementation of the strategy will have real teeth and we can make substantial progress.

Deputy Brendan Howlin: That is not an answer.

Deputy Jim Daly: It is an answer.

Deputy Brendan Howlin: What do I say to this child?

Deputy Jim Daly: That is the future.

An Ceann Comhairle: We cannot have a conversation on the matter.

Deputy Jim Daly: The Deputy knows well that I cannot comment on individual cases.

Deputy Brendan Howlin: The Minister of State can comment on all the cases.

Deputy Jim Daly: That is the cross-party approach to dealing with the challenges in the health service. It is a radical, drastic reorientation of how we deliver services because the system we have is not doing that, as we all accept.

Deputy Gino Kenny: I welcome to the Gallery five parents from various parts of Ireland and Britain. They are Vera Twomey, Callie Blackwell, Tannine Montgomery, Danielle Davis and Karen Grey. Currently these parents are treating their children with medical cannabis.

I missed Deputy Micheál Martin's contribution.

The policy on medical cannabis from this Government is absolutely shambolic. One year ago to the day, a majority of the House voted to let the Bill for medical cannabis proceed to the next stage. The Government has basically put in place an embargo.

Time is of the essence. Currently people have to leave the country to get access to medicinal cannabis via licence. It gets worse. Parents of children have to access medical cannabis illegally to treat the conditions. As long as there is ambiguity and a lack of legislative change we will have this chaotic situation.

It has been two years since the Health Products Regulatory Authority report. It has been one year since our legislation. What is it going to be? Will it be our legislation or the HPRA report?

Deputy Michael Creed: As the Deputy will be aware the Oireachtas committee considered the Bill and came to the conclusion that it did not believe it was appropriate for that Bill to proceed.

Deputy Gino Kenny: The House overturned that decision.

Deputy Michael Creed: The House subsequently overturned that decision - I am aware of that - but the Bill has not progressed since.

The Government has taken a twin-track approach to this, as the Deputy will be aware. Products with tetrahydrocannabinol are subject to licence where the applicant has a medical consultant who is leading the request. To the best of my knowledge none of those applications has been refused. Then there is the case of non-THC medicinal products. The Department has engaged extensively and is looking at international best practice to see how we can progress that issue.

Deputy Gino Kenny: Why has it taken two years?

Deputy Mattie McGrath: I will ask a question that comes under the remit of the Department of Agriculture, Food and the Marine. It relates to the over-population of deer. Farmers, householders, road-users and everyone else are threatened and intimidated by these animals. Certainly, they are nice animals but they are creatures of habit and they cross roads in west Waterford and south Tipperary to go for water. Deputy Michael Healy-Rae informs me that in Galway and Kerry they come in the door. It is a major problem and we need a cull by the Department because accidents are happening. Farmers cannot keep their fences up. They cannot keep their crops. Even when farmers put out food in the winter in the troughs the deer are so populous – there may be 12 or 20 deer in a field – that they eat it all. All the cash crops are being destroyed by them.

Will the Minister and the Department of Agriculture, Food and the Marine instigate a major cull? Before the animal welfare people jump down my throat, it is a health and safety issue and a human safety issue. It is also the case that they are doing major damage to agriculture. People are being killed in cars where deer have jumped on top of them.

An Ceann Comhairle: Thank you, Deputy McGrath. I think that is a matter for the Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan.

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): Yes, I will take that question. We have deer management programmes in place.

Deputy Mattie McGrath: They are not working.

Deputy Josepha Madigan: Deputy Mattie McGrath referenced Kerry. We have a programme in Killarney National Park. If there is a cull to be done, a person can make an application and the Department will issue a licence.

Deputy Mattie McGrath: Who is going to do it?

Deputy Josepha Madigan: Obviously, a balance must be struck between looking after and protecting the deer and looking after safety and traffic measures. If Deputy McGrath wishes to make an application to the Department, we can look at it.

Deputy Eugene Murphy: I wish to draw the attention of the members of the Government to page 102 of the programme for Government. It states:

We will pursue a balanced migration policy that supports our economy and meets our international and humanitarian obligations, whilst also taking a tough approach to tackling illegal migration. We are committed to supporting a humanitarian response to the current refugee crisis and providing a safe haven to those who come to Ireland under EU programmes.

I wish to put on record that I support that programme and our party supports that programme. However, I really must attack this Government for the way it has treated communities with regard to setting up possible centres.

Over the weekend in the village of Rooskey, which is eight miles from my place on the County Leitrim side, we were told that a refugee centre was moving to the old Shannon Key West Hotel. No one in the community has been informed. A meeting has been organised by

some of the people involved with community groups only. They have picked special people to go into it. As a local Deputy, I was not even asked. I imagine Deputy Martin Kenny, as the Deputy on the Leitrim side, was not asked.

Why is the Government doing this under a secret type of cover? Why is the Government not coming to the communities? By the way, the communities will take on this challenge and support those people. The people who are bringing this in are saying we are going to have extra teachers in the school and extra support for the doctors, but these things are not happening. They did not happen in Ballaghaderreen either. Communities are prepared to support these people but I appeal to the Government to give back-up to communities to help and assist them.

Deputy Michael Creed: I appreciate the Deputy's concerns in this area. I acknowledge that the community in Roscommon has previously extended a céad míle fáilte to people in direct provision centres. That has to be acknowledged.

I am not aware of the specific case raised by Deputy Murphy but I will arrange to bring it to the attention of the relevant Minister and ask him to communicate directly with the Deputy.

Deputy John Curran: A total of 25 children in the country suffer with spinal muscular atrophy. Sam and Glen both live in my area. It is a degenerative condition. There is hope for them and there is treatment called Spinraza. I have raised the question in the House before and I have been told that following the evaluation process it has not been approved.

If it has not been approved but is available in other European countries, do we need to review the evaluation process? Page 64 of the programme for Government commits to engaging with European partners to make these types of drugs available. Our partners in Europe have made it available but we have not.

While all this goes on, can we look at having a compassionate programme made available for these children?

Deputy Bobby Aylward: I wish to speak on the same issue that my colleague has raised. I have written to the Minister for Health previously regarding the provision of Spinraza for children suffering from spinal muscular atrophy, more commonly known as SMA. I raised the matter previously in the Dáil along with other party members. It has been acknowledged by the HSE that the drug works well and that it is now solely an issue of cost.

Several of the affected families attended a demonstration at the gates of Leinster House in September. One of the families was from my county of Kilkenny. They are waiting in desperation for an answer on this drug. It would make a major difference to the life of their young son. Can the Minister provide an update on the provision of funding for this drug? Has the HSE scheduled any further meetings to discuss this drug? I have raised this before. We have mentioned it several times. We are being told that it is being looked at. It is now time for action not talk.

Deputy Jim Daly: I have addressed this previously and I know Deputy Curran and Deputy Aylward have raised it numerous times previously. A decision is imminent but it is not a political decision. The Deputies opposite are well aware of that. It is an independent process underpinned by the law passed in this House. The decisions are not taken by the Minister of the day. They are taken by the HSE on the basis of a process to be gone through with the companies, which are charging vast amounts of money.

The amount of money we are spending on drugs is a serious challenge for the overall health service. It is a difficult process to get the balance right. We keep in the centre of that process the children who are impacted by this and the urgency to get the drugs.

Deputy Curran asked about a compassionate programme. That is something I will have to raise with the senior Minister. I will come back to him on that point and on the possibility of progressing something like that.

I appreciate the urgency attaching to this, as does the Minister for Health, Deputy Harris. We have to let the independent process come to what is a difficult decision to get the balance right between value for money, while ensuring the process is expedient and addresses the needs of these children.

Deputy Marc MacSharry: Page 48 of the programme for Government seems to be missing from the Government copy because it outlines all the Government will do for the post office network. As the Government is aware 159 branches are closing. A total of 50 are gone and a further 100 will be gone by the end of the year. There is a further crisis in that approximately 60 have advertised looking for postmasters but only five or six offers have been taken up, such is the issue with the contract.

I have put on record the rigged process that has been put in place with regard to the independent review of these closures. I gave two examples, but I am sure they are replicated elsewhere. In Ballinphull, Sligo, the decision was taken before the closing date for the receipt of submissions. It was taken without all the information. Gurteen is another example from Sligo. In that case the independent reviewer's report is being withheld by An Post and the company is refusing the community the opportunity to let it be seen. That has given rise to suspicion locally that a positive report came back from the independent reviewer but because it does not suit An Post the company is not going to release it.

Does the new Minister intend to continue in the same vein as his predecessor, that is to say, on autopilot when it comes to this issue? Is the Government going to accept its responsibilities to rural communities and take some action on this matter?

An Ceann Comhairle: Your time is up, Deputy, please.

Deputy Marc MacSharry: What we have is a rigged process where the Government is allowing a third-party organisation, An Post and a trade union to wipe out rural communities nationwide. I have called out an independent review process that is totally rigged and flawed. I have put proof on the record of the House but I have had no answer from anyone across the floor on the matter.

Deputy Michael Creed: I wish to draw the attention of the Deputy to the fact that in the context of post office closures the record of Deputy MacSharry's party is far more-----

Deputy Marc MacSharry: The public adjudicated on the performance of that Government in 2011. The Minister and his Government will be punished for their actions. The Minister should answer the question-----

An Ceann Comhairle: Deputy MacSharry, please.

Deputy Michael Creed: I represent a rural constituency. There are post offices closures within that constituency.

Deputy Marc MacSharry: Answer the question.

Deputy Michael Creed: It is a negotiated agreement between the postmasters-----

Deputy Marc MacSharry: The trade unions.

Deputy Michael Creed: Exactly.

Deputy Josepha Madigan: This is not a conversation.

Deputy Marc MacSharry: What about the people we represent?

Deputy Michael Creed: The negotiated agreements are being honoured by An Post. The critical issue in securing the continued survival of post offices is their level of usage because that is what determines the remuneration available to postmasters.

Deputy Marc MacSharry: Therefore, the Minister is doing nothing.

Deputy Michael Creed: Where communities are not supporting post offices - I acknowledge that there are many alternative ways by which pension payments can be made directly-----

Deputy Marc MacSharry: The Minister is doing nothing.

Deputy Michael Creed: -----they are, in many respects, reflecting the changing times in which we live.

Deputy Marc MacSharry: It is like the health service - it is the people's fault.

Deputy Michael Creed: I will bring the Deputy's specific question to the attention of the Minister.

Deputy Timmy Dooley: On page 46 of the programme for Government Fine Gael outlines a guarantee to deliver high speed broadband to every home and business in the country by 2022. In the same document it indicated that a contract would be signed by a bidder in or about June 2017, but that did not happen. In the light of the delays, will the Minister outline the Government's commitment to roll out high speed broadband to 100% of homes in rural Ireland by 2022? Will he tell us what the status is of the Peter Smith review of the tendering process which was necessitated by certain recent activities?

Deputy Michael Creed: It remains the Government's commitment to roll out the national broadband plan at the earliest possible date. The terms of reference of the review to be carried out by Mr. Smith have been finalised. I am not sure if it is time bound by the Department, the Government or the Minister involved, but we will let Mr. Smith have access to whatever information he requires. The tender was submitted on 18 September and the evaluation process continues. It is highly complex. I believe the draft contract runs to approximately 1,600 pages; therefore, it is extraordinarily complicated, but it is the Government's stated intention to proceed with the roll-out of high speed broadband to the areas that currently do not have access to it-----

Deputy Timmy Dooley: Completion by 2022.

Deputy Michael Creed: -----at the earliest possible date.

Deputy Aindrias Moynihan: Tá Acht na dTeangacha Oifigiúla nó an tAcht leasaithe á

phlé le fada. Tá sé geallta agus tá dianphlé déanta air le fada. Tá Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán tar éis é seo a phlé leis na heagraíochtaí éagsúla arís. Cá dtéann an tAcht as seo anois? Cathain a bheidh an tAcht leasaithe seo ag teacht chun cinn? Cad é an chéad chéim eile agus cathain a bheidh an tAcht leasaithe foilsithe?

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): Bhí mé i láthair ag an gcomhchoiste inné, mar is eol don Teachta, agus d'fhreagair mé an cheist ag an am sin. Tá an Bille sin idir mo Roinn féin agus Oifig an Ard-Aighne agus tá me dóchasach go mbeidh an Bille foilsithe roimh dheireadh na bliana.

Deputy Danny Healy-Rae: During the tenure of the Government rural Ireland has been hurt a great deal. I refer to the Bill brought forward by the Minister for Transport, Tourism and Sport, Deputy Ross, the closure of post offices, mentioned by Deputy MacSharry, and the closing down of Bord na Móna in the heart of the country. Counties such as Kildare, Offaly, Longford and Roscommon and villages such as Bracknagh and Daingean are being seriously hurt and affected. I refer to rural areas, even the town of Edenderry.

Deputy Michael Creed: The Deputy is straying far from County Kerry.

Deputy Danny Healy-Rae: I am appealing to the Minister not to hurt people in rural areas anymore by stopping them from cutting their own turf because if he points an arrow in that direction, it will result in an almighty battle. Given the way the people in rural areas are hurting-----

An Ceann Comhairle: The Deputy's time is up.

Deputy Danny Healy-Rae: -----people as far away as County Kerry are talking about the closing down of Bord na Móna in the heart of the country-----

An Ceann Comhairle: The Minister to respond.

Deputy Danny Healy-Rae: -----I ask the Minister not to stop people cutting turf in County Kerry and other rural areas to provide heat in their home.

Deputy Michael Creed: I am not sure whether the Deputy asked a question on promised legislation or the programme for Government-----

Deputy Danny Healy-Rae: The Government has closed them down, whatever programme it comes under.

Deputy Michael Creed: -----but I do not accept his premise that rural Ireland is in some way deliberately being disadvantaged by the Department - far from it. As he is aware, the thrust of Government policy in Project Ireland 2040 and investment will be to skew investment in favour of the regions. It follows on the policy we pursued in the context of the Action Plan for Jobs which saw employment growing in all regions. The Deputy will be aware that as late as last Monday his constituency colleague, the Minister of State, Deputy Griffin, opened a new €30 million water treatment plant in the constituency.

Deputy Michael Healy-Rae: Is the Minister saying he had something to do with it? He did not know what it was.

(Interruptions).

Deputy Danny Healy-Rae: The Government has shut down rural Ireland.

An Ceann Comhairle: Please, Deputies.

Deputy Michael Healy-Rae: Since he was given the job there has not been one day that the Minister of State has not made a shame of it.

Deputy Michael Creed: If the treatment plant had not been built, the Deputy would be on his feet to demand that it be built.

Deputy Josepha Madigan: Hear, hear.

Deputy Michael Creed: When we celebrate the fact that a Kerry Minister of State has delivered, the Deputy should have the good grace to acknowledge his contribution.

Deputy Thomas Byrne: Last year, at the Joint Committee on Education and Skills, when the cover-up of fire safety breaches was finally fully uncovered by the former Minister for Education and Skills, Deputy Bruton, he stated he felt Western Building Systems, WBS, school buildings were being built to the highest possible standards. I would like to know why he was able to give that assurance. Was it because the Department was looking at the particular projects and examining them carefully or because the companies it employed, including Kerrigan Sheanon Newman, KSN, which it is still employing to run the crisis response, were advising it that the buildings were built to the highest possible standards? We are now finding out that they were not. On what basis did the Minister give that information and why then did it change?

Minister for Education and Skills (Deputy Joe McHugh): Ba mhaith liom an cheist sin a fhreagairt don Teachta fosta. It is very important to point out that while the fire assessments were being carried out from quarter 4 in 2017 through to the end of August this year, concerns and potential concerns were being highlighted about fire safety issues, including fire walls, fire stops, door jams, etc. However, it was not until the physical invasive works were carried out - they were carried out at Ardgillan over two weeks ago - that structural issues were found. When the former Minister, Deputy Richard Bruton, commented that he was satisfied, he was doing so on the understanding the certificates of compliance had been adhered to by the contractor and the designers. He had no way of finding out what was going on inside the cavity walls. We have a very clear example at Ardgillan of an unacceptable level of workmanship. I intend to get to the bottom of that matter and also in the other 42 schools to ensure whatever remedial action is needed will be taken. In terms of taxpayers' money, accountability and culpability, we will pursue every channel to ensure there is accountability in respect of the people who were in the wrong and that they will pay for it.

An Ceann Comhairle: I call Deputy Rabbitte. There are a further nine Deputies offering.

Deputy Anne Rabbitte: I refer to the commitment on page 109 of the programme for Government to protect farm incomes. My question concerns hardship payments to farmers whose stock could be locked up owing to the presence of TB and who are waiting for various veterinary inspections to be carried out. The 60-day rule applies in the summer, as well as in the winter. We have had 18 months of bad weather. In response to queries to my office I ask the Minister to consider pulling back the waiting time from 60 days to 30 or even less.

Deputy Michael Creed: I appreciate the difficulties a TB outbreak can bring in terms of farm income. The current scheme has been designed to recognise such challenges and reflects

how the Department might respond in the most appropriate way. I do not have any plan on my desk to immediately review the structure of the scheme, but I will take on board the Deputy's observations. I engage regularly with the farm organisations on these matters and will keep the matter under review.

Deputy Willie O'Dea: On a number of occasions, including in the programme for Government, the Government has committed to reduce the cost of insurance. The Minister will be aware of a recent report which indicates that in this country the average payout for whiplash is €20,000, as opposed to under £4,000 in the United Kingdom, which is an absolute disgrace. Does it not guarantee that insurance premiums will remain high and continue to rise?

What precisely has the Government done in fulfilment of that commitment since the programme for Government was published two and a half years ago and what does it intend to do in the future?

Deputy Michael Creed: I do not have the detail on all of that. I know that my colleague the Minister of State at the Department of Finance, Deputy D'Arcy, has been chairing a working group looking at all of those issues. I am aware that the Personal Injuries Assessment Board recently published that figure, which shows that the level of compensation is significantly out of line with international comparators. In the UK it is in the region of £4,500, if my recollection of headlines in recent newspapers is correct. That feeds into the premiums that make it a challenge for businesses to remain open. I will ask my colleague to communicate with the Deputy directly on the detail of this.

1 o'clock

Deputy Jackie Cahill: There is a commitment in the programme for Government to reform the appeals structure for farmers who have suffered penalties under various schemes. Unfortunately, penalties are on the increase at the moment. Particularly in my county, farmers' confidence in the appeals structure is at an all-time low. When will legislation to reform the appeals structure come before the House?

Deputy Michael Creed: The first thing I would say is that the appeals process, which is independent of the Department, is an invaluable service to farmers. I am aware of instances where farmers have felt aggrieved by a decision of the Department interpreting the rules and regulations surrounding schemes and have appealed successfully. I encourage farmers to avail of the process. Yes, in the programme for Government we did undertake a review, and we have accepted all of its contents, as the Deputy is aware. To the best of my knowledge, the review was considered before the Oireachtas committee, and we are taking all the necessary steps to implement its findings.

Deputy Michael Collins: It is stated on page 74 of the programme for Government that "Carers are the backbone of care provision in this country". For the carers and their families, the reality is quite different. For example, a person who is caring for someone who is admitted temporarily to hospital will have his or her carer's allowance stopped if the patient is in hospital for 13 weeks or longer, even though in many cases that carer is at the patient's bedside. Many of these cases involve children. Will the Government look at this and make the system more carer-friendly and family-friendly in these cases?

Deputy Jim Daly: As the Deputy may be aware, we have reviewed the overall scheme for carers. That review is complete. We are intent on providing care for people in the home and making care available to them in the home on a more fair and equitable basis. As part of that

commitment, we intend to improve the conditions for carers as well as the provision of care.

Deputy Michael Healy-Rae: A five-year strategy document has been completed by the Irish Harness Racing Association, IHRA. It was signed off by the IHRA's board. The Department is in the process of signing off on it also. A two-year application has been submitted for 2019 funding, that is, seed funding and recurring funding. Will the Minister acknowledge that seed funding on its own is not enough to be sustainable for the board, and will he do his best to assist this very worthwhile organisation in the great work it is doing?

Deputy Michael Creed: I have had some engagement with the Irish Harness Racing Association, as I know Members of the House have. As I understand it, the IHRA is a constituent member of Horse Sport Ireland, HSI, to which we increased funding in the budget. We have engaged with the IHRA and sought a strategy document from it. I have engaged directly in the past two weeks. At that stage I understood that the document was about to be submitted, but I have not personally seen a final draft.

We recognise that this is an activity that needs to be supported and regulated. We look forward to working with the IHRA. Additional direct funding for IHRA in 2019 is now especially challenging because the budget arrangements for 2019 have been concluded. I will look at the document and engage further with the IHRA.

An Ceann Comhairle: There are just four remaining Deputies. If they can ask their questions in 30 seconds, we will accommodate everyone and hear a reply.

Deputy John Brassil: In the programme for Government a commitment is given to support third level students, particularly through the Student Universal Support Ireland, SUSI, grant. I remind the Minister of an anomaly in the assessment of distances for the adjacent and non-adjacent grant. SUSI uses Google Maps in this assessment, which in many cases will direct students to roads that are secondary or tertiary and in many cases barely passable. I ask that we change the assessment tool to the AA route planner, as is used for assessing distances for our own travel arrangements as Deputies? If it is good enough for us, it should be good enough for SUSI to use in assessing the adjacent and non-adjacent rates. This is very significant, because trying to bring somebody by the shortest route from their home will often bring them on roads that are impassable and unsafe.

Deputy Fiona O'Loughlin: Statistics have shown us that Irish women are among the least likely in Europe to report crimes of domestic violence and abuse. We have to do more to support and enable these victims. Seven months have passed since the Domestic Violence Act 2018, introduced on 1 February 2017, passed all Stages of the Oireachtas. This is groundbreaking legislation. It moves to a more victim-centred approach and is very important legislation. Not a single piece of this Act has been commenced. Will the Minister please tell us when we can expect this legislation to be commenced?

Deputy Martin Kenny: The programme for Government makes a clear commitment to reduce the waiting times for surgery in hospitals. A lady from my constituency contacted me yesterday. She has a blocked artery in her leg which was diagnosed over a year ago, and she is scheduled for surgery in University Hospital Galway. Her appointment was cancelled and has been cancelled five times since. The next time it was due was next Tuesday. In the beginning, when she was diagnosed with the problem, the consultant prescribed the use of what is called an artery assist machine. She was told this would be short-term, but now her appointment has been

cancelled so often that it has cost her €3,000 over the year. She is a medical card holder, but the HSE refuses to fund it. It is a continuing situation in our health service that people feel they are pushed to the back all the time and the cost is always put on the individual. It has to stop. The resources must be put in place to ensure that surgeries happen in the required timeframe.

Deputy Kevin O’Keeffe: More than 12 months ago, in the Minister’s backyard of Charleville, the Taoiseach committed to the development of the M20 motorway from Cork to Limerick. Since then, major Government announcements have committed to it. However, we cannot seem to get a timeframe from the Government. What concerns me is that only a few months ago, metro north plans to build a subway from north Dublin to south Dublin were released. Within a few months, the Government was able to amend the design with the stroke of a pen, at an extra cost to the taxpayer of €100 million. Why is it that we cannot get a material commitment on when the motorway from Cork to Limerick is going to be started and its date of completion? We should be able to get some idea, because plans are already in the Department.

Deputy Joe McHugh: I will take the first question from Deputy Brassil. Deputies will find that when people come to me with suggestions and common-sense and practical solutions to issues, I am all ears. I thank the Deputy for raising that issue. It is one that came up in my own county when we were looking at closest distances and the nearest school rule. Roads that were virtually impassable for buses were earmarked as routes. If there are practical solutions concerning distances and the adjacent and non-adjacent rule, I am certainly interested in bringing them into the debate with my officials. I will raise it with them very shortly.

Deputy Michael Creed: To answer Deputy O’Loughlin’s question on domestic violence legislation, I am not aware of the detail around the commencement. I agree with the Deputy that this is a heinous crime, and we need the full legislative arsenal to deal with those who are guilty of it. I will ask my colleague, the Minister for Justice and Equality, to communicate with the Deputy directly.

On Deputy Kenny’s point, as he is aware, there is significant increased funding for the National Treatment Purchase Fund in the budget for 2019. I hope that will deliver a solution. I accept that many thousands of people await surgery. There are initiatives pertaining to that fund to help reduce those waiting lists.

The M20 is critical infrastructure that traverses Deputy O’Keeffe’s constituency and my own and is critical to regional development. The Taoiseach gave a commitment that this would be prioritised in the context of Project Ireland 2040. As the Deputy will no doubt be aware, moving from approval in principle through all of the necessary hoops is not easy. I acknowledge, however, that much of the preparatory work will have been done previously but I am not sure whether it is all transferable at this stage. I will ask the line Minister to communicate directly with the Deputy on the matter.

Just Transition (Worker and Community Environmental Rights) Bill 2018: First Stage

Deputy Eamon Ryan: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the establishment

of a body to be known as An Coimisiún Náisiúnta um Thrasdul Cóir or, in the English language, the National Just Transition Commission to oversee the bringing together of workers, communities, employers and government in social dialogue to drive the plans, policies and investments needed for a fair transformation to a low-carbon economy; to require the preparation, by certain prescribed bodies, of just transition plans; to provide for the conferral of other functions on the said body; to amend the Climate Action and Low Carbon Development Act 2015; and to provide for related matters.

I am honoured to be able to introduce the Just Transition (Worker and Community Environmental Rights) Bill, which is an important part of the new architecture we need to tackle climate change, the greatest global challenge of our time and a particular challenge for the country. However, we also have an opportunity. We know, from the latest IPCC report, of the urgency of the issue. We know that it requires changing everything, including our entire energy, food production, transport and industrial systems. We need to get that change right, particularly in supporting and maintaining workers' rights. The future of the labour movement in Ireland will be green. Social justice and ecological justice go together and this Bill and the institutions it proposes to set up would help make this green future happen.

I will give some examples of where we might need this legislation before outlining briefly its main provisions. The most obvious current case is the need to ensure workers in Bord na Móna and the general midlands economy will thrive in a new, clean energy, green future. Anyone could tell that keeping peat-fired power production in the belief that we could import biomass at scale from the United States, which Bord na Móna may still be considering, was not sustainable environmentally, for the workers or for the long-term future of the company. However, Bord na Móna still offers us a real opportunity. We must place the company at the centre of the massive transition we need to make. Major jobs need to be done and I am glad Bord na Móna is considering potentially developing 2 GW of renewable power. The bogs would be perfectly suitable for this purpose because grid connections for both wind and solar power could be established in these areas in ways that would bring real wealth to the midlands.

Given the skills of its workforce and management and its tradition of delivering for the State, Bord na Móna could be used to deliver the massive investment in energy efficiency we require. Oil fired central heating systems are used in 1 million homes here. If the IPCC report on climate change is to mean anything, these systems must all change in the next ten years. The public energy efficiency target is not being met in public buildings. We have tried to change behaviour. We now need physical infrastructure that will save the State money and cut emissions.

This country has considerable capability and is good at balancing variable renewable energy supply and demand. Rolling out a charging infrastructure for electric vehicles and heat pumps to every house is a major task. Deeper retrofit on buildings must be done at the same time to make the transition. Bord na Móna should be centre stage in making that happen. A significant budget is available and further funding to make this happen is also available. It will not be done correctly if it is not planned and part of the job of the just transition commission we propose in the Bill would be to bring the various players around the table to set out and plan exactly how we make this happen.

Similarly, the car industry will have to change dramatically in the next ten years. It will have to move towards electric vehicles and car sharing rather than car ownership. Car maintenance will be completely different because breakdowns in the electric vehicle fleet are only a fraction of the number in conventional car fleets. How can we work with the motor industry?

It does not make sense to see it as inevitable that the industry remains as it is and does not take part in the transition, nor would it make sense to allow the transition to happen without planning for it. It would be better to set out for the car retailers and lobby groups what changes we see coming, including fewer car sales, less maintenance and less business in car parts. We would, however, have better cars and a better transport system. We want to ensure the industry and workers in it prepared for those changes. We can achieve that by setting up, as proposed in the Bill, a process of mediating how one organises and realises this change.

An Ceann Comhairle: The Deputy's time has concluded.

Deputy Eamon Ryan: I was only warming up.

An Ceann Comhairle: I noted that.

Deputy Eamon Ryan: I look forward to discussing the Bill in much more detail at a later stage.

An Ceann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann 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 Clare Daly and Catherine Connolly - delays in the payments to women who worked in Magdalen laundries under the redress scheme; (2) Deputy James Browne - the funding for St. Aidan's care services in Gorey, County Wexford; (3) Deputy Fergus O'Dowd - the protocols in place for visiting persons in residential care; (4) Deputies Eamon Scanlon and Eugene Murphy - improvements needed in road safety measures on the N4 route following an increase in collisions; (5) Deputy John Brassil - the vacancies on community employment schemes across the country and the impact of full employment on the schemes; (6) Deputy Fiona O'Loughlin - the impact of the M7 roadworks on commuters; (7) Deputy Thomas P. Broughan - the need for additional consultant psychiatrists at the Kilbarrack west mental health service; (8) Deputy Imelda Munster - the planned extension at Our Lady of Lourdes Hospital, Drogheda; (9) Deputy Frank O'Rourke - the proposed revenue changes to mileage-relief allowances for employees of Waterways Ireland; (10) Deputy Joan Burton - the loan approval rates for applicants to the Rebuilding Ireland home loan scheme; (11) Deputy Mattie McGrath - the need to establish an interdepartmental task force to address the employment and investment crisis in Tipperary town; (12) Deputy Michael McGrath - when agreed outstanding payments

will be issued to claimants caught up in the collapse of Setanta Insurance; (13) Deputies Mick Barry and Donnchadh Ó Laoghaire - the delay in progressing the opening of the Cork event centre; and (14) Deputy Brian Stanley - the status of the schools in County Laois that are currently affected by structural issues.

The matters raised by Deputies Michael McGrath; Fergus O'Dowd; Mick Barry and Donnchadh Ó Laoghaire; and Eamon Scanlon and Eugene Murphy have been selected for discussion.

Sitting suspended at 1.18 p.m. and resumed at 2.18 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Insurance Compensation Fund

Deputy Michael McGrath: I again raise the issue of the collapse of Setanta Insurance, which occurred in April 2014, more than four and a half years ago. Unfortunately, there are still many outstanding claims. Legitimate claims have been made and agreed but the amounts have not yet been settled because of the collapse of the company, the fact it went into liquidation and the fact that, for a long period, there was a cap of 65% on what could be paid by the insurance compensation fund. It has taken a lot of work, involving many parties, to try to secure progress on this issue. In January of this year, the Minister, Deputy Donohoe, gave a commitment that 100% of the third-party claims would be met, that is, the full cost of the claims, not the 65%. The necessary legislation to give effect to this, the Insurance (Amendment) Bill 2018, was completed before the summer recess and signed into law in July.

We have a situation where, as I understand it, there are still more than 1,500 outstanding claims which have not been fully met. In some cases, there is not yet an agreed settlement figure, which is why they have not been paid. In other cases, 65% of the cost of the claim has been met by the Insurance Compensation Fund, but the claimant is still awaiting payment of the remaining 35%. There are further cases in which the full 100% continues to be owed, even though the claim amount has been agreed between the relevant parties. There will be a shortfall at the end of this process which ultimately will be met from the additional levy set out in the legislation and the new motor insurance compensation fund that is being in place.

I emphasise the human toll in this saga. I have got to know many of the people caught up in the collapse of Setanta Insurance. It has to be borne in mind that some of the claims which remain outstanding relate to accidents that occurred many years before the collapse of the company in 2014. In some cases, they occurred in 2009 and 2010. We are approaching 2019 and they are still waiting for their money. They are not scam or fraudulent claims; rather, they are legitimate claims made by people who have incurred an injury and worse. In one case, tragically, there were fatalities.

This issue must be prioritised. We need the next tranche of payments to be made without further delay. In that regard, I understand an application must be made to the High Court for approval of the next tranche of payments to be issued to those directly affected. It has been a

nightmare for those caught up in the collapse of Setanta Insurance. They are people who, in the case of policyholders, took out a legitimate insurance policy in the State with a company regulated principally in Malta but which was regulated here for conduct of business purposes. In some cases, lives have been put on hold for many years. I hope there is light at the end of the tunnel and that the outstanding claims, in respect of which a settlement has been agreed, can be fully paid without further delay.

What people want to know as a result of my raising of the issue today is the date on which the process will be brought to a conclusion. We have had many promises and commitments from the Government. The Fianna Fáil Party is maintaining the pressure to get the issue over the line to bring an end to this nightmare for the people affected.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I am taking this matter on behalf of the Minister for Finance, Deputy Donohoe, who sends his apologies for not being present. As the Deputy will be aware, he is before the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach. I acknowledge the Deputy's interest in this matter and that this is not the first time he has raised it.

As alluded to by the Deputy, Setanta Insurance was placed into liquidation by the Malta Financial Services Authority on 30 April 2014. As it was a Maltese incorporated company, the liquidation is being carried out under Maltese law. The Minister is conscious of the effect of the delays in the payment of compensation to Setanta Insurance claimants. The Deputy will be aware that the insurance (Amendment) Act 2018 was signed into law in July this year. The Act, *inter alia*, provides for the payment of 100% of the compensation due to Setanta third party personal injury motor insurance claimants, including the additional 35% to those who have settled their claims and already received compensation of 65%. The Act also provides for revised arrangements for the ongoing administration of the Insurance Compensation Fund, including, as referenced by the Deputy, the relevant applications to the President of the High Court. The revised arrangements have been put in place. The administration and governance of the fund has been transferred from the accountant of the High Court to the Central Bank of Ireland. The State Claims Agency has taken on the responsibility for making the application for the payment of claims from the Insurance Compensation Fund to the High Court. Once the High Court grants an order to release money from the fund, it is the State Claims Agency that will receive the funds directly from the Central Bank. The agency will then process and issue payments to claimants in co-operation with the liquidator.

The Minister has been informed by the State Claims Agency that a High Court date has been agreed for Monday, 19 November. The purpose of the court appearance is to obtain approval for payments from the fund in respect of the fourth tranche of payments to Setanta claimants. Payments can then be issued to qualifying Setanta claimants by the agency within ten working days of obtaining the funds from the Central Bank on foot of the High Court order. Therefore, the Minister is optimistic that the next tranche of payments can be made to claimants in late November or early December. While he cannot comment on individual cases, the agency has advised that the next tranche will comprise of newly settled claims requiring 100% payment; all those cases where 65% was previously paid and where the balance of 35% is due; and a number of third party legal cost payments. In total, it is expected that the next tranche of claims will comprise in the region of 1,500 separate payments, with a value of approximately €21 million.

While it was hoped an earlier court date could have been agreed, it should be noted that this is the first time the State Claims Agency will carry out the assessment and verification process.

Therefore, it is taking extra care to ensure the entire process will work as intended. As the House will appreciate, with 1,500 separate payments, there is a considerable amount of detailed work attached to the process and it is important to get it right. Once the details are worked through for the first application, the process should work more efficiently for subsequent applications. It should be noted that the process of settling claims is still ongoing and, in some cases, subject to court procedures. As the fifth Setanta tranche application to the High Court will be subject to the three-month rule as set out in the Insurance (Amendment) Act 2018, it will not take place until late February at the earliest. The liquidator of Setanta Insurance estimates that the process of settling the vast majority of the outstanding claims should be completed by the end of 2019.

I hope the reply has been of some benefit to the Deputy. If there are specific issues that he wants to raise, I will be happy to relay them to the Minister.

Deputy Michael McGrath: I thank the Minister of State for the reply. I omitted to mention in my opening remarks the policyholders whose insurance policy with Setanta was the subject of a claim by a third party and who had been left in limbo. Many of them have received legal letters in the past few years informing them that they could be held personally liable and have judgments taken out against them for any shortfall in the amounts paid to the claimants. It is important to indicate that many of those caught up in the collapse of Setanta Insurance also had this issue hanging over their heads.

It is welcome that a date has been set for the next court hearing - Monday, 19 November 2018 - that it will involve the approval of 1,500 separate payments related to the collapse of Setanta Insurance, with a value of approximately €21 million and that the payments will be issued to the affected claimants in late November or early December. I sincerely hope there will be no further delay in the process and that the people concerned will get their money either at the end of this month or early next month but definitely before Christmas this year.

This is not the end of the matter as there will be further tranches that will need to be approved and paid. There are still outstanding claims, for which there are no settlement amounts. I encourage all those involved to try to reach a settlement in order that the mechanisms provided for in the Insurance (Amendment) Act 2018 can kick in and the full amount can be paid. The good news, as per the Minister of State's reply, is that a date has been set and there is light at the end of the tunnel. However, Fianna Fáil will maintain the pressure. I thank everybody who has been working to bring about a resolution of this really difficult issue for those affected. I hope there will be no further undue delay in having the payments issued to those affected.

Deputy Patrick O'Donovan: I acknowledge the Deputy's remarks and I am sure the Minister for Finance, Deputy Donohoe, would concur with much of what he said. The Government is satisfied that the new arrangements for the Insurance Compensation Fund, with the procedures for accessing funds, mean that from now on other claimants will be able to receive payments more efficiently and regularly.

I acknowledge the Deputy's welcome for the setting of the court date. He is right that there is now light at the end of the tunnel. It involves an input from a number of bodies, including the Central Bank and the State Claims Agency. The House will appreciate that, with the new arrangements, there is a considerable amount of detailed work attached to the process and that it is important to get it right. Nonetheless, the Minister is determined that all Setanta claimant payments will be issued as soon as is practicable. He welcomes the news from the State Claims Agency that the next court hearing will be later this month, with a view to the next tranche of

claims being paid by late November or early December.

Nursing Home Services

Deputy Fergus O'Dowd: This is an important issue and I thank the Ceann Comhairle for selecting it for debate. I welcome the Minister of State, Deputy Jim Daly, to address it.

Last Thursday week the programme “Prime Time Investigates: Troublemakers” was screened. It showed how families who care for loved ones in institutional care, be it in a private nursing home or a HSE institution, are denied their natural right to visit their seriously ill family members. Two cases in particular were raised. One was that of Anne Fitzgerald, who is unable to communicate and has been ill and in that medical condition for a long time. Anne’s husband Pat and daughter Frances love her greatly and visit her regularly when they are allowed. Pat, who cared so much not just about his wife but also about other people in Cherry Orchard Hospital, made a complaint and expressed concerns about another person who he felt was not being treated properly. As a result, he was barred from visiting his sick wife, as was his daughter. This shameful, disgraceful, arrogant and arbitrary act imposed on Pat and his family is denying to Anne Fitzgerald, the patient who lies in a bed in that hospital, her natural human right to be visited as she wishes by her loved ones. Why was Pat shown on the television programme being allowed to visit his good wife? The reason was that the HSE, in its wisdom, allowed him to visit for one hour four times per week. When the 60 minutes are up, a man knocks on the door and says it is time for him to go. His wife, whom he cares for and loves greatly, is being treated as if she were in jail and is being denied her rights. Pat is being denied his rights, all because he is standing up for other people in a system that is malfunctioning. A recent HIQA report on Cherry Orchard Hospital found nine outcomes of major non-compliance, which is extremely upsetting to all the residents and their families.

It is exceptionally clear to me and, I hope, the country that much more needs to be done to improve standards of care in these institutions. The HSE has been aware for some years of significant shortcomings in the governance, quality and risk management operating in Cherry Orchard Hospital. The shameful and disgraceful treatment of the late David Earls and his family will be the subject of debate here as soon as I can get the facts on three deaths at the hospital, including the death of David. These were investigated and the same outcome in terms of shortcomings in governance, quality and risk management arises.

While I appreciate that the Minister of State is not the administrator of Cherry Orchard Hospital, he is in charge of this area. What I and the family want to see is a proper process of respect for families and an appeals process which they can use if issues arise. Why should Pat not be allowed to visit his wife or Frances her mother in hospital? Anne cannot communicate. No one else will be in that room to see them and for someone to tell them their hour is up is shameful and disgraceful and must end. Since the television programme, no one from the HSE has been in touch with the Fitzgerald family - I rang them just before I came in here - which is absolutely unforgivable. I will be unforgiving and relentless in my pursuit of the management of Cherry Orchard Hospital and the people who make these decisions to ensure these families’ absolute right to an appeal.

I will raise the second case in my second contribution.

Minister of State at the Department of Health (Deputy Jim Daly): Gabhaim buíochas

as ucht an deis labhairt ar an ábhar tábhachtach seo. I acknowledge Deputy O'Dowd's long-standing commitment in this area and his fearless dedication and commitment to raising issues and highlighting injustices he has come across in the system.

I understand that the Deputy raises this important issue in the context of a recent "Prime Time" programme which was broadcast, as he said, on 25 October. The care and well-being of the residents is the primary consideration of the person in charge of each residential care centre. The overarching principle is that families play an important role in the care of their loved ones and that visiting should be facilitated in the interest of the resident unless there are compelling reasons this cannot be done. The Health Service Executive does not routinely use visiting restrictions in residential care centres. These settings are now mainly overseen and regulated by the Health Information and Quality Authority, HIQA, or the Mental Health Commission. The inspection reports of both regulatory authorities include the views of residents and their families in many instances.

It is important to have effective mechanisms to maintain and enhance public confidence in the delivery of quality residential care. Residents, their families and the public need to be reassured that the care people receive is monitored. Our system of regulation and inspection was established for the sole purpose of ensuring safety and quality of care for nursing home residents. While standards of care are, thankfully, generally very good, we cannot and will not be complacent when it comes to the protection of older people and other vulnerable people.

Under current legislation, visiting restrictions may be put in place on occasion for a variety of reasons, including safety concerns relating to infection control and the safeguarding of residents from risk of harm. In respect of older people's settings, both public and private, the registered provider is required to make arrangements for a resident to receive visitors and the person in charge shall ensure that, insofar as is reasonably practicable, visits to a resident are not restricted unless such a visit would, in the opinion of the person in charge, pose a risk to the resident concerned or to another resident, or the resident concerned has requested the restriction of visits. In addition, all nursing homes are required to have an accessible and effective complaints procedure, including an appeals process. They must investigate all complaints promptly and, following investigation, put in place any measures required for improvement.

The provisions of the Mental Health Act 2001 (Approved Centres) Regulations 2006 include a requirement that approved mental health centres take all reasonable steps to ensure the safety of residents and visitors and have written operational policies and procedures on visits and the health and safety of residents, staff and visitors. The HSE currently has 11 instances where visiting to residents is restricted in services for older persons and mental health services. This is in the context of currently providing more than 7,000 such beds across those services. The cases in which restrictions have been put in place are for a variety of reasons, including the residents in question being wards of court, family members holding enduring power of attorney and having requested certain restrictions, and safeguarding concerns. The HSE has advised that each of the current instances where some level of a restriction on visiting is in place will be reviewed. I welcome that decision.

Deputy Fergus O'Dowd: I welcome the Minister of State's statement and acknowledge that he has been given it to read out. I do not blame him for its content but I do not accept the position in the cases of the Fitzgerald family and the other lady, whom I will call by her first name, Louise. In both these cases the patient is not able to communicate or talk, so there is no question of their not wanting visitors. In both cases there has been arbitrary barring and there

is no appeals process. In the case of Louise, her father is dying. When I met her on Sunday she said her father was very seriously ill and would pass away soon. She cannot visit him and was not allowed into the nursing home, which is private, although it is a HSE bed.

There are serious issues here. If the HSE is serious about examining these cases, why has it not contacted the families since Thursday of the week before last? There is an absolutely ruthless disregard of the care and love these families want to show their family members, and it is entirely unacceptable that there is no independent appeals process. Thankfully, there are only 11 such cases. The two cases to which I refer are among them. This is destroying human beings who love and care for their loved ones and cannot show that love in a way that the Minister of State, I or anyone listening to this debate would wish to do. If there is an issue - and I am not talking about these two families - there should be an independent appeals process. It should not involve someone from the HSE or the private nursing home sector. Given that these cases are rare in the first place, as the Minister of State said, appeals should be exceptional. Perhaps a judge or retired judge should look at these cases independently. There should be an appeals process in any case because these families' hearts are broken and the people to whom I talk do not and will not accept that Pat Fitzgerald and his daughter should not be able to visit Anne. That is at the heart of all this. Louise should also have the opportunity to visit her dying father before he passes away.

Deputy Jim Daly: I stress to the House that quality care and patient safety must come first. The means of ensuring that all residents receive the same high standard of quality assured care is through adherence to the national standards in this regard. In recent weeks, the Deputy will be interested to know that the HSE has requested that the chief officers in each community healthcare organisation area to ensure that, in each case where a visiting restriction has been imposed, the chief officer reviews it with the relevant personnel to establish that the measure is warranted, appropriate and to the least level of restriction possible.

Where a restriction has been applied, it should also be ensured that there is an ongoing review that would allow for it to be lifted as soon as the circumstances leading to the decision no longer prevail or are altered. The guiding principle of the maximum inclusion of families must also be upheld, and it should be ensured that consideration of the issue is informed by the most recent regulatory report in respect of each centre, in so far as that report refers to families, families' views, visiting inclusion etc. Where there is a restriction, the families must be offered independent mediation with local HSE staff. I am assured by the HSE that this process is under way.

From a policy perspective, we have taken a number of steps to ensure that the voice of patients is embedded in the health service. It is intended to appoint two patient advocates to the board of the HSE. Proposals for an independent patient safety council are at an advanced stage and we expect to be in a position to bring proposals to the Government very shortly. I am not going to comment on the individual cases. Sometimes cases are highlighted on the television. The Deputy will be the first to acknowledge that there are other cases that do not make it to the television that are equally concerning to us. I will take on board what has been suggested about an independent appeals process.

Deputy Fergus O'Dowd: I ask that the families be contacted by the HSE this evening.

Deputy Jim Daly: I will certainly pass that request on to the HSE.

Urban Renewal Schemes

Deputy Donnchadh Ó Laoghaire: Leanfaidh mé ar aghaidh, agus má thagann an Teachta Barry, ligfidh mé isteach é. It is, incredibly, 1,000 days since the sod turning for the Cork event centre. It has been 1,000 days of missed deadlines, uncertainty and the people of Cork getting increasingly frustrated. It is not even as if that was the start of the story. We heard that work was due to start in the summer of 2015, then late 2015, before it went on to Easter 2016, late 2016 etc. It was February 2016, when the then Taoiseach, Deputy Enda Kenny, turned the sod in the teeth of a general election, that this whole train of events moved from process to high farce. It has become a matter of fact that it was an election stunt.

I want to be clear that I want this to happen and the people of Cork want this to happen. No one is raising concerns just for the sake of it. The potential is enormous. The project can bring much life to the city, major events and conferences and help regenerate that entire part of the city from North Main Street up to Barrack Street. Public confidence has, however, sapped away. As well as the landmark of 1,000 days, it is more than a year since the application for additional funding was made by Cork City Council to the Department in September 2017. Why has it taken so long for this application to be approved? The Government keeps telling us that it is committed to this project, but we still await approval.

I asked the Tánaiste in July whether he believed the Department would decide on that additional funding between then and the return of the Dáil in September. He said that was the intention but, so far, we still do not have sign-off. I recognise that the Government will say some of the responsibility for this project lies with other parties, including Cork City Council and the contractor, BAM, but the application for €10 million is with the national Government. Processing that application is one of the key steps to moving forward. Where is the Government decision on additional funding, when will it be made and when will final agreement on the additional funding be arrived at?

Deputy Mick Barry: I want the Minister of State to explain to the people of Cork what the story is with the event centre, for which we have been waiting 1,000 days. The Minister of State's former leader, the then Taoiseach, Deputy Enda Kenny, was pictured on the front page of the newspapers with a shovel turning the sod for the event centre. It is 1,000 days later and not a single brick has been laid on that site. It is a disgrace. The Tánaiste, Deputy Coveney, was out front with his picture in the newspapers. It was an election stunt during the general election of 2016. The people of Cork need, deserve and want that event centre and they want to know the story.

The Tánaiste was on the front pages of the newspapers again the other day stating that meetings were taking place here, there and everywhere. I am sure meetings are taking place left, right and centre. What are the meetings discussing? They are discussing putting more taxpayers' money, more State money, towards the project and the big corporate interests behind this project. Originally, there was talk of €20 million and then an extra €10 million was being looked at. I understand there is also an extra €10 million for public realm funding. That is €40 million out of a €75 million to €80 million project. Half of the money is coming from the State.

The centre would have been open by now if it had been built by the State as a public project. That is what should have happened from day one. What is the story? The people are watching and they want to know. They are sick and tired of these excuses from the Tánaiste. Let us have some real news today.

Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen): I thank both Deputies for raising this issue. The Cork event centre project consists of the design, construction and operation of a new multifunctional event centre in Cork city with a capacity of approximately 6,000 people. It is envisaged that the event centre will be capable of accommodating a range of events, including concerts, festivals, family entertainments, arts, cultural, sports, exhibitions, conferences and trade shows. This is a project, as both Deputies know, led by Cork City Council. In December 2014, the development company BAM was selected by Cork City Council as the preferred tenderer. BAM in turn has engaged international events company Live Nation as the preferred operator.

The project is being developed and managed ultimately by Cork City Council. This means that Cork City Council is responsible for its delivery. A service level agreement has been signed between the Department of Culture, Heritage and the Gaeltacht and Cork City Council. This agreement sets out the terms and conditions of the grant of €12 million, and the Department has paid €1 million to Cork City Council. In addition to the €12 million provided by the Exchequer, Cork City Council itself plans to contribute €8 million to the project. The total project cost of the Cork event centre when the tender was awarded to BAM by Cork City Council in December 2014 was €50 million. The latest financial projection provided by Cork City Council to the Department of Culture, Heritage and the Gaeltacht, however, indicates a significant increase in the cost of the event centre. In September 2017, Cork City Council wrote to the Department of Culture, Heritage and the Gaeltacht seeking additional funding of €10 million for the project from the Exchequer. This would bring the Exchequer contribution to €22 million and total public funding to €30 million.

This project is very much in line with what the Government is seeking to achieve in terms of balanced regional development and sustainable urban development under Project 2040. The Cork event centre is a Government commitment and it also underlines the Government's commitment to culture. The new centre will provide a substantial addition to the cultural offering in Cork city and county when it is complete.

In the context of the application for additional funding of €10 million for the project, the Department of Culture, Heritage and the Gaeltacht, as the sanctioning authority, needs to ensure that the project is robust, complies with the public spending code and will deliver value for money for the Exchequer. I am sure the Deputies will agree with me on that. Due to its size and cost, this project has significant procurement, state aid, legal and matching funding complexities.

Significant work is taking place by all parties involved to develop a sustainable project, culminating in a new cultural centre for Cork. I confirm that high-level meetings continue to take place regarding the legal and funding requirements in light of the additional €10 million funding request. Cork City Council is also reviewing a number of elements of the project, such as the revised application for planning permission which was submitted in August 2018 and funding of ancillary infrastructure near the event centre. I will restate this to both Deputies and the people of Cork. All parties are eager for this project to progress and to be delivered in accordance with the relevant Exchequer funding and legal requirements.

Deputy Donnchadh Ó Laoghaire: The Minister of State's response is not particularly clear, enlightening or encouraging. There is no timeline and he merely restated the process, with which we are more than familiar. The people of Cork are also more than familiar with it. The response speaks of the latest financial projections provided by Cork City Council for

the Department which indicate a significant increase in the cost of the events centre. That is old news. There is also mention of an application for funding in September 2017, with which we are also all more than familiar. More delays are the problem. A total of €633,000 has been spent without one brick being laid. or perhaps it is more than that at this stage.

I note that meetings have been outlined by the Government and the Tánaiste recently in the *Evening Echo*. It is difficult for us to evaluate their value and whether they were fruitful, but I hope they were. If they were, surely it would be possible to give us a timeline as to when a decision is likely to be made on the funding application. Will it even be made in 2018 or will it drag on even further into 2019? I am not asking the Minister of State for a decision, but rather when will a decision be made on the application for additional funding?

Deputy Mick Barry: I have looked at the Minister of State's reply and there are many lines I could pick from it. One indicates that the Department of Culture, Heritage and the Gaeltacht has already paid €1 million to Cork City Council. Does the Minister of State know on what the €1 million has been spent? It has been spent on consultants and solicitors' fees. Not one single brick has been laid. The people of Cork were promised this project by Deputies Coveney and enda Kenny 1,000 days ago. They have been extraordinarily patient and put up with delay after delay. The Minister, Deputy Coveney, is saying it will be sorted out in a few weeks and that construction will start in early 2019. I am not looking for ráiméis and old talk but for hard news and information. When will the project start?

Deputy Pat Breen: Deputy Ó Laoghaire has said he wants the project to happen. The Government also wants it to happen and it will. I say to Deputy Barry that there is no stunt. As I mentioned, there are complexities owing to the size and cost of the project. As the Deputies know, there is significant procurement and State aid involved. It is really important that we deliver value for money. The development of the events centre in Cork is a priority for the Government. I speak on behalf of the Minister, Deputy Madigan, and the Tánaiste in saying this. Our commitment to the project is as strong now as it was in 2014 when Cork City Council awarded the tender. It is not a question of it not happening; it will happen. It is clear that the events centre represents an important opportunity for business and tourism in Cork. The Government is committed to investing in Cork which both Deputies should be delighted to hear. The project is in line with the objectives of Project 2040 such as investing in our culture, language and heritage. It sets out indicative investment levels for the national cultural institutions, including €22 million for the Crawford Art Gallery in Cork. Both the Crawford Art Gallery and the events centre have the potential to contribute much to the cultural life of Cork and also its economic development.

Deputy Mick Barry: We have been hearing about potential for three years now.

Deputy Pat Breen: It is a priority for all Deputies in Cork. As I mentioned, the Department of Culture, Heritage and the Gaeltacht is continuing to engage with Cork City Council and there are ongoing meetings about additional funding for the events centre. However, like all capital proposals of this size, it is subject to evaluation and appraisal in accordance with the provisions of the public spending code, as I am sure both Deputies will acknowledge.

Deputy Donnchadh Ó Laoghaire: When will a decision be made?

Deputy Pat Breen: I cannot give a decision now, but the process is moving in the right direction. When it happens, I am sure the Deputies will acknowledge it also.

Road Improvement Schemes

Deputy Eugene Murphy: I thank the Minister for coming. I will say one thing for him - he is one of the few senior Ministers who comes here to answer questions in Topical Issues debates. We might criticise him correctly on other issues, but we appreciate him being here.

My colleague, Deputy Scanlon, and I are here again to bring to the Minister's attention the deficits on one of the national primary routes in Roscommon. It is the section of the N4 between Carrick-on-Shannon and Boyle, on which I am sure the Minister has travelled. If he has not, I invite him to do so in the next week or two in order that he can have a good look at it. A number of junctions on it cause grave concern. Deputy Scanlon and I will highlight the right turn to Knockvicar and the left turn to Croghan. There is a mounting number of accidents, in which people are injured, at these junctions. It is an urgent matter for Transport Infrastructure Ireland, TII, which should formulate a plan as quickly as possible. I know that the council and councillors in the region have been highlighting the matter from as early as 2010 when there was a campaign about the issue, but nothing was done. We need lining improvements on the road at the junctions mentioned. In the meantime, we know that a flashing sign telling motorists to slow down has been effective on the N5. Such a project could be considered in the short term as I understand such signs are not very expensive.

I will hand over shortly to my colleague, Deputy Scanlon, but I am making a personal appeal to the Minister to take this matter most seriously. It might be argued that accidents are not registered at the locations, but, unfortunately, some people do not report minor accidents. I urge people to do so. If we do not act, there will be loss of life at the junctions mentioned. Many people have been injured at them, particularly in recent years. I, therefore, urge the Minister to get TII to deal with the matter as soon as possible.

Deputy Eamon Scanlon: I will not repeat Deputy Eugene Murphy's comments, but I emphasise the problem at the junctions in question. I have photographs of them which I will give to the Minister when I finish. According to TII, this section of road is recognised as a collision-prone zone, HD15. It is a straight stretch of the N4 that is perhaps two miles long. When cars are turning right and crossing the L1015, Cootehall road, the main road to Drumshanbo, or the L1024, Croghan road, the main road to Roscommon town, the drivers are taking their lives in their hands. The car behind them is not the problem but rather the car two or three back. It is a 100 km/h zone and the cars behind are speeding. The drivers may not realise there is a car in the middle of the road which is looking to turn right and could overtake it. That is what causes the accidents.

A process takes place every year to investigate collision-prone zones. This is the time to seek a resolution in order that next year we can ensure people will be able to cross the road safely without taking their lives in their hands. Otherwise, tragically, somebody will be injured or killed at these junctions.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank both Deputies for raising this important matter. As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding for the national roads programme, but the planning, design and implementation of individual national road projects are matters for Transport Infrastructure Ireland under the Roads Acts 1993 to 2015, in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects are matters, in the first instance, for TII, in accordance with section 19 of the Roads Act. Ireland has just under

100,000 km of road in its network and the maintenance and improvement of national, regional and local roads place a substantial financial burden on local authorities and the Exchequer. As a result of the national financial position, there were very large reductions in the Exchequer funding available for roads expenditure after the financial crisis. The capital plan, Building on Recovery, for the period 2016 to 2021 and the capital plan review allocations mark a significant step forward in restoring funding to the levels needed to maintain the road network in a “steady state” condition and allow for investment in road improvement schemes.

Minor improvement schemes were included in the road safety strategy. TII is maintaining an ongoing rolling programme of minor projects. To date, 42 minor schemes have been completed. Available funding has allowed TII to maintain delivery on a minimum of four schemes each year and to prepare additional schemes on an ongoing basis. I understand that TII envisages continuing to undertake a minimum of four schemes a year. County Roscommon has four schemes included in TII’s rolling programme of minor projects. The N61 Coolteige scheme is currently under construction and the N60 at Oran, the N61 from Ballymurray to Knockcroghery and the N61 from Clashnaganny to Tulsk are currently at various stages of the design process.

The section of the N4 referred to by the Deputies includes two junctions on the N4 at Croghan and Cootehill. These junctions were identified through the HD15 safety programme and improvements were made by Roscommon County Council in late 2016 and early 2017 in terms of signage and lining improvements, including arrows. The junctions will be the subject of ongoing assessment under the HD15 programme, the results of which will be communicated to Roscommon County Council for follow up action, if required.

The programme remains in place and if further works are considered necessary the local authority can again carry out a feasibility report. The minors programme referred to is also available to deal with the bigger schemes identified through this HD15 process and also to address other safety, capacity and alignment concerns.

Deputy Eugene Murphy: I am not an insulting person to anybody and I will not be insulting to the Minister or his officials, but I am looking at the Minister’s reply and it is all about budgets. It is telling us about works that were carried out which are useless and the engineers in Roscommon County Council will tell the Minister that they are useless.

This is about lives, families and people. This is not about the type of press release which the Minister has given us today.

I challenge the Minister to come down on that route with Deputy Scanlon and me. It is not acceptable to put this on the long finger. The work that was carried out there is not sufficient. In the name of God I ask the Minister please to think about people and lives. He knows about the volume of traffic that is on that road, how it is increasing all of the time and how all of the Sligo and Donegal traffic comes on that route as well. This is a deathtrap, make no mistake about it, as are several junctions along the N4 and N5.

Despite the Minister mentioning four projects in Roscommon which we welcome and which are ongoing, nothing is being done with the junctions off the N4 and N5 which seriously need work. I am putting it on record that more lives will be lost on those routes unless the Minister takes action as quickly as possible.

Deputy Eamon Scanlon: I note what the Minister said on the work that has been carried

out with signage. I know that work has been carried out because of the work of local councillors such as Rachel Doherty, John Cummins and John Murphy, but unfortunately it is not enough. I propose a traffic calming measure at that particular part of the road as a solution because as Deputy Eugene Murphy has said, if something is not done, there will be a fatality and there is no doubt about that.

I plead with the Minister to meet us there if he comes to the area and we will show him exactly what we are talking about.

Deputy Shane Ross: I fully understand the passion with which the Deputies have described the problems on their roads and I share that worry. It would be my wish and the wish of anybody in government who is committed to road safety to address any issues of this sort all around the country. I have not seen this road and at some stage I would be happy to see it but I take the word of the Deputies that it is dangerous because there are issues of danger throughout Ireland on the extraordinarily large number of roads that we have.

TII runs the schemes which I have described and it identifies a certain number every year which are priorities. The Deputies rightly say that nowhere can be prioritised because by leaving anywhere unattended, lives are being risked and that is true. Putting a motorcar on the road is risking lives.

I have not seen figures because the Deputies did not produce them in this debate which disappointed me. If they could produce for me figures for accidents, collisions, dangers and incidents that have happened on this particular stretch of road to which they refer, I will ask TII to look at it, but it has to be backed up with figures, facts, incidents and events for this to happen.

Deputy Billy Kelleher: Stepside Garda station had no facts to justify its reopening.

Deputy Shane Ross: It is a very long and unhappy queue but if the Deputies could send me on that sort of evidence I will hand it over to the TII.

Apprenticeships: Motion [Private Members]

Deputy Thomas Byrne: I move:

That Dáil Éireann:

recognises the critical importance of apprenticeships and vocational education and training;

accepts that:

— the lack of apprenticeships is impacting the current construction industry and has the potential to hamper economic growth as the results of Brexit hit Ireland;

— youth unemployment is still at 12 per cent;

— of the 1,500 registrations targeted by Government for new business-led apprenticeships in 2018, only 410 starts (27 per cent of target) had taken place by 30th

September this year, while the 2017 target was missed by 58 per cent;

- approximately two per cent of school-leavers are participating in apprenticeships; and

- only two per cent of the total apprentice population are female;

acknowledges that:

- apprentices advance and excel in the sectors they are involved in;

- a shift has taken place away from traditional craft apprenticeships in Ireland;

- there are currently only 41 apprenticeships while hundreds of different apprenticeship types exist in countries such as Germany;

- the current low number of apprentices registered this year in trades such as bricklaying (57), plastering (24) and floor and wall tiling (0), will create a large skills shortage that will negate the housing targets set by Government; and

- the Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016-2020 aims at delivering 50,000 apprenticeships and traineeship registrations by 2020; and

calls on the Government to:

- recognise the value and appropriate status of apprenticeships as an equally valuable alternative to traditional education;

- recognise that apprenticeships are awarded high levels of qualification and offer great career choices and progression;

- improve linkages between third-level institutions and industry to improve access to newly developed apprenticeships;

- support the Houses of the Oireachtas Commission leading by example in the provision of parliamentary apprenticeships;

- create a mix of apprenticeship schemes within public body organisations including:

- horticulture, run by council parks and landscape departments;

- engineering, journalism, digital media or broadcast production in Raidió Teilifís Éireann;

- international relations run by the Department of Foreign Affairs and Trade; and

- Health Service Executive apprenticeships for support or technician occupations in healthcare, amongst others;

- expand the role of Seirbhísí Oideachais Leanúnaigh agus Scileanna (SOLAS) in initiating and driving new apprenticeships, by creating a fully resourced specialist

internal apprenticeship unit that concentrates solely on generating new apprenticeships, and expanding the role of SOLAS in initiating and driving new apprenticeship opportunities among employers;

- open apprenticeship offices and revamp the www.apprenticeship.ie website to provide information for anybody interested in apprenticeships and further education;

- encourage Irish-resident firms and others with international apprenticeships to set up such schemes here;

- encourage large technology companies to offer apprenticeships in Ireland, in areas such as software engineering, online security, web development, data centre management, legal and policy roles;

- support Irish businesses to offer apprenticeships across various sectors, such as childcare, hair and beauty, hospitality (waitressing, reception, accommodation, and beverage), sports and leisure, social care, office administration and institutional cleaning;

- establish a taskforce to examine a limited form of apprenticeship training or short courses during transition year and target both young men and women to partake;

- intensify the promotion of apprenticeships among the public through the introduction of an annual National Apprenticeship Week;

- focus on promoting apprenticeships among specific groups, including persons with disabilities, older people and immigrants, and improving gender balance;

- address the shortfall in the number of apprenticeships in the construction sector in the coming years through the introduction of a shared apprenticeship scheme; and

- improve the delivery of quality-assured apprenticeships and ensure annual forecasting of all apprenticeship types by SOLAS.

I am sharing time with my colleagues. I am glad to see the Minister for Education and Skills and the Minister of State at the Department of Education and Skills here.

The purpose of this motion is to put forward and promulgate a new attitude towards apprenticeships to try to grow and encourage the spread of apprenticeships and also to highlight the value of them and the need for people to consider apprenticeships as a serious career option, as something that is available, worthwhile and equal to the traditional third level route in many cases.

Ireland is facing a series of challenges from Brexit to the housing crisis and skills shortages across a variety of sectors. Despite this, we are not seeing delivery in either the scale of new apprentice places required or the rapid expansion of the type of apprenticeship on offer. It is a hands-off approach by the Government.

Of the 1,500 registrations for apprenticeships targeted by the Government for new business-led apprenticeships in 2018, only a quarter have started. We have missed the 2017 targets by

58% and these are modest targets that are being missed.

Approximately 2% of school leavers are participating in apprenticeships and that tells me that students do not see an apprenticeship as a serious option and they are not being guided in the direction of it being a serious option by society and maybe their families also do not value apprenticeships as a serious option. That is something that we all have to address and what Fianna Fáil wants to achieve with this motion is that the Dáil will become a champion for apprenticeships as we suggest. We will let people know that they are there, we will try to push the Government to do more and we promise that we will do a lot more if we are in power but we have to ensure that people see this as a viable option.

I know that the Minister of State is doing work on this in third level but one of the most serious statistics is that only 2% of apprentices are female and that is the most unbalanced gender statistic in this country.

We are lagging far behind Britain and many EU countries in the scale and diversity of apprenticeships currently offered here and the truth is that if we are able to expand, develop and change the attitudes towards apprenticeships we would be some way towards dealing with the issue of the crisis in third level funding.

If we are to meet those challenges the structures which govern apprenticeships need to be brought into the 21st century.

There is a long-standing emphasis placed on the critical importance of apprenticeships and vocational and educational training in Europe and worldwide. We see this in Switzerland where decisions are made about vocational and academic training at an early age and we see it in Germany where a large amount of young people do apprenticeships rather than go to third level. The Government has been extremely late in facing the need to develop and advance the apprenticeship sector here. I am pleased that we are bringing forward this debate because it is an issue and a theme that is rarely discussed in this House.

My colleague, Deputy Lahart, said to me some time ago that someone asked him where apprenticeships have gone when he was knocking at a door. People valued, wanted and aspired to an apprenticeship years ago but that aspiration does not seem to be achievable now or the attitudes in society are wrong or the information is not readily available.

Ireland must have a much broader, fully functioning apprenticeship model. We want to construct new apprenticeship structures that are accessible, affordable and attractive. Our motion calls for the creation of a mix of apprenticeship schemes within public bodies, which should be leading by example. I have previously called for the Houses of the Oireachtas Commission to copy and paste what is being done in the House of Commons and I repeat that call today. The House of Commons has a fully functioning apprenticeship scheme which gives the young people involved the opportunity to qualify in the Houses of Parliament. It also sends a signal that the leaders of society, those in the Houses of Parliament, are leading by example and demonstrating that apprenticeships are a viable option for people.

We want to expand the role of SOLAS in initiating and driving new apprenticeships because we do not believe it should be left to businesses to decide what will happen. We need to drive this ourselves in terms of skills development. We need to open up apprenticeship offices and make them accessible to people and to revamp and promote the apprenticeship website. We also need to pursue Irish resident firms and large technology companies which offer appren-

ticeships in other countries, particularly in the UK, but do not offer them to any great extent in Ireland. We have a great apprenticeship tradition in the semi-State sector, with the former semi-state company, Aer Lingus, offering apprenticeships, as well as the ESB, for example. That could be massively expanded throughout the public and semi-State sectors.

We must provide enhanced supports to businesses to offer apprenticeships across various sectors and establish a task force to consider pre-apprenticeship training in schools. We want to see an intensification of the promotion of apprenticeships to the public, with a focus on apprenticeships among specific under-represented groups such as people with disabilities and women. We need more women apprentices urgently.

Traditionally, organisations such as county councils and semi-State companies have run apprenticeship schemes for craft occupations. There is no reason this cannot be expanded further. What is required is leadership from Government in terms of outlining what we want and the direction in which we should go. I have already mentioned my proposal regarding the Houses of the Oireachtas Commission but there are other initiatives that should be considered. We could have apprenticeships in horticulture run by council parks and landscape departments and apprenticeships in engineering, journalism, digital media or broadcast production run by RTÉ. People are going to college to learn these skills in an academic environment but it could be done in a workplace environment. We also need to see further initiatives in organisations such as the HSE. While I have cited England as an example of a country with a good apprenticeship system, I do not support the half-baked proposal to establish an apprenticeship programme for teachers. I am glad to say that this proposal has been dropped but there are many other good ideas emanating from the UK.

It is not enough to let the Apprenticeship Council call for proposals and then adjudicate on the submissions made by applicants. This *laissez-faire* approach means that consortia are left to come up with ideas, plans and funding proposals. That said, some of these ideas and proposals are really good, including the insurance practitioner apprenticeship, for example, which provides a model for where we should be going, although the provision and uptake are far too low. The message that must be sent out regarding the insurance practitioner apprenticeship is that it is the equivalent of a third level degree. It is a level 8 qualification and is not a soft option for those who did not get into college. It is actually quite a difficult option, with apprentices going into the workplace and studying alongside that in order to qualify. We need more of these types of apprenticeships but we cannot leave it to business to make provision. As a State, we must increase our involvement and lead by example.

Apprenticeship offices that are accessible would provide a one-stop shop for those developing apprenticeship schemes and those participating in such schemes to receive advice and information. We need Facebook, Amazon, Google and similar companies to be encouraged to get involved. I have no doubt that if they get the nod from Government, they will copy what they are doing in other countries and enhance their apprenticeship offerings in this country. My colleagues will refer to the skills shortages in our economy, particularly the shortage of chefs and construction workers.

The purpose of this motion is to change attitudes and perceptions and get more people to consider apprenticeships. We must send out the message that apprenticeships have not gone away and that they are available and a viable option for many.

Deputy Billy Kelleher: I am grateful for the opportunity to speak on this important mo-

tion which aims to highlight the need to be more imaginative in how we approach apprenticeships and the broader labour market. There is no doubt that skills shortages are a significant constraint in an expanding economy that has enormous infrastructural deficits. Such deficits include not just major infrastructural projects, but housebuilding, childcare provision and educational facilities. Apprenticeship schemes are critically important for the individuals involved as well as for the economy, particularly one that is expanding. We must be creative in attracting young people into apprenticeship schemes so that they see them as a stepping stone and not just an end in and of themselves. We must make it clear that people can embark on an apprenticeship and then go on to third level or other further education at a later stage if they so wish. This is particularly important in the context of the so-called wet trades, for example, in the construction sector. We must accept that as people age, their ability or willingness to continue plastering while up on a scaffold, for example, will diminish. In that context, we must be creative in terms of moving people out of those very physically demanding apprenticeships into other forms of training and education to further their careers. We need to demonstrate to people that there is a pathway in and a pathway out.

This motion is timely and is designed to stimulate debate. There is a real need to foster the concept of apprenticeships being a viable career pathway that can benefit individuals and society at large. Apprenticeships can fill the infrastructural gaps in terms of housebuilding, childcare, educational facilities and so on.

Deputy Bobby Aylward: Ireland has long been known as the island of saints and scholars but we are also a very skilled nation when it comes to working with our hands. Tens of thousands of tradesmen and tradeswomen in this country entered their chosen industry at a young age and learned it from the ground up, as apprentices. It is fair to say that our economy and citizens continue to benefit from the skills of such hardworking men and women. However, the current Fine Gael-led Administration has been extremely tardy in addressing the need to develop and advance the apprenticeship sector and take advantage of the largely untapped potential of our very skilled tradesmen and tradeswomen.

Getting to grips with the ongoing housing crisis in this country, for example, urgently requires more skilled workers to ramp up the construction of units and put bricks and mortar on the ground. Earlier this year, the Construction Industry Federation, CIF, predicted that 3,840 construction-related apprentices will be required by 2020. Subsequent to this, the Government took the decision not to adopt and roll out the successfully piloted shared apprenticeship scheme carried out by SOLAS in partnership with CIF and the Waterford and Wexford Education and Training Board. The pilot project for enabling builders to share apprenticeships was effectively abandoned, with no replacement to date. Despite the known success of this model in boosting apprenticeship numbers in Britain, the Government took the decision not to extend the pilot initiative to test the viability of the same scheme here. It is even more difficult to understand the reasoning behind this decision when one considers that Ireland is lagging far behind Britain and many EU countries in the scale and diversity of apprenticeships currently offered. Of the 1,500 registrations targeted by Government for new business-led apprenticeships in 2018, only 410 starts, which is 27% of the target, had taken place by 30 September, while the 2017 target was missed by 58%. Young people need to be given a clearer avenue and better opportunities to take up work in the construction sector so that we are better able to secure the scale of workforce required to build affordable homes across Ireland.

There is a long-standing emphasis placed on the critical importance of apprenticeships and vocational education and training in Europe and worldwide. Traditionally, the focus has been

on craft apprenticeships in Ireland but until recently little has been done to expand the range of career-enhancing apprenticeships that can be provided. The national apprenticeship system is chronically underdeveloped and requires the Government to be aggressively proactive in getting additional apprenticeship occupations established that are of a high quality and are built to last. The Fianna Fáil motion before the House this afternoon seeks to achieve this.

Deputy Mary Butler: Ireland must have a fully functioning apprenticeship model but unfortunately we are lagging far behind many EU countries in terms of both scale and diversity. Recently the Joint Committee on Business, Enterprise and Innovation conducted a comprehensive engagement with all relevant stakeholders on the cost of doing business. The Ministers of State at the Department of Education and Skills, Deputies Mitchell O'Connor and Halligan, will be very aware of the work of that committee and it is appropriate that they are in the Chamber today because there must be collaboration between the Departments of Education and Skills and Business, Enterprise and Innovation in the promotion of apprenticeships. The Irish Farmers Association, IFA, Construction Industry Federation, Restaurants Association of Ireland and the Irish Hotels Federation said the skills shortage was a significant issue for their sectors and cited the lack of apprenticeships. One issue identified is that since the dismantling of CERT in 2003 there has been no single organisation with sole responsibility for hospitality and tourism training policy and this has left a huge gap in that sector. The committee also heard that within the construction industry certain skills such as plumbing and electrical work continue to come through. However, wet skills such as plastering and block-laying remain scarce. The IFA also raised concerns that there will be a shortage of managers in the future and that there is a need for an apprenticeship scheme for people to progress to become farm managers and owners. Having listened to those at the coalface I believe the apprenticeship is chronically underdeveloped and requires the Government to be aggressively proactive in getting additional apprenticeship occupations established.

A special emphasis is also required to promote female participation in apprenticeships with women representing only 2% of the apprentice population. Although progress has been made in recent years with a bursary in place for employers who recruit women apprentices more needs to be done to support groups that are vastly under-represented. In the UK for example, 54% of apprenticeship starts in 2016–17 were women compared with 2% here.

Deputy John Curran: This motion should not be confrontational. It should be collaborative and we should work together on it. Apprenticeship training is an under-utilised and underdeveloped resource. Deputy Byrne referred to the fact that only 2% of school leavers aspire to apprenticeship training. Worse, the number of women in apprenticeship training is very low. That is traditionally because apprenticeships focused on the crafts. In recent years that has broadened. There is huge scope. There are multinational companies operating in this country that have apprenticeship training schemes for a range of skills in other countries but they do not provide them here. The role of SOLAS has to be expanded significantly. It has to take a lead and be much more proactive about the type of training it provides.

I am not having a go at the Minister of State at the Department of Education and Skills, Deputy Halligan, but he needs to be much more ambitious. Two weeks ago he told me: "Arising from our two calls for apprenticeship proposals in 2015 and 2017 sixteen new apprenticeships have now been developed in a range of new occupations, including financial services, engineering, ICT, hospitality, logistics and accounting." He went on to say and will probably repeat it today, "Further new apprenticeships will get under way later this year and throughout 2019". That is correct but the problem is we are not attracting the significant numbers of people into

those apprenticeships that we could and should. The numbers engaging in the new apprenticeships do not compare with those in the traditional old craft apprenticeships.

The Minister of State talks about the increased number saying that at the end of September this year it was 7% ahead of the same period last year. That is not significant enough. We are starting from a low base. We need to be much more ambitious and we need to go back to our students in second level schools and show them that this is a real career path, that it is on a par with any other third level course and that the qualification they get can be measured in such a way and give them the type of career progression that they would think they are getting from traditional third level courses. Apprenticeship training needs those career paths.

Deputy John Lahart: I commend Deputy Thomas Byrne on bringing this motion forward. There is a real passion on this side of the House for apprenticeships. I raised it when I was first elected in 2014 at a time when the troika was running the country and I thought there were Ministers who would not have had an awful lot to do and apprenticeships was an obvious area on which to expend some serious energy to build programmes. We need as a society to develop a much stronger philosophy on apprenticeships. There was a survey based on postal addresses and in the Dublin 6 area 99% of those who did leaving certificate went to college. I cannot believe that 99% of them wanted to go to college. Surely there were some in that number who would have liked to have had different options but they are simply not there.

The male to female disparity has been mentioned: there are 14,500 males in apprenticeships, and 319 females. In Northern Ireland there were 6,000 apprentices last year and of them 34% were women. In Britain, of 369,000 apprentices, 54% were women. In Denmark, 45% of those who have come through apprenticeship programmes are women. Apprenticeship programmes are not just for the 17 to 20 year olds. A person can connect into one at any time in their working life by retraining, re-education and re-skilling.

I am not knocking the Government but it is very slow. There are many third level education programmes - we need to be courageous enough to say this - that qualify students for nothing. There is an overemphasis on college education. Students who have come through a handful of college programmes say they were educated for nothing. Those who had an apprenticeship and were forced to emigrate in bad times got a job within 24 or 48 hours.

Local authorities would be a good place to start. Deputy Thomas Byrne mentioned the parks departments. I would add library departments too and all the functions that could be carried out in local authorities. Imagine if we ran sports apprenticeships in this country: every school that has a physical education, PE, teacher could have a satellite of three or four PE instructors who have come through an apprenticeship programme supporting them. Every sports club, regardless of code, could have a range of apprenticeship supports training kids on the pitches because sports clubs of every code are having difficulty attracting volunteers. Maybe today will spark the start of a serious conversation where we change philosophy and we do not denigrate college but say that there are alternatives. When the apprenticeship commission was set up in the UK its objective was simple, that every parent “might” consider the idea of an apprenticeship for their child. We are nowhere near that.

Minister for Education and Skills (Deputy Joe McHugh): The Ministers of State, Deputies Mitchell O'Connor and Halligan, have been doing the heavy lifting on this issue since this Government was appointed in 2016. We thought about doing the usual tonight: voting against a motion because Government votes against an Opposition motion, until we realised there are

certain elements of it where we are singing from the same hymn sheet. We are all aspiring to get more and we are not there yet but we adopt this position in the interests of being collaborative, as Deputy Curran said, and co-operative because it is an important issue. I acknowledge the role of the Ministers of State in the past two years because it has been a learning experience in the past two weeks to find out how much work has gone on. I served my apprenticeship in Departments with responsibility for communications, the Gaeltacht and foreign affairs and sometimes a Minister of State could be beaver away and coming up with new ideas but nobody would know about it. I commend the work of both these Ministers of State. They have engaged with the Higher Education Authority, HEA, and industry. This is industry and demand led. There was an 80% drop in registration during the recession years. We are moving into a more positive position.

I hear the point on the gender issue. That is a real challenge. When I was a secondary school teacher trying to teach mathematics, business studies and geography there were always one or two students who knew when they were 12 or 14 that they were not heading for an academic world but were heading to be plasterers, mechanics or something in the engineering sector. We do have to listen to secondary school students and what they want and where they feel the world of work is going. We have to be robust and both Ministers of State appreciate and understand that. The world of work is changing and there will be different types of work. We do not know where 40% of jobs will be in the next five years. I acknowledge the different organisations, including institutes of technology, the university sector, and the education and training boards, ETBs, in particular. Traditionally, the ETBs had a specific focus on vocational education and they have kept that culture and philosophy. I also acknowledge other schools that offer engineering and crafts. We are looking at changing needs. I learned there are 17 new consortia-led apprenticeships in a variety of sectors, ranging from financial services to logistics, and ICT to hospitality. We have to adapt. Few apprenticeships were developed in the past 20 years. However, by the end of the year, the Government will have almost doubled the number of apprenticeships available and we hope to have reached a figure of 33 by the end of 2019. These sectors all saw the value of offering apprenticeships with a new flexible approach. The State dictated model was not able to be expanded and we are now having the conversation about new possibilities.

Ba mhaith liom mo bhuíochas a ghabháil le mo chomhghleacaithe as an gcomhoibriú seo. I thank Fianna Fáil for its suggestion on how we can work collaboratively on this issue. The House needs to hold the Government to account but it must also be flexible to ensure we can have debate and bring concrete solutions forward. I acknowledge the great work of my two colleagues, the Ministers of State, Deputies Mitchell O'Connor and Halligan, in the past two years.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I am delighted that Fianna Fáil has tabled this Private Member's motion. We need to have a national conversation about apprenticeships. While apprenticeships are an exciting option for many young people, they are the Cinderella of career options and are not seen by many young people and their parents as viable or attractive. I am delighted that we are working together to get this message out. I will spend my time trying to talk to parents to encourage their children to take up apprenticeships. We as a country need to look at what we do on the day that the leaving certificate results come out. We celebrate everyone who gets 600 points or more and talk about higher education offerings, who has the highest points and who is going to which college. At the same time, we ignore a cohort of students who are innately intelligent and very capable but for whom the leaving certificate may not have been appropriate, either on the day

they sat the examination or when they were first offered a choice of subjects.

We need to provide a viable option for students. To be fair, apprenticeships are available but they are not being taken up. Previous speakers cited statistics and the Minister of State, Deputy John Halligan, will also provide numerous figures when he contributes later. I hope parents are listening to me. I have had the opportunity to visit the colleges of further education in Dún Laoghaire, Sallynoggin, Blackrock and Longford. I am often invited, as the Minister of State with responsibility for higher education, to award certificates to graduates. I always try to take the opportunity to talk to graduates for a few minutes and I always ask what they are thinking of doing next. Almost all of them are going on to further education and college or taking up jobs. They are almost all very confident and articulate, often job-ready, and have the skills to work.

I visited the accountancy technician class in Blackrock College of Further Education on Monday and I was bowled over by the ability of the students. I went through the class, who were from all over the country, and they told me about the different employers with which they work four days a week. They are then released every Monday to attend college, get class experience and sit examinations for their accountancy technician certificate. They were very confident, assured and ambitious for what they want to do in the future. Many wanted to go on to study accountancy. There are many pathways for students and not everything is about points in the leaving certificate.

Deputy Thomas Byrne noted the need to have internships in State bodies. The Revenue Commissioners have taken on ten trainee apprentices in Limerick. They are in the Revenue offices for four days each week and are trained on another day. When I was Minister for Jobs, Enterprise and Innovation, I was told that we needed hundreds of commis chefs. That has been turned around and from next September Dún Laoghaire Further Education Institute will offer commis chef trainee apprenticeships. The system is responding. We have come out of a recession, which has been difficult. The message from all of us in this Chamber is for parents to encourage their children and students to consider an apprenticeship. I had the privilege of speaking at a conference of guidance counsellors a fortnight ago. They were extremely vocal in their support of apprenticeships and want to make students aware of them. They cannot force students into apprenticeships but certainly want to encourage them.

Of the 2% of school leavers who take up apprenticeships, only 2% are female. A bursary is available to employers in the traditional internships if they take on female interns. It is up to €2,600 for eligible employers who take on female apprentices for traditional apprenticeships. We want this to happen and we are working with SOLAS, the ETBs, the colleges of further education and the institutes of technology. Students who go to a technological university will have the option of doing an apprenticeship. They can continue on that educational pathway or step out along the way if they wish. Perhaps they will then step back in and do a level 8 degree, a doctorate or something else, depending on how they want to proceed. They should know, however, that pathways, internships and apprentices are available.

Deputy Kathleen Funchion: Sinn Féin will support the motion as it echoes our position and views on apprenticeships and the drastic change of tack that is needed. We have been calling for greater investment in apprenticeships and a wider choice of apprenticeship courses focused on current skills shortages. We have also called on the Government to address the gender imbalance, which has been mentioned frequently today, and the virtual absence of women applying for and taking up apprenticeships. This year, only 2% of apprentices were women, which is a shocking figure.

Sinn Féin has consistently called for the inclusion of opportunities for people with additional needs and for them to be treated fairly and offered the choice to take up an apprenticeship in an area in which they are interested. We allocated €32.8 million in our alternative budget for the provision of 4,411 additional apprenticeships and the development of ten extra courses next year alone. This compares with just €20 million the Government announced for 2019. The number of people in apprenticeship training remains far too low. This will lead to a skills shortage in a number of areas in the coming years, particularly the construction and hospitality industries. We are already seeing this in construction where it is difficult to get qualified people.

The delivery of new courses and expansion of the system are far too slow and the Government is missing its own targets in this area. In 2017, just 391 people took part in newly established apprenticeship programmes, a significantly lower figure than the Government's target of 800. In addition, only nine of the promised 15 new apprenticeship programmes were introduced last year. The female participation rate is completely unacceptable at just 2% this year. The rate of youth unemployment remains far too high at 12%. Only last month the National Youth Council of Ireland said that 8,000 young people in Ireland have been unemployed for 12 months or more. There is concern about the 7,817 young people under 26 who are now long-term unemployed. We know that Dublin saw the highest number of young people in long-term unemployment with 1,697 people aged 26 and under having no job, followed by Cork with 526 and Limerick with 469. When one is unemployed for more than a year or more it is difficult to break the cycle and get back into the workforce. It is important that we try to catch people at a young age before they fall into that trap.

The National Youth Council stated the need for development of, and investment in, an access apprenticeship programme to support young people who have fewer opportunities and qualifications. In view of that, it called for an investment of €2 million to help more young people access apprenticeship programmes, stating opportunities should remain open to all young people, particularly those who were economically and socially disadvantaged. The entrance criteria for some apprenticeships now require qualifications to a certain level in some subjects. That does nothing to help the young person who has the motivation, aptitude and potential skills for a trade but cannot meet the entrance criteria. The council proposed that the Government would provide an additional 2,650 education and training places at a cost of €20 million, which would lead to reduced social welfare payments as more young people move into employment.

The council also highlighted the fact that the Government has yet to draw down on Youth Guarantee funding which is available via central EU funding. That is something we should avail of as it is intend to go towards creating measures for young people under the age of 25 to support a good quality offer of employment, continued education, an apprenticeship or a traineeship within a short time of becoming unemployed. That is something that requires further examination.

The number of apprenticeship programmes available in Ireland is substantially behind other European countries. For example, Austria has 250 apprenticeship occupations while Germany has some 348. Currently, approximately 41 are available here. We need to see a more creative approach towards apprenticeships in areas such as green energy, hospitality, childcare and administration, which would more than likely offer more choice and opportunities to women as well.

Trades should not be limited to men. I accept the point has also been made by the Ministers who have spoken. Women should be encouraged to develop trades knowing that a trade offers

a realistic and sustainable career path for them as well as for men. It is therefore important that women are encouraged to take up trade apprenticeships. In the past many women were skilled in carpentry, painting and decorating and we should encourage a return to that.

In general, we hear much talk in society as well as from the Government about encouraging more women to return to the workforce and creating initiatives to achieve that end. We need to be serious and to get real about some of the reasons women find it difficult to enter the workforce. One of the main barriers is the provision of childcare and the cost of it. We know how we compare to other EU countries where costs are heavily subsidised. The lack of affordable childcare in Ireland has contributed to low rates of participation by women in the workforce. Childcare fees in Ireland are well above both the EU and OECD average. In both apprenticeships and further education we must examine the barriers that exist due to the lack of availability of childcare and the cost of it. The affordable childcare scheme is a welcome initiative but we need to expand on the provision of childcare as it can be a major barrier to women in particular going back to work or further education. We are happy to support the motion.

Deputy Maurice Quinlivan: I thank Fianna Fáil for tabling this motion on apprenticeships, which is timely and useful. Given that Sinn Féin has been advocating for greater investment in apprenticeships for a considerable time and we produced a policy document on what we believe is needed, I am pleased Fianna Fáil now also sees the benefits of this method of education and training.

I recognise the work and interest of the Minister of State, Deputy Halligan, in apprenticeships, but I urge him to refocus his efforts in the area. I am concerned at the slow reform and expansion of the apprenticeship system and I believe a greater importance should be placed on it. Although this motion is welcome, it is well known that a motion in this House is not binding. Therefore, it would have been more beneficial for Fianna Fáil to use its partnership position in government to ensure more funding was allocated in the recent budget for apprenticeships, rather than let the budget pass by and then give out about what the Government is not doing. Unfortunately, that is what has happened.

In our recent alternative budget for 2019, Sinn Féin allocated an additional €32.8 million for 2019 to provide for more than 4,400 apprenticeship places, bringing the total to 18,000, while also funding the establishment of ten new apprenticeship courses, in line with our five-year strategy in this area. Our allocation dwarfed that of the Government which amounts to just €20 million extra for next year. The Government's plans are unambitious, uninspiring and are unacceptably slow. It is not good enough that the Government is missing its own targets in this area. In 2017, just 391 people took part in newly established apprenticeship programmes, significantly missing the Government's target of 800. In addition, only nine of the promised 15 new apprenticeship programmes were introduced last year.

Apprenticeship training allows people to earn, learn and gain work experience while also working towards a qualification under the national framework of qualifications, NFQ. A great deal of work is needed to promote this method of education and training and to ensure buy-in from parents and students alike. Unfortunately, a belief developed in recent years that apprenticeships were somehow a lesser form of education than college or university. That is most certainly not the case, as college does not suit everyone, as we see from the dropout rates. Engaging in an apprenticeship is incredibly advantageous, as it allows a student to earn while learning and gaining valuable work experience at the same time. More needs to be done to highlight the benefits of apprenticeships and the careers to which they can lead.

Apprenticeships will also help to equip Ireland with the skilled workers it needs for growing and emerging industries in the coming years. Countless reports from industry have pointed out the current and developing shortage of skills in various sectors of the economy. The National Skills Bulletin 2017 cites skills shortages in the ICT, engineering, business and financial, healthcare, transport and construction industries. The Construction Industry Federation's report, *Demand for Skills in Construction to 2020*, outlined that Ireland will need 112,000 workers to deliver the houses and infrastructure we need in the coming years.

I am concerned at the current registration numbers in some of the craft apprenticeships. For example, just 74 people are registered in the plastering apprenticeship programme while only 164 are registered in the brick and stone-laying programme. We need to expand the number of apprentices in the construction sector radically in order to build the thousands of houses needed in the coming years, in addition to all the capital projects in the Ireland 2040 plan.

The rate of female participation in apprenticeships has been raised by a number of speakers. In addition to that, the inclusion of people with disabilities in apprenticeships has been something Sinn Féin has consistently highlighted as a serious issue of concern, and something that needs to be urgently addressed. It is astonishing to think that in 2018, there are just 319 female apprentices out of a total apprentice population of 13,921, representing a dismal 2%. I sought information about the level of participation of people with disabilities in apprenticeships. The response I got from the Minister failed to answer the question I asked, but information I received from SOLAS directly informed me that its records indicate 371 people with disabilities are engaged in apprenticeships. Again, that is an incredibly low rate of participation. I ask the Minister to ensure that in future this information is available in response to parliamentary questions, as this is a very important demographic, and it needs to be monitored to make sure this level of participation is increasing.

On a similar point, I previously asked about the participation rate of members of the Traveller community, and again the figures are not kept. How does Fine Gael expect to "promote greater Traveller participation in apprenticeships", which is a quote from the National Traveller and Roma Inclusion Strategy 2017-2021, if it does not even have data on the numbers currently involved?

The Government needs to refocus its efforts in apprenticeships and to invest in promoting apprenticeships as a worthwhile path for third level education. We need to expand radically the number of apprentices in the system. Although I welcome the ambition of the Minister to introduce a swathe of new courses, the delivery to date has been less than desirable. A better focus and priority must be placed on this plan. Sinn Féin will support the motion as we are keen advocates of apprenticeships and want to see this area radically expanded in the coming years.

Deputy Brian Stanley: I welcome the motion. Apprenticeships offer great opportunities for young people to develop a long-term career and to earn at a young age. We have great examples from other countries that encourage vocational training and apprenticeships for young people but the sector has been neglected here. We have been limiting young people's opportunities as a result. Apprenticeships should not be seen as a second option to college. They should be seen as a legitimate and proper long-term career option for school-leavers. Let us consider the position in Germany. Vocational training and apprenticeships there offer an alternative to higher education. The sector caters for almost 60% of the country's young people. In Germany there are 348 apprenticeships, while there are only 41 on offer in Ireland, covering 2% of school-leavers. The number is low. This area needs to be developed. Apprenticeships

offer an alternative to college for young people who may not be academically inclined and may prefer to work and thrive in a more vocational setting. For families who cannot afford third level education apprenticeships give an opportunity for employment for young people. Currently a young person does not have these options. With an apprenticeship such a young person could go straight into a job but at the moment he or she might go into a dead-end job with little opportunity for progression.

The unemployment rate in Germany in 2016 for 15 to 24 year olds was a little over 6.7% compared with 17.3% across the European Union. Currently in this State 12% of people in that category are unemployed.

Apprenticeships give young people an opportunity to begin work, contribute as well as earn and learn at the same time. I know the Minister and the two Ministers of State have an interest in this. They are from coastal counties but I wish to speak about the midlands. The midlands is in danger of becoming a rust belt because of what is happening with Bord na Móna. Significant job losses have been announced in Bord na Móna. In the past Bord na Móna – I am a former employee of the company – and ESB were the great providers of employment. They were also great providers of apprenticeships for many different trades, including electricians, welders, fitters and so on.

The transition from fossil fuels to clean and green energy from indigenous renewable sources gives us opportunities. There is an opportunity now for Bord na Móna, ESB and Coillte to play a new role in developing those industries and creating long-term sustainable jobs. There is an opportunity for apprenticeships. We are looking for part of the climate action fund to replace declining industries. I am saying this in a constructive way. I appeal to the Minister and the Ministers of State. This is an opportunity to flag the matter with them at an early stage.

I know people who have gone through apprenticeships. I was an apprentice at one time. I know other people who went through the process. I did not finish mine because I went off in a completely different direction. People who come through apprenticeships turn out to be good workers. They are skilful and turn out to be good businesspeople and good members of society because they are learning, earning and developing at an early age.

We have to develop the biogas and biomass industries as well as horticulture, manufacturing and waste recycling. Bord na Móna is moving into all of these areas. Apprenticeships will be needed in these areas. Laois and Offaly could and should be hubs for future employment and apprenticeship opportunities. I am pushing this idea hard. I want the Government and Bord na Móna to take this up. My colleagues beside me brought forward the document I have before me earlier this year. It contains Sinn Féin's realistic proposals to expand the apprenticeships population to 60,000 by 2023. I commend Deputy Quinlivan and Deputy Funchion on bringing that forward. The plan is realistic.

We want to stop limiting young people's options and give them long-term opportunities in long-term careers. We want the Government to expand the range of opportunities. We need to look to what is happening in more successful societies. They have developed more successful economies.

The building trade has been mentioned. The Minister probably knows this from Donegal and the Ministers of State probably know it from Waterford and south Dublin. Building sites throughout the country have terrible examples of scandalous workmanship because the people

who built them were not tradesmen. We are going to wind up with the same thing again. I realise we are in a catch-up phase, but we urgently need to train up people as bricklayers, plasterers, carpenters, electricians and plumbers. Otherwise we will wind up with disastrous housing estates in ten years' time.

An Leas-Cheann Comhairle: You are taking full advantage of me, Deputy.

Deputy Brian Stanley: Thank you for your indulgence, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Next will be Deputy Joan Burton. I wish to advise the House that we are on the back-up system and the technicians are looking at it, whatever that means.

Deputy Joan Burton: I am glad this motion is before the House. The issue of the redevelopment and expansion of the apprenticeship system is vital to our future economic success.

When I became part of the last Government in 2011 the apprenticeship system had collapsed. In fact, much of my time was spent trying to help people whose apprenticeships had collapsed. The idea was to help them through various agencies to find a way to complete the apprenticeships. There was a period when almost no apprenticeships were being offered by anyone. I am happy to say that four or five years ago I was heavily involved with ESB. The company was the first major employer to recommence electrical apprenticeships on a wide scale. There was a high level of interest throughout the country from young men and women from all walks of life and every part of Ireland who sought to become apprentices.

In the case of the skilled trades, including sparks, it is obvious that what has happened in Austria and Germany is now happening in Ireland. If a person does well in trade examinations, there is an easy stepping stone. I was involved with creating the path when I was a lecturer in education and development in Dublin Institute of Technology. The idea was to have a structure where an apprentice can transfer full-time or part-time to a degree course and become an electrical engineer, motor engineer or construction engineer of some kind.

I hope we can increase the current numbers to serious levels. The numbers are in the low thousands currently. We need an appropriate number for the Irish economy with the demands of employers for labour and in particular the demands in the construction industry. Housing is the most obvious example. There is extraordinary demand for commercial building, public sector building for hospitals as well as building for hotels and facilities for tourism throughout Ireland. These are the cornerstones of our future prosperity and the sustainability of our economic performance. Apprenticeships are key to all of this.

I have had this discussion several times with the Taoiseach. If he has a blind spot, it is that he does not understand apprenticeships. I can understand why. He is used to a world where people go to college as an automatic selection point. In fact, two of the countries we should look to follow are relevant in this regard. These are Austria, which is approximately the same size as Ireland, and Germany. They have what they call the dual system. The dual system means that as a student comes to the later years of her secondary education she can select two paths. One corresponds to what in Ireland is now the conventional path. It involves going directly into third level education or else with a delay of a year or so by doing a post-leaving certificate course and then going directly to a degree. In Ireland we simply do not have the dual path that is available in those countries. In Germany and Austria if a person gets a quality apprenticeship, she can take that apprenticeship and earn and learn. That is important for many people. Subsequently, the apprentice can work in whatever sector the trade is relevant.

Nowadays, a range of trades are available. They include working in the insurance, banking and information technology industries as well as working in the traditional craft and construction industries. A wide range of trades are available.

SOLAS, which was created at the height of the economic crash when FÁS, as we knew it, had collapsed in on itself, has been a fairly successful development. It has had significant success in identifying additional and new areas where people could take on a trade. Insurance, banking and IT are the easiest to identify but there are many more. I refer to areas in care and healthcare and allied areas in nursing and other special services in hospitals.

4 o'clock

There are many areas in which we can expand the numbers of trades. What SOLAS not been able to do is have a structure that will enable us to take on 10,000 to 20,000 apprentices every year. Our numbers are nowhere near the critical level we need. The Minister needs to examine that.

I raise the potential significance of apprenticeship opportunities for people from a Traveller background. Given the history of crafts and skills in the Traveller community there would be a major welcome for specifically geared apprenticeship programmes for people from a Traveller background, whether that be in the different craft areas or in more recent areas of apprenticeship development. It is important that we seek to re-establish and explore these areas as soon as possible. I am aware the Minister of State, Deputy Halligan, is very interested in this and that there have been many good initiatives in Waterford.

In the time available to me I want to mention also the significance of linking craft and apprenticeship development with post-leaving certificate courses, PLCs, because in many areas where there are large housing estates that were or still are local authority estates, many people have almost an excessive localism. In the case of some young people, they often become somewhat detached from school in their later years there and are reluctant to move outside their home area in terms of further development, education and training. If interesting apprenticeship opportunities were offered to many such young people, for example, in the motor, construction and craft trades, I believe there would be an intense take-up of the places.

We need to recognise that following the economic crash, many employers who used to take on two or three apprentices are no longer in a position to fund that on a guaranteed basis for three or three and a half years. The structure of the relationship of the employer to the apprentice needs to be re-thought. For instance, when people in construction have an impaired loan rating, they will not be able to get an overdraft to pay an apprentice's wages whereas if the same person came directly through a trade college, a trade PLC or some other mechanism, they could be taken up by the employer and employed after they have done the first part of their trade education. That would result in a big increase in the take-up of apprenticeships by people, who I believe would be quite good employers.

An Ceann Comhairle: Deputy Boyd-Barrett is sharing with Deputy Barry.

Deputy Richard Boyd Barrett: I want to tell the Minister of State a little story which sums up what we need to do if we want to encourage people to get back into apprenticeships. I was at the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach dealing with the Finance Bill so I have not heard all the debate but I am sure other speakers have said that there are not many issues more important than dramatically increasing the number of apprentices. Many of the hopes we have of solving the housing crisis in particular critically depend on us increasing the number of people taking up apprenticeships in the trades in a dramatic way.

Also, in terms of our hopes for infrastructural development, we have to get large numbers of young people taking up apprenticeships again.

The story I am about to relate sums up the problem. I met a young man, whose name I will not mention, at a protest involving film workers on precarious employment in the film industry. It was interesting, and I will talk more about this in the finance committee in a while, that a bit of a hatchet job was done by RTÉ on those protesting workers last Thursday, which was shameful and a gross misrepresentation of the issues affecting workers trying to find a career for themselves in an industry like film, where many of them would be tradespeople and which depends heavily on tradespeople. The day after that protest, and I would like the producers of “Prime Time” to take this on board in terms of the way they misrepresented some of the issues involved, an apprentice painter who was participating in it rang me. He has served his entire apprenticeship while living in emergency homeless accommodation. I spent the next few days, thankfully successfully, pleading with Dublin City Council to assist him with his housing assistance payment, HAP, because he was threatened with eviction by his landlord. In fairness to Brendan Kenny, we succeeded in sorting it out, but that is what he has had to put up with for four years as an apprentice.

His case brings into focus two very important issues. Why do we have difficulty getting people to enter the trades? I will tell the Minister of State the reason. It is because precarious employment for the trades is rampant. Many people have left the trades and do not want to go back into them. Many of those who worked on construction are driving taxis now and would not dream of returning to construction or other trades because of the precarity of much of the work and bogus self-employment, which means they cannot get mortgages, they cannot be guaranteed to pay their rents and so on. Unless we deal with that side of it, there will not be the encouragement necessary for people to go back into the trades.

In areas like film, construction and many other areas where we are talking about apprenticeships, people need to have some prospect that they will have some kind of employment security, half decent conditions of employment, half decent pay and so on if they are to enter the trades. I also believe, given that type of situation, that we need to consider increasing the income apprentices earn while they are apprentices to encourage them to take up apprenticeships in the first place because many of them will not do it for that reason.

Deputy Mick Barry: I am a supporter of apprenticeships and of a strong apprenticeship programme. What we have currently is falling way short. The motion reads “of the 1,500 registrations targeted by Government for new business-led apprenticeships in 2018, only 410 starts (27 per cent of target) had taken place by 30th September this year, while the 2017 target was missed by 58 per cent”. It further reads “only two per cent of the total apprentice population are female”. Having made that point, I want to address a glaring omission from the motion, namely, the question of college fees for apprentices. If we asked apprentices what are the biggest issues they deal with in the course of their apprenticeships, near the top of the list would be the penal college fees they are asked to pay. These amount to €1,000 a year, or more in some cases. More people drop out of apprenticeships at the point of block release than at any other time, often because they do not have enough money. As in Deputy Boyd Barrett’s example, many apprentices have to travel to do their apprenticeships and do not live at home. They have to fork out for the cost of accommodation and pay huge sums to rack-renting landlords in addition to the fees of €1,000 they are charged. In 2014 and 2015, Germany abolished tuition fees for apprentices. At about the same time, the Government went in the opposite direction. SOLAS used to pay 70% of an apprentice’s fee but that was cut to 0% and a charge of €1,000

per year was introduced. Given the skills shortage in the economy and the need for 50,000 apprentices a year, the simple way to encourage young people to do apprenticeships, as the Minister of State, Deputy Mitchell O'Connor, says we should, would be to reverse those cuts, follow the German example and abolish the fees. By the way, fees were abolished in Germany following nationwide protests by apprentices, a point that should be noted by apprentices and trade unions in this country.

There seems to be some confusion on the part of the Minister of State. She is confused, it seems, between apprenticeships on the one hand and internships on the other. Perhaps this confusion has smuggled itself into the motion as well. The Minister of State referred to young people doing internships in the Revenue Commissioners in Limerick which consist of four days a week on the job and one day a week of training. I would be interested in finding out the pay and conditions of those young people as I suspect they are undertaking internships as opposed to apprenticeships, which involve training for a trade or a profession.

I am concerned about aspects of the Fianna Fáil motion which refers to apprenticeships for the likes of engineering, journalism and digital broadcasting production at RTE and "parliamentary apprenticeships". I smell a rat when I hear this from political parties which have stood over schemes like JobBridge and have announced training for young people while in reality rolling out cheap labour schemes that have enabled cheapskate employers to exploit them. Why do we need apprenticeships in some of these fields when they are not necessarily professions or trades? Why not hire young people, pay them the rate for the job and give them training on the job? I wonder if some of the proposals here and some of the Minister's comments are intended to smuggle in cheap labour internships under the cover of genuine training for a profession or craft, which is the definition of an apprenticeship.

An Ceann Comhairle: Deputy Maureen O'Sullivan is sharing time with Deputy Mick Wallace.

Deputy Maureen O'Sullivan: I am also sharing time with Deputy Broughan.

I will start by referring to a reply I received in mid-October to a parliamentary question about apprenticeships. My question concerned the hospitality area and the shortages therein. The reply stated that an expert group on future skills set up in 2015 produced a number of findings and recommendations, one of which was the establishment of a national oversight and advisory group. This group was set up for two years in 2016 and identified five priority areas, including the development of apprenticeships and an audit of courses. A report was issued on the audit and how to identify the gaps and address the skill sets required by the sector. As of now, two apprenticeships are operational and a further three are in development. Further to this, a restaurant and hospitality Skillnet course was established in 2017. In the meantime there is a shortage in the industry, notwithstanding what the Minister of State said earlier.

Under the old system run under the remit of Fáilte Ireland, certificate courses were provided in a wide variety of areas, ranging from accommodation to manager positions. Workplaces were built in to the courses and there were opportunities for on-the-job training, particularly at managerial level. The tourism and hospitality industry was well staffed at that time. However, this initiative, which was working well, was disbanded leading to a shortage of staff. In the meantime, we are getting audits, reports and plans for the future.

A second issue I came across concerned contractors who found it difficult to get apprentices

in the mechanical engineering field. They devised a free five-week pre-apprenticeship course. They saw the need for it. It comprised five weeks basic training, including work experience. All the tools and equipment were provided and the course served as a weeding-out process. There was a cost attached. Seven young people took part and although two dropped out, five completed the course and have now secured apprenticeships. The person running the course was approved for training and parts of the course are certified. The irony is that one of the young people, who was in homeless accommodation, found that his social protection payment was stopped because he was not available for work. He was penalised for undertaking a pre-apprenticeship course that could have led to a well-paid job. To date, SOLAS and the City of Dublin Education and Training Board, CDETB, have not responded to appeals to meet this group. I hope they will do so after this debate. I was informed in a reply to another parliamentary question that the Department of Education and Skills is engaging with SOLAS on a review of pathways to apprenticeships. I hope there will be a place for the course to which I referred.

We must also examine post-leaving certificate, PLC, courses. There are several such one-year courses that could lead into apprenticeships in the area as well as further qualifications. Joined-up thinking is badly needed. There must be a space for individual initiatives like the one I mentioned and for PLC courses. There must also be a more concentrated outreach effort towards schools. Just as colleges visit students in fifth and sixth year, representatives should visit schools to talk about apprenticeships and pre-apprenticeship courses. It has to be acknowledged that FÁS's reputation in this area has not been good, and this needs to be improved.

It is also important to reach students at junior certificate level, particularly those who do not want to go further in formal education. There is an opportunity to have a big display on apprenticeships and where they can lead at the Higher Options event.

Deputy Mick Wallace: This is a very interesting area and I am glad Fianna Fáil has brought the subject forward. It is definitely an issue that has been neglected. The area I am most familiar with is the construction industry where there is a serious problem now. The most essential trade in construction is probably carpentry. If a young man wanted to serve his time as a carpenter 30 years ago, he would be taken on by a contractor and assigned to a qualified carpenter. He would spend five years with that carpenter, who would be obliged to train him. The young man would be a runner for the first while, seeing to errands, but he would eventually be trained. This process included an element of testing to make sure the apprentice was fit to be a carpenter.

The system worked really well. One of the main reasons it has collapsed is that builders, especially the bigger builders, no longer employ labour directly. It is mostly subcontracted and it is less feasible for a subcontractor to get into the apprenticeship game. This creates a major challenge and the position will not change without Government intervention. It has reached a stage where one cannot find young qualified tradespeople in Ireland. For more than 15 years we have been outsourcing them by finding workers in eastern Europe. We bring in guys who have done the work in their own country but we do not have tradespeople of our own to do the work. That is a serious problem.

I have seen research carried out by Dublin Institute of Technology, DIT, showing that only 29% of firms in the construction industry engage in apprenticeship training. I am surprised the figure is that high. Obviously, that does not bode well for trade skills in the country going forward. The report suggests that as confidence and a lack of sufficient work are identified as key issues, efforts should be made to establish mechanisms by which alternative delivery of employment and training could be achieved. Part of the problem is that no Government has

dealt with the fact that we have a dysfunctional construction industry. Until some Government tackles that, we will find it difficult to address the apprenticeship problem without it costing a lot of money.

Deputy Thomas P. Broughan: I echo those comments by my colleagues. I commend Fianna Fáil on bringing the motion before us.

The Action Plan to Expand Apprenticeship and Traineeship in Ireland 2016–2020 was introduced with the ambition of securing 50,000 apprentices by 2020. During the boom and up to the period that Deputy Wallace spoke about, there were often up to 30,000 apprenticeships, but the number dropped drastically after 2013. It is alarming that perhaps only 2% of those leaving school are taking up apprenticeships in Ireland whereas in Germany the figure can be up to 60%.

A notable development over recent years has been the way in which British Governments have tried more than we do to link apprenticeship with third level colleges up to degree level. In carpentry or in the various trades that have been referred to, one would effectively have a degree and that important skill.

The numbers are deplorable. I asked the Minister, Deputy Bruton, about the shortages in the construction sector when he was Minister for Education and Skills and he replied that the number of construction related apprentices being registered was determined by employers within the construction sector. That is a cop-out. There is a necessity for the State to intervene and ensure the supply of apprenticeships. It is a remarkable comment on Fine Gael-led Governments since 2011 that the numbers receiving certificates in construction have been 463 in 2014, 314 in 2015 and 243 in 2016. Of these, only two certificates were issued in the area of floor and wall tiling in 2014 and 2016, with none in 2015.

The motion rightly draws attention to the considerable variety of trades in Germany that have apprenticeship qualifications and to the narrow range of trades that we have. I support the comprehensive motion before us. I agree with links between third level colleges and industry. We need to encourage more apprenticeship schemes in national and local government, and I note the reference in the motion to the Oireachtas. I also support the call to have SOLAS create a specific apprenticeship unit to drive the process of recruiting more apprentices.

Like other Deputies, I have had experience down the years of young people not getting a sponsor, even when they were part of the way through the current system of college and on-site training. The point the motion makes about the large technology companies also taking a role in this is vital. I warmly support the motion.

An Ceann Comhairle: Deputy Michael Collins is sharing time with Deputy Danny Healy-Rae.

Deputy Michael Collins: I appreciate the opportunity to speak on this motion today. I thank Fianna Fáil for putting forward this motion of great importance.

No doubt there is a lack of young people taking up apprenticeships. The recent Construction Industry Federation report, Trades and Apprenticeships Skills Survey, identifies the lack of skilled tradespeople and apprenticeships as small firms struggle to take on apprentices. In this report, they state that this is a clear warning sign for the Government and for the construction sector.

In a recent newspaper article in west Cork, Mr. John Whelton of Whelton Construction in Clonakilty stated, "There is a lack of people taking up apprenticeships and this is having a major knock-on within the building industry." John also suggested:

There needs to be a programme of incentives in the Budget to support the promotion of apprenticeships across all the trades. There is an upturn in construction but we have to support employers and apprentices to ensure that we can face the challenges ahead. We also need help within the planning process and a scheme to keep material costs from skyrocketing so that we can build the homes that people need in West Cork.

I could not agree more with John's comments.

We know only too well that housing supply levels remain way below what is required. The problem here is not money. Budget 2019 is supposed to have thrown a lot more money at the crisis. The problem is in breaking through the layers of bureaucracy and delay and translating funding allocations into actual building.

If the Government wants to see more people taking up trades, it will have to give better support to young people. Eoghan Ó Murchadha, the assistant head of the department of craft, design and construction and a full-time teacher of carpentry and joinery in Dún Laoghaire Further Education Institute, has warned that we are experiencing a skills gap, it can be dealt with, there are recommendations and we do not want this to develop into a skills loss.

The Government needs to take action now. We have seen a similar situation in Britain where they are still trying to recover their apprenticeship model a generation later. This is a warning for the future of construction in Ireland. A skills loss is a crisis waiting to happen, and if it does happen, we will see trades' rates and prices increase, with the consumer taking the hit.

A significant concern that needs to be addressed is that contractors feel that the legislative and Government requirements around apprenticeships are burdensome and putting them under pressure. The Government needs to tackle this crisis now and not wait for the problem to escalate further.

Deputy Danny Healy-Rae: I, too, thank Fianna Fáil for bringing this important topic to the fore here today. There is a shortage of people with skills in the building industry, such as plasterers, block layers, carpenters, electricians or plumbers. Clearly, there is a deficit and it needs to be addressed.

At an early age in the secondary schools there should be some discussion with students to enlighten them that to have a skill or a trade is important. I am not saying that people should not go to third level college, but it is not for everyone. There is a place for everyone on this planet. There is a place for those who go to college but there is also a place for those with skills and trades.

There is definitely a shortage of people to build houses. As I said, electricians, plumbers, block layers, plasterers and carpenters are scarce. It is driving up the cost of building houses. We have spoken often in this Chamber about the housing crisis. When a company's tender is successful, whether to build one house, 20 houses or 100 houses, the problem arises of having access to people with the skills available because the jobs may be in one part of the county or the country and skilled people and tradespeople are needed to do the work. Since the bust, we have a reduced workforce. It is made up, by and large, of older people, with fewer of them, and

they are doing the work now because we do not have skilled people.

Likewise, there is definitely a shortage of drivers, whether lorry drivers or bus drivers. I myself know how hard it is to get drivers because we have a small company. There should be advice and assistance given to teenagers coming up. It is costly to do the driving test to be a lorry driver, an articulated lorry driver or a large coach driver and young fellows do not have that kind of funding available to them at that stage in their lives. They need assistance and the Government should be providing some financial assistance or supports to help them to become qualified in whatever field. For example, we talked about excavator drivers, who are very scarce. There is much that we legislators and politicians, in particular the Government, could do to help these people to give them choice. This should be relayed to them before they go to college. If they go to college, they usually stay three or four years, and it is hard to ask them to go back for another year or two before starting out life in the trades or becoming part of the skilled workforce.

The Construction Industry Federation is calling for more apprenticeships to fill the gap. It states that 3,000 new apprenticeships are needed every year, but only one third of that number of places is being taken up. We should be doing something to encourage them. As I said, if there is a shortage of builders, mechanics and so on, it will drive up the cost of everything. There is a real need to address the issue of apprenticeships and young people in the trades and other skilled operations that have to be carried out to keep our country running.

The hospitality industry is very important. We need an increasing number of staff in that area but it is becoming increasingly difficult to get those staff. In my local newspaper last week, I saw that a local restaurant in Killorglin was not going to operate for certain hours of the day because it could not get staff to keep it going. The owners decided that as they could not get the staff, they would cut the hours and provide fewer meals in the restaurant.

An Ceann Comhairle: Deputy Michael Moynihan is sharing time with Deputies O'Rourke, O'Keeffe, O'Loughlin and Ó Cuív.

Deputy Michael Moynihan: I welcome the opportunity to contribute and I compliment Deputy Thomas Byrne on putting forward the motion. We have to deal with the issue of apprenticeships, which are fundamental to our society. Great importance has been put on tradespeople, which was the word used in the past, and these people provided a massive service and enhanced our society.

There has been a lack of engagement by the Department and the Government to encourage apprenticeships. While the ethos within second level schools is to want third level education, there is a gap. In the past generation, many who went on to do apprenticeships have done very well in the workforce. The old saying was that those who started on the factory floor became the best managers because they went right through the system. There needs to be a discussion around people having to start on the factory floor and work their way through whatever the apprenticeship may be. Many people have gone on to build very successful businesses and livelihoods for themselves from the trades. We need to start at second level and show what types of apprenticeships are available and where there is a growth path in employment.

We need to be very careful to make sure we encourage people. Many have honed their skills at a particular craft and have gone on to be very creative and have enhanced society enormously, but we are in danger of losing that. The motion strikes at a fundamental issue, which

is to encourage more men and women into apprenticeships because our society needs this as it moves forward.

Deputy Frank O'Rourke: Like my colleagues, I welcome the opportunity to speak on the motion brought forward by Deputy Thomas Byrne. As Deputy Michael Moynihan said, we need to promote apprenticeships, which are of massive value to the economy and to the people doing the apprenticeships, who have the chance of progressing to have their own business. One of the ways this can be promoted better is through career guidance in second level schools. It should become a priority in career guidance to promote the whole ethos behind apprenticeships, how people can benefit from them and what they are about.

There is major need for apprenticeships in the construction sector, for example, in carpentry, plumbing, electrics and bricklaying, but this is also the case in other sectors. I come from Kildare North, where the food sector is massive, and it would benefit greatly from the enhancement of apprenticeship schemes. IT companies like Hewlett Packard and Intel would also benefit from such schemes if they were properly rolled out and put in place. Employers can benefit and there are advantages to them through the apprenticeship schemes. We need to be more creative, however, in terms of having financial initiatives for apprentices. We could tie that back in so that when people qualify in whatever profession they pursue, they would have committed to give back to the State, say, three years in that profession as a payback for the financial incentive they would get for doing the apprenticeship in the first place. This might be worth exploring.

The Department of Employment Affairs and Social Protection can also play a major role with people on jobseeker's payments in terms of encouraging them towards apprenticeships. Not everybody is for the academic route. People benefit from dual learning and some who learn from both the academic route as well as practical experience can learn easier and quicker, and can retain the information and can then become better qualified as a result. That is where we need to focus and show initiative.

Deputy Kevin O'Keeffe: I welcome the Government's acceptance of the motion put forward by Deputy Thomas Byrne. We all know of the invaluable role played by AnCO many decades ago in producing some of the best qualified block layers, electricians and carpenters. We must do something to make this an attractive career path again. There is a housing crisis yet builders tell us they cannot get people to do the work. We need some kind of incentive to make these jobs attractive again. Given my background in agriculture, I know we had the farm apprenticeships scheme but even that is under pressure. We need to get people who are prepared to do this kind of work by making it attractive for them.

I would make one suggestion. We see the universities trying to bring in students from abroad to fill spaces. Will the Department consider that other nationals would come to this country to take up apprenticeship courses? There is a big deficit at present. I ask that these areas be considered.

Deputy Fiona O'Loughlin: Apprenticeships have an essential role to play in our economy and society on many different levels. The more I have learned about apprenticeships in the past two and a half years on the Joint Committee on Education and Skills, the more I am convinced of their value. There is no doubt they provide very structured training programmes, helping young people gain the skills and knowledge they need to succeed in their chosen industry. They offer a varied learning experience while allowing people to earn money. There are excellent progression opportunities within the apprenticeship schemes and a wealth of choices for young

people. Fianna Fáil has been advocating for change in the way apprenticeships are structured to make them accessible, affordable and attractive. We also need to consider parity of esteem. One gets the sense that the view is that students should be progressing to third level education as opposed to further education. We have a body of work to do around proving the attractiveness of this scheme and learning the lessons of the problems experienced in Germany. An apprenticeship is often viewed as the poor relation in terms of students going that route as opposed to going to university. I am convinced of the value of apprenticeships. The Joint Committee on Education and Skills will hold hearings with relevant stakeholders on 15 and 20 November on what can be done to increase the take up in apprenticeships by young people and older people. There are opportunities for people going into apprenticeships not directly after they leave school.

It is difficult to believe that the 2017 target for new business-led apprenticeships was missed by a massive 58%. As of 30 September 2018, only 27% of the target had been reached, which is an appalling indictment. These are very disappointing statistics, exacerbated by the fact that women represent only 2% of the apprentice population. There is a lot more to do in this area.

Deputy Éamon Ó Cuív: This country never seems to be able to anticipate what is foreseeable and to do anything about it. What I find extraordinary is that people did not accept that what happened in terms of the downturn was akin to a bungee jump in that the further down the building industry went the higher up it had to jump. We now have a massive accumulation of under-performance in terms of building houses for our people and all other types of premises that are needed. When we got over all of the planning difficulties, we were faced with a huge skills shortage. Amazingly, this was not anticipated. It is not possible to produce blocklayers, plumbers, electricians and so on quickly, which are hugely in demand skills. We are trying to ramp up the building industry here but there are no construction workers available to it. What I find disconcerting is that when people do take up apprenticeships - I commend the small companies which are again taking on apprentices - they discover there is a logjam in accessing the colleges, including the institute of technology in the constituency of the Minister of State, Deputy Halligan, and courses to enable them to progress to the next phase of their apprenticeship. The logjams need to be addressed urgently. We need to ensure people can access apprenticeships and also ensure the training to allow them progress with the academic part of their apprenticeships is available in the educational establishments.

Minister of State at the Department of Education and Skills (Deputy John Halligan): I thank Fianna Fáil for this constructive motion on apprenticeships. I have no problem with incorporating some of its proposals in the Action Plan for Apprenticeships 2016-2020. I will try to address as many of the points made as I can but I urge people to read the action plan.

I assure the House that the Government is committed to supporting increased registration of apprenticeships across all sectors. One of the key commitments in the action plan is the expansion of apprenticeships and traineeships to 50,000 enrolments by 2020, almost doubling the current levels of activity. Over the lifetime of the plan, more than 40 new apprenticeships and 30 new traineeships will be delivered. To date, 17 new apprenticeship programmes are operational following the Apprenticeship Council's two call outs in 2015 and 2017. These new programmes span a variety of sectors, ranging from financial services, bio-pharma, ICT and hospitality and further new apprenticeships will get underway in 2018 and 2019 in various areas, including construction, engineering, horticulture and agriculture. Year on year, we are exceeding the targets for registrations on craft trades. However, it is important to note that not all craft trades have recovered to the same extent. There is ongoing engagement between

SOLAS and the construction industry stakeholders on support for some of the lower volume trades, including on proposals to develop the model of shared apprenticeship. Members will be aware that previously apprenticeships were in the areas of plastering, bricklaying, carpentry and so on. Much of this activity collapsed following the collapse in the construction sector, all of which occurred before this Government came to power. Statistics show that during the boom in construction many companies, because they needed to get buildings constructed quickly, did not take on apprentices but instead hired subcontractors to do the work. One cannot blame the Government for this, but it was a problem. The generation of apprenticeships national promotion campaign has been under way since 2017, led by the Apprenticeship Council in co-operation with SOLAS. It promotes apprenticeships on television, radio and social media platforms such as Twitter, Facebook and Instagram. It has been designed to influence parents, teachers and potential apprentices on the career paths and further educational opportunities arising from apprenticeship programmes.

There will be a stepped up focus on employers in the second phase of the national promotion campaign. The Apprenticeship Council is currently engaging with industry sectors to gather feedback on apprenticeship provision, to discuss practical challenges as well as opportunities emerging and plans for the future. It will also give consortia direct access to the council's guidance and support which will ensure the sustainability of newly developed apprenticeships. Work is also under way on pre-apprenticeship provision. I am informed by SOLAS that it is currently engaged with key stakeholders in considering relevant pathways and opportunities for pre-apprenticeship initiatives, including the craft trades. We must ensure that apprenticeships are accessible to everyone. SOLAS has completed its review of the paths to apprenticeships, which is available on its website. The purpose of the review is to ensure that our national apprenticeship system is reflective of the range of diversity in the population, more inclusive of diverse backgrounds and abilities and that apprenticeship opportunities are more readily accessible to all. My Department will continue to work with SOLAS and apprenticeship partners and stakeholders to progress areas identified for action.

The Government is committed to supporting the expansion of the apprenticeship and traineeship system. To this end, it has increased the 2019 budget allocation for apprenticeship training by 16% to €142 million and the traineeship budget by almost 17% to €47.9 million. Apprenticeships have received a lot of media attention in the last few days, with the launch of two new apprenticeships in the bio-pharma and technology analyst and technician sectors, 200 craft apprentices being presented with advanced certificates and, in Waterford, with the first new industry-led apprentices receiving their degree in industrial electrical engineering.

I will try to address some of the issues raised. Other countries, including Germany and Austria, were mentioned. One has to take into account the size of a country, the size of its economy, its population and so on. There are some countries relevant to Ireland that are doing very well. One has also to take account of the particular industry of a country. For example, there is a big steel and car manufacturing industry in Germany. We do not have those types of industries here and so we do not have apprenticeships in those areas. Also, when a country reaches full employment or is 5% or 6% off full employment there is a difficulty attracting apprenticeships with call outs.

Someone - I think one of the Sinn Féin Deputies - asked about Bord na Móna. There are apprenticeships in Bord na Móna in automation, plant-fitting and so on. There is no doubt that we have some difficulties in gender accessibility and diversity. All 29 apprenticeships - electrical instrumentation and insurance practice being two - are open to all genders. We have a difficulty

with a low take-up by female apprentices and are dealing with the reasons for this as best we can with all of the relevant agencies. I will give the House some statistics in that regard. In 2015 we had 16 female participants; in 2016 we had 60; in 2017, 145 and this year, 323. The figure is small, but it is growing substantially. I think we will be able to deal with the issue.

Fianna Fáil Deputies raised a number of issues, including the apprenticeship promotional campaign. A promotional campaign for Generation Apprenticeship has been under way since 2017 and is led by the Apprenticeship Council with the co-operation of SOLAS. The second phase of the Generation Apprenticeship campaign is under way. Furthermore, ETBs and SOLAS are working to implement the PLC review recommendation of 500 pre-apprenticeship places in PLC colleges, which will promote and enhance access to apprenticeships for under-represented groups. The independent review of career guidance being carried out by Indecon international consultants will examine the quality and range of information and resources available to students in schools and other settings.

Considering from where we have come, compared with where we are today, and given the devastation of the apprenticeship sector in the past ten to 15 years, we have advanced significantly in apprenticeships. The targets, for instance, have been exceeded. The annual targets for apprenticeship registrations are set out in the action plan which I have asked Deputies to examine. The 2016 apprenticeship registration target was exceeded, with 3,821 apprenticeships registered. It represented a 317% increase on the low of 1,024 apprenticeships in 2010. Although the upper trend continues, with a total of 4,843 new registrations, comprising 4,508 craft and 335 new, in 2017, we did not reach our target of 800 new registrations in a total of 15 new apprenticeships. We did, however, exceed our target of 4,147 registrations in craft apprenticeships. At the end of October 2018 there were 4,655 apprentice registrations, comprising 4,135 registrations for craft-based apprenticeships and 520 registrations for new programmes. As I said, some of the proposals Fianna Fáil has made are very constructive and my Department and I will most certainly look at them in the coming weeks. As I said, we have the action plan for apprenticeships 2016 to 2020 and are all the time dealing with and talking to stakeholders and listening to what people and companies say.

We make call-outs on all apprenticeships, but it is sometimes very difficult to direct the people one wants to see in a particular apprenticeship to go into it. We can do all we can - advertise it, go to schools and businesses, as we do, put it up on websites and so on - but when one make a call-out, one relies on people stepping up to say they want to participate in the apprenticeship. Deputies often come to me to say there are old apprenticeships, skills and crafts that are being lost and ask whether we could try to reinvigorate them. I say yes. Those Deputies should come forward with a number of people who might be interested in the apprenticeship, skill or craft, whether it be thatching or something else, and we will see whether we can get an apprenticeship programme going for that skill.

I again thank Fianna Fáil. I would have liked to have had a lot more time to speak to the motion. We will not oppose it because we believe there are some elements of it that are practical and constructive and can be added to the action plan for apprenticeships 2016 to 2020.

Deputy Anne Rabbitte: I thank my colleague, Deputy Thomas Byrne, for giving me the opportunity to speak to the motion. As a former chairperson of the Galway and Roscommon Education and Training Board, GRETB, in Galway, I understand the value of the apprenticeship programme. I attended an awards ceremony for young people who had come through the crisis and whose employers had stood with them when there was a downturn in the economy. At the

time there were only 110 employers who were in a position to take on young people. They will reap the rewards now that they have stuck with it. However, we must also consider that it is not just about trades. We must look at heavy goods vehicle, HGV, mechanics and chefs. Employers are very much crying out for HGV mechanics and we cannot find them anywhere across Europe. We have industry that will support the trades, but even the likes of the large bin companies in Dublin are on their knees in looking for HGV mechanics and apprentices. I know that they have approached various ETBs about the matter. Perhaps this is something the Minister of State is embracing. If so, it is welcome because the matter is very important.

Another element that might feed into the reason there is such a low uptake by females might be adult literacy. We need to look at it because it seems one in six people struggle with adult literacy. I wonder if this plays a part in the issue. When we talk about apprenticeship programmes and people making it all the way through their education, perhaps not everyone will get through at a high level. The National Adult Literacy Agency has done a lot of work on this issue and a lot of statistics, into which the Minister of State should reach.

I compliment my colleague, Deputy Fiona O'Loughlin. As she said, we want apprenticeships to be accessible and affordable. We need to focus on second level education because while the drive is for Central Applications Office points, there are other ways to gain job opportunities than through third level education.

Deputy Aindrias Moynihan: Ireland has lagged well behind other European countries during the years in both the scale and the diversity of apprenticeships available. We have seen that we fell short of last year's target by 58%, while in September we were only about one third of the way to this year's target. Apprenticeships are not seen as a viable or attractive option. Across Europe there is much more emphasis placed on the importance of apprenticeships and vocational training. There is also greater variety and apprenticeships seem to have much greater standing. There is a need to place more emphasis on them in Ireland. We also need to broaden the range of options available. For example, there are spaces in fibre-optics, journalism, digital media and so many others. The list is unlimited. There are companies that operate in various countries around the world that might, for example, offer apprenticeships in business management or computer science. They are operating here and do not have that option available to them. It would be worthwhile for the Minister of State and his departmental officials to meet them to see if there are ways by which those industry-led apprenticeships would also be available in Ireland. The value of apprenticeships needs to be promoted by the Government in public as a worthwhile training development option.

Another point which has been well made concerns the number of women involved in apprenticeships. At 2%, it is very low. It contrasts with the figure for the United Kingdom, where last year 54% of those who started an apprenticeship were women. This is not an isolated incident because every year since 2011 more women have been taking on apprenticeships in England than men. Clearly, the same can be achieved in Ireland. There is a need for a change of attitude and perception and a broadening of the options available to those seeking apprenticeships.

Deputy John Brassil: As a democratic Government that represents the people, how can the Government not support devices such as apprenticeships that are so beneficial to citizens? It is disheartening that, as a group in society that makes up such a large proportion of the population, only 2% of participants in apprenticeships are female. There are many apprenticeship fields, but as of 24 October this year there were fewer than ten female participants. Another ostracised

group that would benefit from an expansion of apprenticeships is the 1.5% of apprentices who are listed as having a disability.

Besides the issue of representation, there is also the matter of the number of people registered into specific fields. In the hospitality and food sector, for example, there were only 114 registrations by the end of September 2018, and in the field of fibre optics, there were only 32 registrations. In that area, there is a company in County Kerry called Transmission Links Ireland, TLI, that provides those 32 registrations and full employment every year. It could double or treble its output. If we are to deliver broadband, and we are arguing about contracts and signing contracts, and if we do not have the people to do the work when the contracts are signed, it is going to remain in the same place.

We need to provide greater diversity through encouraging and supporting businesses, no matter the size or field, to offer apprenticeships. We need to explore the idea of pre-apprenticeship training in schools and better promotion of apprenticeships to the public and especially excluded groups. We also need to improve the infrastructure of apprenticeships in respect of SOLAS and the establishment of apprenticeship offices. We need an improved structure in place that makes apprenticeships attractive, accessible and affordable to both employees and apprentices alike.

Deputy Thomas Byrne: I thank the Government for not opposing this motion and I thank the House for its widespread support for the spirit and terms of the motion. Apprenticeships have a vital role to play in Ireland's future. The outstanding apprentices whom we, at the Joint Committee on Education and Skills, and the Minister of State meet who represent the country at the Ireland Skills and World Skills events every year are testament to the impact apprentices can have on the labour force.

The truth, however, is that apart from that and apart from showing excellence, and it is important to show excellence, apprenticeships do not get the coverage they deserve. I will be constructive in my criticism of the promotion of apprenticeships. The Minister mentioned a website and Twitter. The Apprenticeship Council Twitter account is a corporate account. That is fine if the Apprenticeship Council wants to tell us about what the former Minister, Deputy Bruton, did for apprentices. I have no problem with that. If I am a young person looking to find an apprenticeship, however, I am not going to get information from the Apprentice Council Twitter account.

Turning to the website, I can find any of the information I want on the technical details of apprenticeships, the legal requirements, the fees etc. That is all there. If I go to the UK version of the website, it is very simple. It is "search for an apprenticeship". We need to get to that and away from the corporate websites promoting what corporate is doing. We need to make it something that is apprentice focused. The Twitter account is not apprentice focused.

I have no difficulty with SOLAS having a corporate Twitter account or promoting what is happening. That is fine but it needs to have a Twitter account that is geared to apprentices and the Twitter account I mentioned is not. The website is not either. I mean that in the most constructive way possible. That is what we are trying to get changes. I refer to this being apprentice focused. The apprentices who are online at home must be able to get the information they need in a crisp and accessible way. I know the Minister of State has contradicted us a bit on Germany and Austria, but the truth is we are not going to be able to reach what those countries are doing in short order. I know that but we have got to reach the perception of the status that

apprenticeships have in those countries. Those are some of the most important industrialised countries in the world and the most important research countries in the world. We have to be there.

Our only interest is that that goal and that perception are met and done. As has been mentioned by many, apprenticeships in the construction sector have to happen. There is an issue with work, with small companies not being able to provide it and big companies not providing it when they should. We need many more apprentices in the construction sector to meet building targets and to get our people housed. There are major occupational shortages in areas such as shuttering, carpenters, shift managers, steel erectors, pipe layers, glaziers etc. Young people need a clear avenue to grasp the opportunities that are there and we need to provide them.

Work must begin now on ramping up the number of apprenticeships across the board to meet demand. For too long the Irish education system has leaned on academic achievement as a way of career and development opportunity. That is all of us. We all aspire for our children to go to college and to get the diploma, the degree or whatever it is, but we have got to get that message out there that the level 8 apprenticeship is a degree. It is exactly equivalent to a degree and it is another way of doing it. If that message is out there and seeps in, then things will change radically and employers will also become more interested.

The time has come to take apprenticeships seriously as a way of further boosting the economy. In preparation for the challenges we face with Brexit, in housing and in meeting the skills shortages in hospitality and healthcare, apprenticeships must be placed in the position they deserve. I appeal to the Houses of the Oireachtas Commission while the Ceann Comhairle is here. The House of Commons has a fantastic system. Deputy Barry has mentioned political interference. It has nothing to do with politics whatsoever. It is done in Britain within the structure of the Civil Service and that is what needs to happen here. The Houses of the Oireachtas needs to send out a message, whether it is to people who are learning to be chefs or learning accountancy or financial management. Those types of apprenticeships are offered in the House of Commons. We need to get to that situation because that is one way we will send out that signal that things have changed utterly for the better for young people.

Question put and agreed to.

Personal Explanation by Minister of State

An Ceann Comhairle: The Minister of State at the Department of Finance has informed the Chair that he wishes to make a personal explanation and the Chair agrees.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): On 3 October during a Dáil debate on a motion on double taxation relief on taxes on income and capital gains with the Republic of Ghana, I informed the House that, in 2012, officials from the Republic of Ghana raised with the Department of Foreign Affairs and Trade the possibility of negotiating a double tax agreement with Ireland. I have subsequently been informed that the opening of negotiations was initially suggested by Ireland and therefore I wish to correct my previous statement and apologise for unintentionally misinforming the House.

Home Building Finance Ireland Bill 2018: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 1:

In page 10, line 13, after “interest” to insert “including lower interest rates and longer maturities”.

- (Deputy Eoin Ó Broin)

Minister of State at the Department of Finance (Deputy Michael D’Arcy): There was considerable confusion around the effect of this amendment when it was last debated in the Chamber on 2 October. This confusion arose when it was suggested that amendments tabled on Report Stage would allow Home Building Finance Ireland, HBFI, to lend to builders and developers at lower interest rates and longer maturities to fund social, cost rental and affordable homes. I must clarify to the Chamber in the strongest possible terms that these amendments will have no such effect.

The reality is that this amendment only addresses the rates and terms on which HBFI is able to borrow money on the market to fund its operations. It has no bearing on the rates and terms that HBFI may attach to lending that it provides to builders or developers. This is evidenced by the fact that this amendment is directed at section 13 of the current Bill which is concerned exclusively with HBFI’s powers of borrowing. As a result, it is clear that, if passed, this amendment would have no practical effect. As my colleague, the Minister of State, Deputy O’Donovan, pointed out, HBFI can raise debt from the capital markets at low interest rates and along with sureties, provided the capital markets are willing to provide funding on such terms. I must, therefore, oppose the amendment.

I understand, separately, the important point made by Deputy Ó Broin in previous debates regarding the Home Building Ireland scheme. In contrast to HBFI, it is important to note the Rebuilding Ireland home loan scheme is classified as within Government and provision for its funding must be found from the Housing Finance Agency with a resulting impact on gross Government debt. Under EUROSTAT rules it is impossible for HBFI to be state aid compliant and ensure that its activities are treated as off-balance sheet transactions if it lends to builders at interest rates lower than those available on the market. In general the EUROSTAT classification of HBFI’s activities will be threatened if conditions on HBFI’s lending are imposed, particularly where those conditions require HBFI to act in a manner that would not be consistent with other operators in the market.

Deputy Eoin Ó Broin: Nobody is suggesting that HBFI should lend at rates below market rates. I refer to giving HBFI the flexibility that it may act and lend at more competitive rates but still allowing for a commercial rate of return. The Minister of State’s point does not deal with that. On the substantive point, I would much prefer to be tabling amendments to section 7. I am prohibited from doing that because it would place a charge on the State. Placing these amendments in this section has a purpose. It at least indicates in the legislation the desire of the Oireachtas for Home Building Finance Ireland to provide such loans. If we are saying we would like it to engage in such practices to try to provide more competitive loans for smaller builders for a variety of projects, including them would have an impact. The legislation states very clearly that when Home Building Finance Ireland is established, it is something the Oireachtas wants it to do. If the Minister is willing to table his own amendments in the Seanad to section 7, I would have no difficulty with them. However, it is my understanding he will not

do so. Therefore, section 13 is the only place where I am allowed to table such amendments. I will be pressing them.

An Ceann Comhairle: Deputy Michael McGrath has spoken twice already to amendment No. 1, as has the Minister of State; therefore, he cannot respond.

Deputy John Brassil: May I speak?

An Ceann Comhairle: Yes.

Deputy Michael McGrath: The Ceann Comhairle has very good records.

Deputy John Brassil: I imagine the Bill in its existing form permits HBFI to borrow from the market and presume it would choose to get the best terms on debt as possible. If Deputy Ó Broin can convince me that there is a need for amendment No. 1, I will remain open to considering it. I imagine any company would seek to find the best rates available in the market as not to do so would be grossly irresponsible.

The establishment of HBFI is very welcome but long overdue. I genuinely hope it is not just another announcement to deal with the housing crisis only for us to be back here in 12 months, with very little having been delivered, as, unfortunately, has been the case with its precursor, the Activate Capital programme, for which there was a pot of €550 million. It has contributed to the construction of just 3,600 houses since its creation in 2016. I hope the HBFI will not be a similar flop. I very much welcome its establishment as it suits the banks not to lend for the purpose of building houses because most of them still have a considerable number of distressed properties in their portfolios. The longer the crisis continues, the greater the value of those properties will be, leaving the banks' balance sheets better off. It is not in their interests to loan money to build developments. HBFI can play a critical role in that regard. The institution will not tackle construction costs. If we take capital out of the equation in counties such as the one I represent, Kerry, the cost of developing a greenfield site, including levies, development site costs, planning and so on, is greater than the purchase price of a property available on the market. Until that issue is resolved and we do something about site development costs and levies, etc., there will be very little building, particularly in the private sector, in counties such as Kerry.

I hope this will not be another failed entity and that it will begin to tackle what is a major crisis. I hope it will start to make inroads into the 120,000 people on social housing waiting lists. I look forward to receiving regular updates on the performance of HBFI. We will play an active role in trying to ensure it will do the job it is being set up to do.

Amendment put:

<i>The Dáil divided: Tá, 34; Níl, 81; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	<i>Nolan, Carol.</i>
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Brassil, John.</i>	
<i>Collins, Joan.</i>	<i>Breen, Pat.</i>	
<i>Connolly, Catherine.</i>	<i>Brophy, Colm.</i>	
<i>Coppinger, Ruth.</i>	<i>Browne, James.</i>	

<i>Crowe, Seán.</i>	<i>Bruton, Richard.</i>	
<i>Cullinane, David.</i>	<i>Burke, Peter.</i>	
<i>Daly, Clare.</i>	<i>Butler, Mary.</i>	
<i>Doherty, Pearse.</i>	<i>Byrne, Catherine.</i>	
<i>Ellis, Dessie.</i>	<i>Cahill, Jackie.</i>	
<i>Ferris, Martin.</i>	<i>Calleary, Dara.</i>	
<i>Funchion, Kathleen.</i>	<i>Canney, Seán.</i>	
<i>Healy, Seamus.</i>	<i>Cannon, Ciarán.</i>	
<i>Kelly, Alan.</i>	<i>Carey, Joe.</i>	
<i>Mitchell, Denise.</i>	<i>Casey, Pat.</i>	
<i>Murphy, Catherine.</i>	<i>Cassells, Shane.</i>	
<i>Murphy, Paul.</i>	<i>Chambers, Jack.</i>	
<i>O'Brien, Jonathan.</i>	<i>Collins, Michael.</i>	
<i>O'Reilly, Louise.</i>	<i>Corcoran Kennedy, Mar- cella.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Coveney, Simon.</i>	
<i>Ó Broin, Eoin.</i>	<i>Creed, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Curran, John.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Daly, Jim.</i>	
<i>Pringle, Thomas.</i>	<i>Deasy, John.</i>	
<i>Quinlivan, Maurice.</i>	<i>Deering, Pat.</i>	
<i>Ryan, Brendan.</i>	<i>Doherty, Regina.</i>	
<i>Ryan, Eamon.</i>	<i>Donnelly, Stephen S.</i>	
<i>Smith, Bríd.</i>	<i>Dooley, Timmy.</i>	
<i>Stanley, Brian.</i>	<i>Durkan, Bernard J.</i>	
<i>Tóibín, Peadar.</i>	<i>English, Damien.</i>	
<i>Wallace, Mick.</i>	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Fleming, Sean.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>Madigan, Josepha.</i>	

	<i>Martin, Micheál.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	

Tellers: Tá, Deputies Eoin Ó Broin and Pat Buckley; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Deputy Eoin Ó Broin: I move amendment No. 2:

In page 10, between lines 15 and 16, to insert the following:

“(3) Such bonds, debentures and other securities may be used for the purposes of delivering social, cost rental and affordable purchase homes and for the funding of remedial works on multi-unit developments where latent defects have been discovered.”.

An Ceann Comhairle: Is the amendment being pressed?

Deputy Eoin Ó Broin: Yes.

Amendment put:

<i>The Dáil divided: Tá, 35; Níl, 82; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Brassil, John.</i>	
<i>Collins, Joan.</i>	<i>Breen, Pat.</i>	
<i>Connolly, Catherine.</i>	<i>Brophy, Colm.</i>	
<i>Coppinger, Ruth.</i>	<i>Browne, James.</i>	
<i>Crowe, Seán.</i>	<i>Bruton, Richard.</i>	
<i>Cullinane, David.</i>	<i>Burke, Peter.</i>	
<i>Daly, Clare.</i>	<i>Butler, Mary.</i>	
<i>Doherty, Pearse.</i>	<i>Byrne, Catherine.</i>	
<i>Ellis, Dessie.</i>	<i>Byrne, Thomas.</i>	
<i>Ferris, Martin.</i>	<i>Cahill, Jackie.</i>	
<i>Funchion, Kathleen.</i>	<i>Calleary, Dara.</i>	
<i>Healy, Seamus.</i>	<i>Canney, Seán.</i>	
<i>Kelly, Alan.</i>	<i>Cannon, Ciarán.</i>	
<i>Kenny, Martin.</i>	<i>Carey, Joe.</i>	
<i>Mitchell, Denise.</i>	<i>Casey, Pat.</i>	
<i>Murphy, Catherine.</i>	<i>Cassells, Shane.</i>	
<i>Murphy, Paul.</i>	<i>Chambers, Jack.</i>	
<i>Ó Broin, Eoin.</i>	<i>Collins, Michael.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Coveney, Simon.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Creed, Michael.</i>	
<i>O'Brien, Jonathan.</i>	<i>Curran, John.</i>	
<i>O'Reilly, Louise.</i>	<i>Daly, Jim.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Deasy, John.</i>	
<i>Pringle, Thomas.</i>	<i>Deering, Pat.</i>	
<i>Quinlivan, Maurice.</i>	<i>Doherty, Regina.</i>	
<i>Ryan, Brendan.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ryan, Eamon.</i>	<i>Dooley, Timmy.</i>	
<i>Smith, Bríd.</i>	<i>Durkan, Bernard J.</i>	
<i>Stanley, Brian.</i>	<i>English, Damien.</i>	
<i>Tóibín, Peadar.</i>	<i>Farrell, Alan.</i>	
<i>Wallace, Mick.</i>	<i>Fitzgerald, Frances.</i>	

	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Fleming, Sean.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lawless, James.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	

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	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	

Tellers: Tá, Deputies Eoin Ó Broin and Pat Buckley; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Question put:

<i>The Dáil divided: Tá, 105; Níl, 8; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>	<i>O'Sullivan, Maureen.</i>
<i>Bailey, Maria.</i>	<i>Collins, Joan.</i>	
<i>Barrett, Seán.</i>	<i>Connolly, Catherine.</i>	
<i>Brady, John.</i>	<i>Coppinger, Ruth.</i>	
<i>Brassil, John.</i>	<i>Healy, Seamus.</i>	
<i>Breen, Pat.</i>	<i>Murphy, Paul.</i>	
<i>Brophy, Colm.</i>	<i>Pringle, Thomas.</i>	
<i>Broughan, Thomas P.</i>	<i>Smith, Bríd.</i>	
<i>Bruton, Richard.</i>		
<i>Buckley, Pat.</i>		
<i>Butler, Mary.</i>		
<i>Byrne, Catherine.</i>		
<i>Byrne, Thomas.</i>		
<i>Cahill, Jackie.</i>		
<i>Calleary, Dara.</i>		
<i>Canney, Seán.</i>		
<i>Cannon, Ciarán.</i>		
<i>Carey, Joe.</i>		
<i>Casey, Pat.</i>		
<i>Cassells, Shane.</i>		
<i>Chambers, Jack.</i>		
<i>Collins, Michael.</i>		
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Creed, Michael.</i>		
<i>Crowe, Seán.</i>		

<i>Cullinane, David.</i>		
<i>Curran, John.</i>		
<i>D’Arcy, Michael.</i>		
<i>Daly, Clare.</i>		
<i>Daly, Jim.</i>		
<i>Deasy, John.</i>		
<i>Deering, Pat.</i>		
<i>Doherty, Regina.</i>		
<i>Donnelly, Stephen S.</i>		
<i>Dooley, Timmy.</i>		
<i>Durkan, Bernard J.</i>		
<i>Ellis, Dessie.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Ferris, Martin.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Griffin, Brendan.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Healy-Rae, Michael.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Martin.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O’Connor, Mary.</i>		
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		

<i>Moynihan, Michael.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Nolan, Carol.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Phelan, John Paul.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Richard Boyd Barrett and Paul Murphy.

Question declared carried.

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2018:
From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 14: In page 19, line 13, after “customer” to insert “to the extent reasonably warranted by the risk of money laundering or terrorist financing”.

Minister for Justice and Equality (Deputy Charles Flanagan): I am pleased to report these final amendments to the House. I know from debates on earlier Stages that there is general support for this legislation and a common desire that we enact matters efficiently so that we can fulfil our international EU obligations. There are a small number of amendments, mainly of a technical nature, with other more substantive amendments that we can get through.

Amendment No. 1 relates to the requirement for a designated person to monitor customers with whom they have a business relationship. The words to be inserted are to make it clear that this monitoring is to be done only to the extent that it is warranted by the risk in a particular case of money laundering or terrorist financing. It is in line with the EU directive, which mandates “a risk-based approach” to due diligence with regard to relations with customers.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 16: In page 20, between lines 21 and 22, to insert the following:

“(e) in subsection (5), by the insertion of “or financial institution” after “a credit institution”.”.

Deputy Charles Flanagan: This measure relates to customer due diligence measures for persons who can be described as politically exposed persons. In general, these measures must be carried out before a person opens an account. However, a bank can allow an account to be opened without first carrying out the measures as long as no transactions are carried out on the account, so an account is open and there are no dealings in it. The amendment extends that exception to all financial institutions and it is in accordance with the reading of the directive.

Seanad amendment agreed to.

An Ceann Comhairle: Amendments Nos. 3 and 4 are related and may be discussed together.

Seanad amendment No. 3:

Section 20: In page 24, lines 26 and 27, to delete “and subsection (4)(b)”.

Deputy Charles Flanagan: These are technical amendments, which relate to the conditions under which a designated person can rely on a third party to carry out anti-money laundering measures on his or her behalf. There is currently a requirement that the person be satisfied that the third party will provide him or her with appropriate documentation and relevant information. These amendments clarify that it is not necessary if certain circumstances apply, including

that the person and third party are part of the same group. I point Deputies to Article 28 of the directive, with which the proposal is in accord.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 20: In page 25, lines 1 to 4, to delete all words from “satisfied” in line 1 down to and including “requirements” where it secondly occurs in line 4 and substitute “satisfied that the circumstances specified in paragraphs (a) to (c) of subsection (1A) exist”.

Seanad amendment agreed to.

An Ceann Comhairle: Amendments Nos. 5 and 12 are related and may be taken together.

Seanad amendment No. 5:

New Section: In page 27, to delete lines 12 to 25 and substitute the following:

“Amendment of section 44 of Act of 2010

23. Section 44 of the Act of 2010 is amended by the deletion of “or 43” in both places where it occurs.”.

Deputy Charles Flanagan: The purpose of these amendments is to remove a requirement to report to An Garda Síochána and the Revenue Commissioners all transactions relating to what is known as a “high-risk third country”. A high-risk third country is one which is not considered to have adequate controls for money laundering. The requirement is considered to be unnecessarily broad when combined with the European Commission’s new designations of states as high risk. The view here is that this would be unduly burdensome for An Garda Síochána and the business entities involved. We discussed this at an earlier stage of proceedings but since the Bill was published and having regard to discussions that took place both within the House and outside, I think the amendment is considered desirable. There is already something of a requirement to report any transaction that is suspicious. This is a general requirement. In that regard, almost 25,000 reports were received by An Garda Síochána under this requirement last year. The Bill also contains an obligation to apply due diligence of an enhanced nature with regard to customers from high-risk third countries. I would not like Deputies to think that we were in any way diluting or weakening the legislation and have proposed the amendment for that reason.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 27: In page 31, line 12, after “direction” to insert “in writing”.

Deputy Charles Flanagan: Amendment No. 6 relates to the power of An Garda Síochána to direct that documents and records are kept beyond the normal period of five years. This inserts a safeguard that the direction must be given in writing.

Seanad amendment agreed to.

An Ceann Comhairle: Amendments Nos. 7, 8 and 11 are related and may be considered

together.

Seanad amendment No. 7:

Section 34: In page 35, line 37, to delete “section 109” and substitute “section 108”.

Deputy Charles Flanagan: These amendments transpose part of Article 47, paragraph 2, of the fourth directive. That requires that managers as well beneficial providers of gambling services are persons who are regarded as fit or proper persons. Amendment No. 11 inserts five new sections, requiring that anybody who is a person directing a private members’ gambling club or who is a beneficial owner of such a club must hold a certificate of fitness and, if they do not, it will be an offence for any person to engage in activities or business without holding it. The rest of the provisions set out the procedure that will be in place to apply for this certificate of fitness. The application will be made to An Garda Síochána. If the person does not live within the State, it is made to the Minister. A certificate may be refused if a person has been convicted of certain offences. The certificate will last for three years. There is provision for an appeal to the District Court in respect of a refusal to grant a certificate.

Amendments Nos. 7 and 8 are consequential amendments to the numbering of a different section. The House will be aware of the wider work on gambling that the Government is undertaking. We have approved the setting up of an independent gambling regulator. My colleague, the Minister of State, Deputy Stanton, has chaired a working group on reforms in this area which has recently completed its work. While those broader proposals are being developed, the provisions here now will allow us to ensure that persons involved in this sector are persons who can be regarded as fit, proper and appropriate. We do that in respect of our national legislation and so that our EU obligations are complied with and met.

Deputy Anne Rabbitte: I want to speak to the last portion of the Bill that the Minister spoke about introducing relating to the certificate of fitness. I am homing in on the Gaming and Lotteries Act 1956. Fianna Fáil brought forward a Gambling Control Bill and I feel this is diluting it. Listening to the Minister’s statement, I understand what he is saying. At what stage are he and the Minister of State, Deputy Stanton, in setting up the independent regulator? I would like to hear reassurances about where we are with the setting up of the independent regulator. Why exactly would the Minister have picked out cards clubs as opposed to looking at this in its entirety?

Deputy Aengus Ó Snodaigh: I welcome amendment No. 11 in particular. We will support it. We have raised this issue at various stages. As the Minister said in his contribution, there are wider issues of regulation of betting, gambling industries and gambling control, but they are for another day. I acknowledge the progress that the Minister of State, Deputy Stanton, has made but I do not believe the Department has made sufficient progress on this issue. Will the Minister explain exactly when the future gambling control Bill is due before the House? I welcome the amendment because it is a step in the right direction. I hope we can build on it and see further regulation with regard to what is required to counter the use of gambling in private members’ clubs and gambling activities to launder money. Why does the measure not include, for instance, bookmakers? This issue has been raised with us and we have raised it before.

I would have thought that was an obvious avenue where the practices this Bill is seeking to quell occurs. We have seen it in some court cases in the past. I also add a health warning to the

effect that we could probably have done more and better as regards this issue and we will need to look again at it in the future.

The Minister of State, Deputy Stanton, said in the Seanad a few weeks ago that what I am raising is covered by various betting Acts. However, this was raised as a serious issue in the debates on the ever-promised gambling control Bill, which supposedly has been coming in for the past six years but we have not seen it yet. Has gambling been left on the back-burner? I hope that is not the case and that the Minister will be able to indicate exactly when we will get to grips with an issue that has been raised here in the House. That will not take away from the specifics the Minister is trying to achieve in the legislation today, but hopefully it will add to it.

Deputy Charles Flanagan: I thank Deputy Rabbitte because if I correctly interpret her contribution it is one of forbearance towards the Government in respect of the gambling issue. I accept that with the grace with which it was offered. I acknowledge her contribution towards that and her interest in it. I am very keen that we can progress matters here. I assure her that every effort is being made in my Department, in particular under the stewardship of the Minister of State, Deputy Stanton, in order that we can meet specific targets. I understand Deputy Rabbitte's frustration and that of a number of Deputies who have been consistent in their interest in this issue and in their cause that matters would be updated. I accept everything that has been said but I would ask that at this point my bona fides would be accepted.

On the matter of the gaming and lotteries (amendment) Bill, work is ongoing between my officials and the Office of the Attorney General. It is envisaged that the Bill will be ready for publication late this year or very early next year. It has been included on the priority list for publication for autumn 2018. We have seven weeks left and we will keep in communication with the Deputy but I would be very disappointed if we do not have the Bill ready for publication within the timeframe envisaged. I will not go into detail but I will respond to some of the questions asked. The Bill will standardise at 18 the age limit for gambling and gaming. The age limit for the tote will now be set at 18. There will be a streamlining of applications for permits and licences. We hope to be in a position to move on to the publication of the Bill very shortly.

In response to Deputy Ó Snodaigh's question, it seems that bookmakers are already in compliance with the measures I am introducing here in respect of the money laundering directive. The amendments are similar to those which already exist in respect of bookmakers. Deputy Rabbitte asked why we are singling out private members' clubs and the reason for that is it is a requirement of the EU directive. It is an interim measure pending fuller regulation.

I acknowledge the support and work of Deputy Rabbitte and others in the House on the gambling regulation Bill. It has been helpful and it has not gone unnoticed by the Government. In January the Government approved the drafting of the general scheme to update the 2013 general scheme. The working group is chaired by the Minister of State, Deputy Stanton, and it is the group's intention that it would report directly to the Government prior to Christmas. Given the complexity of the gambling regulation Bill, which Deputy Rabbitte knows as well as anyone, it will take up to 12 months to draft the Bill. We will continue to work closely with the Office of the Attorney General. I would be very happy to keep Deputy Rabbitte and any other Deputies who are specialists in the area fully informed. I thank them for their work and interest in this issue.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 34: In page 36, line 1, to delete “**109A.** (1) Subject” and substitute “**108A.**(1) Subject”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 34: In page 36, line 28, after “of” where it firstly occurs to insert “paragraph (a) of”.

Seanad amendment agreed to.

Seanad amendment No. 10:

Section 34: In page 36, line 29, to delete “section 24(1)(a)” and substitute “section 24(1)”.

Seanad amendment agreed to.

Seanad amendment No. 11:

New Section: In page 37, between lines 17 and 18, to insert the following:

“Managers and beneficial owners of private members’ clubs - certificates of fitness

35. The Act of 2010 is amended by the insertion of the following sections after section 109:

“Managers and beneficial owners of private members’ clubs to hold certificates of fitness

109A.(1) An individual who—

(a) effectively directs a private members’ club at which gambling activities are carried on, or

(b) is a beneficial owner of a private members’ club at which gambling activities are carried on,

shall hold a certificate of fitness and probity (referred to in this section and sections 109B, 109C, 109D and 109E as a ‘certificate of fitness’) granted by a Superintendent of the Garda Síochána or, as the case may be, by the Minister.

(2) An individual who fails to comply with subsection (1) commits an offence and is liable—

(a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years, or both.

(3) Where on the date that is 6 months from the coming into force of this section an individual has applied for a certificate of fitness,

this section shall not apply to that individual until such time as the application, and any appeal in relation to the application, has been finally determined.

Application for certificate of fitness

109B.(1) Upon compliance with subsection (2), an individual shall make an application for a certificate of fitness—

(a) where the individual ordinarily resides in the State—

(i) to the Superintendent of the Garda Síochána for the district in which he or she ordinarily resides, or

(ii) to the Superintendent of the Garda Síochána for the district in which the private members' club concerned is located or is proposed to be located,

or

(b) where the individual ordinarily resides outside the State, to the Minister.

(2) An individual intending to apply for a certificate of fitness under this section shall, not later than 14 days and not earlier than one month before making the application, publish in two daily newspapers circulating in the State, a notice in such form as may be prescribed, of his or her intention to make the application.

(3) An application for a certificate of fitness under this section shall be in such form as may be prescribed.

(4) The applicant for a certificate of fitness shall provide the Superintendent of the Garda Síochána, or as the case may be the Minister, to whom the application concerned is made with all such information as he or she may reasonably require for the purposes of determining whether a relevant consideration referred to in section 109C exists.

(5) A Superintendent of the Garda Síochána, or as the case may be the Minister, to whom an application for a certificate of fitness is duly made under this section shall, not later than 56 days after receiving the application, either—

(a) grant the application and issue a certificate of fitness to the applicant, or

(b) refuse the application.

(6) A certificate of fitness under this section shall be in such form as may be prescribed.

(7) An individual who, in applying for a certificate of fitness under this section, makes a statement or provides information to a Super-

intendent of the Garda Síochána or, as the case may be, to the Minister, that he or she knows, or ought reasonably to know, is false or misleading in a material respect commits an offence and is liable—

(a) on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months, or both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 2 years, or both.

(8) A Superintendent of the Garda Síochána shall, as soon as may be after making a decision in relation to an application for a certificate of fitness, notify the Minister in writing of that decision.

Grounds of refusal to grant certificate of fitness

109C.(1) A Superintendent of the Garda Síochána or, as the case may be, the Minister shall not refuse an application for a certificate of fitness made in accordance with section 109B unless—

(a) a relevant consideration exists, or

(b) he or she is not satisfied that the applicant has provided such information as he or she reasonably requires for the purposes of determining whether a relevant consideration exists.

(2) For the purposes of subsection (1), a relevant consideration exists if—

(a) the applicant stands convicted of an offence under—

(i) an enactment relating to excise duty on betting,

(ii) the Gaming and Lotteries Acts 1956 to 2013,

(iii) section 1078 of the Taxes Consolidation Act 1997,

(iv) the Criminal Justice (Theft and Fraud Offences) Act 2001, or

(v) this Act,

(b) the applicant stands convicted of an offence under the law of a place (other than the State)—

(i) consisting of an act or omission that, if committed in the State, would constitute an offence referred to in paragraph (a), or

(ii) relating to the conduct of gambling,

or

(c) the applicant was previously refused a certificate of fitness and either—

- (i) the applicant did not appeal the refusal, or
 - (ii) on appeal to the District Court, the refusal was affirmed.
- (3) In this section, ‘enactment’ means—
- (a) an Act of the Oireachtas,
 - (b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution,
 - (c) an instrument made under—
 - (i) an Act of the Oireachtas, or
 - (ii) a statute referred to in paragraph (b).

Duration of certificate of fitness

109D.(1) A certificate of fitness shall remain in force until the expiration of 3 years after the date on which the certificate was issued.

(2) If, before the expiration of a certificate of fitness, the individual to whom it was issued makes an application for a new certificate of fitness, the first-mentioned certificate of fitness shall remain in force—

- (a) until the issue of the new certificate of fitness,
- (b) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or by the Minister and the individual does not make a request referred to in section 109E(1), until the expiration of the period within which the request may be made,
- (c) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or by the Minister and the individual makes a request referred to in section 109E(1) but does not bring an appeal under that section, until the expiration of the period specified in subsection (3) of that section, or
- (d) in circumstances where the application is refused by the Superintendent of the Garda Síochána concerned or the Minister and the individual appeals the refusal in accordance with section 109E, until—
 - (i) the District Court affirms the refusal in accordance with that section, or
 - (ii) the issue of a new certificate of fitness pursuant to a direction of the District Court under subsection (4)(b) of that section.

Appeal where application for certificate of fitness is refused

109E.(1) If a Superintendent of the Garda Síochána, or as the case may be, the Minister refuses an application for a certificate of fitness, he

or she shall, on the request in writing of the applicant made not later than 14 days after the refusal, give the applicant a statement in writing of the reasons for the refusal.

(2) A person to whom a certificate of fitness has been refused may, not later than 14 days after receiving a statement in writing under subsection (1), appeal the refusal to the District Court.

(3) A person who brings an appeal under this section shall, in such manner and within such period as may be prescribed give notice of the appeal to the Superintendent of the Garda Síochána concerned or, as the case may be, the Minister.

(4) The District Court may, upon an appeal under this section, either—

(a) affirm the refusal, or

(b) grant the appeal and direct the Superintendent of the Garda Síochána concerned, or as the case may be, the Minister to issue a certificate of fitness to the appellant.

(5) The Superintendent of the Garda Síochána concerned or, as the case may be, the Minister shall comply with a direction of the District Court under this section not later than 3 days after the giving of the direction.

(6) The respondent in an appeal under this section shall not be entitled to advance as a reason for opposing an appeal under this section a reason not specified in a statement of the reasons for a refusal given to the appellant pursuant to a request under subsection (1).

(7) If the District Court affirms a refusal under subsection (4)(a), it may also make an order requiring the appellant to pay the costs incurred by the respondent in defending the appeal and may determine the amount of such costs.

(8) There shall be no appeal to the Circuit Court from a decision of the District Court under this section.

(9) An appeal under this section by a person ordinarily resident in the State shall be brought before a judge of the District Court assigned to the District Court district—

(a) in which he or she ordinarily resides, or

(b) in which the private members' club concerned is located or is proposed to be located.

(10) An appeal under this section by a person not ordinarily resident in the State shall be brought before a judge of the District Court assigned to the Dublin Metropolitan District.”.”.

Seanad amendment agreed to.

Seanad amendment No. 12:

Section 39: In page 42, line 16, after “36” to insert “, 43”.

Seanad amendment agreed to.

Seanad amendments reported.

Children’s Health Bill 2018 [Seanad]: Order for Report Stage

Minister of State at the Department of Health (Deputy Catherine Byrne): I move: “That Report Stage be taken now.”

Question put and agreed to.

Children’s Health Bill 2018 [Seanad]: Report and Final Stages

An Leas-Cheann Comhairle: Amendments Nos. 1 and 2 are related and will be discussed together.

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

In page 6, line 9, after “*section 5*” to insert “, known as the Kathleen Lynn National Children’s Hospital”.

This amendment is close to my heart. I first wrote to a Minister for Health in 2013, or perhaps it was even before that, when Senator Reilly was in charge of the health portfolio. I subsequently wrote to his successor, now Taoiseach, Deputy Varadkar. I also wrote to the current Minister, Deputy Harris. The reason I wrote to the Ministers for Health is that they are the ones overseeing the development in St. James’s Hospital, in what was the South Dublin Union, of a new children’s hospital. I always felt that in naming the hospital it would be appropriate for us to pay homage to those who were the front runners in children’s health in this country. We know of the earlier attempt to name it when, with some fanfare, the name Phoenix hospital was chosen. That debacle came to an abrupt end when the Phoenix Children’s Hospital in the United States reminded those who could not do a Google search that it existed and that it would possibly sue if the name was used.

That brings me back to the letters I wrote asking for Kathleen Lynn who was a pioneer in every sense in the medical field for children to be remembered by naming a hospital after her. We should remember that it was she who in 1919 set up the first children’s hospital in this city, Saint Ultan’s Children’s Hospital. Would it not be appropriate, almost 100 years later, to name the new, far-reaching state-of-the-art hospital after someone who in her time showed such vision? Kathleen Lynn was from County Mayo. She attended the Catholic University Medical School on Cecilia Street and graduated in 1899. She was a pioneer because at that stage few

women qualified as nurses or doctors. She qualified as a doctor. She also attended the Royal College of Surgeons in Ireland. She set up in private practice where she was living at the time on Belgrave Road in Rathmines. She was a pioneer and also a radical in many other fields. She was a leading member of the Irish Citizen Army.

Originally I wrote my request prior to the centenary of the 1916 Rising. In 2016 I said it would be appropriate to remember Kathleen Lynn because of her role as the only female commandant during the 1916 Rising. She came to that position having been second in command of the Irish Citizen Army garrison that took over City Hall and the Rates Office. The first in command, Sean Connolly, who had been an actor in the Abbey Theatre, was shot dead on the roof and Kathleen Lynn became the commandant, a fact that is forgotten. Ms Markievicz is always regarded as the female volunteer who had the highest status during the 1916 Rising, but, in fact, she was in second in command.

Kathleen Lynn has left a legacy beyond politics in the city where she was both a Deputy and a councillor. She stood for election in the Rathmines area. If nothing else, she should be remembered for her work in the health service and setting up Saint Ultan's Children's Hospital. I am not the only who is making the case for her. Sometimes people say it is simply because she was a Sinn Féin woman for a certain period, but that is not the reason I have come to believe Kathleen Lynn should be remembered. It is also because of her pioneering nature. During the years I have talked to historians and others who have views on the naming of buildings and the like. I know that I am supported in the demand that the hospital be named after her by the likes of Diarmaid Ferriter, Dr. Mary McAuliffe and Martin Mansergh, with whom I had a long discussion. He believed it was appropriate that the hospital would be named after her. Diarmaid Ferriter wrote an article in October last year after the debacle surrounding the name Phoenix for the hospital. He quoted others, including Professor Mary Morgan, president of the Royal College of Physicians of Ireland, who supported the idea that the hospital should be named after Dr. Lynn. The idea was also promoted by the ophthalmologist Tim Horgan. There are others also. In his article Diarmaid Ferriter outlined starkly how, in the midst of the revolution in Ireland in the first two decades of the 20th century, Kathleen Lynn had established Saint Ultan's Children's Hospital on Charelmont Street in 1919 with her confident, Madeleine Ffrench-Mullen. It was to provide medical and educational facilities for impoverished infants and their mothers. That underlines the seriousness with which the women had taken the point made in 1917 about tackling social problems. Diarmaid Ferriter outlined earlier in the article what was happening at the time. Dr. Dorothy Stopford Price also worked in the hospital. She was the first doctor to introduce the Bacillus Calmette–Guérin vaccine. That illustrates the pioneering nature of the hospital.

I am trying to encourage the Government to accept the amendment in recognition of the work done and the woman who led it and stood by it. Kathleen Lynn's legacy is significant, not only in terms of the work done by the hospital or her revolutionary involvement but also in terms of her medical and social work for Irish children because she battled the sectarianism and prejudice that faced women and the poor in this city.

Minister of State at the Department of Health (Deputy Catherine Byrne): I do not propose to accept amendments Nos. 1 and 2. The legal name of the new body in the Bill is Children's Health Ireland. The broad name reflects the objectives and functions of the new body which are broader than simply those of a hospital. As the Minister mentioned during the debate on Second Stage, it is considered that it may be useful for the new body to have an operational or brand name. Several names have been suggested for the new body, including

that of Kathleen Lynn, a former Member of the House and co-founder of Saint Ultan's Children's Hospital. I agree with the Deputy that Dr. Lynn's work during her lifetime, including on behalf of impoverished women and ill babies in Ireland, was exceptional. The Department is engaging with the children's hospital group on arrangements for the new process to agree a name that will be endorsed by the Government. That process has yet to begin. It is expected to acknowledge the work undertaken in the previous naming process and the valuable input of staff, patients, service users and the Youth Advisory Council. The names suggested include that of Kathleen Lynn which will be considered as part of the process. The new operational name will be endorsed by the Government before it is announced. Accordingly, I do not intend to accept amendment No. 1.

The objects of the new body are set out clearly in the Bill. They include improving, promoting and protecting the health and well-being of children. The objective of the Bill is to create a new body that will be responsible for the governance and management of Ireland's national paediatric centre. It will also be expected to have a leadership role in the implementation of the model of care for children. The new children's hospital will include a 20-bed acute child and adolescent mental health inpatient unit. As Deputies are probably aware, the body needs to be a formally approved service provider under the Mental Health Act to provide such services. The provider of mental health services in the new hospital will be the child and adolescent mental health services of the HSE, rather than the new body. Since the provision of the mental health services located in the new children's hospital will remain with the HSE and the new body will not seek to be formally approved for this purpose under the Mental Health Act, it would not be appropriate or correct to reference mental health as a function of the new body. However, in providing services for which the new body will have responsibility it will be mindful of children's mental health needs. It is worth repeating that among the functions of the new body is the function to provide for patient safety, equality of patients and care in the hospital. Accordingly, I do not intend to accept amendment No. 2.

I wish to address Deputy Ó Snodaigh's final remarks about Kathleen Lynn. I acknowledge that a Kathleen Lynn medal has been awarded to people who undertake exceptional service on behalf of children. It is a major acknowledgement of a lady who, as the Deputy said, was at the forefront in dealing with children, especially in paediatric services.

Deputy Anne Rabbitte: I welcome the opportunity to speak to the two amendments. To respond to the Minister of State on amendment No. 2, I find it difficult to understand the reason for not including the term "mental health" in the Bill given that mental health is as important as physical health and that this relates to the children's hospital. I support the amendment.

I agree with the Minister of State on amendment No. 1, which proposes to name the hospital the Kathleen Lynn National Children's Hospital. We have to give the new body or board some authority or control when it takes over the hospital and it should be a matter for it to decide on the name. It is not for the Oireachtas to assume that responsibility. We should stick to what is in the Bill and be supportive of the new body or board when it is set up. I acknowledge that Dr. Kathleen Lynn did much good work and it is appropriate that Deputy Ó Snodaigh would want to name the hospital after her. However, that is not a matter for this House to decide but a decision for the board or body to take.

Deputy Aengus Ó Snodaigh: I had intended to speak to amendment No. 2 in my first contribution. It would be illogical in this day and age not to mention mental health. The proposal in the amendment does not give rise to an extra cost or present a major difficulty. There is an

acknowledgement that mental health falls under health in general. However, given the scale of the issues involved and the fact that, as the Minister of State outlined, some of the provisions of the Bill deal with mental health, surely mental health should be mentioned in its own right. We are much more enlightened now than we were in the past and that enlightenment allows us to call things as they are. Including a specific reference to mental health, as proposed in amendment No. 2, is not an onerous ask and should be done.

On amendment No. 1, it is a pity that this has not been done at this stage. I first asked about the establishment of a national children's development board or similar in 2011 or 2012 because it was provided for in the programme for Government in 2011. I have asked about the development board three times per year ever since because it was supposed to have been set up. It would have dealt with the question of the name of the new hospital before a sod was turned on the site. I was told it would be in place before a sod was turned but the sods have been turned and there is a hole in the ground. The Minister of State knows that because she lives close to the site and probably sees the effects of it every day. The decision on the Phoenix hospital name was announced last October. We were told then that we would have a naming system, but it has not started a year later. For this reason, my party does not have faith in the decision to wait because this or that might happen. I am pressing amendment No. 1 which specifically provides that the hospital be named after one of the most pioneering women in Irish medical history.

An Leas-Cheann Comhairle: Is Deputy Ó Snodaigh pressing the amendment?

Deputy Aengus Ó Snodaigh: Does the Minister of State wish to reply?

An Leas-Cheann Comhairle: She may also reply on amendment No. 2.

Deputy Catherine Byrne: I replied already. The HSE's child and adolescent mental health services, CAMHS, will be responsible for the provision of mental health services. While the new children's hospital will include a 20-bed acute CAMHS inpatient unit, the provider of the service will be the CAMHS service of the HSE, rather than the new body. It is for this reason that the term "mental health" is not included.

An Leas-Cheann Comhairle: How stands the amendment?

Deputy Aengus Ó Snodaigh: I am pressing the amendment. It is a pity that we are left with the national paediatric development hospital or whatever title we want to give it today as an operational or brand name. The hospital is being built and will probably open in two years. We are all waiting with bated breath. The plan was welcome and it will be a beautiful hospital, but it does not have a name. The name we are proposing is appropriate, including because the site featured in the 1916 Rising. The South Dublin Union was held by the volunteers, so St. James's Hospital has that history as well.

If we associate the new children's hospital with a pioneering medic, nobody will give out. If the amendment is defeated tonight, I will have no problem encouraging all of those I mentioned earlier and others who have contacted me in recent weeks and over the years to liaise with whatever consultative mechanism is set up to try to come up with a name. It is often a bad approach to agree everything by committee because we will end up not delivering for everyone. In this case, the State has the power. It is providing the money and it can make the decision. It should, therefore, call it rather than delaying this issue unduly as has been the case thus far.

Amendment put:

<i>The Dáil divided: Tá, 34; Níl, 69; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Boyd Barrett, Richard.</i>	<i>Aylward, Bobby.</i>	
<i>Brady, John.</i>	<i>Bailey, Maria.</i>	
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	
<i>Buckley, Pat.</i>	<i>Brassil, John.</i>	
<i>Collins, Michael.</i>	<i>Breen, Pat.</i>	
<i>Coppinger, Ruth.</i>	<i>Browne, James.</i>	
<i>Crowe, Seán.</i>	<i>Bruton, Richard.</i>	
<i>Cullinane, David.</i>	<i>Burke, Peter.</i>	
<i>Doherty, Pearse.</i>	<i>Byrne, Catherine.</i>	
<i>Ellis, Dessie.</i>	<i>Cahill, Jackie.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Healy-Rae, Danny.</i>	<i>Casey, Pat.</i>	
<i>Healy-Rae, Michael.</i>	<i>Collins, Niall.</i>	
<i>Healy, Seamus.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kelly, Alan.</i>	<i>Coveney, Simon.</i>	
<i>Kenny, Martin.</i>	<i>Creed, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>Curran, John.</i>	
<i>Mitchell, Denise.</i>	<i>D'Arcy, Michael.</i>	
<i>Munster, Imelda.</i>	<i>Daly, Jim.</i>	
<i>Murphy, Catherine.</i>	<i>Deasy, John.</i>	
<i>Murphy, Paul.</i>	<i>Deering, Pat.</i>	
<i>O'Brien, Jonathan.</i>	<i>Doherty, Regina.</i>	
<i>O'Reilly, Louise.</i>	<i>Donnelly, Stephen S</i>	
<i>O'Sullivan, Maureen.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
<i>Quinlivan, Maurice.</i>	<i>Farrell, Alan.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzgerald, Frances.</i>	
<i>Sherlock, Sean.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Griffin, Brendan.</i>	
<i>Tóibín, Peadar.</i>	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	

	<i>Madigan, Josepha.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	

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

Amendment declared lost.

Deputy Aengus Ó Snodaigh: I move amendment No. 2:

In page 7, line 4, after “health” where it secondly occurs, to insert “, mental health”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 3 and 4 are related and will be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 3:

In page 8, to delete lines 24 to 26.

The reason I have included amendment No. 3 is that I believe this subsection is questionable in some way. It exemplifies what is often called “mission creep”, that is, a gradual shift in objectives which often results in unplanned changes in the longer term. I do not see why Children’s Health Ireland would need to acquire, hold or dispose of shares or other interests in a company or to become a member of a company. The hospital and the board have a mission, that is, to provide paediatric healthcare for children across the State. I do not see why the board of a children’s hospital would need to become a member of a company. Under other sections, for example, section 8, the board will have scope to establish subsidiaries, etc. It may also have room to take part in the formation of a company. It is curious, in the context of this amendment, why Children’s Health Ireland would need to have the ability to become a member of a company, which would not be appropriate. There is more to this than meets the eye.

On amendment No. 4, I understand the need for a provision to borrow for capital purposes against the income and assets of the hospital. It is a provision which is used by many universities across the State. However, I do not see why a hospital would need to borrow for current purposes, given that the State should be funding it to deliver in line with demand. Hospitals run by the State should be funded for the provision of services from the Exchequer. If the word is left in the Bill, it will allow this or any other Government to underfund the hospital in the future and instruct it to borrow money to provide paediatric healthcare services. It is strange. The inclusion of the word allows for exploitation in borrowing for such purposes. It is something of which we should be wary.

Deputy Catherine Byrne: I do not propose to accept amendments Nos. 3 and 4. The new body must have an arrangement with multiple universities, academic institutions and research bodies owing to its national remit in the education of healthcare professionals in paediatrics and engagement in paediatric research. The formal arrangements between the universities and the new body will require some corporate identity to be decided. While it is not yet clear, it is considered prudent to allow the new body to become a member of a company, subject, of course, as one can see, to the consent of the Minister. The provision also keeps options open for the type of structure that may be required for a body to carry out philanthropy for Children’s Health Ireland.

On amendment No. 4, the provision which allows the new body to borrow for current, as well as capital, purposes is considered useful, but, as one can see from the Bill, it is strictly controlled. The ability of service providers to avail of strategic investment opportunities in the public interest, within legal control limits, must be seen as a progressive step in managing hospital facilities into the future. I understand there may be a concern that the retention of this provision will allow this and other Governments to underfund the hospital and exploit the provision by instructing the new body to borrow money for the purposes of providing healthcare services. Let me reassure the Deputy that the new body will be funded by the State as a section 38 agency, as the three children’s hospitals currently are, through a service level agreement reached with the HSE. The primary driver for a service provider to borrow is better value in services provided for patients in a cost effective and timely manner. The provision will allow the board to respond to strategic opportunities or needs as they arise. Borrowing for current purposes could be considered in situations where the hospital did not have sufficient internal funding resources in the short term to develop a service but was able to demonstrate longer term viability and an ability to repay. The ability to borrow within controls creates that opportunity.

Circumstances in which the new children's hospital would make a case to borrow money, or engage in activities that had an element of borrowing, could also arise in regard to leasing or the licensing of commercial areas, the leasing of equipment or investing in a strategic service initiative. This could include expanding operational capacity in a service that has hospital income generating potential such as attracting international patients to avail of cutting edge high technology services or specialist paediatric expertise and experience that will be available in the new hospital. There is also the need to consider possible scenarios where the new body could require the potential to borrow to invest in extending existing services further to provide cross-jurisdictional services, for example, for children from Northern Ireland, which could generate hospital income to repay initial borrowings. As part of an accountability framework, all such scenarios would be subject to the approval of a business case demonstrating a return on investment, with the potential to repay borrowings and generate hospital income.

The Bill allows for proper and fully accountable governance and management within the framework of national policy. It is acknowledged that since the new body will be largely funded by the State, its borrowings would form part of the overall public debt of the State, as assessed by the European Union and other bodies and that the State must exercise control before such liabilities are undertaken. The Bill, therefore, includes a provision for borrowing, subject to the approval of the HSE and the Minister, as well as the approval of the Minister for Finance and Public Expenditure and Reform. It is, therefore, considered appropriate to provide for the potential to borrow in the Bill. Accordingly, I do not intend to accept amendments Nos. 3 and 4.

Deputy Aengus Ó Snodaigh: That is a pity. I believed the Minister of State might think about the amendments again, in particular amendment No. 4, which deals with borrowing. I cannot and should not be able to foresee a situation where a children's hospital would be required to borrow to meet its day-to-day expenditure. It would be a sad day for Ireland if that were to be the case. However, we can all see the basket case that is the funding of hospitals, given that every year they are left short of what is required to meet capital expenditure. For example, in recent years the Minister for Finance has had to come into the House with a supplementary budget. This is due to incompetence in drawing up the exact figure required. We would not see this happen in the future if the children's hospital was told that it would not be given a supplementary budget and that it would have to borrow for three or six months until the time of the next budget. If that were to happen, we would have to work out how to give it money for that year and the following year at the same time, or else ask it to tighten its spending. That is what it is being asked to do. The amendment we have put forward suggests we leave out the reference to borrowing for current expenditure purposes.

Amendment No. 3 deals with a strange issue. The Minister of State has admitted that it is being inserted to keep options open, which is not a good enough reply. I raised the question of when we would see Children's Health Ireland having the ability to become a company and use a corporate identity. It is a hospital with a hospital board, of which we need to be aware. As I said, it is to provide paediatric healthcare services, not to be a corporate entity.

Amendment put and declared lost.

Deputy Aengus Ó Snodaigh: I move amendment No. 4:

In page 9, line 4, to delete "or current".

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 5 has been ruled out of order as it would impose a charge on the Exchequer.

Amendment No. 5 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 6 to 8, inclusive, are related and may be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 6:

In page 15, line 31, to delete “or a local authority”.

Amendments Nos. 6 to 8, inclusive, were tied to amendment No. 5, in the name of Deputy Louise O'Reilly, which has been ruled out of order in a bizarre manner, although we will not go into it. The intention of the four amendments was to try to ensure representatives of workers, patients and Dublin City Council would be on the board in some form or other. We have seen this happen during the years. For example, there are Dublin City Council representatives on the board of Our Lady's Children's Hospital in Crumlin, something which has served the hospital and patients well. As I was never a member of Dublin City Council, I do not say that because I was a part of it.

Perhaps it might have been better to stick with the old health boards and tweak them a little, as there might not be as much chaos as there is. Sometimes the more local board members are, the better their understanding. It can also bring some expertise. A representative of workers could be a representative of ICTU, for example. In many hospitals we find that by the time an issue enters the public domain, it is usually getting very close to a strike. However, if issues were raised early enough at board level by workers' representatives, problems might not arise because those who would take wrong decisions would not take them because they would be afraid the issues would be raised at board level. That is why workers' representatives should be on a board. They could answer about what was going on with staff or how changes in management decisions were affecting the running of the hospital. The most practical solutions in a hospital often come from staff, in particular front-line staff and from the ground up. It is about trying to get them to board level in order that the staff would be listened to and have their concerns acted on as early as possible, rather than having them fester.

The idea of a patient advocate is a no-brainer, but as I said, that amendment was ruled out of order and the other three are tied to it. I will still pursue them because there is logic behind them, but they are consequential on amendment No. 5.

Deputy Catherine Byrne: I do not propose to accept amendments Nos. 6 to 8, inclusive. This is a common legislative provision that provides that a person may not be appointed to the board or remain on it if he or she is or becomes a Member of the Oireachtas, the European Parliament or a local authority. The reason for it is to keep the work of the new body apolitical. As I stated, the Bill provides that the board is competency-based. I am sure we can all agree that that is what is required for a body of this nature and national importance.

Best practice should dictate whether a person should be considered for board membership. There should be no perception that the person could be biased or influenced in the independent decisions to be made by the board owing to a particular political affiliation. Accordingly, I do not propose to accept amendments Nos. 6 to 8, inclusive.

Deputy Aengus Ó Snodaigh: I understand the logic behind what the Minister of State has said. It was never intended to be in the gift of one party or another to be able to appoint a person to a board. The appointments could be made by way of a lottery of those in a council who were interested who could serve for a single term only and so on. It does not have to be political. Local authority members are not paid at the rate at which they should be. They are not Deputies or Senators who can influence legislation; they are ordinary citizens who often have a huge wealth of expertise and knowledge. Despite the fact that their jobs are not full-time, they are being excluded from potentially playing a vital or beneficial role on a children's hospital board, which is strange. I can understand the logic behind excluding Deputies and MEPs and I am not arguing that they be considered, but we should not be ruling out people just because they work part-time as councillors. Some of them work full-time, but they are not paid for it. There could be a retired paediatric doctor who is also a councillor whose expertise would be vital and he or she could be asked to choose between being a councillor representing his or her local community and city and taking up membership of the board. I do not think we should be turning down expertise in the form of, say, the best manager of a company in the world on the basis that he or she is an elected representative. In this case, it is wrong to refuse such expertise.

Deputy Anne Rabbitte: I understand where Deputy Ó Snodaigh is coming from on this issue. In Galway the health forum provides an opportunity for public representatives, advocacy groups and other persons to participate. It allows everybody to contribute. I note the Minister of State's point that in the future, when the next children's hospital has been established, she will review and engage on the issue in the context of best practice throughout the country. I agree with Deputy Ó Snodaigh that local councillors should not be ruled out because they have a wealth of knowledge about what is going on. I will give an example of what works really well in Galway which has nothing to do with the health service. I refer to the joint policing committees, JPCs. This format could work well in the case of the hospital. The JPCs are made up of councillors and representatives of a wide variety of community groups, all of whom participate in a positive and collaborative way. In the case of the hospital, the members of the board would advocate for staff and the provision of services in working with the Department. That could be a positive result. At this point it might be too prescriptive in writing the future in terms of who can and cannot be considered, but I would not like to see us take the route of ruling out councillors or people with relevant expertise. I cite the JPCs and the health forum as good examples in that regard.

Amendment put and declared lost.

Amendments Nos. 7 and 8 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 9 and 10 are related and will be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 9:

In page 18, line 9, after "Children's Health Ireland" to insert "and its subsidiaries".

These amendments seek to ensure subsidiaries of Children's Health Ireland will be subject to the oversight of the Committee of Public Accounts and the Comptroller and Auditor General. All too often, there is little or no public accountability by subsidiaries of State companies or organisations. I am sure all Members are aware of situations where a chief executive officer or other representative of a State company or organisation has told the Committee of Public Ac-

counts that he or she cannot answer questions about a subsidiary as neither of the bodies has oversight of or responsibility for that subsidiary. The amendments are practical and sensible. They seek to ensure transparency into the future in the spending of public moneys. I hope they would also add to public trust in the project.

Deputy Catherine Byrne: The amendments relate to the appearance of the chief executive officer, CEO, before the Committee of Public Accounts. The purpose for which the CEO appears before it is to enable the committee to examine and report to Dáil Éireann on the annual financial statements and reports of the Comptroller and Auditor General on Children's Health Ireland. Children's Health Ireland will be preparing financial statements that will follow the standard rules and be audited by the Comptroller and Auditor General. Section 9 of Financial Reporting Standard 102 deals with the requirement to prepare consolidated financial statements. Under the section, the new body will be required to present a financial statement for itself and any of its subsidiaries on a consolidated basis. This means that the CEO is already required to give evidence on the economy and efficiency of a subsidiary of the new body in the use of its resources and the systems, procedures and practices employed by a subsidiary of the new body for the purpose of evaluating the effectiveness of its operations. It would, therefore, be unnecessary to reference this separately. Accordingly, I do not intend to accept amendments Nos. 9 and 10.

Deputy Aengus Ó Snodaigh: It is a pity the Minister of State is not accepting the amendments, particularly in the light of how subsidiaries and organisations that have received State funding, albeit not always directly but through a State agency, have in the past avoided accounting in full for how funding was spent. I accept that the intention is that all of the companies are to be audited under the standard rules, but during the years, at the Committee of Public Accounts in particular, not only in this term but in every other term also, these standards have not been achieved in some organisations, while in others they have only been achieved somewhat. Some companies are very willing and able to account for very last cent they spend. Allowing companies involved in medical spending or spending any public funds to be one step removed does not add to the intention that all State companies and their subsidiaries will be open to scrutiny, if required by the Comptroller and Auditor General, in particular, but also by the Houses of the Oireachtas which passes the Votes to meet the expenses of these organisations via the HSE, Children's Health Ireland or some other mechanism.

Amendment put and declared lost.

Deputy Aengus Ó Snodaigh: I move amendment No. 10:

In page 18, line 11, after "Children's Health Ireland" to insert "and its subsidiaries".

Amendment put and declared lost.

Bill, as amended, received for final consideration and passed.

An Leas-Cheann Comhairle: A message shall be sent to the Seanad acquainting it accordingly.

Data Sharing and Governance Bill 2018 [Seanad]: Second Stage (Resumed)

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

Deputy Róisín Shortall: I am glad to have the opportunity to contribute to the debate. Every state relies on the trust of its citizens to be able to deliver vital services. The Revenue Commissioners have access to the details of our personal finances because they need them to collect tax equitably. The Department of Employment Affairs and Social Protection has access to details of our work and family circumstances because it needs them to deliver the correct payments. People accept the legitimacy of these uses of their data because they clearly understand who will process them and for what reason. The general data protection regulation, GDPR, codifies this right in law and is directly binding on State bodies as much as on everyone else. The Court of Justice of the EU, in the *Bara* case, confirmed that EU law “must be interpreted as precluding national measures that allow a public administrative body of a Member State to transfer personal data to another public administrative body and their subsequent processing, without the data subjects having been informed of that transfer or processing”. Yet this is exactly the model of data collection and the subsequent sharing of that data between public bodies with which this Bill persists, despite the clarity of EU law. The Government must realise that to force this Bill forward without addressing this contradiction is to invite inevitable litigation, wasted costs and likely claims of compensation and fines from the European Commission. More important, to press on with this quixotic Bill is to strike at the root of that vital relationship of trust with citizens. Plainly put, then, the modern State needs good data to produce good governance, and it will not get this if citizens do not trust the Government to be an honest and plain dealer.

We have experienced the limits of the Government’s coercive approach to data collection in the public services card project. The Road Safety Authority, RSA, was instructed that it was Government policy to force people to get public services cards before it would allow them to get driving licences. The RSA spent €2 million building an online applications system on the basis of this requirement. Then, a year after it was declared the rule was compulsory, the authority was told that the Attorney General’s office had found no legal basis for the requirement. Civil society groups such as Digital Rights Ireland had been warning for years that there was no legal basis for making the card compulsory. The same groups have been warning that the model of this Bill is misconceived. Why can the State never acknowledge it should change direction until it has cost us all dearly? There are umpteen examples of this.

We can look abroad to see how this kind of behaviour plays out. The British Government pressed on with its plan to share medical records without taking account of citizens’ concerns. There was a collapse of confidence among the public as it realised the Government could not answer basic questions of legality and governance. After more than 1 million people refused to participate, the NHS Care.data project ended up being scrapped at a cost of £8 million - £8 million which was wasted. A similar scheme was introduced in Australia, where a voluntary, centralised medical records system was converted to one automatically enrolling every citizen unless he or she opted out. The consequential collapse in public trust in this scheme contributed to the sudden end to Malcolm Turnbull’s tenure as Prime Minister and required the Government to promise emergency amending legislation.

Ireland is not by any means a nation of Luddites. It is not backward to be careful about the privacy consequences of technology and sloppy data projects. Data experts, the people who

know the most about the consequences of these issues, are the most cautious about the potential for misuse and mistake. Research has shown that, whether in private or public systems, approximately 68% of IT projects fail. Success is not achieved by rushing forward and ignoring constructive criticism or by denying the plain reality of what is and is not legal.

This Bill was introduced with the claimed purpose of implementing the EU's public sector information directive, but that directive is intended to create a culture of open data, encouraging the release of state information for the benefit of the economy and society. The plan to take citizens' personal data and reuse them between public bodies without further notice to citizens does not address that directive's purpose at all. Either the Government has misunderstood the public sector information directive or it is citing it simply as an attempt to bluff its way past the lack of a legal basis for the plan it wants.

I have spoken about some of the examples from abroad of government data schemes failing at great cost, but we have had one relevant example closer to home. The abject and expensive failure of the Reach public service broker project was described in the Comptroller and Auditor General's special report No. 58 on eGovernment as follows:

The Broker was innovative [and ambitious]. However, [its] feasibility ... was not examined early on and planning was weak.

The Comptroller and Auditor General estimated the eventual spend on the project to have reached in excess of €37 million.

The Reach programme was effectively the State's last major attempt to share citizen data between Departments. As such, it is important that the lessons are learned from its failure. The Comptroller and Auditor General concluded that it was likely that Reach could have delivered the broker system in a more timely and cost effective manner had the governance, staffing and risks been managed more rigorously.

The Comptroller and Auditor General's report did not consider the benefits of data transfer to be sufficient to justify the project's costs. The willingness to put a halt to a bad plan is as much the hallmark of a strong Minister as is his or her ability to implement a good one. I call on the Minister of State to acknowledge that this Bill, as it is currently conceived, will harm public trust and create significant potential risks for the public purse beyond any value which it offers. I urge the Minister of State to go back to the drawing board and rethink the entire approach of this Bill.

Deputy Fergus O'Dowd: Fáiltím roimh an díospóireacht seo. Dearbhaím go bhfuil sé an-tábhachtach. Caithfidh díriú ar chúrsaí sláinte ach go háirithe agus ní bheidh mé ag cuidiú leis an méid a dúirt an Teachta Shortall mar tá ceist eile an-phráinneach le phlé agam. This is a welcome debate and important issues have been raised. I want to come at it from different perspectives. One is supporting the legislation, two is supporting further changes and three is pointing out significant anomalies and problems with the lack of data sharing where people's health, lives and limb are at stake. These are of grave concern to me and, indeed, I have no doubt to the people who make these complaints to the authorities. It is important to share data. It is important when somebody comes into my office, or that of any other Deputy, that he or she fill in the data protection form.

I find an increasing awareness, alertness and willingness to sign that form. I thought there would be some difficulty with it but now automatically when somebody comes into my office,

on the reverse of the form that he or she fills in, we put in the data protection notifications and ask him or her to sign and date it. That is useful because it protects the individual, the data received and it is also useful for records management that everything is clear and transparent. The record includes who came in, what was said, what was done, where it went and that consent was received. I welcome that. I also welcome sharing of data between Departments. It is hugely important if anybody is trying to find out what happened to a social welfare application that data can be shared, an answer found and the query followed through effectively and efficiently.

I welcome the speed with which public authorities generally, and in particular the Department of Employment Affairs and Social Protection which deals with most of my queries, respond to them. All of that is good, healthy and the right way to go, notwithstanding concerns people might have. I have serious concerns about data given to the Health Information and Quality Authority, HIQA, and which is not transferred. I will explain my case to the House. The difficulty is that currently about 4,800 individual items of information are mandatorily reported by private or HSE nursing homes to HIQA every year. There are also unsolicited complaints from people like us who might be visiting a relative or from somebody who works in a nursing home about concerns about the care and people being at risk.

The data is treated differently in different cases. I refer to the mandatory requirements for data transfer. If a nursing home is legally obliged to state that Mary Jones fell and broke her femur or she has very bad bed sores, the data is only given in numeric form. The individual is never identified. Of the thousands of reports which HIQA gets, it only knows where they come from. It does not know who the individual is and it is not able to go in and look at the file. It cannot look to see what happened to Mary Jones, why she fell, how she fell and why she had ten or 15 falls in the last year. HIQA is not able to inquire into that level of data. I believe there is a need to look at that anew and to make sure that HIQA, if it wishes, is able to go into private or HSE nursing homes to follow the facts and get the full facts. That is protecting people who are extremely vulnerable and people who, unfortunately, in many of these incidents experience significant adverse impacts on their health.

If the nursing home mandatorily reports data, it is in alphanumeric format and nobody knows who the individuals are or what they are. All that is known is the name of the home and HIQA cannot inquire and get to the bottom of what in many cases is abuse. Second, I refer to the case where, if I am a member of a family or a visitor, I ring up and say I am concerned about Mary Jones, that I found her lying on the floor where she was covered in sores or faeces or whatever the issues are. There have been hundreds of issues, in fact thousands of them, over the last few years. HIQA can state that is terrible and record everything. Guess what happens? Nothing.

The data is not used. Why is it not used? It is because the person who makes the complaint is not the individual concerned. There is an issue about that. A third party who rings up HIQA, be it a family member, a personal visitor or a friend, will give data. That is recorded but not used and not acted on because it is not legally allowable for HIQA to act on it. The third case is also worrying. If I work in a nursing home and if I ring up and tell HIQA that I have seen abuse of an elderly person - it could be financial, sexual, emotional, or under many different headings - that data cannot be acted on either because it works under different legislation. The legislation that applies there relates to work and employment. That data is not followed up. Wherever the data comes from, if it concerns the health, welfare and well-being of an elderly vulnerable person, it should be capable of being acted upon quickly and efficiently by HIQA or the relevant authority.

The other problem with data protection is that in 2015 HIQA agreed a memorandum of understanding with the Office of the Ombudsman. There were about six meetings. They were great meetings and everything was going to happen. Guess what happened in 2016, 2017 and 2018? No data was transferred, not one single bit. I think that is a disgrace. I do not doubt the intentions of the people who did up the memorandum in HIQA because I have met and spoken to them. I also do not doubt the intentions of the Office of the Ombudsman to do it. Nothing, however, has happened.

When I brought this matter to HIQA's attention it said it would deal with it. Earlier this year, HIQA assured me that data transfer would now take place between HIQA and the Office of the Ombudsman so these matters could be investigated properly. The problem is that HIQA also said in the same letter to me that it was now reviewing all of the memoranda of understanding under the Data Protection Act 2018. It was reviewing every single one of them because the issues I had raised with HIQA might, could and probably will apply to all other memoranda that it has.

The law, while it is there to protect the individual, and I do not doubt the intention when we did that as lawmakers, needs to be more flexible. That is particularly the case where there is a health risk and a report of a concern. The sharing of data between statutory agencies, and I hope that is what this Bill is about, should be automatic without any of this bureaucracy which is unhelpful. A question then arises. If I ring up HIQA with an unsolicited complaint, as it is called, that data should automatically transfer. I do not know if this is in the law or not, but perhaps it might be looked at on Committee Stage. If a complaint is made, implicit in making that complaint is the intention that the person making it is acting in good faith and that the person wants it acted upon. If that complaint is made, it ought to go automatically to the person who has the statutory powers to investigate it, namely the Office of the Ombudsman. That would make much sense if it were to happen seamlessly and automatically. It would protect many vulnerable people. I ask that the Minister of State and his Department deal with that.

I have a few other things that I want to mention.

Data are very valuable, particularly in politics. I specifically refer to information and facts as to who did what where and when and how something happened. The former Minister of State, Deputy Shortall, raised the question of spending millions of euro on a system that does not work. Unfortunately, there is nothing new in that regard in the context of the public service. We need to ensure that people are accountable. Part of the problem is that the Freedom of Information Act needs to be reformed. There must be a much quicker method and means of getting at facts. There are unnecessary delays and obfuscation. I will raise the matter of a particular body at a different event after I get information from a freedom of information request. It holds up information about serious and significant internal audits that account for tens of millions of euro. It means we cannot get at the facts because the body hides behind the freedom of information process. I will be going to the Office of the Information Commissioner shortly about this matter. I hope that when I eventually get to the truth, the legislation will be changed. We should abridge some of the times in the freedom of information process.

There is the question of how data are treated. On the one hand, data might not be transferred when they should be. On the other, we need to change the law so that people not deemed to be the individuals in a case but acting in good faith can get through to an investigating authority. There is also the matter of how the HSE, my favourite organisation, dealt with medical data that just happened to end up approximately 30 miles from the hospital where it originated.

The medical records of 12 patients were found on a public road beside the River Boyne near Baltray. I read about this in the newspapers and submitted a parliamentary question to find out what happened to the data and whether the Minister would investigate the breach. The question specifically referred to the personal medical data found at Baltray relating to accident and emergency department patients at Beaumont Hospital and it went in on 18 October. On 1 November, I submitted another question as more medical data relating to personal health information of patients were found. We do not know what is the problem or the hospital in question. The question asked for an outline of the results of an inquiry into the reasons significant personal and medical data were found for the second time in a few weeks at the same place. It was an unacceptable breach of privacy and data protection laws and the hospital must be held accountable for this second very serious breach. I do not know if it is the same hospital. We want absolute assurance that this will not happen again.

I got a lovely reply from Mr. Ian Carter, the chief executive of Beaumont Hospital, in response to both my queries. He stated that a recent incident occurred whereby personal health information on patients was found outside Beaumont Hospital. It was found 30 miles away from the hospital, which is a bit different from it being blown out the window or falling out of a waste bin. On review of the incident - there was more than one - Mr. Carter indicates that the source of the information was identified as an accident and emergency department summary clinical handover report used by nursing and medical staff during shift changes. As a result of the incident, Mr. Carter indicates that all accident and emergency department staff have been directed to use the “confidential” bins provided for such reports prior to leaving the hospital. There we have it. Data protection amounts to putting the data into a confidential bin. How can a bin be confidential and the data relating to very serious medical histories of patients who may be extremely ill end up 30 miles away beside the River Boyne in County Louth? That is entirely and absolutely unacceptable.

The current position regarding protection of data, certainly within Beaumont Hospital, is unacceptable. I do not know what is this confidential bin or how it works but there is no reason in the world any doctor, nurse or anybody else working in a hospital would have to bring personal medical records to a place in County Louth and leave them in grass beside the River Boyne. It is unacceptable, appalling and disgraceful. I rang the gentleman who signed this letter and told the person on the phone I was not happy with the reply, which is insulting and disgraceful. I said that it did not answer the question. I asked if a person had been sent to the site or if the incident had been reported to the Garda or the Data Protection Commissioner. I am still awaiting a reply, despite the fact that I stated my intention to raise the matter during this debate. This is a direct message to Mr. Ian Carter and Beaumont Hospital. I want to know the facts and the public is entitled to that knowledge. I am challenging the hospital here. The people responsible for this matter are unaccountable and they are acting in a very high-handed manner. What they are doing is shameful and disgraceful.

That problem demonstrates another lacuna in the law. If data in the private sector were allowed to fall into the public domain, there would be a fine or sanctions. The HSE is not held accountable, however, and certainly not through parliamentary questions. It will face no fine. This is a major problem because authorities such as those at Beaumont Hospital have very sensitive personal records but they can allow them, through weak and appalling management of the data, be found 30 miles away. This happened once and probably twice, although I do not know that for sure. With the second incident I got a call because somebody found the data and asked me what to do with it. I asked if the name of the hospital was on the data but it was not. I told

the person to take the data to the Garda station in Drogheda and put it in its safekeeping. That is where it went. I asked that gardaí should look to see if there is more data at the location, as it would not be acceptable to have it left there.

I welcome the legislation and the changes being proposed. I welcome the fast-tracking of exchange of information, on the one hand, but, on the other, I am pointing out weaknesses and where data are extremely vulnerable. I have particularly referred to personal medical data held by at least one hospital in this country that were found, in a disgraceful fashion, on the side of a road. The question arises of how many confidential bins are there in Beaumont. Why does the hospital need them in any event? I do not work in a hospital but we all work with computers. If a worker wants to find out how a patient is doing, I am sure he or she could access the data electronically. Why is there a need to print physical copies of data across the public sector when everybody has computers and millions of euro have been spent by the HSE on all sorts of computer systems? It is just wrong and it is not acceptable. I thank the Minister of State. I will speak to him later about some of the changes that I hope he will help to introduce. We could learn from other jurisdictions about some of these matters. I welcome the legislation and I will vote for it. Nevertheless, I would like to see those changes enacted.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I thank the Deputies who made contributions. Many were in line with those made in the Seanad.

Is important to remember the Bill relates to data sharing and governance, not data collection. It will facilitate a legal basis for what is already happening in many instances. This is the transfer of data from one public body to another in a supervised and governed fashion. The person at the centre of the data transition would have access to a data portal so it can be seen where the data has been moved, for what purpose and who has viewed it. A board would be established to ensure this is done properly and in accordance with the law, as laid down in previous Acts of the Oireachtas and the GDPR. It would also provide for other issues that the Minister sees as being appropriate in terms of data sharing. It does not get into the collection of data for each of the individual public bodies, which are sectoral matters. I know a number of these were raised last night and tonight, including matters relating to adoption, HIQA or the public services card. The Bill does not in any way change the Social Welfare Consolidation Act 2005. It does not set out to do that and it is not about that but what it is about is to give a legal framework for what we are already doing. An example of what we are already doing is the collating of information for public servants who have worked in a number of different aspects of the public service to make sure that their pension can be properly accrued, for example.

Each data transition from body A to body B will require an agreement being laid out that goes through a consultation on which people have a right to have a view. Outside all that is the Data Protection Commission, which will stand in a watchdog position, that is, maintaining its current position in respect of the collection and use of individual personal data.

Nothing will change in the existing legal framework and this measure will enhance it because for the first time it empowers and obliges the State to handle data in specific ways for public services. That is all this Bill does. It underpins what we are doing at present without a legal basis and as I noted in the Seanad, deals with a lacuna in the law. At present, we are transferring information from public bodies such as Student Universal Support Ireland, SUSI, the Revenue Commissioners, the Department of Agriculture, Food and the Marine and the Office of Public Works, OPW, on the basis that it is for the good of the person for whom the service is being provided but it is being done without a legal basis and this Bill provides that legal basis.

An example of it is in Part 5 of the Bill pertaining to public servants who may have worked in different elements of the public service and who I am sure would welcome the provisions laid down in the Bill that allow for their individual and personal data to be shared in a manner that is governed by a board. While attempts were made here last night to disparage the board's construction, it will have, among others, *ex officio* members who are public servants who deal with this issue on a regular basis in different Departments and who have an expertise that may have to be called in from the outside and it also will have a gender balance. The parent Department in this regard will be the Department of Public Expenditure and Reform. This is part of the reform agenda and is an acknowledgement from the Government that it is finally addressing an issue that has long needed to be addressed. A legal basis is being provided in the law for the transition of public personal data and data in general from body A to body B.

As for some of the comments made last night, I welcome Deputy Cowen's support for the Bill and he referenced hacking. Section 64 of the Bill provides for the issuing of data management standards, which is important. I agree with the sentiments he expressed on social media, its abuse and how it is construed at the moment. Unfortunately it is outside of the scope of the Bill but I am sure the Departments of Children and Youth Affairs and Justice and Equality are looking at the matter. I was a member of a previous Oireachtas committee that looked at it as well and Deputy Burton also referred to it.

Deputy Jonathan O'Brien asked that the officials from my Department would be made available to help in teasing out any potential amendments and I assure him that will happen. He has availed of that facility previously and I make the same invitation to other Deputies with the Bill because there seems to be confusion as to what the Bill is about versus what it might be about because of the Title. If anybody wants to engage with my officials or with me at any stage between now and Committee Stage I will be delighted to do that.

Deputy Jonathan O'Brien also asked about mechanisms to have data corrected or removed. The GDPR underpins a lot of what we are doing here anyway but specifically, section 44(2)(c) provides that people will be able to use their personal data access portal. We are signatories to the Tallinn Declaration on eGovernment. I agree with the comments that have been made here regarding snooping within the public service and the question of whether people's information is being accessed and for what purpose. That would leave a fingerprint and a trail and it functions in the same way as online banking because customers would be able to log on and see that the Revenue Commissioners, for example, looked at their data on a particular date. That is important and this provides a legal structure in which that will be able to take place.

I recognise the difficult case to which Deputy Burton referred and she was speaking in a personal capacity on adoption last night. As I have said on other issues such as cyberbullying, it is outside of the scope of the Bill but I sympathise with many of the issues that she raised. I refer to what Deputy O'Dowd has just said on the HIQA data that have been used inappropriately in Beaumont Hospital and which ended up on the side of the road. That is totally unacceptable, as were the difficulties Deputy Burton experienced to which she referred to last night.

I have already referred to section 64 of the Bill, the standards that are being used and the concerns around logging and how these logs are being made available. The data access portal will allow people to use those logs and it will identify inappropriate accessing of data from different elements of the public service. It is fair to point out that this already is an offence under the Data Protection Act 2018 and there are criminal actions for the breach of same. People might not be aware of that but there are.

Deputy Burton also had concerns about the governance board. We spent a lot of time teasing this out in the Seanad. I encourage people to look back on the debate that we had in the Seanad. To be honest it was highly constructive and I said at the time that the standard of the debate there was really high in terms of the level of detail to which we went down and we made changes to the board based on suggestions that were made. The majority of the members are *ex officio* appointments and they will be suitable officials from public bodies such as the Central Statistics Office, Revenue and the Department of Agriculture, Food and the Marine. They will come with the skill set that will be needed to give advice based on the agreements that will be laid out between the different public bodies. They also will give guidance on the implementation of the Bill when, as is hoped, it becomes an Act.

Deputy Wallace raised many issues last night on the public services card and MyGovID and these were referenced again tonight. The Bill has no specific provisions on the public services card, it is covered under the Social Welfare Consolidation Act 2005, and the public service identity set remains restricted to those bodies specified in the Act.

Deputy Wallace also raised the issue of the once-only principle last night. The once-only principle is what service users of the State really want in many cases and it drives them off their heads when they have to give the same information to multiple bodies multiple times. This legislation on the once-only principle as put into the Tallinn Declaration on eGovernment allows Governments to use that information in a way that delivers for the public and for citizens. This Bill allows for that and, more importantly, it does so in a manner which protects the individual by way of the agreements that have to be put in place that are open to public consultation and on which people can provide submissions. The Data Protection Commission and GDPR are there in the background and there is also a situation where once those data sharing agreements are in place, the individual online application portal will allow people to go in and see why public bodies might have looked at their data.

The benefits are clear and they were laid out by a number of speakers in the Seanad, notwithstanding the fact that there are concerns and it is right that there are concerns because we have not historically had a great record in this regard. The example Deputy O'Dowd mentioned about Beaumont Hospital is illustrative of that because it was not acceptable.

Deputy Shortall made reference to the Bara case and mentioned transparency in how data are stored. The Attorney General advised on this Bill having reflected on the Bara case and one of the important points that came from it concerned the public data portal, which I ensured would be reflected in the Bill. This is extremely important if we are to build trust and confidence between the State and the citizen with regard to how personal data are being used. More importantly, however, the whole system has to go through an element of public consultation, a data protection review and an impact assessment, with governance being assigned by way of a board. The Bill contains provisions dealing with how the governance board will be constructed in the first instance, how it will carry out its duties and how it will report. The report will ultimately come before the Houses of the Oireachtas and Members will be able to raise it with the Minister directly. The report will be a public document and will enable the general public to see exactly how data sharing is happening. Such sharing is going on currently but in a kind of legal fog, whereby we have not recognised as a State that the sharing of personal data in a public forum should have a legislative basis.

On the issue of breaches of data protection rules, there are already strict penalties and sanctions laid out in existing legislation in terms of the protection of data and respect for same. I

must reiterate the point that this Bill is about sharing rather than collecting data. Reference is made in the Bill to the base registry and how that registry will be constructed. The base registry ultimately becomes the data collector. Data is collected by the base registry and it is the registry that is responsible for the sharing of that data. The collection and the sharing of data are two different issues. The data commissioner has a role to play with regard to the collection of data and making sure it is properly stored and respected. This Bill is specifically concerned with the public bodies listed in the Schedule and how they will share data. It does not get down into the minutiae of data collection, which is the subject of other legislation. That said, I understand the concerns that have been raised with regard to data collection generally. This Bill provides for certain rules, guidelines and obligations for public bodies to enable them to better manage their data. This legislation will also provide public bodies with the opportunity to reflect, not only on their data sharing practices, for which this Bill provides a legal footing, but also on the manner in which they collect and store data.

I look forward to the Committee Stage debate and a line-by-line appraisal of the Bill. I welcome the comments that have been made thus far. I stress again that I am available, as are departmental officials, to talk through the legislation with Members. The Bill has been through the pre-legislative scrutiny process and we have taken a lot of the suggestions made during that process on board. We have also taken on board a lot of the suggestions made in the Seanad. The Bill may have to return to the Seanad if Report Stage amendments are made but I am open and willing to listen to any constructive suggestions from Members on the construct of the Bill. There are other issues that are outside the scope of this Bill that we may be in a position to put to other Departments and Ministers and I would be happy to do so.

Question put.

Acting Chairman (Deputy Frank O'Rourke): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 8 November 2018.

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

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

Acting Chairman (Deputy Frank O'Rourke): Deputy Brian Stanley was in possession when the debate adjourned.

Deputy Jonathan O'Brien: Deputy Stanley is not here this evening so I will speak in his stead, if I may, and will share the remaining time with my colleague, Deputy Brady. Sinn Féin has already made it clear to the Minister that we will be supporting the Bill, although we may propose some minor amendments at a later Stage. My party colleague, Senator Devine, spoke on the legislation when it was before the Seanad so I will not go into too much detail now. Sinn Féin recognises that the Minister is making changes to the public sector superannuation arrangements. The Bill is very similar to one prepared by my colleague, Deputy Brady, and published recently which sought to abolish the mandatory retirement age, which is our party's policy. We welcome the provisions of the Bill because we believe it is important that we do not simply get rid of people at aged 65 or 66 or even 67, as will be the case from 2021 because

they have a lot of valuable experience and expertise. One of the arguments that has been made against raising the retirement age is that it could stymie jobs for younger people. However, the Oireachtas Library and Research Service has produced a very good document which points to research on this question. In terms of whether extending the retirement age limits job opportunities for younger people, all of the research and evidence suggests that it does not, so we can knock that fallacy on the head.

A circular was issued in December 2017 which applied to civil servants recruited prior to 1 April 2004 who reached the age of 65 between then and December 2017. The circular holds that if a retired employee was rehired, he or she would be paid at the minimum point of the relevant pay scale rather than at the point reached on retirement. This was intended to be an interim measure to ensure that a rehired civil servant could continue to draw a salary until he or she was eligible to receive the contributory State pension.

As Members know, if a person retires at aged 65, there is a one-year gap before he or she can collect the contributory State pension. It is not clear whether those who availed of this interim arrangement will be able to be rehired under the terms of the Bill before us, when passed, and be able to work for their previous salary and retire at the age of 70. For instance, if a person was availing of the aforementioned interim measure under the circular, he or she is now on the first point of the relevant pay scale, having been rehired. When this legislation is passed and if the same individual chooses to continue to work until aged 70, will he or she stay on that point on the pay scale or go back to the point on the scale reached on retirement? I ask the Minister to clarify that, either tonight or at a future date. The aforementioned circular also refers to three different types of workers who have reached retirement age, all of whom come under different interim measures. Are there any proposals to streamline all of these into one? Does this Bill cover that? If not, how will this be rectified?

As I have already said, Sinn Féin will be supporting this legislation although we may table amendments to it. I will consult my colleague, Deputy Brady, who published his own legislation on this issue recently and if we decide to table amendments we will run them by departmental officials in advance. We are not in the business of tabling amendments just for the sake of it.

I will contact the officials in the Minister of State's office to clarify some points. If we get clarification, there will be no need for amendments. There is no need to waste the Minister of State's time or mine on that. We support the spirit of the Bill and what it proposes. We will not oppose it on Second Stage and we look forward to working with the Minister of State on Committee Stage.

Deputy John Brady: This is an important Bill, which is long overdue and necessary. It is not without its faults. Announcing his intention to introduce this Bill last year, the Minister for Finance, Deputy Donohoe, allowed for those in the public service to remain at work beyond the age of 65 under interim arrangements ahead of this Bill becoming law. This meant that public servants could remain at work but only for one year and only under certain rules, including retiring and being rehired for the year, being paid at the minimum point of entry on their relevant pay scale, and continuing to work at a reduced income but not being able to accrue pension benefits for that year. While the interim arrangements allowed for 65 year olds to remain at work those who took that option are not covered by this legislation. That is my interpretation of it. They must leave after the year whereas others will be able to remain until they are 70. I would like the Minister of State to clarify why this is the case.

This debate affords us the opportunity to discuss the wider issue of mandatory retirement for other workers who are obliged by contract to retire at the age of 65. In 2016, I introduced a Bill, which was supported by all parties, to abolish the mandatory retirement age for all workers with the exception of those engaged in certain security-related employment. The intention of that was not to force anyone to continue to work. It was to give people the choice to continue to work. There is a multitude of reasons that a person might want to continue working beyond the age of 65, whether financial or social isolation because that is where his or her friends are. Changes were made in 2012 for people in receipt of the State pension, particularly women. Some changes are now being made and those people await the letters about having their cases reviewed. That is an example of how people have been affected by the measures taken by this Government. If they were allowed to continue working beyond the age of 65 they would be able to continue to pay their contributions and build up their pot for retirement.

The State has created other anomalies, such as pushing the State pension age to 66, leaving a year when people are forced onto a jobseeker's payment after being forced to retire at the age of 65, instead of getting their full State pension. My party has brought forward proposals because there are two more State pension increases due, in 2021 when the age will be pushed up to 67, and in 2027 it will go up to 68. That needs to be halted because there was no consultation on it.

The Bill that I introduced passed Second Stage but has not progressed to Committee Stage. While this Bill provides for those in the public service to remain at work beyond the age of 65, the Minister of State might consider doing the same across the board for all workers who are forced to retire - many against their will - rather than picking and choosing workers he feels have the ability to work beyond 65 years of age and disregarding others, forcing them to retire at 65.

We will not oppose this for the sake of opposing it. We want the clarification I sought. I hope the Minister of State will be in a position to give that clarification. If amendments are needed, we will table them. It has opened up a broad debate on all who are forced to retire. It is a question of choice for people who want to continue working. They know whether they have the ability to work. A number on a piece of paper should not determine whether a person is fit, willing or able to continue working. They should have the choice, whether they are in the public or private sector.

Deputy Bríd Smith: I would like to refer to the wider attack on ageing and work. The human race, in the first world, is living longer but that is sometimes seen as a problem rather than as something to be celebrated. I do not know how often in my short time as a Deputy I have talked about pensions, retirement, attacks on defined benefit pensions, a move to defined contributions and companies, such as Irish Life, that were going to fold because the workers would not go onto a defined contribution. It comes up regularly in legislation and controversial issues. That is because our system sees the fact that we are living longer as a challenge rather than as a cause for celebration. If someone who is a bus driver for 40 years, like my dad was, lives into their 80s but wants to retire because they are fed up working shifts for 40 years, driving buses, putting up with Joe Public giving out to them, they should be able to retire on a decent pension and look forward to a happy retirement and long life because they have made a massive contribution to society. The same applies to all workers, particularly public sector workers.

I want to make a particular representation on behalf of civil servants and people in this House and beyond. We, the elected representatives, are the one cohort in the Civil Service who do not have to worry about their pension, or their future. That gets better the higher up

we go and Members love to be Ministers or junior Ministers because they get better pensions. Taoisigh are even more lán abhaile, for life, after they retire, without having done the sort of 40-year job that people like my dad did, and others do. There is, however, a cohort that works in this House and beyond, throughout the Civil Service, that is being discriminated against and we need to take cognisance of that.

Prior to April 2004, civil servants were required to retire at 65 years and from that date new civil servants had no retirement date. In 2013, new civil servants were given a maximum retirement age of 70. I understand that is a choice and that people should be able to work longer if they wish to but there used to be a transitional pension that was equal in value to the old age pension, paid to those who retired at 65 until they reached 66. That was abolished and those retiring at 65 have to go on jobseeker's allowance for that year. In January 2021, the old age pension will not be paid until someone is 67 and, in 2028, it will move to 68. This is the kernel of my argument. The system is forcing people to work for longer. The choice that may be given to civil servants to work for longer is a choice that they make, that one would absolutely respect, and many people want to stay in work for good, understandable reasons, but all in the Civil Service should be given that choice. It should not preclude a cohort who are squeezed in the middle.

It was announced that the retirement age for pre-2004 civil servants would be moved to 70 but there is no primary legislation in place to do that. A temporary circular was introduced to cover those people. This allowed them to apply to their head of section for permission to stay until they are 66. They had to revert to the lowest point of the non-PPP scale as opposed to the relevant point on the non-PPP scale, subject to hardship grants, which they would have to write in and apply for. Such people were deemed to have been retired and rehired. The legislation does not allow people to work beyond 66 if they so desire if they fall into that cohort. People were not asked if they wished to defer their pensions and lump sums at this point. A suite of options was not presented to them. It might be possible to repay the lump sum at this point. However, it could be offset against a final payment. It might be easier to repay the pension and offset that against restoration to full pay but once the Bill is enacted those pre-2004 civil servants can stay in employment which is rated for pensions until their 70th birthday. There is a mechanism in the Bill for this to be extended to 75. It is extraordinary how the future is envisioned with regard to the amount of work that people are expected to do in their lifetimes.

In this Bill, I need to have the terms retrospectively applied to either the date of the temporary circular or the date of the publication of this Bill. I have been asked that by civil servants in this House and beyond. It was interesting to note that a Deputy from Fianna Fáil made a contribution where he said that this Bill, if retrospectively applied, would not amount to a cost incurred on the State and therefore allowing for retrospection is not going against the intent of the Bill or Standing Orders of the House. I ask the Minister of State and other Deputies to take that on board. If necessary, we can table an amendment to that effect. It is important not to discriminate inadvertently and have unforeseen consequences in a Bill. Choice is the kernel of this. People should have the choice but I often worry that choices are limited when these things are established. I thank Members for their time.

Deputy Joan Collins: There is general agreement on this Bill. It has been coming for a long time. People have sought it because of the gap between the retirement age at 65 and the State pension being available at 66. I have a constituent who went out sick in June of this year and was on illness benefit. He retired in October, a month ago, and the Department of Employment Affairs and Social Protection said that he should stay on the illness benefit rather than

going on jobseeker's allowance for the year since it was the same payment and would not have much effect. He was impacted by the fact that the doctors insist that he has to come back every week for his certificate. He pays €15 every week to get that certificate and we are trying to get that sorted out for him.

That gap has caused problems for many people in different ways. It has impacted on them in different ways. This Bill is for public servants only. A section provides for a new compulsory retirement age of 70 for public servants as defined by the Bill. It also provides that the Minister may make an order for a further increase in the compulsory retirement age for the relevant public servants in the future, up to a maximum of 75 years. There are also provisions in the Bill that a Minister must consider before making such an order.

The other part of the Bill that I think is important is that those who have about 38 years of pensionable work done will have the option to stay for another two years to accrue pension entitlements up to 40 years. It is only should they wish to do so and it is important that that is reflected from this Bill into the workplace. I will make the same point made by Deputy Bríd Smith. I was asking around how this would impact or if it has impacted on anybody. I believe many health workers are affected too, where they retired this year or late last year. They got their lump sum package. They are probably on approximately €100. It may depend on how many years one has on one's pension. They are rehired on the first point of the pre-1995 pay scale. That effectively means that they lose approximately €180 a week and their percentage and allowances too. This has a big impact on one's wages. One is rehired until 66, when one has to go. I want to make the same point as Deputy Bríd Smith, that this has to be looked at. I will be looking at it and trying to amend the Bill, looking at how we can retrospectively deal with this cohort of workers who want to stay on a bit longer and to work, possibly up to the age of 70, and we are not giving them that option. That is discriminatory, even though the Government knew this when bringing in the circular in December 2017 to allow that interim situation to be dealt with. These workers had no choice. They could not refuse if they wanted to stay on to 66. There has to be a way to facilitate those workers. There are not many but they exist. The Minister sent a circular to human resources units in the public service asking them to check if people who have taken that interim deal would be interested in staying on after 66 and to see how many workers would be affected. There would be no cost to the State and the Minister should seriously look at dealing with it.

It is not workers' fault but in many ways the fault of the Government for not bringing this legislation in much quicker. Deputy Brady has a Bill from a year and a half ago that could have been processed through the Dáil a year ago. A similar Bill was tabled by someone from the Labour Party a number of years ago, before the last Dáil. There were opportunities to deal with this issue and this small cohort of workers who should not be discriminated against would not be in this situation if it was dealt with. I support the general thrust of the Bill. It should be made an option for private sector workers too but we are dealing with this specific Bill. I know Age Action has addressed the matter of this group of workers. Can we deal with it before this Bill is enacted? I ask the Minister to seriously consider that.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I thank Deputies for their useful contributions. It is clear from their remarks that there is general support for the Bill. Once this legislation has been commenced, public servants who reach the age of 65 will be in a position to continue working until they reach the age of 70 on their current terms and conditions, should they wish to do so. While the temporary interim arrangements accommodate public servants to work until they reach the age of 66, the age at which they

qualify for the State pension, I accept that these arrangements are not ideal. Legislative change is required to address the matter effectively. Once the Bill is commenced, no additional public servants will need to avail of the interim arrangements. The Minister of State, Deputy D'Arcy, looks forward to a constructive debate on Committee Stage. I hope that we can pull together to ensure the timely enactment of this Bill so that as many public servants as possible are in a position to benefit from it. There will be more time on Committee Stage to discuss in detail the issues raised by Deputies, but I will make some brief comments on the main issues raised before concluding.

Deputy Cowen mentioned the time it has taken for this Bill to be brought before the Oireachtas. The policy change was approved by Government on 5 December 2017 and the Bill was published only eight months later, on 9 July 2018. While this is a short Bill, a significant amount of legal consideration and stakeholder consultation is necessary in the preparation of any legislation and this Bill was no exception. The Bill affects in the region of 180,000 individual public servants with different pension schemes and retirement age provisions. It was essential that the necessary research was carried out to ensure that all of the intended cohort was covered by the terms of the Bill. The Bill passed through the Seanad in July, a matter of days after it was published and commenced Second Stage in the Dáil in October, only a few weeks after Deputies came back from the summer recess. While further progress of the Bill through the Dáil is now ultimately a matter for the Business Committee and the Members of the Oireachtas, I know the Minister is hoping that it will be treated as a priority to enable the Bill to complete the remaining Stages in this House without delay.

Deputy Cowen also questioned the exclusion of “new entrants” from the definition of “relevant public servant” in section 2. The term “new entrant” as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004, which this Bill is amending, means the cohort of public servants recruited between 1 April 2004 and 31 January 2012. These public servants have no requirement to retire on age grounds, as per section 3 of the 2004 Act. They can already stay to age 70 and beyond and the Government decided not to impose a retirement age on this group. That is the reason they are excluded from the definition of “relevant public servant” in this Bill. The Bill only affects public servants recruited prior to 1 April 2004, as this is the only cohort who must retire before the age of 70 years currently. Once this Bill is commenced, no public servant, other than the uniformed grades, will be required to retire before reaching the age of 70.

Some Deputies have raised the issue of mandatory retirement in the economy in general, in both the public and private sectors. The Minister for Public Expenditure and Reform only has responsibility for the terms and conditions of employees in the public service and is addressing the retirement age issue in that sector by way of this Bill. In the private sector, there is no statutory retirement age but compulsory retirement ages are generally established by individual employment contract or merely by custom and practice. That is entirely a matter between employers and employees, within the scope of equality and employment legislation. In 2017, the Workplace Relations Commission published a code of practice setting out best industrial relations practice in relation to retirements and requests for longer working. The guidelines arose from a recommendation of the report of the Interdepartmental Group on Fuller Working Lives, which was chaired by the Department of Public Expenditure and Reform. These guidelines, which are set out in Statutory Instrument No. 600 of 2017, may be of interest to Deputies and their constituents.

A number of Deputies have argued that the group of public servants that has engaged in the

interim arrangements should be covered by the legislation. When the Government announced this policy change in December last, it was recognised that there would be a group of public servants that would lose out because of the time required to effect the change by primary legislation. Rather than excluding this group altogether, temporary arrangements were put in place to allow public servants who reached the age of 65 before the change in the law to remain at work until they reached the age of eligibility for the State pension. That addresses the problem whereby many public servants have to retire at 65 but do not qualify for the State pension until 66, which was the main driver which gave rise to the increase in the compulsory retirement age. In designing these arrangements, due consideration had to be given to the current statutory position, which is that these employees have a compulsory retirement age of 65. In that context, public servants retire and receive their lump sum and pension benefits at 65, but are given the option to continue working on a fixed-term, non-pensionable basis for one extra year.

I am sure Deputies will appreciate that there will always be a group of people who lose out on changes in the law due to timing. That is an unavoidable aspect of changes in policy and the interim arrangements were put in place to lessen the blow for those people. It is not possible to offer public servants who have reached the age of 65 and availed of the interim arrangements the exact same conditions as public servants who will not have reached the age of 65 until after the commencement of the Bill. If that were possible, there would be no need for this legislation. We can, however, debate this further on Committee Stage.

Question put and agreed to.

Public Service Superannuation (Age of Retirement) Bill 2018 [Seanad]: Referral to Select Committee

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): 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.

The Dáil adjourned at 8.25 p.m. until 10.30 a.m. on Thursday, 8 November 2018.