



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 8 Samhain 2018

Thursday, 8 November 2018

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

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

An Leas-Cheann Comhairle: Cuirfimid tús le Ceisteanna chuig an Aire ar an Roinn Forbartha Tuaithe agus Pobail, an Teachta Michael Ring, leis an gcéad Cheist, Ceist Uimh. 1, ón Teachta Éamon Ó Cúiv agus tá tríocha soicind aige.

Deputy Éamon Ó Cuív: What is the quorum, a Leas-Cheann Comhairle?

An Leas-Cheann Comhairle: The quorum is ten Members for 10.30 a.m., to commence the business.

Deputy Éamon Ó Cuív: There are not ten Members here.

An Leas-Cheann Comhairle: I would not be starting if there was not ten here.

Departmental Expenditure

1. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development the amount of funding allocated to his Department for current and capital expenditure, respectively, for 2018; the amount spent under each category respectively to date in 2018; his plans to ensure full spend of the available funds by the end of 2018; and if he will make a statement on the matter. [46146/18]

Deputy Éamon Ó Cuív: The question relates to continued underspend in the Department even against its own profile which is skewed towards the end of the year and which is bad practice. Even allowing for that, however, there is a significant underspend in the Department. Will the Minister give us the up-to-date situation on what he proposes to do about it?

8 November 2018

Minister for Rural and Community Development (Deputy Michael Ring): The Revised Estimates for 2018 in respect of the Department of Rural and Community Development sets out gross capital expenditure of €87.5 million and the current expenditure of €144 million for the Department. The capital expenditure is supplemented by some €7.7 million capital carried forward from 2017.

As of 5 November, €54.8 million of my Department's capital allocation has been spent and €124.7 million in current expenditure has been spent. There remains €40.4 million in capital expenditure and €19.3 million in current expenditure to be utilised before the end of the year.

My Department is working in partnership with key stakeholders to fully utilise the available resources. Local authorities, community and voluntary groups, as well as dedicated agencies have key roles to play in supporting job creation and attracting investment across rural Ireland and supporting the development of communities throughout Ireland. Close monitoring of expenditure is a matter of significant priority so as to ensure full use of our allocated resources, and that value for money is delivered in respect of our funding. I have already identified areas where some capital programmes are unlikely to spend their full allocation this year. For example, while LEADER activity is ramping up and a healthy pipeline of projects have been approved, the programme will not require its full allocation this year.

I have been proactive in reallocating capital resources where possible. For example, I have already expanded the community enhancement programme this year, increased investment in libraries, and provided additional support to fund the local improvement schemes. I have also supported the development of Coillte trails, Tidy Towns, agricultural shows and Men's Sheds organisations. By ensuring claims are made, continued close monitoring of expenditure and, if necessary, further reallocation of resources, I will ensure the resources made available to my Department will be fully utilised, delivering for all communities and for rural Ireland.

Deputy Éamon Ó Cuív: Will the Minister explain why, according to the Exchequer returns, the expenditure on the current side is €8 million behind profile at the end of November? The Minister said he has reallocated money and I saw an announcement on local improvement scheme, LIS, roads, but, as of yesterday, the local authorities have not received formal notification. These local authorities obviously cannot spend money they have not been notified about, no matter how many press releases have been issued by the Minister. Will he inform us when it is intended to let the local authorities, which have been told this money is on the way but about which they have not received formal notification, know that they have this money?

Today is 8 November and these authorities will not be working on LIS roads over Christmas. They have to get the bills in and the work has to be certified and inspected before that. When is the Minister going to notify them about the extra LIS money?

Deputy Michael Ring: I am surprised to hear that because I was told by colleagues yesterday that some of the local authorities have started spending some of the money that was reallocated to them last week. My understanding is that the local authorities have been notified, but I will correspond to the Deputy on that. The local authorities have been notified of the amount of money they are getting for the year.

Let us call a spade a spade. I allocated money in early February of this year to some of the local authorities and some of them have still not spent some of it. As a former councillor, the Deputy knows the LIS money, in particular, is always spent at the end of the year. I have been

told by colleagues that many LIS roads are being done. Looking at the newspaper cuttings from around the country, I am being accused of giving money for roads because the local elections are coming up. I am pleased to have put €37 million into LIS roads to date. Deputy Ó Cuív, to be fair to him, has been pushing me to reallocate money and the LIS is one of the better schemes. We wrote to the local authorities last year and gave them an indication of when we would allocate money. As I said, by October there had been a drawdown of €24.6 million from the capital budget. As Deputy Ó Cuív knows, the local authorities are always complaining that they have no money, yet when they are given money to spend and asked to draw it down, they leave it to the last minute to do so.

Deputy Éamon Ó Cuív: Not so long ago I submitted a question about money allocated in 2016 on a forward payment basis that had not been spent. I cannot understand why, when local authorities are consistently not spending the money allocated to them, the Department does not allocate funds on a use or lose basis. The Department allocated local improvement scheme money in January, for example. Why did it not specify that any money not spent and accounted for by June would be lost and reallocated in July? Now is not a great time of year to make a big push on roads, with dark, wet and frosty days ahead.

The Minister did not answer the question regarding the underspend in the current budget, amounting to €8 million against profile at the end of November. I ask him to explain where that underspend has occurred because it is significant in the context of the current budget. Regarding the capital budget, the position at the end of November was that €45 million out of a total of €88 million had been spent. I ask the Minister to explain the underspend on the current side.

Deputy Michael Ring: On the LIS, the Deputy will be interested to note that €10.8 million was allocated in April of 2018 and up to October, €7.8 million had been drawn down, which is acceptable. I am happy with that and many of the local roads projects will be completed before the end of the year.

Deputy Ó Cuív asked why there is an underspend on the current side. I can give him a guarantee that my money will be spent in full by the end of the year. In terms of current spending, we are awaiting some bills that have yet to come in. I have no doubt, however, that both my capital and current budgets will be spent. As I have said at committee, I intend to have my money spent before the end of the year. That is why I have reallocated money to the local improvement scheme, men's sheds and the Tidy Towns competition. I have also reallocated money to the community enhancement programme. All of the aforementioned schemes are delighted to be getting additional funding. There is a underspend in LEADER and Deputy Ó Cuív has tabled a number of questions in that regard to which I will respond later. I can give a guarantee in the House today that my money, both current and capital, will be spent by the end of the year.

Question No. 2 replied to with Written Answers.

CLÁR Programme

3. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development his plans to reintroduce the group water and sewerage top-up leverage schemes under the CLÁR programme; and if he will make a statement on the matter. [46147/18]

Deputy Éamon Ó Cuív: My question relates to the reintroduction of the group water scheme top-up. I read a value for money report recently indicating that certain officials seem to think that an average spend of between €10,000 and €12,000 per house on schemes in very isolated rural areas is very expensive. Does the Minister believe that everyone in the country should be given access, with very few exceptions, to water from a group scheme or a public main, where we can be sure of the quality of the water, rather than from wells?

Deputy Michael Ring: The CLÁR programme provides funding for small-scale infrastructure projects in disadvantaged rural areas that have experienced significant levels of depopulation. As the Deputy is aware, the programme was effectively closed for new applications in 2010 but I relaunched it in 2016 and since then more than 1,200 projects have been approved for funding of more than €25 million.

Since 2016, the CLÁR programme has provided funding to support safety measures for schools and other community facilities. It has funded play areas and multi-use games areas in communities and also provided supports for first responders. This year, for the first time, it has enabled the purchase of vehicles to transport people to cancer care centres and respite services.

My objective is to ensure that the funding available under the CLÁR programme is used to benefit communities in remote rural areas to the best extent possible. I have been able to visit some of the projects which have been funded through the scheme and have seen at first hand the positive impact which even a small amount of support can have on these communities.

I am open to considering expanding the scope of the CLÁR programme to include other measures, subject to budgetary availability. I am aware that in the past the CLÁR programme supported measures such as group water and group sewerage schemes.

I have initiated a review of the CLÁR programme which will examine CLÁR areas by reference to the 2016 census of population data. This review will also help to inform future CLÁR programmes in 2019 and beyond. Decisions regarding specific measures which might be supported under the CLÁR programme in 2019 will be made early next year.

Deputy Éamon Ó Cuív: Does the Minister believe that it is the fundamental right of every household to have access to water from either a high quality group water scheme or a public main? Does he agree that those who say a cost to the State of €12,000 per household is excessive should examine the cost of providing basic services to an urban house? In an urban context, one is talking about water, sewerage, street lighting and pavements which would cost well in excess of €12,000 in capital, not to mention the running costs. In most cases, the top-up on the CLÁR scheme was much smaller than that amount but the top-up meant that many rural group water schemes, including many in County Mayo, got going because there was a certainty from the beginning with regard to the amount each household would have to pay.

Deputy Michael Ring: I agree with Deputy Ó Cuív. As I said, the CLÁR scheme was closed in 2010 and reopened in 2016. The Deputy is correct that it needs to be reviewed. In response to his simple question, I believe that people in rural Ireland have a right to clean water. I agree with the Deputy's views on CLÁR and I will review both the sewerage and water schemes. The Deputy's assessment is correct. When members of small communities are collecting local contributions for a group water scheme, the amounts involved are too high for individual households so a top-up must be put in place. I will review the CLÁR scheme in that context and speak to the Department of Communications, Climate Action and Environment

which should increase the funding available for setting up group water schemes.

My first priority on taking office was to get the CLÁR programme back up and running and I am glad I have done that. I have looked at a number of different measures because there is an element of flexibility within the CLÁR programme in terms of supporting rural Ireland. I do not disagree with the Deputy's views on this matter and have been considering a top-up. However, while I want to support small group water and sewerage schemes because the local contribution required is too high, I do not want to see the Department of Communications, Climate Action and Environment withdrawing money while my Department subsidises such schemes. I want to be able to top up the group water and sewerage schemes in an effective way and will consider the possibility of doing so early in the new year.

Deputy Éamon Ó Cuív: When the top-up system was in place previously, the Department of Communications, Climate Action and Environment did not withdraw money. In fact, the top-up had the opposite effect in that it made it possible for schemes in isolated areas to access funding from that Department because it made collecting the local contribution easier and ensured that proposals for group schemes were viable. Communities were drawing down significant amounts of money from the Department of Communications, Climate Action and Environment. Does the Minister accept that it is unrealistic and wrong for Irish Water and the regulator to say that any extension of sewerage schemes should be done at total economic cost, particularly when urban areas were serviced with no local contribution?

The Minister is a great advocate for rural Ireland. Can he guarantee that the principle of extending the group sewerage schemes to areas near towns, which can be done relatively economically using the public main, will be pursued and that we only develop group sewerage schemes that can be connected into the public system? Will he reintroduce the top-up for group water schemes to achieve the simple aim of having high quality, highly monitored water in every house in this country?

Deputy Michael Ring: No, I cannot guarantee that. However, I agree with the Deputy that we need a top-up for group water and sewerage schemes. I will see what I can do in my Department, but there are budgetary constraints. I am committed to what the Deputy seeks and, like him, believe people in rural Ireland should have both water and sewerage services, where possible, and receive the same supports from the State as people in cities and towns. I can give one commitment to the Deputy. I am reviewing the issue and sympathetic to group water schemes. I am aware of schemes that were ready to go in 2010 when the CLÁR programme was closed down and they never happened because it was not possible to get the local contribution. It was a good scheme which worked. I will review it and if I can find some funding in my Department, it is one I would like to have up and running as quickly as possible.

Ceisteanna Eile - Other Questions

Dog Breeding Industry

5. **Deputy Thomas P. Broughan** asked the Minister for Rural and Community Development the number of dog breeding establishments by county; the number of inspections by county in 2016, 2017 and to date in 2018; the outcome in cases of breaches of the guidelines;

and if he will make a statement on the matter. [45949/18]

Deputy Thomas P. Broughan: The Minister told us at the end of 2017 that there were almost 260 dog breeding establishments registered with various local authorities. Some 36 were registered in Limerick city and county, 35 in Cork and 28 in Wexford. The various numbers were supplied. Inspection fees amounted to €83,000. Between 2013 and 2017 four closure and 31 improvement notices were issued, but four improvement notices were appealed to the District Court. What were the numbers of inspections, by county, in 2016, 2017 and to date in 2018 and the outcomes in cases of breaches of the guidelines?

Minister of State at the Department of Rural and Community Development (Deputy Seán Canney): My Department has overall responsibility for the Dog Breeding Establishment Act 2010. Statistics for dog related activities undertaken by local authorities are published on the Department's website. They include information on dog breeding establishments which are defined in legislation as premises with "6 or more bitches, over 6 months old and capable of being used for breeding purposes".

The statistics show that the total number of dog breeding establishments registered for all counties was 248 in 2016 and 258 in 2017. The total number of inspections was 250 in 2016 and 275 in 2017. There were 79 commercial dog breeding establishments in 2016 and 74 in 2017. The remainder were hunt clubs, boarding kennels and animal welfare shelters. Details, by county, are available on my Department's website and will be provided for the Deputy separately. The 2018 statistics will be collated and published in early 2019.

Local authorities are responsible for operational activities, including enforcement. Where appropriate, they may issue improvement or closure notices, or work with the owners of premises to ensure compliance. In that context, they also work closely with the Department of Agriculture, Food and the Marine, as the enforcement of animal welfare standards for all animals, including dogs, is a matter for that Department.

Deputy Thomas P. Broughan: What is unusual about this is that the responsibilities are divided among three Departments - the Departments of Rural and Community Development, Agriculture, Food and the Marine and Housing, Planning and Local Government - which is very unsatisfactory. It is similar to responsibility for traffic law being divided between the Department of Justice and Equality and the Department of Transport, Tourism and Sport.

We still have a bad international reputation as the puppy farm capital of Europe. The UK Secretary of State for Environment, Food and Rural Affairs, Michael Gove, is planning to introduce legislation on puppy farms and puppy smuggling and the alleged illegal trade in this country has been highlighted as a major issue. In fact, the United Kingdom wants to inaugurate a regime that will outlaw third party sales and under which one will only be able to buy a puppy from a legitimate breeder. We still hear horror stories about illegal breeders being discovered with perhaps hundreds of dogs in very bad conditions. It is a major responsibility for the Department. My colleague, Deputy Clare Daly, raised this issue many times with the Minister of State's predecessor. I have been informed that she has been in contact with the Minister of State's office and that the previous Minister of State, Deputy Kyne, agreed to meet the voluntary groups and distinguished animal rights activists on animal rights, the inspection of dog breeding establishments and the new guidelines from January 2019. As I know that the Minister of State tries to reach out to people, will he guarantee that he will meet the activists as soon as possible?

Deputy Seán Canney: Absolutely. If the commitment was made by the Minister of State, Deputy Kyne, I will honour it. My officials will be in contact with the Deputy in that regard. He is correct that three Departments are involved in the overall control of dogs. My Department is involved in the policy area. The dog breeding establishment guidelines were published in July and will come into effect in January 2019. They have been well received by people involved in the dog breeding business. Of course, it might be said we should go further with certain aspects, but the guidelines need time to work. The local authorities are the enforcement agencies, while the Department of Agriculture, Food and the Marine has overall responsibility for the welfare of animals, including dogs. From what I have seen, I can guarantee that the three Departments work very closely together to ensure there is a huge shift towards focusing on the welfare of dogs and puppies. That is what it is all about.

Deputy Thomas P. Broughan: It certainly is. We love our dogs and want to ensure dog breeders breed and rear dogs in good conditions and treat them well. The key point the Minister of State made relates to local authorities. I have the new guidelines with me and they contain some good aspirations, but will the Minister of State be able to give the local authorities additional resources when they come into force? The number of inspections each year appears to be very low. Ultimately, it comes down to the number of inspections and enforcement. Breeders being able to go to the courts in that regard is significant. There was a huge response from the public to the dog breeding guidelines between December 2016 and February 2017, with well over 100 submissions received. However, the key point concerns enforcement. We still hear horror stories such as the one about the 86 dogs rescued from an illegal establishment in Roscommon. Dogs Trust and the Irish Society for the Prevention of Cruelty to Animals, ISPCA, on behalf of the public, have to look after these animals which are often in very bad condition. The last time the 2010 Act was reviewed was by the former Minister, former Deputy Phil Hogan. The ratio of staff is still 1:25, rather than 1:10 one in breeding establishments, as advocated in the guidelines.

Deputy Seán Canney: The funding for local authorities comes from the Local Government Fund, not my Department. However, I accept what the Deputy said and will convey it to the Department of Housing, Planning and Local Government. The guidelines are the result of huge consultation with all stakeholders, which is important. They will help the local authorities and veterinarians and the established dog breeding establishments that are working properly to continue to do so. Of course, there are illegal activities, but the more we talk about and highlight them the better it will be for the welfare of animals. I come from a rural area and dogs are part of our lives. In the countryside every farm has a dog. As they are part of our families, we must ensure their welfare is protected.

An Leas-Cheann Comhairle: I propose to return to Question No. 4. Deputy Mattie McGrath had other responsibilities and was late arriving in the House.

Rural Regeneration and Development Fund

4. **Deputy Mattie McGrath** asked the Minister for Rural and Community Development if the rural regeneration and development fund could be used for transport projects as the main difficulty in towns such as Tipperary is traffic flow and transport projects are deemed to be the most urgent need for the regeneration of the town; and if he will make a statement on the matter. [46357/18]

Deputy Mattie McGrath: I was attending a meeting of the Business Committee.

11 o'clock

I apologise for missing my slot and thank the Leas-Cheann Comhairle for his co-operation. Can the rural regeneration and development fund be used for transport projects? I am talking specifically about the N24 which runs through Tipperary town. The town is dying, but traffic is the most significant problem. The Taoiseach recently announced that the fund would be €1 billion. Can some of that money be used to alleviate the chronic traffic problem in Tipperary to allow the town to grow?

Deputy Michael Ring: The first call for applications for the rural regeneration and development fund closed at the end of September. A total of €1 billion has been committed to the fund over a ten-year period to support rural economic development and help to build strong communities. A total of €55 million has been allocated for the fund in budget 2019. The objective of the fund is to drive co-ordinated investment between Departments, agencies, local authorities and other public bodies working together with local communities and the private sector to transform rural towns and villages and surrounding areas. The fund is intended to support ambitious projects that can support rural regeneration and development and are outside the scope of existing schemes.

Key outcomes should be supporting community and economic development in rural Ireland. The types of activity that can be supported by the fund are varied and include addressing infrastructural deficits to support town centre housing or commercial development; infrastructure that improves accessibility, supporting walking, cycling and public transport links but also improvements to roads, bridges and car parking facilities that encourage footfall; the development of areas, sites and buildings for community facilities; public amenity facilities; and projects to support job creation. Full details on all types of activity that could potentially be supported by the fund are in the information booklet published on the Department's website - www.drkd.ie.

Information sessions were also hosted by my Department throughout the country for those interested in making applications. I am pleased to say there was a great response to the first call for proposals, with 290 applications received. Of these, 125 were for category 1 shovel ready projects, while the other 165 were for category 2 projects, those which need development funding to become potential category 1 applications in the future. I am informed by my officials that six applications for funding have been received from County Tipperary.

Assessment criteria are published and the applications are being assessed by a project advisory board. The board includes representatives from key Departments and external experts. By the end of this month, I expect to receive recommendations from the project advisory board for the first group of category 1 projects for funding. Further announcements on successful category 1 and category 2 projects will follow. I also expect to announce a further call for proposals in 2019.

Deputy Mattie McGrath: That sounds great. I salute all of the applicants, community activists and groups that submitted applications, but I do not think the Minister answered my question, which was whether the money could be used to help Tipperary town, which is stagnant largely owing to traffic problems. The only project of any significance to Tipperary town is the N24, Pallasgreen to Cahir road, project. According to Transport Infrastructure Ireland, the plan for the project is under development. The proposed scheme covers a section that is ap-

proximately 38 km long. Twenty years ago in Cashel we built a short bypass to the standard to which the N8 would be built and it alleviated the traffic problems in the town. Why can we not do something like it for Tipperary town? There are two options for the route. We could build it to the standard of the N24, Pallasgreen to Cahir road, a short bypass of the town which runs for between 8 km and 10 km, to allow it to breathe. No matter what projects on which we embark, hundreds of lorries pass through Tipperary town daily which leads to traffic congestion, which is the most significant problem. The people of county Tipperary are ready, willing and able to bring forward many projects, but we have to sort out the chronic traffic problems first. I have asked the Minister if the fund can be used in such cases. He spoke about applications. They are all smaller. We want to see a seismic shift.

Deputy Michael Ring: As I said in my initial response, it would not be appropriate for me to single out any town, particularly when an application process is in place, with a committee to assess schemes. All I will say is there is €1 billion available for the fund which represents a substantial investment. There is a figure of €400,000 plus that can be invested in any particular project. There are six applications from County Tipperary which I have not seen. They will not be brought before me until the assessment group has assessed the ones it thinks are ready to proceed. The two schemes are shovel ready and we hope to announce them by the end of the month. They are the ones that are ready to go. The other category involves getting schemes ready for inclusion in phase one where seed funding is needed or where funding is needed to make an application. I cannot and will not talk about any specific project, particularly when there is an application process in place.

Deputy Mattie McGrath: I never asked whether the Minister supported the applications that had been made. I am talking about a shift in emphasis. We recently received a very good report on the level of deprivation in south and west Tipperary in comparison with that in the north east inner city of Dublin that had been prepared by Lisa English from JOBS FOR TIPP. While the matter does not specifically come within the Minister's remit, it has been argued that there is an option under the Planning and Development Act 2000 to create redevelopment areas to help to develop housing in and attract small-scale job creation projects to towns such as Tipperary. The Act introduced strategic development zones, SDZs, that have been implemented very successfully in places such as Adamstown, Clonburris, Cherrywood and the docklands in Dublin. There is nothing in the Act that prevents SDZs from being established to tackle deprivation in Tipperary town. We could link it with Carrick-on-Suir, if necessary, but Tipperary town needs help. A total of 5,000 people came out onto the streets three weeks ago on a Saturday for a "Jobs for Tipp" march. It is intended to hold another march later in November because of the inaction of the county council and the Government. Will the Minister work with the Minister for Housing, Planning and Local Government in looking at establishing a SDZ in Tipperary town and Carrick-on-Suir to tackle deprivation? Will the Minister work with the Minister for Housing, Planning and Local Government and the Minister of State, Deputy English, in setting up a task force, in co-operation with Tipperary County Council, to develop a regeneration plan for south and west Tipperary, including Tipperary town?

Deputy Michael Ring: It is my job, as Minister for Rural and Community Development, to try to promote development in every rural area. It is my job to support Tipperary town and every other town throughout the country and I am doing so with all of the schemes I have set up such as the town and village renewal scheme and the outdoor recreation scheme. I am also piloting a scheme whereby I have picked six towns that will give me ideas about what we can do that could be piloted in towns such as Tipperary in order that we can get people back living and

working in towns and villages. I work with my colleagues in government. My job at Cabinet level involves making sure every item of legislation and every project is rural proofed. I understand towns such as Tipperary. There are many others that are going through difficult times. My job, as Minister, is to make sure we can spread development into the regions to towns such as Tipperary. That is why my Department allocated €6,382,000 for projects and schemes in County Tipperary to try to give rural towns a lift. They include the town and village renewal scheme, the outdoor recreation scheme and the CLÁR programme.

Community Development Initiatives

6. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development the details of the RAPID or community enhancement programme he has put in place since becoming Minister; if he has reviewed the operation of the programme to ensure the target groups are benefiting from the programme; and if he will make a statement on the matter. [45957/18]

8. **Deputy John Curran** asked the Minister for Rural and Community Development if, since the establishment of the community enhancement programme, there have been specific supports or programmes to provide targeted assistance for the 51 most disadvantaged areas formerly known as RAPID areas; and if he will make a statement on the matter. [46001/18]

Deputy Éamon Ó Cuív: The Minister knows that I have been concerned about whether funding under the new community enhancement programme which has replaced the RAPID programme is really going to the most deprived areas or being spent willy-nilly. What analysis has he made to ensure the most deprived communities will actually have parity in accessing the money under the programme?

Deputy Michael Ring: I propose to take Questions Nos. 6 and 8 together.

I launched the new community enhancement programme in May. The programme builds on and replaces the communities facilities scheme and the RAPID programme. Its development followed a review of the two schemes and consultation with the 33 local community development committees, LCDCs, across the country. Details of the review are available on my Department's website.

The programme provides capital grants for community groups. Funding is allocated to each local authority area, taking account of deprivation levels. It is not ringfenced by the Department for specific locations. Instead, the LCDC ensures funding is allocated to those groups and areas that need it most in order to address disadvantage.

I originally allocated €4.5 million for the programme in 2018. Based on the hugely positive feedback from communities throughout the country, I have recently allocated an additional €8 million. The programme only launched this year and therefore has not yet been formally reviewed. The LCDCs monitor the programme closely and use their local knowledge to ensure that funding is benefitting communities, urban and rural, in the fairest way possible. It is intended that the programme will be subject to audit by the Local Government Audit Service. I am delighted with the success of this programme and I can see the benefits it brings to communities.

Deputy Éamon Ó Cuív: The Minister knows exactly what I am afraid of. There will be

one for everybody in the audience because the LCDCs are not made up of the people from the most deprived communities. What mechanism will force the LCDCs to make the money available to the most deprived communities? Previously, it was ring-fenced for them and the representatives of housing estates had to give their blessing to anything that was even adjacent to them. How will the Minister ensure this, rather than allowing money to be put into the areas that are not the hardest hit?

Deputy Michael Ring: The Deputy has a point but this is the first year of the scheme and I have to give it an opportunity to work. Deputy Eugene Murphy is also in the House and we are all local Deputies. We are trying to bring power down to local level and to give local people the opportunity to make decisions. In the new community enhancement programme we have amalgamated the RAPID programme and communities facilities scheme so that decisions can be made at local level. In the LCDCs there are public elected representatives and members of different organisations and I hope they will identify the areas of most need. I appreciate what the Deputy is saying and I do not disagree with him. The public auditor will audit where the money goes and I want the money to go to the areas that need it most. I am giving it a chance but I will not be afraid to make a change.

When the value for money report on RAPID was done I was told I could not roll it out as it had been rolled out before. I tried this new scheme and I am giving it a chance but if I find the money is not targeted at where it should be targeted, I will have to look at it again.

Deputy Éamon Ó Cuív: I am stunned that the Minister says he could not, if he wanted to, roll out the RAPID scheme in the way it used to be done. The Government could certainly have made a decision to do that so it is an extraordinary statement.

I do not think a fly goes up a wall in Mayo without the Minister knowing about it. Can he tell me where the money was allocated under the RAPID or community enhancement scheme in Mayo?

Deputy Michael Ring: The value for money report on the RAPID scheme is on the website if the Deputy wants to look at it. The report stated that if we were to run a new scheme it was not to be run in the same way. In my county, the funding last year went into areas that needed it-----

Deputy Éamon Ó Cuív: Can the Minister send me the details?

Deputy Michael Ring: I will send the details to the Deputy. I will be able to send him the details relating to every county because I am asking the local authorities to send me a list of allocations. I will send these to every Deputy because, as was the case with the local improvement scheme, LIS, it represents a safety valve. The local authorities can announce funding but they have to send the details of all allocations to my Department. I will put the information on the website and I will send it to the Deputy and other Members. I believe this provides a safety valve for the scheme as all Deputies will know where the money is being spent. If they feel it is not going to where it should go, I will have to look at the scheme again and see what I can do to change it. It has only been in operation for one year so I need to give it some time but I am confident the LCDCs can deliver on it. I hope they will because it is important that the money goes to where it should go. I do not want there to be, as the Deputy said, one for everybody in the audience.

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RAPID Programme

An Leas-Cheann Comhairle: The next question is in the name of Deputy James Browne. Deputy Ó Cuív has permission to introduce it.

7. **Deputy James Browne** asked the Minister for Rural and Community Development the areas of County Wexford that can apply for funding under the RAPID programme; the amount to be allocated in 2019; and if he will make a statement on the matter. [46114/18]

Deputy Éamon Ó Cuív: We will not delay too long on this. The question relates to County Wexford and the areas that can apply for funding under the new community enhancement scheme. The Minister might give me the details of the amount allocated in 2019.

Deputy Michael Ring: The new community enhancement programme which I launched earlier this year builds on and replaces the original RAPID programme and is different in a number of ways. The funding is allocated by my Department to each local authority area taking account of deprivation levels. Disadvantaged community groups in any location within Wexford, or any other area, can apply to their local community development committee, LCDC, for funding. The LCDC administers the scheme to ensure that funding is provided locally to the groups that need it most.

I originally allocated €4.5 million to the programme in 2018, and subsequently increased the funding, bringing the total amount to €12.5 million. Of this, County Wexford received a total of €470,891. In addition I made €23,188 available to the 16 men's sheds in Wexford under the men's shed fund, which is part of the community enhancement programme.

While the funding for 2019 is not yet confirmed, I expect the national allocation to be in the region of the €4.5 million that was initially provided in 2018. County allocations will be determined in 2019.

Deputy Éamon Ó Cuív: Would the Minister agree that the most deprived communities in the country are all urban communities, and tend to be urban communities with a high percentage of social housing?

Deputy Michael Ring: There are problems in both urban and rural communities. Under the SICAP programme, we put €1.7 million into Wexford and we put in €470,000 under the community enhancement programme. Poverty is both urban and rural and these schemes were set up to target areas of need. It is my job to treat urban and rural areas equally in this regard and ensure that the available funding is delivered to where it is needed. There is not an urban-rural divide in our approach and I have to deal with where the deprivation is.

Deputy Éamon Ó Cuív: Is the Minister saying the sociologists got it wrong when they did their detailed analysis of the census figures, which showed the most concentrated deprivation at community level was exclusively in urban communities? It reminds me of a visit I paid to Wexford town, where I said to the RAPID team there that I had never seen the level of disadvantage and deprivation in rural areas that I saw in towns. One lady put up her hand to say that she came from the Aran Islands but that I was dead right. Is the Minister denying the fact that the most concentrated areas of deprivation at community level are in urban areas?

Deputy Michael Ring: I do not disagree with what the Deputy is saying but funding for the community enhancement programme is allocated to each local authority area according to

deprivation and population. That is why we recently announced funding for the inner city of Dublin. It has different problems from those we have in rural Ireland. I do not deny that there is very serious deprivation and serious problems in urban areas. My Department has the social inclusion and community activation programme, SICAP, and has allocated funding to special projects in and around cities because they have very serious problems in respect of crime, drugs and other issues. That is why the Department must examine and monitor the position and ensure we give the funding that is necessary. To give the Deputy an example, his question related to County Wexford where €1.26 million has been provided under the community services programme, CSP. My Department also allocated €5.3 million to Wexford to deal with all the issues the Deputy has raised.

Question No. 8 taken with Question No. 6.

Leader Programmes Expenditure

9. **Deputy Brendan Smith** asked the Minister for Rural and Community Development the level of expenditure committed to date under the 2014 to 2020 LEADER programme for each individual programme; the drawdown of such grant aid to date by individual programme; and if he will make a statement on the matter. [46123/18]

Deputy Brendan Smith: I represent two counties, Cavan and Monaghan, that have had the benefit of a LEADER programme since 1991. We were one of the pilot projects that were selected by the then Fianna Fáil Government following the introduction of the LEADER programme at European level by the former Commissioner for Agriculture and Rural Development, Ray MacSharry. I have seen the benefits of that investment during successive programmes.

I am concerned that the roll-out of funding under the current programme, which runs from 2014 to 2020, has been slow. I am very anxious for the maximum drawdown to occur and for the Government to be in a position to draw down the total funding allocated by the European Commission in respect of this very important programme, which is critical for rural communities. I ask the Minister to ensure there is impetus in the drawdown of funding and the approval of projects.

Deputy Michael Ring: LEADER is a multi-annual programme which has a total budget of €250 million over the period to 2020. Funding to cover the full period of the programme has been allocated to each of the individual local action groups, LAGs, which deliver LEADER. Total expenditure on the LEADER programme since it commenced, effectively in 2016, has amounted to approximately €31 million. This comprises: €1.5 million for costs incurred by the local action groups to develop local development strategies; €20.3 million for the administration costs of the LAGs and the cost of their engagement with communities to generate projects; and €9.3 million on project expenditure.

The level of project activity under the LEADER programme has increased significantly this year. Some 1,450 projects have now been approved by the LAGs for funding of more than €46.3 million. The amount approved for projects in 2018, at €30 million, is nearly double the amount approved last year. A further 329 project applications, requesting an additional €22.1 million, are at various stages in the approvals process. Project payments have also increased significantly in recent months as approved works are completed and claims are submitted for payment. More than €8 million of project expenditure has been incurred in 2018, compared

with just under €700,000 in 2017.

I am providing the Deputy with a breakdown of project approvals and project expenditure by each LAG area.

Additional information not provided on the floor of the House.

Table 1: Total LEADER approvals and expenditure by LAG as of 4 November 2018

Local Action Group	No of Projects Approved	Value of Projects Approved	Total Project Payments
Carlow	20	€1,100,681	€544,756
Cavan	26	€1,519,327	€336,021
Clare	97	€1,939,103	€330,698
Cork North	34	€1,167,868	€233,923
Cork South	16	€470,302	€208,113
Cork West	23	€723,506	€20,933
Donegal	100	€3,923,726	€1,329,588
Dublin Rural	39	€1,325,525	€217,236
Galway East	28	€1,015,841	€0.00
Galway West	22	€381,245	€52,285
Kerry	160	€3,088,972	€611,676
Kildare	18	€650,426	€11,070
Kilkenny	54	€1,476,716	€404,577
Laois	41	€941,706	€306,112
Leitrim	45	€1,578,563	€153,913
Limerick	69	€2,931,331	€87,046
Longford	37	€837,200	€18,793
Louth	46	€807,538	€156,904
Mayo	86	€3,460,056	€430,103
Meath	19	€800,882	€34,199
Monaghan	32	€1,450,497	€241,671
Offaly	82	€1,769,452	€750,907
Roscommon	27	€1,410,667	€158,431
Sligo	66	€2,306,081	€532,205
Tipperary	92	€2,672,077	€395,406
Waterford	46	€3,059,264	€1,063,618
Westmeath	34	€512,511	€134,881
Wexford	63	€2,157,507	€435,756
Wicklow	28	€905,716	€71,792
Grand Total	1,450	€46,384,282	€9,272,617

Deputy Brendan Smith: I thank the Minister for his reply. It is most disappointing to learn that only €31 million out of €250 million has been drawn down. We are at the end of the fourth year of the 2014-20 programme, which I accept was late getting off the ground. I have another question in respect of how we deal with it. Speaking to groups on the ground and people who have been involved in LEADER programmes over the years, it seems there has been too much bureaucracy. I know there has been some streamlining of the applications and approvals processes but more is needed. At a time when rural communities need investment, the provision of additional services and assistance for groups, individuals and community organisations that

are trying to create employment, we have to ensure that every single cent of that €250 million is drawn down in good time. As the Minister knows, Departments and agencies sometimes have unspent funding as the end of the financial year approaches, which causes a rush to spend some money. The delay in approving projects and bodies trying to ensure full drawdown at the end of the year do not always result in the best value for money. Can the Minister assure us that the full complement of €250 million will be drawn down before the end of the programme in 2020? Groups need this investment and all of us in this House want to see that funding put to the best possible use.

Deputy Michael Ring: I thank the Deputy for the question. In respect of his own county of Cavan, €1,519,327 has been approved to date and payments of €336,021 have been made. The Deputy is correct with regard to bureaucracy. We made 32 changes to the LEADER programme to try to make it easier for people to make applications. Deputy Smith, as a long-standing Member of the House, will know from previous LEADER programmes that they take a while to ramp up. More and more approvals are coming in and approvals are being made. At the point, the work has to be done and the funding is then drawn down. I am confident the €250 million will be drawn down in the lifetime of the programme.

As the years move on, more funding will be necessary, more applications will be completed and more funding will be drawn down. I am happier now than I was because there has been a major increase in the number of approvals. There are now 1,450 projects approved under the LEADER programme to the value of €46.3 million. The programme is beginning to ramp up in every county. To be fair to the LEADER companies, in the early stages of a programme they have meet and talk to groups and individuals who are bringing projects forward. They have to work with them and explain what is happening. These groups and individuals then submit an application and once approval has been given, the drawdown occurs. That is why the process is slow at the moment, but I have no doubt the €250 million to which the Deputy referred will be spent.

Deputy Brendan Smith: I thank the Minister. Is he satisfied that funding in various parts of the country has been proportionate to activity levels to date? Does he envisage that there will have to be a reallocation of funding between the different companies as time goes on? I am very glad we have two good companies in my constituency actively promoting the LEADER programme. As the Minister is well aware, areas such as Cavan-Monaghan face particular difficulties because of Brexit. Communities in these areas are fearful of the adverse impacts of Brexit on business, commerce and enterprise. If funding is reallocated or additional funding becomes available in any circumstances, I ask that the Minister give particular consideration to the needs of Border communities because what helped local communities in the Border area in the worst of times was the enterprise of local communities which were trying to draw down funding from the International Fund for Ireland and through different INTERREG programmes. There is a good community infrastructure to put public funding to good use. If any additional funding becomes available, I make a special plea to the Minister to consider the needs of my constituency of Cavan-Monaghan because we are on the frontier of a different jurisdiction which will, in future, be in a different trade zone.

Deputy Michael Ring: Some counties, including Cavan, Monaghan, Kerry and Donegal, are doing very well out of the LEADER programme, which is now making allocations. The Deputy asked me whether I would redistribute any of that money. I do not want to do that. Every county has received its allocation and I want this money to be spent in the respective counties. If at some stage I have to review the whole scheme, I will do that.

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The Deputy asked a fair question about making it easier for people to make the applications. Substantial grant aid is available under different schemes and the LEADER programme is now competing with some of these programmes. I want every single cent of that €250 million spent and I will make the necessary changes to ensure that occurs. The programme is ramping up now and the LEADER companies are making allocations. It is important that the work is now done and the various groups draw down the funding. As the Deputy knows, I cannot give them funding until the scheme is complete. The initial cost will be the set-up cost. The LEADER companies have to talk to people who want funding for projects. It is important the money is spent. I will continue to monitor the position because it is a good programme and one that I want to continue.

An Leas-Cheann Comhairle: We will move on to Question No. 12 because the next available Deputy is Deputy Brendan Smith.

Questions Nos. 10 and 11 replied to with Written Answers.

Leader Programmes Administration

12. **Deputy Brendan Smith** asked the Minister for Rural and Community Development his plans to streamline the administration of the LEADER programme nationally; and if he will make a statement on the matter. [46122/18]

Deputy Brendan Smith: We have been discussing the need to minimise bureaucracy. I understand that in the past, the relevant LEADER company and the Department were the only two agencies involved in the processing and approval of LEADER projects, whereas local action groups, local community development committees, Pobal and the Department are involved at the moment. Rather than involving more agencies, we should be trying to minimise the number of agencies involved in the administration, processing and approval of projects.

Deputy Michael Ring: The LEADER programme is driven by a bottom-up approach. Decisions on projects are taken at a local level by local action groups which have been approved to administer the programme. The Department of Rural and Community Development engages with the local action groups on a regular basis with regard to every aspect of the programme. As part of this engagement, a LEADER forum was held with the local action groups in May 2017. As a consequence of this, I have introduced 31 actions over the last year or so to streamline the administration of the LEADER programme. These actions cover nearly every aspect of LEADER delivery. For example, there has been a 55% reduction in the level of paperwork to be submitted by local action groups as part of their monthly administration returns. This gives local action group staff more time to engage with potential applicants. A standardised application form has been introduced to assist in streamlining the process. Procurement arrangements have been revised and clarified. Contrary to recent misleading comments in the media, as a result of the 31 improvements which have been introduced, the local action groups are no longer required to provide a written record of having received a verbal quote for procuring items costing less than €100. The result of the 31 improvements is clear to see. The number of projects and the level of approved funding has increased dramatically this year. Some 1,450 projects have been approved for funding of €46 million. The level of funding approved to date this year is €30 million, which is almost twice the €16 million approved for projects in all of 2017. Notwithstanding the progress that has been made, I am always looking for new ways to improve the programme. I will continue to keep the programme under review in 2019.

Deputy Brendan Smith: I thank the Minister for his response. I remember listening to public commentary from some of the people involved in administering the programmes. They spoke about the lack of consistency nationally. There are variations in the administration of schemes throughout the country. I recently heard that Article 48 checks are being taken from Pobal and given to the local authorities. The details of this might not be in the Minister's brief. He can come back to me on this matter if necessary. I listened to people on a radio programme who are involved in the LEADER programme. They said that there is no need to move this responsibility from Pobal, which has the requisite expertise at this stage, to each local authority. I understand that the local authorities are not looking for this responsibility and do not desire to have it. I do not think they have the expertise that is needed at the moment. If the Minister's brief does not cover this aspect of the matter, which has been raised with me, he might revert to me on it.

Deputy Michael Ring: I met representatives of LEADER companies recently. My officials meet them on a regular basis. We are prepared to iron out any difficulties they might have. I understand they are fairly satisfied with the procedures that are in place. They are fairly satisfied that the changes we have made have streamlined the LEADER programme. As a former Minister, Deputy Smith will be aware that checks are required when taxpayers' money is being spent. We are accountable to the taxpayers of this country and to European taxpayers. These schemes are subject to spot checks from Europe. The way the LEADER programme has started to expand since we made these changes, with more than 1,400 applications being approved, shows that we are getting the balance right. If these companies have any outstanding issues, they can raise them with me and my officials when we meet them on a regular basis. After we met them in May of last year, we made the changes they required. I am accountable to this House and to Europe in relation to taxpayers' money. I have to make sure there is a balance when applications are made. While there must not be too much bureaucracy, these schemes have to be run properly. If problems emerge on foot of a query or an audit from Europe, the taxpayers of this country will have to pick up the tab.

Deputy Brendan Smith: All of us share the Minister's view that public money has to be put to proper use to maximise the benefit for the people on behalf of whom we work. I know that some communities which were thinking of submitting applications under this programme, and had done some preparatory work to that end, were discouraged by the required level of what they regarded as bureaucracy. The Minister and the Department need to transmit the message that as a result of the streamlining of the requirements, the hurdles that have to be crossed are not as demanding as they were initially. We want to ensure good community groups are encouraged to apply. We want the money to be put to the best possible use. As I have said to the Minister, our rural communities have benefitted from the LEADER programme for decades now. My constituency was fortunate enough to have one of the first pilot projects in the country in 1991. We want to see engagement from as many community groups as possible. We want to ensure the maximum drawdown of funding. We need to send out a message that as a result of the streamlining I have mentioned, this programme is not as bureaucratic as it was in the past.

Deputy Michael Ring: That is right.

Deputy Brendan Smith: I welcome the Minister's commitment that he is willing to introduce further improvements if they are necessary.

Deputy Michael Ring: The Deputy and I want the money allocated by the Department to rural communities under the LEADER programme to be spent. It is in the interests of every

Deputy in this House for these funds to be spent in rural areas. The Deputy is quite correct when he says that a balance is needed. Although the application process has been streamlined, there continues to be a need to ensure taxpayers' money is properly spent. The Deputy pointed to that need in his remarks. We are all accountable for ensuring money is spent where it should be spent. I am satisfied that the LEADER programme is beginning to work. I will ask my officials and the LEADER companies to get back in contact with groups with which they have previously been in consultation to ascertain whether they have found any difficulties with the application process. I want the programme to work. I want the money to be spent. I want the LEADER companies to do their jobs. I believe that is happening now. If there are any difficulties, I am prepared to look at them. I want the LEADER programme to be a success. I want to see funding. I want to see the projects up and running and completed.

An Leas-Cheann Comhairle: We will move on to Question No. 20 because the next available Deputy is Deputy Ó Cuív.

Questions Nos. 13 to 19, inclusive, replied to with Written Answers.

Leader Programmes Expenditure

20. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development the amount spent to date under the present LEADER programme on projects; the amount spent to date in 2018 on projects by local action groups; and if he will make a statement on the matter. [45956/18]

Deputy Éamon Ó Cuív: This question relates to the LEADER programme, which the Minister covered comprehensively in response to Question No. 12, in the name of my colleague, Deputy Brendan Smith. How much money has been spent on LEADER projects so far in 2018?

Deputy Michael Ring: I need to find the answer to this question.

Deputy Éamon Ó Cuív: The Minister should take his time.

Deputy Michael Ring: I would rather not go through the same speech again.

Deputy Éamon Ó Cuív: The Minister can just give me the figures.

Deputy Michael Ring: The amount of money spent under the LEADER programme so far in 2018 is €17.6 million.

Deputy Éamon Ó Cuív: My question sought the figure after administrative costs are excluded. How much has been spent on the projects?

Deputy Michael Ring: We hope that the drawdown by the end of the year will be €26 million. The drawdown to date is €17.6 million.

Deputy Éamon Ó Cuív: How much has been spent on projects so far this year, when expenditure on administration is discounted?

Deputy Michael Ring: I will read the reply that has been prepared by the Department. The level of project activity under the LEADER programme has ramped up significantly this year. Some 1,450 projects have been approved for funding of more than €46.3 million since

the programme commenced. A further 329 project applications, requesting an additional €22.1 million, are at various stages in the approval process. Project payments have increased significantly in recent months as approved works are completed and project promoters submit claims for payment. Approximately €9.3 million in project expenditure has been incurred since the commencement of the programme. More than €8 million of this project expenditure has been incurred in 2018-----

Deputy Éamon Ó Cuív: That is the figure I wanted.

Deputy Michael Ring: -----compared to just under €700,000 in 2017. I will provide the Deputy with a table with a breakdown of the project expenditure incurred in 2018 in each local action area. The progress being made by the local action groups will result in a continued increase in project approvals and payments under the programme for the rest of this year and beyond. This progress has been assisted by improvements made by the Department to the applications and approvals process in the past year. All these changes have been identified and delivered in consultation with the local action groups.

LEADER 2014-2020 Project Expenditure in 2018 as of 4 November 2018

Sub Regional Area (LAG)	Total Project Expenditure in 2018
Carlow	€494,755.59
Cavan	€336,020.92
Clare	€330,698.31
Cork north	€233,924.88
Cork south	€208,112.68
Cork west	€20,933.30
Donegal	€1,298,743.49
Dublin rural	€217,236.06
Galway east	€0
Galway west	€52,285.44
Kerry	€611,676.21
Kildare	€11,070
Kilkenny	€329,017.39
Laois	€293,862.36
Leitrim	€153,912.90
Limerick	€87,046.29
Longford	€18,793.52
Louth	€144,454.27
Mayo	€372,960.55
Meath	€23,429.18
Monaghan	€241,671.11
Offaly	€686,856.54
Roscommon	€158,430.94
Sligo	€294,497.34
Tipperary	€395,406.12
Waterford	€952,548.66

Sub Regional Area (LAG)	Total Project Expenditure in 2018
Westmeath	€134,880.91
Wexford	€435,755.59
Wicklow	€71,792.32
Total	€8,610,773.07

Deputy Éamon Ó Cuív: I thank the Minister. I do not wish to ask any supplementary questions.

Dormant Accounts Fund Management

21. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development the net amount of funding that has come into the dormant account funds in 2018 after repayments to the banks of reclaimed funds; the amount it is proposed to spend on projects from the fund in 2018; the spend to date; the amount of uncommitted funds on hand, not including the statutory reserve; and if he will make a statement on the matter. [45958/18]

Deputy Éamon Ó Cuív: Will the Minister of State tell the House how much money has gone into the dormant accounts fund in 2018, net of repayments made to people who have claimed back the money? Will he tell the House how much of the money the Department intends to spend this year? What is the total amount of uncommitted funds in the account?

Deputy Seán Canney: With regard to transfers into and from the dormant accounts fund in 2018, the most recent information available to me from the NTMA covers the period to the end of October, at which point €66.98 million had been transferred into the fund from dormant accounts within relevant financial institutions. A total of €17.65 million had been reclaimed from the fund. Therefore, the net value of transfers into the fund for 2018 to the end of October was €49.33 million.

With regard to expenditure on measures approved in dormant accounts fund action plans, as the Deputy is aware, measures approved in action plans subsequently require voted Government expenditure to be made available. For 2018 the total voted expenditure dedicated to dormant accounts measures across relevant Departments was €30.19 million.

Within my Department, the total voted allocation for dormant accounts measures in 2018 is €10.08 million. Expenditure of €4.1 million has been incurred to date. Further expenditure will be incurred before the end of the year.

Based on commitments made in dormant accounts action plans, the total liability under the fund stands at €82.37 million. This compares to a balance of €320.20 million in the fund at the end of October. The reserve fund stands at €87.60 million, while the amount of uncommitted funds stands at €150.23 million.

Deputy Éamon Ó Cuív: It seems that the inflows are very healthy. Every year there is an inflow. In the new year the outflows exceed the inflows. The dormant accounts fund has received €49 million, of which €30 million has been committed. Therefore, the value of uncommitted funds this year has increased by €19 million. Is that a fair summary? The money was intended to be spent on people with disabilities, communities suffering from social and economic deprivation and education, but they are not benefiting from the dormant accounts fund.

It must be remembered that it arose from the famous inquiry into the deposit interest retention tax, DIRT. Will the Minister of State confirm that is the position?

Deputy Seán Canney: Following the findings of the Comptroller and Auditor General on the fund which were published in 2017, my Department published a review of the dormant accounts fund in July. It set out 15 recommendations surrounding the ongoing management and administration of the fund which were aimed at ensuring it was more actively managed into the future. The recommendations sought to improve information gathering, simplify the operation of the fund and ensure funding not used by Departments was decommitted back to the fund for use in other projects, something which has been a problem until now. I am focused on ensuring the recommendations will be implemented to make the best use of the funds available. An interdepartmental group has been established to ensure the recommendations will be implemented. It is worth noting that the allocations made within the action plans have increased significantly in recent years, from €26.3 million in 2014 to €28.5 million in 2016, €40.4 million in 2017 and €39.8 million in 2018. I am new to the Department, but I will be looking at the issue of the dormant accounts fund and how it can be dealt with in the future.

Deputy Éamon Ó Cuív: On arriving in the Department the Minister of State must have been puzzled to find that he had a fund of around €200 million of uncommitted funds. There is more money coming into the fund than going out and it is growing every year. The money was supposed to be used to tackle disadvantage and for people with a disability. All of the reports recommend caution and state we should not do certain things. Will the Minister of State throw caution to the wind and make the dormant accounts fund work for the good of the people it is supposed to help? Will he insist on the money being spent and not left to collect dust in his Department?

Deputy Seán Canney: I will not be throwing caution to the wind. Such an approach was used too often in the past. We have to look at the available funds and I am committing to doing so. I am receiving information all the time in the Department and have been briefed regularly on different matters. We will receive a further briefing on the issue of the dormant accounts fund. We will then make decisions and see what we can do to maximise expenditure from the fund for the betterment of communities. I agree that if we have money available, we should use it, but it should be used prudently to ensure we will get a benefit from it. I will not be throwing caution to the wind, but I will work to try to get more money into circulation in communities.

Deputy Éamon Ó Cuív: There is a way of throwing caution to the wind without being irresponsible. The Minister of State knows that there is €200 million lying there, which is no good for anybody. It could be spent to undertake important work, if only the Minister of State would not allow himself to be ruled by an overcautious approach in the belief that doing nothing is safer than doing something. Is he willing to come before the Joint Committee on Rural and Community Development to discuss the matter in detail and, in particular, explain to us how a reserve of €200 million in uncommitted funds has been allowed to collect, despite the massive problems the country faces? It would not be difficult to spend the money in a targeted, safe and good way. I mentioned throwing caution to the wind, but somebody was overcautious when he or she collected €200 million that was supposed to earmarked for the most disadvantaged in the State, including people with disabilities. However, it has been left to lie there, mouldering.

Deputy Seán Canney: I would be delighted to attend the committee. I was a member of it for 18 months and would be delighted to go back to talk to its members. It is important that I do so and try to come up with solutions to issues. I look forward to doing so.

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Question No. 22 replied to after Question No. 24.

Question No. 23 replied to with Written Answers.

Rural Regeneration and Development Fund

24. **Deputy Éamon Ó Cuív** asked the Minister for Rural and Community Development when decisions will be made on applications made under the rural regeneration and development fund; the number of applications received to date; the funding approved in budget 2019 for the scheme in 2019; and if he will make a statement on the matter. [45955/18]

Deputy Michael Ring: As I outlined to the Deputy in an earlier reply, the first call for applications for the rural regeneration and development fund closed at the end of September, with 290 applications received. Of these, 125 were for category one shovel ready projects, while the other 165 were for category two projects, which need development funding to become potential category one applications in future calls for applications. Assessment criteria are published and the applications are now assessed by a project advisory board. The board includes representatives from key Departments and external experts. By the end of this month I am expecting to receive recommendations from the board on the first group of category one projects for funding and I will announce the first tranche of successful category one projects. Further announcements on successful category one and category two projects will follow. Funding of €315 million has been allocated for the fund for the period 2019 to 2022, of which €55 million has been allocated in budget 2019.

Deputy Éamon Ó Cuív: Does the Minister agree that it is absolutely vital that approval be given in the near future? In most cases, it takes well over a year for projects to spend. Is the Minister concerned, given the slow rate of approval, that the €55 million will not be spent in 2019 and that there will be a replication of what has happened under the LEADER programme, with money being returned to the Exchequer?

Deputy Michael Ring: The project advisory board is going through the applications. There are two categories. The Deputy is correct - one of them is projects which are shovel ready. I expect the board to come back with recommendations on projects that are shovel ready.

Under the scheme there are two categories of projects, one of which is shovel-ready projects. That means those concerned have their planning permissions in order, they have everything done and the projects are ready to go from the day they get funding approval. I hope the projects that are approved will be ready to go. There will be some draw down of funding for 2019. As I said in my reply, €55 million is allocated for next year in terms of draw down.

The second phase of the scheme relates to getting applications ready for the next round, which will open in March. It involves getting seed funding to help groups to get their applications together. The applications have to come through local authorities, State agencies, Údarás na Gaeltachta, the HSE, Fáilte Ireland or some other body along with the community groups. The question the Deputy asked is a fair one. Shovel-ready schemes are ones that will be approved and if they are said to be shovel-ready, I as Minister expect the evaluation team to examine the projects, that the ones that are said to be shovel-ready will be shovel-ready and that some of that funding will be drawn down next year.

Deputy Éamon Ó Cuív: I admire the Minister's hope. Does he recall when Deputy Howlin was Minister for Public Expenditure and Reform?

Deputy Michael Ring: I do.

Deputy Éamon Ó Cuív: He put money aside for a shovel-ready project for a pier on Inis Óirr that had planning permission in 2016. It has not started and it is not likely to start, even next year. I will believe projects are shovel-ready when I see them. What is the Minister's definition of a shovel-ready project? My main doubt is that they are as shovel-ready as the words would seem to imply, that is, that a contractor could be put in tomorrow. The Minister might explain the definition of the projects that are ready to be approved rather than refer to the euphemism "shovel-ready" which has become meaningless.

Deputy Michael Ring: My definition of "shovel-ready" is that when a project is ready the planning permissions would be in place. I would expect the application to be ready to go if funding is secured for it. That is what I determine to be a shovel-ready project. If those concerned get approval in November and can start drawing down that funding from the first day of January, I would expect them to start that project immediately. What frustrates me with the town and village renewal scheme, the outdoor recreation scheme and every other scheme in the Department is when that does not happen. Local authorities present projects that are ready to go and seek funding for them but 12 months later I may find they have not got planning permission for them, they were not ready to go and there were other projects on which work could have started. This scheme comes under the 2040 plan. It is important to get the money spent as quickly as possible. To answer the Deputy's question regarding a shovel-ready scheme, if a project is approved in November, people should be on site in December.

Deputy Éamon Ó Cuív: Is the Minister saying that the projects that will be approved will all have gone to tender and have contractors in place? From the time one advertises a tender, receives and assesses them, get in the necessary bonds, including insurance bonds, and all the other documentation that is required for such projects, one could be talking of a period of five or six months. Will the tenders be in for these projects or will they go for tender after approval?

Deputy Michael Ring: I do not expect all projects will be ready in terms of having their quotations and tenders done but the scheme refers to shovel-ready projects. If a project is shovel-ready I would expect in a very short period that it would be ready to go. The evaluation team will examine these schemes. We have more projects and I referenced in my reply the number of applications that have been received. We will not have funding for all the schemes, so we will have to make decisions. The evaluation team will examine the schemes that are ready to go and I presume it will check that they have their quotations in, planning approval and that they are ready to go. My understanding of any shovel-ready scheme - I have heard that term used since I came into this House - is one that is ready to go. I hope these projects are ready to go. I do not want to see it happen, and I am sure neither would the Deputy, that allocations are made in November or December and then to hear next July or August that those concerned do not have their tender or planning approval. If that happens, somebody will have to answer to me. As far as I am concerned, there are two categories in this scheme, one is shovel-ready projects and the other is for the projects to be made shovel-ready for the schemes that will be re-announced in March. I cannot put it any fairer than that.

Deputy Eugene Murphy: Get your shovel ready.

An Ceann Comhairle: Don't forget your shovel.

CLÁR Programme

22. **Deputy Niamh Smyth** asked the Minister for Rural and Community Development the locations he is expanding the CLÁR funding for 2019 by categories; and if he will make a statement on the matter. [45962/18]

Deputy Niamh Smyth: Does the Minister intend to expand the CLÁR funding for 2019 by categories and will he make a statement on that matter?

Deputy Michael Ring: CLÁR was originally launched in October 2001 to provide for targeted investment in disadvantaged rural areas. The areas originally selected for inclusion in the programme were those which suffered the greatest population decline from 1926 to 1996. The Cooley Peninsula was also included on the basis of the serious difficulties caused in that area by foot and mouth disease. The average population loss in the original CLÁR regions over the period 1926 to 1996 was over 50%.

In 2006, an analysis of the 2002 census data was carried out by the NIRSA Institute at Maynooth University and the programme was extended to include areas with an average population loss of 35% between 1926 and 2002.

The CLÁR programme was closed for new applications in 2010. However, I relaunched the programme in the second half of 2016, using as a base-line the areas identified in the work carried out by NIRSA. Over 1,200 projects have been approved for funding of €25 million under CLÁR since I relaunched the programme in 2016.

I have indicated a review of the CLÁR programme which will examine CLÁR areas by reference to the 2016 Census of Population data. This review will also help to inform future CLÁR programmes in 2019 and beyond. Decisions regarding specific measures which might be supported under the CLÁR programme in 2019 will be made early next year.

Deputy Niamh Smyth: I would be the first to say to the Minister that the CLÁR funding makes significant differences to communities across the country and obviously in Cavan-Monaghan. In any recategorising of the programme in terms of population that the Minister is considering, a positive bias should be shown to the Border counties, which are now facing Brexit. Many of our towns and villages are just beginning to experience a resurgence and revival from the times of the Troubles and we now face into what may be more dark and gloomy times. I ask the Minister to show a positive discrimination to those areas. CLÁR funding is invaluable to schools and community groups.

Deputy Michael Ring: I thank the Deputy for the comments. She is correct in what she said about CLÁR funding. It is not always big money that creates an impression. It is often small money that makes a major difference to small communities. As I said in my reply, I am doing a review of the CLÁR programme and it is time there was a proper review of it. I will put that review out at the end of the year and I will get some professional people to examine it. I will talk to communities, groups and everybody concerned. In my region there are areas that do not come under CLÁR and other areas that do come under it. Some of those areas have moved on and the other areas need a lift. Therefore, I need to review the programme. It is a good one

under which we can target areas. The Deputy is correct in what she said about the Border areas. They have problems that other areas do not have and other areas have problems that the Border areas do not have. The CLÁR programme is working well. I will try to get a review of it done as quickly as possible as I need to examine other areas in terms of the CLÁR programme where I can spend money and specify where I want it to be spent.

Deputy Niamh Smyth: I would like to raise an issue concerning Killinkere national school. Road safety calming measures have been needed in that area for many years. Certain projects qualify for CLÁR funding and others do not. In the last round of funding playground projects may have qualified. I ask the Minister to be mindful of funding for schools such as Killinkere national school. They fall out of the net of many other schemes and funding opportunities. This is a rural school in a rural populated area but well in excess of 100 children attend it and it also has a significant number of staff. They constantly worry in terms of trying to secure traffic calming measures. There are very few opportunities for the school authorities to apply for any type of funding for such a measure.

12 o'clock

That is one measure that could be useful to them and I appeal to the Minister to be mindful of that.

Deputy Michael Ring: With the CLÁR programme one of the better schemes that I oversaw was the safety scheme for outside schools. It is an important scheme. We have supported many schools throughout the country. We have made schools safer with signage, access and car parking. If there is a specific case, Deputy Smyth may take it up with me.

I am satisfied with the CLÁR programme. At this stage, I need to look at more areas where I can identify a need to bring in schemes and then deal with that need. One example from this year relates to cancer services. It applies especially in rural areas where people have to go long distances to get to cancer services. I helped to support some transport providers to make it easier for cancer patients to get to and from hospitals.

That is why I identified the schools schemes that were in place previously. It is one of the better schemes and it works well. Safety outside schools is important. I will do a total review of the CLÁR programme. What I would like – this is more difficult - is to have more money for the CLÁR programme, but that is an issue I have to fight at Government level.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: The Taoiseach and the Minister for Health launched extraordinary attacks on our hard-working front-line healthcare staff earlier this week. They sought in those attacks to place the blame for the difficulties in the health service on those staff, our doctors and nurses. They suggested that the solution to many of the pressures in our hospitals was that staff would work over Christmas. The Minister for Health, Deputy Harris, said that the Taoiseach's analysis was entirely correct. This is a complete over-simplification of the challenges facing our health services. It is a pathetic attempt to deflect from the Government's role and responsibility for the difficulty in our health service and hospitals. Blaming front-line staff who work

24 hours a day for 365 days of the year, including Christmas Day, New Year's Day and bank holidays, is not acceptable when conditions are as challenging as they are. Blaming existing front-line staff is difficult to take when there are 300 vacant consultant posts and 252 fewer staff nurses working in our hospitals this month compared to last December.

Patients have major problems accessing our healthcare service. When they do get access they are met with excellent staff or they are generally met with excellent staff. However, we have seen today how that is not always the case with the extraordinary judgment yesterday from the President of the High Court, Mr. Justice Peter Kelly, in a case involving the suspension of a junior doctor in one of our maternity hospitals. The doctor never worked as a doctor in any other hospital. Consultants who worked with him said he did not even meet the basic standards. Yet, he is reported to have obtained an impressive score in interview statistics. Mr. Justice Kelly said that the particular case is not isolated.

This is an appalling situation. I want answers to several questions from the Tánaiste today. When was the Minister for Health, Deputy Harris, informed of this particular case? The judgment was only published yesterday but it was delivered some weeks ago. Can the Tánaiste confirm that the Government is investigating this particular issue? Can the Tánaiste give guarantees that there are no other rogue doctors working within our system? I am referring to doctors who are not in a position to deliver on basic skills that people expect. What new measures will be put in place?

This problem was not only highlighted yesterday. Deputy Donnelly has referred to the recruitment of non-consultant hospital doctors on several occasions. We have highlighted the inadequacies in recruitment on several occasions. This issue is ongoing and should be a matter of priority for the Minister for Health.

Instead of attacking our doctors and nurses to get headlines and deflecting from the Government's responsibility, can the Tánaiste outline the Government plans for dealing with this serious issue and for reassuring the public that our doctors and healthcare professionals are up to standard?

The Tánaiste: There are quite a few questions there. I will deal with the first question and the commentary on what the Taoiseach had to say at the start of this week. The Taoiseach was not blaming anyone for anything. What he did was point out the reality that at the most pressurised time of year in hospitals we need to ensure we have a full staff compliment. We need to ensure that people who have the responsibility to give leadership to their health teams within hospitals are there to do that when pressure is at its most intense and acute. We need to ensure that we do not have skeleton staff arrangements at times of the year when there is significant pressure and when patient care needs to be prioritised. That was the point he made. The point that the Minister for Health, Deputy Harris, has reinforced was that of course there is a responsibility to ensure that rostering is in place to ensure the key people and team leaders as well as sufficient numbers of staff to support them are in place through the winter period. This requirement is equally important during the first two weeks of January, when we know hospitals will be under extraordinary pressure, as they are every year at that time. When Deputy Micheál Martin raised the issue of preparing for the winter pressures in healthcare and in hospitals, the Taoiseach, as always, addressed the issue directly and head-on.

We must continue to focus on capacity. This year we have added an extra 240 beds to the system and spend tens of millions of euro doing that. We need to continue to add capacity to our

hospitals, but we also need to address the short-term challenges that we know are coming this winter. We need to ensure that our team leaders are in place to try to address them in person in hospitals at the times of the year when they are most needed, regardless of whether it is Christmastime. That is the point that he made, and he was right to make that point directly.

Deputy Calleary referred to the President of the High Court and his judgment, in which he said that defective procedures for recruiting doctors represent a danger to patients. He made this observation in a judgment ordering the suspension of a junior doctor. These comments have been widely reported in the media. The Minister for Health, Deputy Harris, is seeking an urgent response from his Department and the HSE on the circumstances of this specific case, the implications of Mr. Justice Kelly's judgment and the implementation of actions arising from it.

Deputy Dara Calleary: He is seeking an urgent response. That is the usual line – to seek an urgent response and hope the media go away. In March 2016 there was a similar case where a doctor was employed in four hospitals despite concerns about his performance. A file was submitted to the then Minister for Health, Deputy Varadkar, who is now the Taoiseach. Following that particular case the doctor was found guilty in a fitness to practise inquiry of 28 counts of poor performance by the Medical Council.

At that stage in March 2016 the HSE gave a commitment to establish a standardised policy to deal with references and Garda medical registration checks. That was in March 2016, some two and a half years ago. Yet, in November 2018 we have a situation whereby the President of the High Court has absolutely slammed recruitment procedures within the HSE. One need only read the judgment to see his comments on the recruitment procedures. What are those procedures doing for people who are looking for treatment from these doctors? The Government cannot simply dismiss this or do the usual thing and say the Minister is looking for a report. We need answers and guarantees that there are no more doctors of this calibre within the system. We need guarantees that they can be rooted out and that other people have not got through this flawed recruitment process. That is the assurance the Tánaiste needs to give today.

The Tánaiste: Let me give the House an absolute assurance that the Minister for Health is taking this very seriously. Mr. Justice Peter Kelly is a serious individual and when he makes a judgment like this the Government listens and acts on it.

It is important to outline to the House how recruitment in the HSE actually works. HSE recruitment is managed by the national recruitment service. Non-consultant hospital doctor recruitment is handled at individual hospital group level. NCHD interviews are held at hospital level and local clinicians are involved in interviewing and the selection process. Recruitment in the HSE is subject to the Commission for Public Service Appointments codes of practice. The HSE is also subject to regular monitoring and auditing by the commission of its recruitment and selection activities. The HSE is currently undertaking a detailed review of recruitment processes with a view to introducing a revised model next year. The concerns that the Deputy raised are being and will be taken very seriously in the context of that review.

Deputy Pearse Doherty: On Tuesday, the Taoiseach disgracefully tried to shift the blame for his and the Government's failure to tackle the perpetual trolley crisis in hospitals by attacking our hard-working and diligent nurses and doctors. Not content with insulting tens of thousands of front-line workers once, yesterday, the Taoiseach doubled down on his remarks. The Minister for Health, Deputy Simon Harris, who should know better, has now shamefully

weighed in behind him. It is an absolute disgrace. Nurses' and doctors' leave is not the cause of the problem in our health service. The trolley crisis and overcrowding is due to capacity issues and the continuing and worsening recruitment and retention crisis. It is up to the Government, and the Government alone, to address these escalating issues, not ordinary nurses or doctors who serve the public day in, day out. It is the Tánaiste's and the Government's problem. After almost eight years in government, it has failed to address the trolley crisis.

When he was Minister for Health, the Taoiseach missed targets, saw record numbers of patients on trolleys, oversaw botched recruitment schemes, saw the numbers on waiting lists soar, and stumbled from one disaster to another. For him to now attack front-line public health service workers for his and the Tánaiste's failure is gutter politics. Blaming nurses and doctors will not solve a single issue in the health service, and it most certainly will not help the recruitment and retention crisis we face.

Some weeks ago, the Taoiseach launched another attack on health workers saying that despite an increase in staff, there had been no corresponding increase in productivity in the health service. That is a blatant lie. Along with his attack on them this week, it is a blatant falsehood. The Department of Health has stated on the record that accident and emergency department attendances are up; surgical day case work is up in excess of 70% over ten years; outpatient assessments have reached 3.3 million annually; and annual inpatient discharges are up by 7% over ten years. All that work is done by hard-working nurses and doctors who the Minister and the Taoiseach decided to attack.

What is needed to tackle overcrowding is a strategic plan. Do we have one? Of course we do not because the Taoiseach and the Minister for Health would rather attack nurses than put their shoulders to the wheel and tackle the root causes of this problem. That is the easy way out; it is the cop-out.

To contrast that with what is happening across the water with the NHS, it published its winter plan in September. When will we see the plan to tackle overcrowding, which will increase capacity in the health service, one that will address the recruitment and retention crisis and deliver proper step-down facilities and home care support for our vulnerable? That is what is needed, not attacks on front-line workers or stupid and insulting remarks. I ask the Tánaiste to take this opportunity to apologise to the nurses and the doctors for the Taoiseach's hurtful and ill-informed comments that he made yesterday and the day before.

The Tánaiste: I will try to address this issue honestly rather than grandstanding, as the Deputy has just done. The issue of preparing for winter requires honest conversations. This is not just the Government's problem. It is everybody's problem.

Deputy Seán Crowe: It is ours as well.

The Tánaiste: The HSE, the hospitals, the Department of Health, Government, in terms of policy, financing and budgets, need to work together-----

Deputy Brendan Howlin: The buck stops here.

The Tánaiste: -----to ensure that the patient care we expect and that we need to deliver for people in hospitals, particularly through a pressurised winter period, can be as good as it possibly can be. The Taoiseach, in his usual style, was honest and upfront about one of the problems with regard to the Christmas period where there is a challenge around rostering and ensuring

that senior team leaders in particular are there in person through that time of year, which is obviously a family time for many people, but we have got to prioritise patient care, even at Christmas time. That was the point the Taoiseach was making, and in my view he made it in a fair and direct way. What he is saying is that we need to work together, and the Minister, Deputy Harris, has reinforced this, to ensure we have the rostering procedures in place to ensure that senior people in particular and their teams are available at times when hospitals are most pressurised so that patient care is the No. 1 priority, as opposed to anything else, during rostering at this difficult time of year. That was the point he was making.

Deputy Seán Crowe: What is next ?

The Tánaiste: The Deputy is trying to spin that into an attack on consultants and nurses, which it never was and is not.

Deputy Louise O'Reilly: It was.

Deputy Pearse Doherty: It absolutely was.

Deputy Louise O'Reilly: The nurses and doctors know it was.

The Tánaiste: The issue regarding capacity is the real issue. Everybody accepts that, but it cannot be solved overnight. This year, increasing capacity is a priority for Government. In the past 12 months, an additional 240 beds have been opened, and a further 79 additional beds are planned for the fourth quarter of 2018 and early 2019. That includes an additional 30-bed ward in Our Lady of Lourdes Hospital in Drogheda, a 40-bed modular ward in South Tipperary General Hospital, and four high-dependency beds in the Mater hospital and Cork University Hospital, respectively. In addition, the new emergency department planned for Our Lady of Lourdes Hospital in Drogheda is due to open in early 2019.

We accept that there is a need for investment and expansion, and to increase capacity. There is a recruitment and retention issue that we are also looking to try to address but the idea that we can pretend that rostering is not an issue and that in the coming weeks and months we should not be preparing for that and having an honest conversation about it, with people who are well able to engage in that honest conversation, is political correctness gone mad.

Visit of Vice-President of the European Commission

An Ceann Comhairle: Before proceeding with business, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a céad míle fáilte, a most sincere welcome, to His Excellency, Maroš Šefčovič, Vice-President of the European Commission. The Commissioner is joined by officials travelling from Brussels and our friend Gerard Kiely, head of the European Commission office in Dublin. You are most welcome.

Ceisteanna ó Cheannairí (Atógáil) - Leaders' Questions (Resumed)

Deputy Pearse Doherty: Let us call a spade a spade because doctors and nurses know what the Taoiseach was at. They know he was attacking them. They know he was trying to shift the blame for the lack of capacity and the lack of recruitment and retention policies the Tánaiste's

Government has failed to deal with onto the front-line workers. It has not been lost on those nurses and doctors that when the Taoiseach was Minister for Health during the Christmas period of 2014 and the new year of 2015, he was holidaying in Miami at a time when the trolley crisis in this State peaked to record levels. He has some cheek. He should listen to doctors and nurses, and the media reports on “Morning Ireland” this morning. There will be more consultants in the hospital in Cork in January than there will be at any other time during the year because of leave. This is about a blatant deflection of the failure of Government to deal with this issue. The Tánaiste talks about prioritising capacity issues. I am sick to the teeth telling him that there is a 20-bed ward in the hospital in Letterkenny that the management want opened. They made an application a year and a half ago. The HSE wants it open. The Department will not open it. This is no longer a winter problem; it is an all-year-round problem. There were 700 patients on trolleys in March, 600 this month and 525 today. This is an all-year-round crisis. The Government needs to get to grips with it. The Tánaiste should do the decent thing and apologise to those nurses and doctors for the insulting and hurtful comments the Taoiseach and the Minister for Health made and on which he is doubling down here today.

The Tánaiste: People in our health service work extraordinarily hard, in many cases under very difficult circumstances. We know that in government. The Taoiseach is a doctor, and he has a very clear understanding of the way hospitals work. What we are at here is about short-term planning for what we know will be a very pressurised winter period, and addressing all issues to do with that, from capacity, to try to de-escalate challenges in advance of the Christmas period within hospitals, to increasing investment with regard to social care to get people out of hospital care, where possible, and ensure they are looked after properly in different settings, to create space within hospitals. We are also trying to have an honest conversation about rostering to make sure that the clinical leadership and health team leadership is in place over the most pressurised time of year. Nobody is arguing that it is not a year-round challenge to address capacity issues. That is the reason we saw massive increases in the budget for the health budget. Much of it goes into increasing capacity, including staffing and capital investment. However, there is a short-term challenge for which we need to plan. To answer the Deputy’s question, the winter plan will be finalised shortly and available for people to see.

Deputy Pearse Doherty: Before the winter.

The Tánaiste: The issues we need to address require an honest and practical conversation. That is what the Taoiseach has contributed.

Deputy Brendan Howlin: Many of us across the House, rightly, were up in arms about the crass remarks made about Travellers by one of the recent candidates in the presidential election, but it is not enough for us to decry negative stereotyping and hate speech. We have to take seriously the issue of Traveller marginalisation. The national Traveller and Roma inclusion strategy report states the rate of unemployment among Travellers is 80%, which affects a staggering four out of five. Only one in eight Travellers, or just 12%, completes secondary education. By any yardstick, they are shocking statistics. If they described a minority group in another jurisdiction, we would, rightly, be concerned and voice our views about it, but we continue to allow that situation to prevail. I am not persuaded by any argument to the effect that more is paid in social welfare to Travellers than to others or that because they have large families, there is a disincentive to work. Other large families enter paid employment and welfare payments are designed to support families in work.

There are other issues behind the statistics, including discrimination. Perhaps there is also

the lack of a clear vision for the role of Travellers in the economy and society. Across the board, not just for Travellers, there is a decline in work opportunities for people without formal qualifications or skills, yet formal education does not work for everybody. We need robust alternatives such as apprenticeships for those who drop out of school at second level. Secondary school education is mandatory up to the age of 16 years or at least until one attempt is made to sit the junior certificate examinations. Should that opt-out be removed and an age limit applied in order that everybody would be required to stay in education until he or she is 16 years old? Will the Government consider whether specific apprenticeship schemes for young Travellers should be instituted, resourced and put in place across the country? Will it consider other forms of training and skill development for Travellers and impose the same mandatory attendance requirement based on age as that applied at second level? However, all of the training in the world will not make a difference if there are no jobs and businesses open, available and willing to employ Travellers. Will the Tánaiste outline the Government's vision for the role of Travellers in our society? There has been much hoopla about ethnicity in the past year. It is a very important milestone, but it has to have real meaning. What specific robust measures will be taken to change the disastrous and unacceptable statistics for employment and education among Travellers?

The Tánaiste: I thank the Deputy for asking this question. It is a sensitive but very important issue on which the House needs to continue to provide leadership. People will remember the former Taoiseach, Deputy Enda Kenny, making a statement in March 2017 in announcing the recognition of Travellers as an ethnic group in Ireland. Since that statement, the Government has published the national Traveller and Roma inclusion strategy 2017 to 2021. The strategy contains 149 actions grouped under ten themes, including cultural identity, education, health, anti-discrimination and equality. A celebration event to mark the first anniversary of the formal recognition of Traveller ethnicity by the Taoiseach in Dáil Éireann took place in the Royal Hospital, Kilmainham in March this year. The event was targeted primarily at members of the Traveller community and the relevant NGOs, State agencies and Departments that work on Traveller issues. However, it was fully inclusive and open to any member of the public who wished to attend.

We are looking to build on our achievements in changing the conversation between the Traveller community and the settled community, one that did not have enough trust and, in some cases, still does not. If we are honest, there is an underlying prejudice, driven by fear, among many in the settled community. The only way we can address it over time is through responsible politics that recognises that, as a minority ethnic group in Ireland, Travellers have been marginalised for many years. As a result, their educational, housing and healthcare needs have not been met, resulting in a build-up of mistrust and tension between the two communities. There are lots of anecdotal examples. Settled communities are fearful of integration and facilitating housing solutions. As a result, local authorities have been unable to deliver the supports needed. However, we cannot allow that fear and prejudice to dominate how the issue is dealt through policy development and investment - quite the opposite, in fact. This Government wants to be more generous, reach out more comprehensively, invest more and insist at both national and local level on the resources made available actually being spent in ways that will achieve real outcomes. We are more than open to considering new suggestions, including apprenticeships and getting a buy-in among employers or other elements of society that could prove helpful in what must be a transition over time. We must change the narrative and relationship between Travellers and communities that have hang-ups and fears about them.

I pay tribute to the Minister of State, Deputy Stanton, in dealing with this issue. He has shown remarkable leadership and put a huge amount of time into dealing with a hugely important issue that is challenging from a policy perspective. I know that he will continue to give leadership in that regard.

Deputy Brendan Howlin: The Ceann Comhairle might forgive me for thanking him for inviting Travellers and representative groups to the Oireachtas last night. It was a very worthwhile initiative that should be mentioned.

I agree with the Tánaiste. We need to have an open conversation, not on the margins but in the centre. The statistics are truly shocking. They are not just statistics, they reflect the reality for people. The way to change them is through education, training and, ultimately, employment. As a community and society, we have failed to do this. Let us not simply voice our horror at some of the comments made about people on the margins. Let us actually find a solution to ensure the concept of true citizenship for all citizens can be vindicated in this republic. That would be a vindication of all the rhetoric about appreciating ethnicity and so on. If we believe what we are saying, let us take real initiatives in that regard.

The Tánaiste: To make the Deputy's point, on which I agree with him, there is no lack of effort on the Government's part, but the outcomes are not changing. For example, in the latest budget we allocated €15 million for Traveller-specific accommodation, a 25% increase on the figure for last year. Looking at the recent history of this issue, it is no secret that the delivery of Traveller accommodation has been challenging, to put it mildly. Budget allocations have simply not been spent. In the ten years between 2008 and 2017 the Department of Housing, Planning and Local Government recouped in excess of €105 million to local authorities from a capital budget of €156 million. That represents a collective drawdown of 67% of capital funding by local authorities. In other words, money that has been made available cannot be spent because of the politics and social challenges surrounding the issue. We need to work with Traveller representative bodies and the Traveller community to provide reassurance. We also need to ensure there is leadership at local government level, as well as in national policy, to be able to change the narrative that, unfortunately, has resulted in so many in the travelling community being desperately disadvantaged through the non-delivery of many of the essential services to which they should be entitled.

Deputy Joan Collins: I raise with the Tánaiste two issues regarding the health service, namely, the ongoing and now permanent crisis in the service and the implementation of the all-party Oireachtas report, Sláintecare. As we enter another winter period, the flaws in the public health services are being cruelly exposed. If there is a flu epidemic, the situation will be catastrophic. The Tánaiste will quote figures on extra funding, in particular, €2.9 billion for capital investment on infrastructure, additional beds, equipment and mental health over a ten-year period. I put it to him that this is not a solution but a sticking plaster which, given demographic factors, will barely maintain existing levels of care. This level of investment was called for in the Oireachtas report but was crucially linked to a €3 billion special fund to deliver Sláintecare over a six-year period. There was no mention of this special implementation fund in the health budgets of 2018 or 2019. A mere €20 million has been allocated for 2019 to be ring-fenced for the Sláintecare implementation programme. I put it to the Tánaiste that despite statements to the contrary and notwithstanding the appointment of Ms Laura Magahy, a capable health professional, to oversee the implementation programme, officials at a high level in the Department of Health are in charge of the process and will ensure that Sláintecare, if not quietly parked, will never be implemented as envisioned in the all-party report.

Actions speak louder than words. The Government's Sláintecare implementation strategy outlined earlier this year, while making all the right noises, is a step back from the Oireachtas report in terms of timelines and funding. There is no commitment to universal access. Expanding eligibility still involves means-testing, which is the opposite of universal access. The Government either does not understand what universalism is or does not want to understand it.

Does the Tánaiste agree that there is simply no political commitment or funding for Sláintecare, which will mean the continuation of a broken system that is not fit for purpose and fails to deliver the service the people deserve? It will also mean the continuation of the enormously stressful and poor working conditions experienced by those who work in the health service, particularly the front-line staff who were referred to earlier.

The Tánaiste: The Government is absolutely committed to the Sláintecare approach to reforming and changing for the better the healthcare system. The point of trying to get all-party agreement on the way forward was that this will take time and will involve a number of different Governments in its delivery. Whoever makes up those Governments, the fact that we now have all-party agreement on the way forward for health reform means, hopefully, that there will be consistency from Government to Government over a period of time. One of the big challenges in health reform has been that different Governments, on coming into office, have changed the policy approach to healthcare, which cannot be reformed in one election cycle. What we have now is an agreed approach to move towards universal health support and provision through Sláintecare and a series of other changes. Some changes will take time, while others can happen quickly.

In terms of the budgeting of healthcare, we have seen a significant increase in the availability of resources from this year to next year and in terms of expenditure since last year. Approximately €1.2 billion in extra funding will be provided next year. Nobody can question the Government commitment to funding a better health service. Nor should anyone question the Government's commitment to adhering to the Sláintecare model. That is the model we will follow. However, we cannot go from A to Z in one year or one budget cycle. This will take incremental change across multiple areas and the maintenance of a reasonable and decent health service through the transition period, which will be extremely challenging. It will deal with everything from increased skills and bed capacity to an increased emphasis on primary care to keep people out of hospital, increased home care and many other areas. We need to ensure the Sláintecare model of universal support ensures that people do not get health provision on the basis of their income levels but as a right or service that the Government wants to deliver through a new model of healthcare. This takes time but all of the trends and policy direction the Government is committing to at present are consistent with the Sláintecare approach.

Deputy Joan Collins: The funding committed was already part of the Oireachtas Sláintecare report. What we were looking for was the extra front-loaded funding to implement Sláintecare over a period. It is all very well outlining various commitments but I would like the Tánaiste to respond on a number of key issues. The proposal in the Sláintecare report was that the implementation office would be completely independent of the Department of Health. The opposite has happened, which is a serious concern. The report called for the establishment of a national fund. That has not happened and there are no proposals for it happen. I ask the Tánaiste to respond.

The commitment to universal access will only become a real commitment with legislation which requires the Minister for Health to provide universal access to the public healthcare sys-

tem at all levels. When will the Government introduce such legislation?

The Tánaiste: On the Deputy's final question, legislating for services and access to services for people is one thing but we must have the capacity to deliver them.

Deputy Joan Collins: That is what the extra funding was for.

The Tánaiste: If the Deputy is suggesting that we should have found another €600 million or another €200 million or €300 million for healthcare, that would have had to come from somewhere else in the budget.

Deputy Paul Murphy: Take it from Apple.

The Tánaiste: This is a zero-sum game. Healthcare rightly continues to take a large portion of the overall budget. It has also rightly taken the lions share of the increased capacity for expenditure because that is where investment is needed. The priority in expenditure should be health and housing but there are limits to what we can spend, even in an economy that is growing at the pace we are currently enjoying. This is a necessary step-by-step incremental improvement consistent with the Sláintecare model that we all have signed up to and that I hope will be continued by future Governments, regardless of whether they involve my party. That is the way we need to see the implementation of the Sláintecare model delivered. Asks need to be realistic, year on year, in terms of the amount of funding available. A significant amount of extra funding will be spent next year compared with this year and I also expect major increases in funding the following year. As we can afford to introduce incremental changes and improvements to healthcare, the Deputy will see them happen consistent with Sláintecare.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: Before proceeding, I understand the Tánaiste wants to make a brief statement to the House.

The Tánaiste: I hope the House will indulge me in expressing sadness and respect on hearing this morning of the passing of an exceptional Irishman, Professor Mícheál Ó Súilleabháin. On behalf of the Government, I express condolences to Mícheál's family and friends and to the cultural community more widely who are mourning his loss. Mícheál's talents as a composer and musician were rightly admired and have been hugely appreciated. He energised and engaged audiences, both at home and abroad, with magical piano performances combining Irish traditional music and classical music. At the helm of the Irish World Academy of Music and Dance at the University of Limerick, he made a significant contribution to our cultural knowledge and to mentoring many new generations of young Irish musicians. His broadcast work enhanced the fundamental understanding of our musical heritage.

Mícheál played an enormously important role as the first chairperson of Culture Ireland from its establishment in 2005 until 2014, shaping how Ireland would best promote the arts and culture, not only at home but also globally. I certainly hope that, through our Global Ireland initiative, we can do justice to the work he started by continuing to ensure that people across the world understand the extent of our musical heritage. I want to thank and recognise him for his extraordinary contribution to Irish life. Ar dheis Dé go raibh a anam dílis.

Deputy Seamus Healy: I join the Tánaiste in sympathising with the O'Sullivan family,

Mícheál Ó Súilleabháin's extended family and all his friends and relations. I grew up with Mícheál Ó Súilleabháin in Clonmel in the 1950s and 1960s. I was classmate of his and we were very good friends. He was a giant in the whole area of music, in particular traditional music and classical music, and he blended all those genres together. He is now and has been world renowned in this area. His legacy will be that blending and fusion of the various musical strands but also the founding of the Irish World Academy of Music and Dance at Limerick University. Ar dheis Dé go raibh a anam.

Deputy Mattie McGrath: I offer my sympathies to the family of Mícheál Ó Súilleabháin. He was a proud Clonmel and Tipperary man. He achieved so much in his life, including the amount of tuition he gave to students at the University of Limerick and also on a private basis. When he met people, he inspired them with his talents. He is up there with Seán Ó Riada and many others in his achievements and what he has done for Irish culture, music, song and dance - indeed, my own niece, who is a dancing teacher, studied with him. He will be a huge loss to the cultural life of Limerick and Tipperary. Thank God he has left a lasting legacy at the University of Limerick. Ar dheis Dé go raibh a anam dílis.

Deputy Dara Calleary: On behalf of my party, I extend our deepest sympathies to the family, colleagues and friends of the late Professor Mícheál Ó Súilleabháin. There is no doubt his life, his talents and, in particular, his sharing of those talents with many generations enriched the spirit and the stock of our nation. As a consequence, we are diminished as a nation by his passing. Ar dheis Dé go raibh a anam. Tá laoch imithe uainn agus go ndéana Dia síoraí ar a anam uasal.

Deputy Pearse Doherty: Ba mhaith liom fosta cur leis an méid a bhí ráite fá bhás Mícheál Ó Súilleabháin agus comhbhrón a chur in iúl ó mé féin agus ó pháirtí Shinn Féin dá theaghlach, don chlann ar fad agus dá chairde ar fad. Níl dabht ar bith ann gur laoch mór é ó thaobh an cultúir de a bhí ann agus cé nach bhfuil Mícheál linn níos mó tá a chuid saothair agus oibre linn agus beidh go deo. Ar dheis Dé go raibh a anam dílis.

Deputy Brendan Howlin: On behalf of the Labour Party, I express our sympathy at the untimely passing of Mícheál Ó Súilleabháin, who has made an indelible mark not only on the musical heritage of this nation but on the cultural and social life of this nation. Few people leave such an impression and a legacy as Mícheál has in the academic sphere. In bringing music and our culture to the heart of the definition of our Irishness, he will long be remembered. On behalf of the Labour Party, I send my own and all our condolences to his family, his friends and all those who have loved his contribution to music in Ireland.

An Ceann Comhairle: I call Deputy Paul Murphy on promised legislation.

Deputy Paul Murphy: I offer Solidarity-People Before Profit's sympathy and solidarity to Mícheál Ó Súilleabháin's friends and family.

With regard to promised legislation, I want to ask about the Employment (Miscellaneous Provisions) Bill 2017, in particular those provisions relating to bogus self-employment, on which an amendment was passed against the wishes of the Government. I do so because it seems to me the Government has its head in the sand in regard to the issue of bogus self-employment, that it wishes the problem did not exist in the way that it does and that it dramatically understates the extent of the problem, given 12% of workers in this country are self-employed with no employees, and are, therefore, liable to be bogus self-employed. In particular, I ask

because the Department was before the Joint Committee on Employment Affairs and Social Protection this morning, where it said it keeps no records of bogus self-employment. It does investigations and has done maybe 3,000 investigations in the last year, but at the end of the process it does not keep any record on who is bogus self-employed. Is that accurate? How is it defensible and how does it indicate any seriousness in terms of dealing with this problem, which is a massive problem in construction and in regard to deliveries, couriers and so on?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I expect the Employment (Miscellaneous Provisions) Bill 2017 will be in the Seanad before the end of the month.

An Ceann Comhairle: There seems to be some confusion as between Expressions of Sympathy and Questions on Promised Legislation. We will go back to Deputy Pearse Doherty and I will then come to other Members.

Deputy Pearse Doherty: I appreciate that. Since August there have been ongoing problems relating to the payment of illness benefit which have resulted in some of our most vulnerable citizens not getting any payment and others receiving varied payments from week to week. On Tuesday the Minister, Deputy Regina Doherty, took to her feet and blamed the problems with payments on the transition to a new system. She said that remedial actions were taken by the Department in recent days and that action was taken on two occasions last week. If that is true, these were the first actions taken to resolve the problem. The Minister needs to clarify why it took her so long to take action despite the problem existing for three months. The Minister also stated she ordered an independent review into the changes to the system and how they were made. Can she confirm this review is under way? When will it be published?

Deputy Regina Doherty: Not only did I answer, as the Deputy rightly pointed out, on the Order of Business on Tuesday, but there was also a very lengthy Topical Issue Debate where the entire debacle was discussed by me and Deputy Thomas Pringle on Tuesday evening. The Secretary General, the head of the IT department and the assistant secretary were in front of the Joint Committee on Employment Affairs and Social Protection this morning, so all of the information is in the public domain. Last week was not the first time there was an attempt to rectify this situation, as was laid out in full this morning in the statement issued to the committee. I can put it on the website so the Deputy can have access to it.

To answer the questions, the independent review has been commissioned and a gentleman from the Revenue Commissioners is conducting that review for me. I would expect to have it before Christmas and it will be published as soon as I get it.

Deputy Brendan Howlin: I ask the Tánaiste to look at the Local Government (Restoration of Town Councils) Bill 2018, which was passed by a very large majority in the House and referred to the select committee. The Ceann Comhairle has determined it will require a money notice from the Government because of incidental expenses that may arise. It overcame any difficulties in terms of being a charge on the State on Second Stage but incidental expenses apparently require a notice from the Government. Will the Tánaiste undertake to look at it so we can have this Bill enacted in time for the local elections?

The Tánaiste: The money message issue is not determined by the Government. It is just a matter of fact as to whether a money message is required. It is not a political judgment.

Deputy Brendan Howlin: It has been determined it is required. Will it be provided?

The Tánaiste: It is required. I will have to ask the Minister to come back to the Deputy directly as I do not have the information.

Deputy Thomas P. Broughan: On behalf of my Independent colleagues, I pay tribute to Mícheál Ó Súilleabháin and offer condolences to his family and friends. Mícheál's love and enthusiasm for music was infectious and he can rightly be placed alongside Seán Ó Riada, George Martin and all the other great musicians. When people saw him sitting down at the keyboard, they felt like going to a keyboard themselves, his enthusiasm was so infectious.

I pay tribute to the Ceann Comhairle for his organisation of the meeting and dinner last night with leaders of the Traveller community, at which I was delighted to represent the Independent group. It was a very important initiative and the Ceann Comhairle deserves great credit as chairperson of the House.

I would like to discuss the issue of Ireland's support for a UN parliamentary assembly. The Tánaiste will be aware that this week elected representatives from around the globe, excluding elected representatives of dictatorships, called for the support of Ireland and the Tánaiste and Minister for Foreign Affairs and Trade, for the establishment of a parliamentary assembly tier to the United Nations. There is great frustration in regard to how large powers and dictatorships can dominate on issues like Yemen, Syria, Iraq and so on and the view is that if we had elected members at some level, it would help. Will the Tánaiste push for the establishment of a parliamentary assembly during his tenure in the Department of Foreign Affairs and Trade?

The Tánaiste: I agree with the Deputy's remarks regarding the Ceann Comhairle's leadership last night on the issue of reaching out to the Traveller community, for which I, too, thank him. I hope we will see a lot more of it.

On the UN parliamentary assembly, we are currently looking at ways in which Ireland along with many other countries can continue to protect and support multilateral structures through the UN so that we do not allow the UN and other international fora to become places where the large control everything and might is right. The contributions I have made at a UN level have very much focused on how small and medium sized, and some large countries, that are deeply committed to multilateralism can work together to do this. In it is in that context that I will give serious consideration to any proposals that come to my desk.

Deputy Michael Harty: I refer to the Taoiseach's comments on Tuesday and, also, to the programme for Government commitment to building capacity in our emergency and acute services. Rostering is not the problem in regard to Christmas and the New Year in our health service. The Taoiseach, in suggesting that those who have remained to work in our health service are reducing their commitment over Christmas and the New Year by taking their annual leave entitlements, missed the target. His target should have been the Department of Health and the HSE because accident and emergency overcrowding occurs all year round. For example, yesterday - two months before Christmas - there were 591 people on trolleys. Last year, there were 714 people on trolleys two months after Christmas. The problems in regard to our health services are in plain sight. The solutions are also in plain sight. When will funding be provided for the transformation of our health service, which must be over and above the normal allocation. Extra funding must be provided for transformation.

The Tánaiste: I accept this is a 12 month of the year challenge and problem. Capacity is a major issue across so many hospitals. For this reason, we have provided an additional 240 beds

so far this year, with more to come before the end of the year. We have spent tens of millions of euro doing this. The health budget for next year is about maintaining and supporting services, but also about transformation. There has been an enormous increase in the budget allocation for next year for healthcare. The Government is committed to an ongoing reform programme consistent with Sláintecare that can deal with capacity over time.

The Taoiseach's comments earlier this week in regard to preparing for the challenges that we know are coming through the Christmas period and through January focused on one particular element. We need to have an honest conversation about rostering and ensuring there is health leadership and full teams available in hospitals when the pressure is most intense. This is not an unreasonable issue to raise. The Taoiseach and I and everybody else accept that there are many other issues that need to be resolved over time to enable us deal with capacity in a comprehensive way.

Deputy Brian Stanley: Under a commitment in the programme for Government regarding the national broadband plan fibre to the home was to be delivered to those within the national broadband plan area by 2020. There are 540,000 households and businesses that still do not have broadband service. Three weeks ago, we had the fiasco of the resignation of the former Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, following which the Government announced in a press release that it had commissioned a review of the plan by Mr. Peter Smith and that it would be completed in three weeks. The three weeks expired on Tuesday, 7 November. Has the Government received the report? Has the tendering process been compromised on foot of the meetings between the former Minister, Deputy Naughten, and Mr. McCourt, the remaining bidder? Does the Government propose to continue with this flawed sham of a process or does it have a plan B? Seven years ago, Sinn Féin put forward a plan B, involving the use of State infrastructure and a State company such as the ESB to provide the service. I am happy to note that in recent weeks Fianna Fáil has come around to that idea and that last weekend the Labour Party also moved to that position.

Does the Government have a plan B?

Deputy Declan Breathnach: We all know the importance of broadband. It is as important as electricity and water to households and communities. The reality is that we are at least five years behind the UK and a decade behind Europe in regard to the roll-out of a broadband service. Last weekend, the Taoiseach said that he had a plan B in regard to this issue, following which the Minister for Communications, Climate Action and Environment, Deputy Richard Bruton, said there is no plan B. Is there a plan B if the process is found to be flawed and, if so, what is it?

Deputy Brendan Howlin: It is a cunning plan.

The Tánaiste: I am glad to hear Opposition parties coming out with ideas as to how we can use State agencies.

Deputy Brian Stanley: Sinn Féin made that proposal seven years ago.

The Tánaiste: Irish Water has been named as well. The parties that were calling for the abolition of Irish Water are now looking to it for solutions.

Deputy Mattie McGrath: Do not mention Irish Water.

Deputy Brian Stanley: The Tánaiste should not mislead the Dáil.

The Tánaiste: The Peter Smith report, which is the report from the independent auditor of the process to determine the national broadband scheme in terms of tendering and procurement, is not available to Government yet. He is independent of Government and if he needs more time he needs to be given it, which the Minister, Deputy Bruton, confirmed yesterday.

Deputy Brendan Howlin: When will the report be delivered?

The Tánaiste: The Government is anxious to receive his report and recommendations, which will deal with the integrity of the process comprehensively. As soon as we have that report, the House will be informed.

Deputy Robert Troy: Recently, the UN report on climate change warned that we have approximately 12 years to limit catastrophe yet the Government continues to purchase diesel buses for public transport and it has yet to publish the wind energy guidelines and the solar farm guidelines. This is indicative of a Government that is neglecting this issue.

In a press release on Tuesday, 13 June 2017, the Tánaiste published the Review of Wind Energy Development Guidelines 2006: Summary of the Key Aspects of the Preferred Draft Approach, which concludes:

“I envisage following the completion of the SEA process, the new statutory Guidelines will be finalized and issued to planning authorities in Q1 2018”, Minister Coveney concluded.” We are far from the first quarter of 2018 and no guidelines have been issued. This forms a key part of alternative energy for our country and communities need certainty and consultation. Will the Tánaiste tell the House today where stands the wind energy guidelines which he promised would be published in the first quarter of 2018?

The Tánaiste: There were draft wind energy guidelines agreed between the Departments of Communications, Climate Action and Environment and Housing, Planning and Local Government. Those draft guidelines then needed to go through a process of public consultation, which has been ongoing. The Government is anxious to conclude that process as-----

Deputy Robert Troy: The first quarter of 2018.

The Tánaiste: I ask the Deputy to allow me to respond. In regard to climate change more generally, the Government is determined to be a leader in this area. This will require some policy decisions for which I hope we will have the support of other parties in this House. Climate change is not always about making the easy decisions and spending more money. It is also about policy change that will need political leadership and cross-party support.

Deputy Robert Troy: The first quarter of 2018.

The Tánaiste: I hope we will get that support in the all-party committee that is working on the issue.

1 o'clock

Housing Emergency Measures in the Public Interest Bill 2018: First Stage

Deputy Seamus Healy: I move:

That leave be granted to introduce a Bill entitled an Act to, in the public interest, serve the common good in the matter of housing.

This Bill seeks to declare formally the housing and homelessness crisis a national emergency. The Bill provides for the delimiting of the rights of landlords, banks and finance houses, including vulture funds, in order to prevent tenants and mortgage-holders from eviction, as provided for in Bunreacht na hÉireann and as advocated by Focus Ireland.

On 29 March of this year the Taoiseach addressed the Oireachtas Select Committee on Finance, Public Expenditure and Reform, and Taoiseach and said, “I have no difficulty whatsoever describing the housing shortage or the homelessness crisis as a [national] emergency.” The situation has worsened significantly since the Taoiseach’s statement, comparing like with like figures. By September 2018 the total number homeless had increased by 1,497 persons, including 442 extra adults and a shocking 1,055 extra children, reaching a total of 11,304 persons. Focus Ireland has also pointed out that 193 additional children became homeless in September of this year alone. Just this morning Professor Eoin O’Sullivan, head of the school of social work and social policy at Trinity College Dublin, advised the Oireachtas Joint Committee on Housing, Planning and Local Government that the housing situation would get worse next year. As legislators, we have a responsibility to halt this process for the common good. Already Dáil Éireann has by a majority called on the Government to propose emergency measures to do so. That Private Members’ motion called on the Government to declare the housing and homelessness crisis an emergency and to reduce the flow of adults and children into homelessness with emergency legislation to make it illegal for landlords, banks and investment funds to evict tenants and homeowners in mortgage distress into homelessness; to provide real security of tenure and real rent certainty; and to introduce measures to reduce the cost of rent, introducing a target to end long-term homelessness and the need to sleep rough.

As an Opposition Deputy, I am not allowed, under Standing Orders, to propose a money Bill. Accordingly, this Bill implements only measures to halt the worsening situation. Focus Ireland has repeatedly highlighted through its services and research that the main reason for families becoming homeless is that they are being evicted from their homes by private landlords due to properties being sold or repossessed. To remedy this, the right to private property must be delimited, as provided for in Bunreacht na hÉireann in Article 43.2.2°, which states: “The State, accordingly, may as occasion requires delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.” In addition, a large number of citizens are being subjected to unreasonable and extortionate rents, contrary to the common good.

Section 1 of the Bill provides that Dáil Éireann affirms in law that a housing emergency exists. Section 2 provides that a housing emergency will continue for a period of three years after the passing of the Bill and that the Government will bring a review before both Houses of the Oireachtas on the expiry of this three-year period. Section 3 provides that no tenant shall be evicted from a buy-to-let dwelling, that is, a dwelling purchased for letting purposes, during the period of this national housing emergency. Section 4 provides that there shall be no further increase in rents on dwellings. Section 5 provides that existing private rents shall be reduced to reasonable levels, having regard to the differential rent that would be payable by a tenant

in situ to a local authority for rental of a similar dwelling. Section 6 provides that no resident of a mortgaged dwelling shall be evicted from that dwelling during the period of this national housing emergency.

Under the Financial Emergency Measures in the Public Interest Acts, the State delimited the exercise of private property rights by public service pensioners. This Bill seeks to use the same provision in Bunreacht na hÉireann to delimit the powers of landlords to evict people and to oppress them with unreasonable and extortionate rents. The measures enacted under this Bill would supersede all existing law on the matters concerned while the emergency continues, and the housing emergency formally brought into existence by this measure will continue for a three-year period from enactment. This will allow time for the fundamental causes of the housing emergency to be addressed. This will require large-scale public housing on public land. At the end of the three-year period the Oireachtas will review the situation and consider how to proceed for the common good in the context of the housing and homelessness situation.

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 Seamus Healy: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Vulnerable Persons Bill 2015: Second Stage (Resumed) [Private Members]

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Vulnerable Persons Bill 2015, taken on Thursday, 25 October 2018. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 74; Níl, 46; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Breen, Pat.</i>	
<i>Brady, John.</i>	<i>Brophy, Colm.</i>	
<i>Breathnach, Declan.</i>	<i>Bruton, Richard.</i>	
<i>Broughan, Thomas P.</i>	<i>Burke, Peter.</i>	
<i>Buckley, Pat.</i>	<i>Byrne, Catherine.</i>	
<i>Burton, Joan.</i>	<i>Canney, Seán.</i>	
<i>Butler, Mary.</i>	<i>Cannon, Ciarán.</i>	

<i>Byrne, Thomas.</i>	<i>Carey, Joe.</i>	
<i>Calleary, Dara.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Casey, Pat.</i>	<i>Coveney, Simon.</i>	
<i>Cassells, Shane.</i>	<i>Creed, Michael.</i>	
<i>Chambers, Jack.</i>	<i>D'Arcy, Michael.</i>	
<i>Collins, Joan.</i>	<i>Daly, Jim.</i>	
<i>Collins, Niall.</i>	<i>Deasy, John.</i>	
<i>Connolly, Catherine.</i>	<i>Doherty, Regina.</i>	
<i>Coppinger, Ruth.</i>	<i>Donohoe, Paschal.</i>	
<i>Cowen, Barry.</i>	<i>Durkan, Bernard J.</i>	
<i>Crowe, Seán.</i>	<i>English, Damien.</i>	
<i>Cullinane, David.</i>	<i>Farrell, Alan.</i>	
<i>Curran, John.</i>	<i>Fitzgerald, Frances.</i>	
<i>Daly, Clare.</i>	<i>Flanagan, Charles.</i>	
<i>Doherty, Pearse.</i>	<i>Halligan, John.</i>	
<i>Donnelly, Stephen S.</i>	<i>Harris, Simon.</i>	
<i>Ellis, Dessie.</i>	<i>Humphreys, Heather.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kyne, Seán.</i>	
<i>Fleming, Sean.</i>	<i>Madigan, Josepha.</i>	
<i>Funchion, Kathleen.</i>	<i>McGrath, Finian.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>McLoughlin, Tony.</i>	
<i>Harty, Michael.</i>	<i>Mitchell O'Connor, Mary.</i>	
<i>Haughey, Seán.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Healy, Seamus.</i>	<i>Murphy, Eoghan.</i>	
<i>Howlin, Brendan.</i>	<i>Naughten, Denis.</i>	
<i>Kelleher, Billy.</i>	<i>Naughton, Hildegarde.</i>	
<i>Kelly, Alan.</i>	<i>Neville, Tom.</i>	
<i>Kenny, Gino.</i>	<i>Noonan, Michael.</i>	
<i>Kenny, Martin.</i>	<i>O'Connell, Kate.</i>	
<i>Lahart, John.</i>	<i>O'Donovan, Patrick.</i>	
<i>Lowry, Michael.</i>	<i>O'Dowd, Fergus.</i>	
<i>MacSharry, Marc.</i>	<i>Phelan, John Paul.</i>	
<i>McGrath, Mattie.</i>	<i>Ring, Michael.</i>	
<i>McGrath, Michael.</i>	<i>Rock, Noel.</i>	
<i>McGuinness, John.</i>	<i>Ross, Shane.</i>	
<i>Mitchell, Denise.</i>	<i>Stanton, David.</i>	
<i>Murphy O'Mahony, Margaret.</i>	<i>Zappone, Katherine.</i>	
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>O'Brien, Darragh.</i>		

<i>O'Brien, Jonathan.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Pringle, Thomas.</i>		
<i>Quinlivan, Maurice.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Bríd.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

Tellers: Tá, Deputies Mattie McGrath and Michael Harty; Níl, Deputies Seán Kyne and Tony McLoughlin.

Question declared carried.

Vulnerable Persons Bill 2015: Referral to Select Committee [Private Members]

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

Deputy Michael McGrath: I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

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Agreement with Kazakhstan: Motion (Resumed)

The following motion was moved by the Minister of State at the Department of Business, Enterprise and Innovation, Deputy Pat Breen, on Tuesday, 6 November 2018:

That Dáil Éireann approves the terms of the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part, signed at Astana on 21st December, 2015, a copy of which was laid before Dáil Éireann on 6th July, 2018.

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding proposed approval by Dáil Éireann of the terms of the enhanced partnership and cooperation agreement between the European Union and the Republic of Kazakhstan. On Tuesday, 6 November, on the question that the motion be agreed to, a division was claimed and in accordance with Standing Order 70(2), that division must be taken now.

Question again put:

<i>The Dáil divided: Tá, 87; Níl, 31; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	
<i>Breathnach, Declan.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Connolly, Catherine.</i>	
<i>Burton, Joan.</i>	<i>Coppinger, Ruth.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Byrne, Catherine.</i>	<i>Cullinane, David.</i>	
<i>Byrne, Thomas.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Doherty, Pearse.</i>	
<i>Canney, Seán.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Funchion, Kathleen.</i>	
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>	
<i>Casey, Pat.</i>	<i>Kenny, Gino.</i>	
<i>Cassells, Shane.</i>	<i>Kenny, Martin.</i>	
<i>Chambers, Jack.</i>	<i>Mitchell, Denise.</i>	
<i>Collins, Niall.</i>	<i>Murphy, Paul.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Brien, Jonathan.</i>	
<i>Coveney, Simon.</i>	<i>O'Reilly, Louise.</i>	
<i>Cowen, Barry.</i>	<i>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>	

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<i>Daly, Jim.</i>	<i>Pringle, Thomas.</i>	
<i>Deasy, John.</i>	<i>Quinlivan, Maurice.</i>	
<i>Doherty, Regina.</i>	<i>Smith, Bríd.</i>	
<i>Donnelly, Stephen S.</i>	<i>Stanley, Brian.</i>	
<i>Donohoe, Paschal.</i>	<i>Tóibín, Peadar.</i>	
<i>Durkan, Bernard J.</i>	<i>Wallace, Mick.</i>	
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</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'Rourke, Frank.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

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

Question declared carried.

Data Sharing and Governance Bill 2018 [Seanad]: Second Stage (Resumed)

An Ceann Comhairle: I must now deal with a postponed division relating to Second Stage of the Data Sharing and Governance Bill 2018 [Seanad], taken on Wednesday, 7 November 2018. On the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

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

<i>The Dáil divided: Tá, 103; Níl, 15; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Broughan, Thomas P.</i>	
<i>Brady, John.</i>	<i>Collins, Joan.</i>	
<i>Breathnach, Declan.</i>	<i>Connolly, Catherine.</i>	
<i>Brophy, Colm.</i>	<i>Coppinger, Ruth.</i>	
<i>Bruton, Richard.</i>	<i>Daly, Clare.</i>	

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<i>Buckley, Pat.</i>	<i>Healy, Seamus.</i>	
<i>Burke, Peter.</i>	<i>Kenny, Gino.</i>	
<i>Burton, Joan.</i>	<i>Murphy, Catherine.</i>	
<i>Butler, Mary.</i>	<i>Murphy, Paul.</i>	
<i>Byrne, Catherine.</i>	<i>Pringle, Thomas.</i>	
<i>Byrne, Thomas.</i>	<i>Shortall, Róisín.</i>	
<i>Calleary, Dara.</i>	<i>Smith, Bríd.</i>	
<i>Canney, Seán.</i>	<i>Wallace, Mick.</i>	
<i>Cannon, Ciarán.</i>		
<i>Carey, Joe.</i>		
<i>Casey, Pat.</i>		
<i>Cassells, Shane.</i>		
<i>Chambers, Jack.</i>		
<i>Collins, Niall.</i>		
<i>Corcoran Kennedy, Marcella.</i>		
<i>Coveney, Simon.</i>		
<i>Cowen, Barry.</i>		
<i>Creed, Michael.</i>		
<i>Crowe, Seán.</i>		
<i>Cullinane, David.</i>		
<i>Curran, John.</i>		
<i>D'Arcy, Michael.</i>		
<i>Deasy, John.</i>		
<i>Doherty, Pearse.</i>		
<i>Doherty, Regina.</i>		
<i>Donnelly, Stephen S.</i>		
<i>Donohoe, Paschal.</i>		
<i>Durkan, Bernard J.</i>		
<i>Ellis, Dessie.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Funchion, Kathleen.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Howlin, Brendan.</i>		

<i>Humphreys, Heather.</i>		
<i>Kelleher, Billy.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Martin.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Mitchell, Denise.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Jonathan.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		
<i>Quinlivan, Maurice.</i>		

<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Stanton, David.</i>		
<i>Tóibín, Peadar.</i>		
<i>Troy, Robert.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Róisín Shortall and Catherine Murphy.

Question declared carried.

Data Sharing and Governance Bill 2018 [Seanad]: Referral to Select Committee

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

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

Question put and agreed to.

Sitting suspended at 1.33 p.m. and resumed at 2.12 p.m.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Joan Burton - to discuss the loan approval rates for applicants to the Rebuilding Ireland home loan scheme; (2) Deputy Noel Rock - to discuss cross-agency progress on the misuse of scramblers and quad bikes; (3) Deputy Caoimhghín Ó Caoláin - to discuss engagements with Biogen biotechnology company, regarding the drug Spinraza (Nusinersen); (4) Deputy Thomas P. Broughan - the need for additional consultant psychiatrists at the Kilbarrack west mental health service; (5) Deputy Pat Buckley - to discuss the need for new road safety measures in the Rostellan area of east Cork; (6) Deputy James Browne - the need to discuss funding for St. Aidan's care services in Gorey, County Wexford; (7) Deputy John Brassil - to discuss the vacancies on community employment schemes across the country and the impact of full employment on the schemes; (8) Deputy Billy Kelleher - the need for the Minister for Business, Enterprise and Innovation to outline the plans to publish an account of the investigative failures identified by a person (details supplied) and the steps she is taking to address them emanating from the trial of a person; (9) Deputy Mattie McGrath - to discuss investment and em-

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ployment in Tipperary town; (10) Deputies Frank O'Rourke and Anne Rabbitte - to discuss the proposed Revenue changes to mileage/relief allowances for employees of Waterways Ireland; (11) Deputy Richard Boyd Barrett - to discuss a recent TASC report on work and living; and (12) Deputy Thomas Byrne - to discuss the need to increase school provision in Dunshaughlin and Ashbourne.

The matters raised by Deputies Joan Burton, Caoimhghín Ó Caoláin, Noel Rock and James Browne have been selected for discussion.

Personal Injuries Assessment Board (Amendment)(No. 2) Bill 2018: Order for Second Stage

Bill entitled an Act to amend and extend the Personal Injuries Assessment Board Act 2003; and to provide for related matters.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: "That Second Stage be taken now."

Question put and agreed to.

Personal Injuries Assessment Board (Amendment)(No. 2) Bill 2018: Second Stage

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move: "That the Bill be now read a Second Time."

I am pleased to bring the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018 before the House. It is an important Bill as the Personal Injuries Assessment Board, or PIAB as it is commonly known, facilitates the objective assessment of damages at a much lower delivery cost and in a far shorter timeframe than does litigation. The cost of insurance working group's report on the cost of motor insurance was published on 10 January 2017 by the then Minister for Finance, Deputy Michael Noonan, and the then Minister of State with responsibility for financial services, Deputy Eoghan Murphy. The report suggested that the delivery costs for cases settled outside PIAB continued to be over 40% of compensation costs. Many commentators have suggested that the cost of personal injury claims is a contributing factor to the high cost of insurance premiums in Ireland. As Minister for Business, Enterprise and Innovation, I am very aware of the serious impact on businesses of high insurance costs and other costs of doing business. Encouraging more claimants to finalise their cases through the PIAB model rather than by resorting to litigation should lead to cost savings in the claims environment. This would be good for businesses, consumers and society as a whole by delivering compensation more quickly with lower costs and predictable outcomes.

The primary objective of the Bill is to amend the existing legislation, namely the Personal Injuries Assessment Board Acts 2003 and 2007, to strengthen PIAB by addressing operational issues to ensure greater compliance with the PIAB process and encourage more claims to be settled through the PIAB model. PIAB operates an administrative, paper-based process and assesses damages on the same basis as the courts in accordance with the laws of tort. Effectively, this means that PIAB assesses amounts for general damages for pain and suffering and special damages, which is the amount provided for financial losses, including wage losses, medical

treatment costs and out-of-pocket expenses. PIAB does not determine liability. With the exception of claims for medical negligence, an intending applicant must make a personal injury claim through PIAB unless the case is settled directly with the other party. In assessing cases, PIAB usually requires the claimant to attend an independent medical practitioner for an up-to-date medical examination and final prognosis.

Within a legislatively defined time period of nine months, PIAB's assessors assess an award and issue it to both parties. If the award is accepted by both parties, an order to pay is issued against the respondent who then pays the compensation to the claimant. If either party rejects the award, PIAB issues an authorisation to the claimant. A PIAB authorisation is required before a claimant can initiate proceedings in court. Under the legislation, either party can reject a PIAB award. Award acceptance is not compulsory as making it so would impinge on the constitutional right of access to justice delivered by the courts. PIAB makes awards in approximately 12,000 cases annually with around 60% of claimants accepting them. The acceptance rate has remained broadly consistent in recent years. These cases are dealt with speedily and at a low cost. The current delivery cost is approximately 6.5% of the value of the compensation and this mainly comprises the fees paid by the claimant and respondent and the costs of the medical reports required to assess the case.

In making its awards, the Personal Injuries Assessment Board, PIAB, uses the book of quantum so that awards reflect what is likely to be achieved through litigation but at a much lower cost of delivery. The overall average award made by the PIAB in 2017 was €24,879, with the average motor liability award being €23,234; the average employers' liability award being €32,015; and the average public liability award being €27,638. Award values vary depending on the nature and severity of cases received. Today, the PIAB's non-adversarial model delivers settlements to claimants without the need for litigation.

In 2014, a public consultation was held to examine the operation of the legislation and to identify any areas relating to the scope, powers or operation of the 2003 Act that required change. Some 29 submissions were received. The cost of insurance working group report made a number of recommendations in relation to strengthening the PIAB model, namely, to address non-co-operation with the PIAB and the frequency of the publication of the book of quantum.

The report on the rising costs of motor insurance from the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach of November 2016 also recommended enhancing the powers of the PIAB.

The outcome of the public consultation process and the two reports referred to have informed the content of the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018. Encouraging more claimants to avail of the PIAB model rather than resorting to litigation should lead to cost savings in the claims environment and this should ultimately lead to reductions in insurance premiums, thereby benefiting consumers and businesses.

I will now summarise the main provisions of the Bill. Section 2 amends section 13 of the 2003 Act in relation to the documentation required by the PIAB before the formal notification shall be served on a respondent to ascertain his or her wishes in relation to an assessment by the board of the claim. A formal notice will only issue to a respondent when an application together with a report prepared by a medical practitioner in respect of the personal injuries and the fee have been received from the claimant by the board. This amendment will not affect the operation of section 50. The Statute of Limitations will continue to be paused on making of an

application to the board, whether it is accompanied by a medical report and fee. If the application is not accompanied by a medical report and-or the fee, the board may issue a preliminary notification to the respondent that a claim has been received identifying them as the person the claimant holds responsible for his or her injuries. However, the respondent will not be obliged to consider consenting to an assessment being made in the absence of a medical report and-or the fee being submitted to the board.

Section 4 amends section 17 of the 2003 Act regarding the discretion of the board not to arrange for the making of an assessment in certain situations as set out in section 17. These include situations where there is insufficient case law on the type of injury and the assessors cannot quantify the value of the claim, or in the opinion of the board, there is such complexity in issues regarding assessment of the claim, including, for example, issues involving multiple injuries or a pre-existing injury, that it would not be appropriate for the claim to be assessed, or where the injuries consist in whole or in part of psychological damage and it would not be appropriate for the assessors to assess the claim given the limited means afforded to them by the Act as to how they are to assess a claim. The assessors, unlike a court, cannot hear oral evidence from the claimant or observe the claimant undergoing cross-examination which may be appropriate in determining the value of a psychological injury in certain circumstances.

It is proposed to extend the categories listed in section 17 of the 2003 Act. This, for example, will include situations where the board is unable to serve statutory documents, or where the respondent has notified the board of his or her intention not to accept any assessment when made, or where a settlement has been negotiated in respect of a minor or persons of unsound mind to be approved by the court.

Moving to section 5, this section amends section 22 of the 2003 Act to provide for different levels of charges levied by the board on claimants and respondents for submitting electronic and paper formats of documents to them. As it is cheaper to submit and process documents electronically, this should be incentivised. There is also provision for the PIAB to levy staged charges on the respondent for the various stages of the claims assessment process.

Section 7 amends section 50 of the 2003 Act to ensure consistency in the disapplication of limitation periods under the Statute of Limitations within the PIAB process and to rectify any discrepancies arising from interpretations of the *Renehan v. T & S Taverns* judgment - 2015 IESC 8.

Section 8 amends section 51 of the 2003 Act by the insertion of a new section 51C to deal with cases of non-compliance with a request by the board under sections 23 or 24. The 2003 Act provides that where a claimant fails to supply details of his or her claim for special damages or where the claimant fails to attend a medical examination arranged by the PIAB, or where the claimant has failed to assist or co-operate with retained experts, the board is obliged to carry out the assessment. The assessment will not reflect the appropriate value of the claim and may therefore be rejected by the claimant. On rejection, the board releases the case and issues an authorisation to the claimant that allows the claimant to bring legal proceedings.

To deter non-compliance with the PIAB process, section 8, by the insertion of section 51C into the 2003 Act, introduces a deterrent in any subsequent legal proceedings in terms of legal costs whereby the court may, in its discretion, taking into account any failure to comply, make an order on what costs, if any, it will allow the claimant. The court can also order the claimant to pay all or a portion of the costs of the respondent. The amendment also provides a deter-

rent regarding legal costs for non-compliance by a respondent to a request by an assessor for information or documents or to assist or co-operate with retained experts. The court may, in its discretion, taking into account any failure to comply, make an order on what costs, if any, it will allow a respondent. This should contribute to maximising the use of the PIAB model, encouraging higher levels of consent to assess claims and increasing acceptance rates of awards.

The Bill, including this section, has been drafted in consultation with the Office of the Attorney General. While the general scheme of the Bill published in 2017 provided that, where the claimant has failed to comply with a request by an assessor under sections 23 or 24, the court would also have discretion as to what evidence would be admissible in court, in terms of claims for special damages or medical evidence, that was available but not submitted by the claimant to the board prior to the making of the assessment. The general scheme provided that where a respondent failed to comply with a request under section 23 for additional information, the court would have discretion to determine what evidence would be admissible in the proceedings.

On the advice of the Attorney General, the Bill has been drafted taking into account that the function of the court and the constitutional duty of any judge is to hear all the available evidence and arrive at a decision on foot of that evidence, and to determine issues of liability and quantum. A plaintiff also has a right to tender evidence before the courts. The court must retain discretion in any given case to ensure constitutional rights are vindicated and fair procedures are followed. This section of the Bill, by providing for potential financial consequences to be applied for non-compliance with requests by PIAB assessors should encourage parties to adhere to the requirements set out in the Act.

Section 9 amends section 54 of the 2003 Act to provide that the board shall review and update the book of quantum every three years, or sooner if the board decides it is necessary. The 2003 Act did not make it clear that the book of quantum should be updated at regular intervals. The book of quantum was first published in 2004 and updated in October 2016.

Section 10 amends section 54A of the 2003 Act to give the board power to obtain information from individuals or bodies to provide data for the purpose of the board fulfilling its functions in terms of preparing and publishing the book of quantum, and collecting and analysing data in relation to amounts awarded or agreed in settlements, and not just in relation to the board's function regarding the making of a cost-benefit analysis.

Sections 11 and 12 amend sections 56 and 57 of the 2003 Act regarding the composition of the board to fully reflect Government policy that, insofar as appropriate, appointments to the board of non-commercial bodies are appointed following a Public Appointments Service process. The Bill also provides that board members cannot serve more than ten years on the board. This is in line with the 2016 code of practice for the governance of State bodies.

Provision is also made in the Bill that where a board member is nominated to the Seanad, or becomes an elected representative of the Oireachtas, the European Parliament or a member of a local authority, he or she may no longer serve as a board member.

Section 13 inserts a new section 74A to provide for a reserves policy for the PIAB. Legal advice obtained by my Department is that legislative change is required for the board to remit surplus moneys to the Exchequer. The Personal Injuries Assessment Board, PIAB, shall now remit to the Minister, for the benefit of the Exchequer, any moneys in excess of those authorised

to be retained by the Minister, with the consent of the Minister for Public Expenditure and Reform. The Bill specifically provides that the Minister will have regard to the operational, capital and contingency costs of the PIAB when determining the sum to be retained. At present, there is no legislative provision which provides that excess moneys can be remitted to the Exchequer. This amendment rectifies the position and implements a recommendation to the Department from the Comptroller and Auditor General that appropriate legislation be introduced to deal with excess funds held by the PIAB.

Section 14 amends section 79 of the 2003 Act regarding the service of documents by the board. It is proposed to legislatively underpin the use of electronic portals to enable the board to serve documents electronically where consent has been provided. The use of portals will also reduce administrative costs for all parties engaging with the board and introduce further efficiencies into the process. The Bill provides that the PIAB will have the facility to serve documents by using a document exchange mail service and this amendment will provide for this.

That brings me to the end of the provisions of the Bill. While some sections are technical, important changes are being made. I know there is significant interest in the Bill and that Deputy Michael McGrath initiated a Private Member's Bill in July covering the issues of non-co-operation with the PIAB, such as non-attendance at medical examinations and refusal to provide details of special damages, and, second, for the book of quantum to be reviewed every three years. I have outlined the measures proposed in the Bill on these two issues. I look forward to working with all Deputies and having their support for the Bill to enable its speedy enactment through the Houses of the Oireachtas. The Bill is one element of the Government's response to facilitate cost savings in the personal injuries claims environment. More claims being settled through the PIAB rather than resorting to litigation should lead to cost savings in the claims environment. This should ultimately lead to reductions in insurance premiums, thereby benefitting consumers, businesses and society as a whole. I commend the Bill to the House.

Deputy Billy Kelleher: I welcome the opportunity to speak. It is important to keep highlighting that there is a major problem in society and across the economy relating to the cost of insurance, including motor insurance, public liability and other insurance that is required to be taken out to cover liabilities. We have been discussing this issue for a long time. Certain actions have been taken but they are primarily establishing the facts as opposed to dealing with the consequences of them. We established the cost of motor insurance working group, which made recommendations and other recommendations followed from that. We have been slow in implementing these recommendations, which would have a profound impact on the cost of insurance.

The cost of insurance disproportionately affects certain sections of society and the economy. For example, motor insurance disproportionately affects those on lower incomes and living in rural areas. It has a profound impact on people on lower incomes who must often travel long distances for work because the areas they live in are determined by their low incomes. This is an attack on their entitlement to at least provide a reasonable standard of living for themselves. When people are paying €2,000 or €3,000 for car insurance, it can have a profound and disproportionate effect on families with low incomes.

The exorbitant cost of insurance also has a disproportionate effect on young people. The cost of motor insurance has a disproportionate effect on rural Ireland. The Minister represents a rural constituency. People in rural areas spend a vast amount of time travelling by car to and from places of work and education and to socialise. There needs to be an immediate effort to

address many of these severe impediments to people.

The Fianna Fáil Party welcomes the Bill and hopes it quickly goes through the legislative process and has the intended impact. It has been drafted well and there has been broad consultation on it. There is also an acknowledgement that it reflects elements of the Bill my party published in July. Our Bill at least nudged this legislation in a certain direction and we welcome that. The public consultation of 2014 was followed by the working group on the cost of insurance, which has made its recommendations, some of which are included in the Bill.

Public liability insurance, which businesses must take out, has a profound impact. Those who take out this insurance are largely law-abiding and provide employment. Scamming through fraudulent claims takes place across this country. It is consistent and has reached epidemic proportions. We turned a blind eye to it for a long time because we were happy to keep loading the premiums. Businesses and people taking out motor insurance would keep paying. Something had to give, and what gave was that people could no longer afford car insurance. This caused an outcry and we are now reacting. In the context of business, we have to accept that we cannot assume that business can keep paying exorbitant increases in insurance. Insurance in some places now costs more than rates. This issue also has to be addressed.

The main reasons for the escalating cost of insurance are the significant legal costs arising from litigation and the cost of fraudulent claims. Fraudulent claims are built in to the premiums actuarially now and we do nothing about them. Legislators, law enforcement, courts and public prosecutors do nothing about it. There have been no prosecutions of people who go to court, lie, present fraudulent evidence under oath and take up court time telling barefaced lies and presenting fraudulent evidence. In the end, if a claim is struck out because it is fraudulent, there is no sanction. Fraudulent insurance claims are crimes without sanction or consequence. If someone goes into a shop, hops over the counter and takes money out of the till, there is a sanction. There will be a Garda investigation and perhaps a prosecution and conviction. However, someone can go into the same shop, intentional fall in the toilet, pretend to be hurt and go to court seeking compensation. If it is found that the claim was fraudulent and the claimant has committed perjury, there is no sanction. The case is struck out and the claimant walks out of the court. That has to be addressed because it adds a significant cost to insurance premiums and, therefore, businesses. This sometimes forces legitimate businesses to cut corners elsewhere because they have to pay rates, insurance and staff and other things suffer.

It is inherently wrong that law-abiding people are not supported by the apparatus of the State when people who try to scam them are not prosecuted by law agencies. That is profoundly unfair. The Taoiseach talks about wanting to represent people who get up early in the morning. Most people who take out car insurance and most businesses which have to take out public liability insurance, including farmers, hoteliers, shopkeepers and others, also have to get up and make a positive contribution to society and the economy. Nothing is done for them when they are victims of a fraudulent claim. Not only does this have a cost, but it also has a profound impact on individuals who are trying to pay their bills and staff and do what it is right in compliance with the law. They see this happening and the State offers them no support. However, I assure the Minister that the day they cut a corner the long arm of the State will be very quickly extended to them. That issue must be addressed. Recently, probably due to the issue being highlighted, at long last we have seen an effort being made by the insurance companies to contest claims and unearth fraudulent claims and those who perjure themselves in court. That is welcome, but we must go a step further and introduce a sanction, whereby there would be a consequence if one intentionally perjured oneself by presenting fraudulent evidence.

The Minister accepted on Second Stage the Private Members' Bill we published. As long as the legislation is introduced, I am not fussy about who takes responsibility for it, be it the Minister, the Department or this side of the House. The main point is that law-abiding citizens would see they had some support and protection from such criminals, because that is what they are. I hope the Civil Liability and Courts (Amendment) Bill which intends to amend section 26 of the Act will be brought before the committee. As it is a Private Members' Bill, I believe it is waiting for a money message from the powers that be to allow it to move forward. I urge the Minister to use her good offices to try to ensure that either she progresses the measure, which would be fine by me, or that it will be progressed by our side without the impediment of a money message being used to quash it.

Insurance is a noble concept, the purpose of which is to protect a person who is injured and that system must be protected. The PIAB is a good concept. We welcome the provisions included in the Bill that will strengthen it and encourage more people to go through the PIAB process. People must be obligated to at least co-operate with the PIAB when it is making assessments.

The book of quantum must be continually reviewed. In his report Mr. Justice Nicholas Ke-arns was scathing of the awards being made. High awards do have an impact. It is reasonable to make high awards to those who are legitimately injured, but it is unconscionable to make awards to those who are not injured and that happens every day of the week. That issue must be addressed. The PIAB will review the book of quantum on a continual basis. It should adjudicate on the awards it delivers by basing them on awards made in comparable jurisdictions, rather than using the highest court awards as the benchmark. If we consistently move towards the highest award, the high awards made by a court will become the benchmark for everybody. I presume the legal profession like high awards, given that 10% of a high award is better than 10% of a lower one. There is an inherent incentive for the system to support higher awards and for them to continue to increase. That issue must be addressed to ensure that when assessments are made of personal injuries, they are based on the norm in other jurisdictions, rather than what happens in the courts on a regular basis. I feel very strongly about that.

The PIAB had an impact when it was set up originally. What has happened over a period is that the legal profession has looked at ways of manoeuvring clients away from it and shepherding them back to the courts which provide more bountiful remuneration. Our obligation is not to fund the Four Courts indirectly through higher awards but to ensure people who are genuinely injured can seek fair compensation and those who try to seek compensation when they are not injured are punished.

I welcome and support the Bill. I thank the Department for its efforts at consultation and the fine drafting involved in the Bill and the fact that it also took on board some of our ideas in this era of new politics. We support that approach. I urge the Minister to consider our Private Members' Bill and allow us to move it forward or her to take ownership of it. I am not a covetous person. The Bill would send a strong message that scammers, fraudsters and criminals would be punished by the State when they tried to dip into the pockets of individuals and businesses through fraudulent claims.

Deputy Eugene Murphy: I will probably only use five of the remaining six minutes as Deputy Kelleher has addressed many of the points we all want to make about insurance.

I welcome the Minister, Deputy Humphreys, back from China. She certainly did not come

back on the slow boat because I saw a picture of her there recently and she is back here today. I think she had a successful trip. I say, "Well done," to her and all those who went with her from the agencies.

The Bill is another important step in dealing with a situation that has been out of control for many years. There has been much talk in Dáil Éireann and throughout the country about insurance claims and the payouts made. One might wonder sometimes why such a person was wearing a collar or how he or she got hurt and where the accident occurred. That said, I wish to be clear that I do not have a difficulty in looking after anybody who genuinely has an accident and his or her costs resulting from it. I am sure that is the case with most people.

We can talk again about the cost of motor insurance. Even this week I have heard from young people who have a full driving licence and not been involved in an accident, yet they are being asked for between €4,000 and €5,000. I mentioned in the House recently that my daughter who has a full licence and a good record had received an insurance quote for almost €6,000, which is horrible. I welcome the slight improvement in the position in recent months, but it is still an horrific scenario. It is a problem especially for young people, whom, as Deputy Kelleher said, have to travel long distances to work, as I do. Like me, the Minister comes from a rural constituency. I accept that it is not possible to have public transport in every area. As a result, for some people having a car is very important, especially young drivers. Many good things have happened in regard to road safety. Young people now have to undergo a rigorous programme in order to obtain a driving licence. That, in itself, should result in a reduction in the cost of insurance.

The Minister is also aware of the shockingly high cost of insurance for businesses. I refer, in particular, to the hospitality sector. There is a small country hotel in my town that does a lot of business and the annual insurance bill of which has increased to €50,000. A local family took it over some years ago. The hotel needed to be taken over and the family have made a fantastic success out of it. They are very hard workers and employ 26 people. Initially, when they took over the hotel, their public liability insurance bill was €12,500 and because it was a good thing to do, they decided to seek a reassessment. It was recommended that the cost of their public liability insurance be increased to €21,000 so as to provide a good level of cover. Four years later, that insurance bill has increased to €50,000. In the intervening four years there have only been two very small claims. It really is a challenge for that family and for anyone in businesses like that. There is no need for me to tell the Minister this because she knows. Such businesses have to face these bills each year before taking in a penny. We can all say many people are going into these places and they are all doing well. We can increase the VAT rate again and so on, but the reality is there are vast bills to be paid behind the scenes. As Deputy Kelleher said, in many situations these bills now outstrip the cost of rates.

Section 9 deals with the book of quantum. This has been the subject of much discussion in recent years. It is now dawning on people that it is high time to look at the book of quantum. The fact that this will be reviewed every three years is a good thing. It is the bible used by the courts to award people money. Sometimes people think a judge decides on a given amount of money, but in reality he or she is looking at the book of quantum and make decisions based on it. It is good that the book will be updated at regular intervals. The book of quantum was first published in 2004. It was not updated for 12 years - until 2016. The fact that an update will be done every three years is good news. It will have a positive effect on the insurance business.

Information shows us in the courts some 12,000 cases are decided on annually and 60% of

claimants accept the awards. It is incredible to think that there was an average increase in the cost of motor insurance of 66% between 2013 and 2016. Again, many questions have to be asked. Many questions are now being asked about the extraordinary level of increases. Certainly, some of this goes back to claims being made.

We are moving forward and things are moving in the right direction. This has to happen because it is a major crisis. The public have been talking about this for far too long. Like Deputy Kelleher, I welcome the Bill. I hope we can move things on swiftly and make real changes because Irish society is calling for this to change once and for all.

Deputy Maurice Quinlivan: I acknowledge the work of the Minister in bringing forward this Bill. It is important to change how the Personal Injuries Assessment Board works. As I see it, this is an initial step in addressing the escalating insurance costs that are hurting motorists, business owners and community groups throughout the State.

Unfortunately little action has been taken by the Government to date to address scandalous insurance costs in Ireland. People and businesses are not seeing any difference in their ridiculously high premiums.

I refer to a comment Deputy Kelleher made in support of his plea for the Minister to accept his Bill or bring forward another Bill to deal with the issue of when people have gone to court, blatantly lied and perjured themselves and made up stories that have clearly be proven to be not true. When these cases are rejected and chucked out of court, those responsible should be automatically referred to the Director of Public Prosecutions and action should be taken against them. All of us are paying for the outcome of such conduct. Recently, I saw a clip of an incident. A woman went into a shop. She poured water on the ground and then left the shop. Then, a person went in after her. Then, suddenly the woman came back in and the second person fell on the water. The woman was the witness to the person falling on the water that she had poured on the ground. I understand the injury claim was subsequently rejected but no further action was taken. We need some action in such situations. This fraud needs to be tackled.

I am aware that the Government has set up the cost of insurance working group. Some of the recommendations of the working group are contained in the Bill. However, the working group is simply not enough. Businesses throughout Ireland are being bled dry by outrageous premiums that jump year-on-year regardless of whether a claim is made. I constantly hear from business owners and their representatives bodies about how insurance costs are threatening their existence and growth. Unfortunately no answers are available to customers from insurance companies on why their premiums are so high and no justifications are given for the extraordinary increases to which they are subjected.

Young motorists can face extraordinary premiums that can result in their being kept off the road. They cannot afford to pay €4,000 or €5,000 per year in premiums. This is particularly difficult for younger people in rural areas where there is no alternative source of transport. It is a major problem for these people to get to work or college. This needs to be addressed.

Insurance companies hold a special place in the Irish market as it is a legal requirement for motorists and businesses to purchase their services. This guaranteed business is of great benefit to the profits of these companies. It should, therefore, come with some additional oversight. Far more work needs to be done by the Government to challenge this industry and make the operations more transparent to ensure Irish consumers are protected. Perhaps the Minister

can outline what other actions the Government will take with insurance companies directly. Although this Bill is one step, it is a small one. Far more needs to be done to really tackle this problem.

The Bill seeks to introduce changes to how the Personal Injuries Assessment Board operates. The body was set up with the intention of taking a certain portion of claims out of the court system, and to make the cost of claims cheaper as a result. The reality is that consumers are not seeing these saving in their premiums.

The Bill contains a number of recommendations arising from the cost of insurance working group, including cases of non-co-operation such as non-attendance at medical examinations, refusal to provide details of special damages and reviewing the book of quantum.

I welcome the spirit of the Bill and what it seeks to do. However, I wish to highlight some concerns. If the Minister could address some of these concerns and questions I would be most appreciative. Section 8 deals with a situation where assessors have requested further information or documentation from the claimant and have requested that the claimant submit himself or herself for a medical examination. If the claimant fails to present himself or herself for a medical examination, the court may make an adverse costs award in respect of the offending party. I understand the rationale behind this. The idea is to try to get maximum co-operation of claimants to make the process easier and quicker. My question relates to the possible constitutional issues arising from forcing someone to undergo a medical examination and any consequent refusal having an adverse financial impact on the person. Has this particular issue been examined by the Department?

Sinn Féin has a problem with and an objection to section 11. The section seeks to change the composition of the Personal Injuries Assessment Board. As it stands, two members of the board are nominated by Irish Congress of Trade Unions while one person is nominated by IBEC and one person by the Irish Insurance Federation or any successor of it. The proposed change would remove the power of ICTU to nominate two people to the board and replace it with one nomination from Insurance Ireland and one nomination from the Central Bank. Sinn Féin will not support this section. We will bring forward an amendment on Committee Stage to ensure the Irish Congress of Trade Unions retains its nominations to the Personal Injuries Assessment Board. I would appreciate if the Minister could explain why the Government wishes to take these nominations away from ICTU but not from the insurance industry, for example.

I have another question relating to section 13. Why exactly is there a need for an amendment to the principal Act to give the Minister for Business, Enterprise and Innovation powers to take money back from the Personal Injuries Assessment Board? How much money does the PIAB currently have in reserve? How much does the Minister intend to take back? What is the rationale for this change?

I thank the Minister for bringing forward the Bill. We intend to bring forward a couple of amendments on Committee Stage, as I have mentioned. I hope this is a start of a wave of action from the Government that will include challenging the insurance industry directly. The ultimate aim that we all seek is for lower premiums to be delivered for Irish consumers, businesses, community groups and other who must get insurance cover.

Deputy John Curran: I welcome the opportunity to make a short contribution to this legislation. I support what the Bill purports to do.

8 November 2018

I wish to acknowledge and put on record that this is the second tranche of legislation in recent times dealing with the issue around the cost of insurance. The Central Bank (National Claims Information Database) Bill was before the House during the past month. I do not want to look at this as stand-alone legislation. It is part of a programme and I need to acknowledge that.

I have no wish to sound too critical of the Government, yet when I spoke in the House some weeks ago, the Minister reminded me that the 2017 CSO figures showed a reduction in motor insurance of 11%. The Minister was quite right to say that.

3 o'clock

I did not have the exact figures with me at the time, but I will allude to them. The annual rate of motor insurance increased by 11.6% in 2014 and by over 30% in 2015. These are significant increases. I mention this because it shows how long we have had to deal with this matter. The issue was identifiable in 2014 and 2015 and it is only now we are beginning to come to terms with it.

In looking at this legislation I was conscious that when I was elected in 2002, insurance costs, specifically motor insurance costs, were at very high levels. A candidate in my constituency ran on the sole issue of motor insurance costs and secured more than 1,000 first preference votes. I will not give the Minister a history lesson, but if I am not mistaken, the Personal Injuries Assessment Board, PIAB, legislation was passed in 2003 and became operational in 2004. The PIAB was set up and established within a couple of years of that and in its early years, as a result of the manner in which it was set up and the number of claims it settled, we saw significant reductions in the cost of insurance. My memory of the 2002 election is that we saw the impact of PIAB within two or three years. I referred to the rates of increase in insurance costs in 2014 and 2015, in particular, the latter when the cost of motor insurance increased by more than 30%. It has taken us a good number of years to get to the stage of bringing forward legislative proposals to reduce costs.

The Minister heard the contribution made by Deputy Kelleher who will work collaboratively with her to ensure all Stages are passed and the legislation is implemented. That is the challenge. It is important that we are somewhat timely in doing so.

The costs associated with claims are preventing premiums from being reduced. Claims for whiplash were mentioned, in particular, the awards for whiplash in Ireland versus those in the United Kingdom. Awards here are four or five times the typical payment for whiplash in the United Kingdom. PIAB figures show whiplash awards average approximately €20,000 per person. I was not surprised by that figure because reading over my notes, I realised that a year and a half ago, in April 2017, Charlie Taylor wrote in an article in *The Irish Times* that the average award was €15,000. He also noted that motorists here could save €150 a year in insurance costs if our awards were reduced to the European or UK average. This problem has been around a long time. I am glad the legislation is before the House. I am conscious that it seems to have taken a long time to get it here, and I hope we can conclude it quickly.

Deputy Kelleher spoke about the cost of fraud. As he stated, many recent cases have been thrown out of court and there is little or no sanction for those who make claims that are not upheld. That cost is incurred by insurance companies. Separate from cases getting as far as the courts in the first place, I understand insurance companies spend significant amounts of money

validating claims and having investigators examine them to ensure they are not fraudulent. The cost of fraudulent claims is significant and, ultimately, that is reflected in the premiums we all pay.

Deputy Eugene Murphy spoke about the cost of insurance for young drivers. Other speakers mentioned the cost of insurance for young drivers in rural Ireland. As the father of a young driver, I can say insurance for young drivers is very expensive and they also find it very difficult to even get a quote. There are major challenges in that regard. The Minister might say I am not living in rural Ireland and my son does not need a car. While many young people do not need a car, it is important that they can drive, particularly in terms of future career prospects. If they learn to drive at a younger age, it comes easier to them. The cost of insurance for younger drivers is a significant issue.

The Minister mentioned people engaging with independent medical examiners. That is very important. We need to understand fully the reason our payouts, in particular for soft tissue injuries, are so much higher than those in other jurisdictions. We are all paying for this and independent medical examinations are required very early in the process. I have spoken to people who have suffered injuries and they say the injury endures for a significant period. However, medical examinations should be carried out during that period to determine the real or perceived extent of the injury.

The book of quantum plays a key role and sets the bar. As Deputy Kelleher rightly stated, it needs to be more than a reflection of court payments. It needs to reflect payments in similar jurisdictions where the cost of living is similar to the cost of living here, rather than jurisdictions that are radically different from ours. I do not understand the reason for the difference in payouts in this jurisdiction, which are multiples of those made in the UK. That is the case in certain payouts, and it is not appropriate. The book of quantum needs to reflect more than just what the courts award.

I mentioned fraud. Legislation must be enacted quickly to deal with people who commit fraud, which is currently a crime without sanction. Fraudulent claimants walk away as if they had done nothing wrong, whereas they have created significant costs. Such cases should not reach court. If fraud is identified anywhere in the process, from the time the claim is made, a sanction or charge has to be imposed on the person because such claimants create costs for the insurance companies.

While this side of the House is supportive of the Bill, we would be more supportive if the Minister were to advance and conclude the legislation more quickly.

Deputy Willie Penrose: I am glad to have the opportunity to contribute to the debate on this Bill. I will declare my interest. I am a barrister who represents people injured as a result of negligent acts by other people. One would think those unfortunate beings were the only people who contributed to the increase in the cost of insurance. Let me be clear. People are entitled to recover compensation when they are injured, be it in terms of public liability, motor insurance or employer's liability.

I have three daughters for whom the cost of insurance is an issue. The cost of claims and everything else are also issues. However, in that context the PIAB has contributed to a reduction in the cost of claims. It has provided a fast and inexpensive way of resolving claims for personal injuries where liability is not disputed. However, we must not forget that there are

other contributors to the cost of claims. The blame for the increase in the cost of insurance seems to be laid on the backs of people making claims. In terms of value and costs, it might be a component part but there is not a word about the conduct of insurance companies. Have we all forgotten the losses that arose from the way some of the insurance companies conducted their business? Many levies are being imposed as a result of this conduct. I would like to know if anybody has determined how much we pay in levies. We are still paying a levy as a result of what happened to the PMPA, Quinn Insurance and, in recent months, Setanta Insurance. Nobody ever mentions these levies on our insurance policies.

We should be fair and honest and put everything on the table, including how much the levies cost. They are certainly significant and some of them have been going on for many years. Let us be clear about that.

Of course, insurance companies are engaged in a race to the bottom. I remember people getting vans insured for €250 or €300. That was never possible. What happened? Some of those providers went out of business and other people were left carrying the can. Insurance firms were competing against low prices that attracted customers, but now somebody else has to resolve the situation. In July the Minister of State, Deputy D'Arcy, put through a Bill to compensate people affected by Setanta Insurance. Let us put everything on the table. A very one-sided view of life is being taken. The insurance companies are certainly winning the PR war. Everybody has bought into their propaganda, but I do not. As somebody who acts in the area, I can attest that insurance companies are not soft touches.

I agree with Deputy Kelleher on the need to root out fraudulent or exaggerated claims. They have no place in this. However, there are penalties for them. Under section 26 of the 2004 Act, where there is an exaggerated or fraudulent claim, the court has power to refer the matter to the Director of Public Prosecutions. The courts are independent. Some Deputies seem to want to take over the role of judges. Is that what is going on? We are very precious in this House about ensuring nobody trespasses in here. The Judiciary is also independent in its functions, rightly so. Having three daughters in their 20s I am all in favour of cheap insurance for young people, but let us have all the facts on the table and let us be clear. Those penalties are in place. They are always a threat. Applications are made and cases are rightly dismissed. In recent months, many cases have been quite properly dismissed. That is a matter for the courts. Once the courts make that determination that is the end of it.

Let us be clear on a few things. I know all about the Personal Injuries Assessment Board, PIAB, application. An applicant sends off the form and his or her medical reports. It would be a very foolish client who did not send his or her medical reports in, because nothing happens without them. The big problem is at the other end, with the respondent, who could be an employer, an insurance company in the case of a car accident, or anyone involved in a public liability case. If they do not submit a medical report, things become bogged down. I support this measure, which provides for a penalty to be applied if somebody does not take a step.

The Minister knows the law. She did not say that is mandatory. That is a matter to be taken into account by the courts. We cannot trespass on the independent domain of the court. I will always uphold that because I have no right to do otherwise. It is constitutionally guaranteed. Someone may start shouting, saying the Minister did not go far enough and it should be a €500 or €10,000 penalty. We cannot do that. The Supreme Court rightly laid down the law in the 1960s. We can go as far as laying out the policy and legal framework and the courts must interpret that.

Of course, certain types of injuries are excluded. If someone has a wholly or mainly psychological injury, no assessor is in a position to make a determination on it. It would almost have to be determined by oral evidence from the individual concerned and from medical people. As such that is rightly excluded. How could an assessment be made of a psychological or psychiatric issue just by reading two reports without seeing the claimant, thereby deciding the claim is worth €10,000 or €15,000? It does not work like that. The big claims are for medical negligence, and that is also excluded under the old Act. A significant cohort of claims fall outside it. Moreover, it only operates when liability is admitted. There are nine months in which to make a determination. When the award is issued, both sides have 30 days to accept it or reject it. If one side rejects it a certificate of authorisation issues. I believe section 50 comes into play.

I support fully the Bill. I want to see costs curtailed. I have no problem with that. However, it is about time we took account of the levies we carry from insurance companies. Their part in the costs should not be forgotten. I can guarantee that they account for between €50 and €100 of the cost of a policy. That is significant.

I refer to the book of quantum. I agree with Deputy Kelleher and the Minister on this. I have no problem with reviewing that every three years. I am not a solicitor, but most solicitors advise that if the figure offered is in close proximity to the book of quantum a claimant would be foolish to go to court. The award listed in the book of quantum acts as a level. Let us say a claimant is awarded €20,000. That award is not the walk in the park that people say it is. The book of quantum's listed award is used as a tender by the insurance company. If the claimant gets €19,900 in court the tender has not been met, so the claimant has to pay not only his or her own costs but also those of the other side. There is, therefore, an added incentive to accept awards in line with the book of quantum. I forget the number of claims, but more than 100,000 must have been processed since PIAB was established. The number must be 150,000. Those things are all important.

Let us root out fraudulent claims. Many insurance companies have recruited ex-gardaí and former detectives and are thankfully getting to the bottom of them. That is important. I support that every step of the way but I want a full picture, not just a selective one. I have met people who have suffered whiplash injuries and had their claims dealt with 15 years ago. They are undergoing physiotherapy to this day. That is whiplash, the supposed Mickey Mouse injury that a lot of people talk about. It is all right if someone is ready for an accident and set up for it, but it is different if something happens unexpectedly. A whole thesis has been written on this.

Compare Ireland with any other jurisdiction. Thankfully, we have a written constitution. Other jurisdictions have laws that can be changed, and people's rights diminished, at the stroke of a pen. Thankfully, that cannot be done in this country. Long live our Constitution. If we want to amend it we can do so, but it is the people who amend it, not any individual, group or lobby.

Very often things are slanted in favour of insurance companies at various stages of the process. There was a big issue here which the Minister has moved to deal with. I forget what section this concerns. I refer to the Statute of Limitations. That is of major significance. I will use as an example my friend, Deputy Broughan, who arrived here on the same day as me. Let us say Broughan Limited was in charge of the place where I suffered an injury and I sued the company and it turned out the company was really Broughan and Kelleher Limited and I only found out after initiating the claim and did not name them in time. I might wish to name Broughan and Kelleher but my two years have elapsed and my claim is terminated. Let us say

my legs were broken and I suffered with my back, but the two-year period was up under the Statute of Limitations. It was a big issue which was put before the Supreme Court in the *Renehan* case in 2015. The Supreme Court stated it was an injustice, but the argument was about whether the extended time period applied to Broughan or Broughan and Kelleher. The Minister is now saying it does not apply to Broughan but that it does apply to Broughan and Kelleher because one has only found out, which is fair. That is adopting section 2 of Statute of Limitations (Amendment) Act 1991 where one discovers or reasonably ought to have discovered. If one only discovers at the end of the process, one should not be penalised and the dis-application rule should apply in that context. I say, "Well done," to the Minister and her officials because it was perpetrating an injustice. That is an important point.

The preliminary notice to the person against whom liability is alleged but where the application is not accompanied by a medical report is only fair. How would one issue it, if there was no medical report? It is an important point.

I will not speak about electronic documents. I am not a supporter of them because I always like to see the bit of paper in a person's hand. That is just me, but so be it.

Section 7 amends the Statute of Limitations, while section 8 deals with the cost of proceedings where a claimant or respondent does not comply with a request of the assessors. It merely empowers the courts in that regard.

Deputy Kelleher's colleague, Deputy Michael McGrath, Fianna Fáil's finance spokesperson, will be happy to see the amendment to section 54 of the principal Act to provide that the board shall review and update the book of quantum every three years, or sooner if it is deemed necessary.

I note that section 10 extends the powers of the board to compel persons and bodies to provide information and documents. The board will then be in a position to obtain information from any person or body for the purpose of preparing the book of quantum. That is amazing, as Deputy Kelleher would agree. It should be forthcoming from every insurance company as it is in their interests to provide it. There should be no need for anyone to travel around the world looking for it. It should be stating, for instance, "You are wrong. Instead of €20,000, it should be €14,000." Let us get that information. It appears - perhaps I am misreading it - that obtaining such documents is the thrust of the amendment. In other words, the board would have to force me to furnish the information, which is mind-boggling. What do the companies have to hide? Perhaps it is their profits.

Ms Dorothea Dowling was instrumental in the setting up of the PIAB. I read some good articles by her lately in which she disputed some of the assertions being made by insurance companies. She was the person who was instrumental in and right at the heart of this process. As far as I can recall, Frank Fahey, then Minister of State at the then Department of Enterprise, Trade and Employment, introduced it in 2003. As I said, Ms Dowling has disputed some of the assertions made. I read her good, elucidating articles in the *Irish Independent*, in which she sometimes writes in the motoring section. They were well thought out. She takes issue, as I do, with some of the assertions made by insurance companies. It is time to drill down into their profits. Let us see if there is excessive profit-taking. Why did the Competition and Consumer Protection Commission have to enter their premises a while back to examine and take papers? Let us be clear on a few matters. It is not all one way. If we were to root out all of those involved, there is only a small cohort.

There are many people who have suffered genuine injuries and they are entitled to compensation. I will always stand with them. One might say it is self-interest, but it is not. I have also acted for insurance companies. Let us be clear: as a barrister, I could be with you today and against you tomorrow. That is the nature of the business. We are objective. In that regard, I always champion the rights of people to be properly compensated.

I note the powers of IBEC and ICTU to nominate members of the board. I suppose it is a sop to that great other Minister, Deputy Ross. He will be happy to see it because it will allow the Public Appointments Service system to make sure. I have no issue with that either. My party will support whatever has to be done.

The maximum period of service on the board will be ten years. That is also fair enough because we all go stale. However, the Minister, Deputy Humphreys, will never go stale because she is as fresh in representing the people of County Monaghan as she was on the first day, but some of us do go stale.

I note that the Minister cannot go the full way on a number of the issues raised in the original report on which the Bill is based. She cannot go the full way on some of them because they may well border on being unconstitutional. Commentators might ask why the Minister did not do this or that, but I understand clearly why she could not do so. The working group on the cost of insurance made several recommendations, but the Minister had to sieve them out. The Attorney General and his office had a detailed look at them. As a matter of fact, when I saw some of them initially, I was taken aback and figured that they would not see the light of day in the legislation and they have not because the Minister's function is to bring forward legislation that is constitutional. She has reached that threshold.

The Labour Party strongly supports the Bill. I merely state there are two sides to every story. The Judiciary is working hard to root out anybody who is undeserving or tries to milk the system, engage in the making of fraudulent or exaggerated claims. We all want that to happen. As there is already the power to do so, let us get on with it. For those who are genuinely injured, let us not always make them the villains of the piece.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy. Without doubt, his legal mind is better than ever.

Deputy Billy Kelleher: And it is free to us.

Deputy Thomas P. Broughan: I am glad that my old friend and colleague, Deputy Penrose, is not the barrister in court prosecuting a case against one of the companies of which I am a director. They are all community companies.

Deputy Willie Penrose: I would expect nothing less from the Deputy.

Deputy Thomas P. Broughan: I am delighted to be able to speak briefly to the Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018. It is an important Bill. Personal injury claims and insurance costs are matters that are brought up by constituents virtually every week.

Recent reports show, as many Deputies have said, that the average award for whiplash is €20,000 and that such cases account for the vast majority of claims through the Personal Injuries Assessment Board. The 71% in the first half of 2018 was 71%. It was the Personal Injuries

Commission, under Mr. Justice Nicholas Kearns, that originally informed us that compensation awards for soft-tissue damage were four and a half times the level in the United Kingdom. That is an extraordinary difference, given the close connections between the two economies, about which we are also worried in the context of Brexit. It also highlights the urgent need for a review of the book of quantum. It is extraordinary that in 2003 we did not make provision in legislation for regular reviews. The average compensation award in Ireland for soft tissue damage is now over €17,000, compared to just €3,984 in the United Kingdom based on the figures for the period between 2015 and 2017. That is a considerable difference and extraordinary. Given that the two societies are similar.

The Bill has been a long time coming and follows the cost of insurance working group's report on the cost of motor insurance in January 2017. It seemed, following Deputy Michael McGrath's Bill last summer, that the Government finally had to take action. The working group was established following the skyrocketing motor insurance premiums that had caused consternation and outrage among the people who send us to this House. Many of us would have preferred a more radical solution. In particular and notwithstanding the comments of Deputy Penrose, we might look at the position in New Zealand which was in first place in the world in regard to the ease of doing business and also had the accident compensation scheme which essentially abolished the notion of fault-based liability for accidental injury that still applies in the PIAB and the court system in Ireland today.

The Bill amends the Personal Injuries Assessment Board Acts 2003 and 2007 and strengthens the remit of the PIAB. The working group recommended in recommendation No. 15 of the PIAB legislation review that "cases of non-cooperation such as non-attendance at medicals and refusal to provide details of special damages" be assessed. It also recommended in recommendation No. 19 that the "frequency of future Book of Quantum updates in terms of any future changes to its production" be examined. There was also a public consultation process on all of the matters before us.

The Bill, rightly, strengthens the provisions to attend medicals by effectively making the process mandatory. Recommendation No. 15 of the working group's report is addressed by section 2, whereby the 2003 Act is amended in order that a fee and medical report must be received by the PIAB before a formal notification is issued. A preliminary notification may be sent in cases where the fee or medical report has not been sent to the PIAB. Issues surrounding lack of clarity and the Statute of Limitations will be addressed by section 7.

The key section is section 8 which provides for an amendment to section 51 of the principal Act by the insertion of a new section 51C to deal with cases of non-compliance with a request by the board under section 23 or 24 of the principal Act. Where a claimant fails to supply details of his or her claim for special damages, fails to attend a medical examination arranged by the PIAB or fails to co-operate with retained experts, the board must carry out the assessment. If the claimant rejects this assessment, the board must release the case and issue authorisation to enable the claimant to proceed to court.

The key sanction contained in section 8 seems to be the constraints on subsequent legal costs, whereby the court will have discretion to make an order for the costs it will allow the claimant. Section 8 seems to closely follow the proposals in section 3 of the Personal Injuries Assessment Board (Amendment) Bill 2018 introduced by Deputy Michael McGrath. In the case of personal injury claims, a claimant must bring a case to court within two years. Deputy Penrose referred to the famous *Renahan* case, where an issue arose when a new respondent was

added to the case who argued that the limitation period had elapsed and, therefore, the claim was statute barred.

A very welcome provision is section 9, whereby the PIAB will have to publish an updated version of the book of quantum every three years.

The PIAB was established under the 2003 Act in order to address the number of claims going through the courts system and the high awards being granted. Around that time, insurance premiums were increasing rapidly and the companies blamed expensive court cases and the litigation process. However, since the establishment of the PIAB, insurance premiums have remained stubbornly high. Hence, the continuous concern in this House and at the finance committee, which did a lot of work on this issue in the last Dáil, that the cost of insurance remains a serious burden on small businesses, schools, clubs and community development bodies and every household and citizen.

I commend Deputy Michael McGrath of Fianna Fáil who introduced the Personal Injuries Assessment Board (Amendment) Bill 2018 last June, a key reform measure we were happy to study and which is reflected in the Bill before us. Deputy Michael McGrath's Bill sought to address the issue of some claimants using the PIAB simply as a rubber stamp on their way to the courts. His Bill put an onus on a court hearing a personal injuries case to have regard to the failure of claimants and respondents to attend a medical examination. The Bill before us approaches the consequences of that failure in a similar way.

Since its establishment, the PIAB must issue an authorisation before a claim can proceed to court, but premiums remain very high. This is something we have heard time and again in this House and at the finance committee and it is echoed in the figures. In 2017 there were over 33,000 applications to the PIAB and 12,500 awards, a reduction on the figure for the previous year. The value of awards in 2017 was €315 million, while the average time to process claims and awards is reported to have been 7.3 months. The highest award in 2017 was over €600,000 and there were 105 awards of more than €100,000, although the majority of awards were under €20,000. The number of claims seems to follow population, with one third of claims in Dublin, 9.6% in Cork and 4% in counties Meath and Louth.

Many of us, including Deputy Penrose, have raised the cost of litigation. When replying to me during Leaders' Questions recently on another matter, the Taoiseach told me that we were very litigious people, which we certainly are. It is a consistent issue. The excellent Oireachtas Library and Research Service staff have provided a very good briefing on the Bill, as they do on all key legislation. They highlighted that the former Minister of State and Deputy for Galway West, Frank Fahey, had said in the past that litigation costs added 40% to the cost of compensation. The figure is now over 42%, which is unacceptable. When the PIAB was set up in 2003, it was hoped we would have a speedy means of finalising genuine personal injury claims, rather than going through this expensive litigation system.

The review of the book of quantum is welcome. It reminds us again of the major differences with the United Kingdom. I see that departmental officials are present. Has the Department during the years studied the situation in Northern Ireland and Britain to find out how its less costly awards are arrived at? I know that there is a discount rate which is used to assess the cost of future loss. That rate is based on the Ogden tables, actuarial tables that examine cost in future years, for example, for somebody who has suffered a life changing injury. Deputy Penrose referred to cases of this type in which he has represented citizens in the courts. Will

the Department keep this matter under review as we move forward with the new legislation, given that it could look to Britain as an example? Perhaps we might look, once and for all, at the New Zealand system and see if the House has the courage to go straight to that system. In any case, the procedure in the United Kingdom seems to be ahead of ours.

Deputy Penrose also referred to the independence of judges. This issue has arisen many times in the House, for example, in the context of traffic law, for which the Ministers, Deputies Ross and Flanagan, are responsible. In a recent speech the Chief Justice, Mr. Justice Frank Clarke, called on us to look at the impact the legislation we were passing would have on future litigation, in other words, whether legislation would almost provoke future litigation. I questioned the Minister, Deputy Flanagan, on the matter. To reply to the Chief Justice with the reply I received, the Minister said that, as we now engage in pre-legislative scrutiny, there was constant scrutiny of the issue. We could use the vast experience of the Judiciary, led by the Chief Justice, to understand what exactly happens in the courts, why the book of quantum seems so high and why so much money is spent on litigation. This is another issue that might be addressed in the future.

It is disappointing that recommendation No.16 of the cost of insurance working group is not addressed in this Bill and that we must await further legislation in this regard. The Minister will be aware that recommendation No. 16 provides that we ascertain and set out the measures necessary to implement pre-action protocols for personal injury cases. I note there has been some criticism in the media regarding the financial reserves of the PIAB, which at the time of receipt of the report in August totalled approximately €17 million, being remitted to the Exchequer. To most of us in this House it is obvious that this should be the case because the surplus reserves of the PIAB are the people's money. As there is no legislative basis for this to happen, it is provided for in section 13 of the Bill.

I welcome the Bill. It is an important step forward. I again commend Deputy Michael McGrath on providing us with the formula to make progress on this issue and Deputy Kelleher on his work which means we will have a speedier and less costly process in future. Essentially, this is a move towards reducing the heavy burden insurance costs place on businesses and households.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I thank Deputies for their contributions and welcome the general expressions of support for the objectives of the Bill.

Deputies Kelleher and Eugene Murphy referred to the book of quantum. At the time of publication of the Bill, the second and final report of the Personal Injuries Commission had not been published. This report was subsequently published on 18 September and its key recommendation is that the judicial council, when established, be requested by the Minister for Justice and Equality, Deputy Flanagan, to compile guidelines for appropriate general damages for various types of personal injury. When judicial guidelines are in place, it is intended that they will supersede the book of quantum. The intention for the future is that the judicial council will take ownership of the judicial guidelines for personal injury compensation. The Personal Injuries Commission notes in its most recent report that the development of the judicial guidance follows best international practice and will lead to faster resolution of claims, as well as greater consistency of awards, which is critical to improving the claims environment. This issue was also raised by Deputy Broughan. The Bill providing for the establishment of the judicial council is a legislative priority for the Government. The intention is to make significant progress

towards the enactment of the Bill by the end of this year.

On the PIAB recalibrating the book of quantum, Deputy Kelleher made reference to using international comparisons when revising the book of quantum and the levels of damages for the various injury types contained in the book. This is not possible as there is no legal basis or mechanism for the PIAB to do this. Ultimately, levels of damages are set by the courts and this influences the levels of compensation paid throughout the system. Precedents set by the courts are followed by the PIAB and the insurance sector. As I said, the key recommendation is that the judicial council, when established, be requested by the Minister for Justice and Equality to compile guidelines for appropriate general damages for various types of personal injury.

Deputies Kelleher and Quinlivan referred to fraudulent or exaggerated claims. The PIAB does not investigate fraudulent or exaggerated claims. The purpose of the PIAB is to independently assess claims for compensation arising from personal injuries sustained as a result of a motor, workplace or public liability accident and where both parties - claimant and respondent - consent to an assessment. The investigation of fraudulent or exaggerated claims is a matter for the insurance companies involved and An Garda Síochána. As stated by Deputy Penrose, there is legislation covering fraudulent claims. I agree with Deputies Kelleher and Quinlivan that there has been an acceleration in fraudulent claims in recent years and that this is a matter of concern to business owners. I know of a business owner who had three claims from one family in one week. This type of practice has to be dealt with.

On the cost of insurance working group, CIWG, and motor insurance costs, recommendation 26 recommends exploring the potential for further co-operation between the insurance sector and An Garda Síochána in regard to insurance fraud investigation. The second and final report of the Personal Injuries Commission supports the CIWG's recommendation and recommends the establishment of a Garda fraud investigation unit. I am aware that discussions are ongoing with my colleague, the Minister for Justice and Equality, and the Garda Commissioner in that regard.

Deputy Kelleher referred to his Private Members' Bill, the Civil Liability and Courts (Amendment) Bill 2018, which is a matter for consideration by my colleague, the Minister for Justice and Equality. Deputy Quinlivan spoke about the composition of the board of PIAB. In line with Government policy to have more board members appointed through the Public Appointments Service, PAS, section 11 removes ICTU and IBEC as bodies designated under the Act to nominate members to the board. It will be open to ICTU or IBEC to apply through the PAS process when vacancies arise. Seeking expressions of interest for board appointments through the PAS process allows for appointments to be made from a greater number of potential candidates with the desired skill sets, which can vary over time depending on the skills available to the board.

Deputy Quinlivan also raised the issue of reserves. Section 13 provides for a reserves policy for the PIAB. It also provides that the PIAB shall remit to the Minister, for the benefit of the Exchequer, any moneys in excess of those authorised to be retained by the Minister, with the consent of the Minister for Public Expenditure and Reform. The purpose of this section is to implement a recommendation of the Comptroller and Auditor General, received in 2017, that appropriate legislation should be introduced to deal with the excess funds held by the PIAB. Legal advice obtained by the Department is to the effect that legislative change is required to enable the board to remit excess moneys to the Exchequer. The Bill specifically provides that the Minister will have regard to the operational, capital and contingency costs of the PIAB

when determining the sum to be retained. This means that sufficient funding will continue to be available to the PIAB to carry out its statutory functions.

Deputies also raised the issue of medical assessments and constitutional rights. The independent medical examination is an important part of the board's assessment process. These examinations are required to obtain an up-to-date prognosis on a claimant. Each claimant, when making a claim to the PIAB, must submit a medical assessment form from his or her treating practitioner. This should provide details of the injuries sustained and the treatment provided at the time of the injury. However, medical reports received from the claimant's treating doctors and submitted with the application form often involve an examination of the claimant too soon after the accident for a recovery to have occurred or for the doctor to advise when recovery would be expected. Therefore, an independent medical examination is arranged with a doctor of the appropriate specialty from the PIAB's independent medical panel. The Bill was drafted in consultation with the Office of the Attorney General. It is important it operates within the Constitution and that we do not remove from people their constitutional right to go through the courts system.

I again thank Deputies for their contributions. I look forward to working with them as I bring this practical and important legislation through its next Stages.

Question put and agreed to.

Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018: Referral to Select Committee

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): I move:

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

Question put and agreed to.

Sitting suspended at 3.55 p.m. and resumed at 4 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Road Traffic Legislation

An Ceann Comhairle: The first matter to be considered is in the name of Deputy Rock who wishes to discuss cross-agency progress in dealing with the misuse of scramblers and quad bikes. Does the Deputy have a quad bike?

4 o'clock

Deputy Noel Rock: I do not. I own an electric scooter and must declare my interest in that regard. Scooters are not the cause of disruption in my constituency. However, quad bikes and

scramblers are causing great disruption to many communities adjacent to the perimeter of the M50. Deputies who represent the constituencies of Dublin Bay North, particularly Darndale and Coolock, Dublin North-West, especially Finglas and Ballymun, Dublin Mid-West, Dublin South-Central and Dublin South-West, which all have communities with green spaces, would be familiar with the scourge that scramblers and quad bikes pose. People using these vehicles terrorise others in parks and on roads. Gardaí are, naturally, reluctant to chase them because that could result in accidents. Deputy Ellis of Sinn Féin brought forward a Private Members' Bill some weeks ago to redefine public spaces in view of the fact that parks are not covered under the road traffic legislation. He contested that they should be covered under that legislation in order to allow for pursuit of these vehicles. The Office of the Attorney General advised, and the Government and Fianna Fáil accepted, that is not the approach that we should take. Nevertheless, an approach should be taken.

The categorisation of good legislation is that it fulfils the objectives it sets out to achieve and that it does not cause any unforeseen negative consequences. My understanding of the advice is that, while the intention behind it was good, Deputy Ellis's Bill may unfortunately have given rise to unforeseen consequences. Nevertheless, that does not mean we should not do anything about the matter to which I refer. The Minister for Justice and Equality, Deputy Flanagan, has been active in that regard in setting up a cross-agency grouping to discuss the issue and to thresh out what solutions, legislative or otherwise, should be considered in respect of this scourge.

I am seeking an update on the progress made to date and a roadmap as to where we are going. This problem has been ongoing for a long period. I assure the House that, come Christmas, a new wave of quad bikes or scramblers will be given to children and teenagers as presents. They will be given in good faith but they will be misused nevertheless. This issue will arise again in Dublin and in other urban areas. Very predictably, the type of behaviour to which I refer happens every Christmas and also during the summer months. I would like to see a roadmap and some tangible proposals and solutions outlined in order that we do not simply go through the motions again for another year. I welcome any progress the Minister of State can report and any timeline that he can set out.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I thank Deputy Rock for raising this important public safety concern affecting a number of communities in his area and in other parts of the country. He will recall that the Minister for Justice and Equality, Deputy Flanagan, responded to a parliamentary question on the same issue on 19 February last. I pass on the Minister's apologies to the House. He is in the Seanad and could not be here. He did want to be present because this is an important matter. Deputy Rock would like to have him here as well. I share this update and reply on the Minister's behalf.

The Minister shares the Deputy's concern regarding the misuse of scramblers and quad bikes. The Minister's concerns have been noted many times on the record of this House. The effects of anti-social behaviour arising from the use of these off-road vehicles can be devastating and life-changing, as highlighted by Deputy Rock and Deputy Ellis on RTÉ's "Today with Sean O'Rourke" show earlier. It is because of a horrific incident in Darndale Park on Saturday, 9 June last that we have a gentleman left in a vegetative state and whose wife was also seriously injured. On behalf of the Minister and myself, I extend heartfelt sympathy to Ms Kotsinian and to her and her husband's families on this tragic accident.

This incident highlights how the misuse of scramblers and quad bikes can profoundly affect

an entire family and not just the people who have been injured. We are also sadly reminded of the fatalities that have occurred in recent years as a direct result of the misuse of these vehicles. Deputy Rock will appreciate that while the Minister has no direct role in the prevention of anti-social behaviour or the enforcement of road traffic legislation - these being operational matters for the Garda Commissioner - the impact of the misuse of scramblers and quad bikes is simply unacceptable for families who should feel safe and secure in their local communities. That is why he has asked his officials to focus on this public safety issue.

The Deputy will be aware that the Department convened a cross-agency meeting on 25 April 2018 with key Departments, An Garda Síochána and the Road Safety Authority. The purpose of the cross-sectoral meeting was to ascertain whether there are additional legislative or other solutions, which can assist in dealing with the misuse of scramblers and quad bikes more comprehensively, with a view to determining responsibility and timeframes for implementation of solutions identified. Deputy Rock is looking for a timeline and that is what the Minister is trying to achieve as well. The Department of Justice and Equality has consulted a considerable number of other Departments and public bodies in recent months in order to identify a number of relevant items of legislation. These have been brought to the attention of the Office of the Attorney General to determine whether any legislative amendments are necessary to assist in curbing activity insofar as scramblers and quad bikes are concerned without giving rise to any unintended negative legislative consequences. I am pleased to confirm that the Department received formal legal advice from the Office of the Attorney General just this week. The advice is comprehensive in nature and is now being carefully considered by officials in the Department, together with the Department of Transport, Tourism and Sport, in the context of road traffic legislation. The Department has met separately with local authorities and participates in a task force established by South Dublin County Council to consider the public order implications of the misuse of these off-road vehicles at a community level. The task force has met on two occasions to date and is scheduled to meet again on 14 November.

The task force is a useful and important forum and its discussions informed the Department's correspondence with the Office of the Attorney General. On behalf of the Minister, I would like to take this opportunity to reiterate the Minister's commitment to supporting actively any positive actions that can be pursued in response to the serious public safety issues arising from the misuse of scramblers and quad bikes. When the Department has had an opportunity to study the legal advice we should be able to give Deputy Rock a better update on timelines.

Deputy Noel Rock: This is a serious issue for many of the communities affected and for the two individuals whose lives, as the Minister of State outlined, have been tragically affected by the incident in the park. Some 190 people have been injured, some severely, and there have been some deaths as a consequence of the misuse of these scramblers and quad bikes. They are a blight on many communities and areas throughout the city. That is the case for those directly affected and for those afraid to go to our parks or outside of their front doors. This is an issue affecting and blighting many communities, particularly in working-class areas and communities right across Dublin. I urge the Minister of State to take this seriously and to listen to the advice. He should also listen to the Deputies from all of the parties in this House saying this is a serious issue that needs to be considered. Some action needs to be taken before we have another unfortunate incident.

I accept the update from the Minister, via the Minister of State, in the spirit in which it is intended. It seems encouraging. I am glad to see we have some advice on the table from the Office of the Attorney General. I hope we will be able to act on that advice, bring forward

something to curb the misuse of these vehicles and curb the inappropriate behaviour that we see daily and weekly. If our intention is to stand up for working-class communities and for areas that are blighted by these vehicles, then we need to act on this and act on this now. I thank the Minister of State and I look forward to updates in due course.

Deputy Damien English: The Department has also reached out to a number of local community groups in the context of positive engagement fostered with local communities. Department officials are also engaging with a number of overseas jurisdictions to inform further the multi-pronged approach required to deal with the serious anti-social and dangerous behaviour associated with the misuse of these vehicles. At the previous meeting of the task force in September, local authorities agreed to log all complaints and incidents regarding scramblers and quad bikes in open spaces and parks during the week beginning 17 September. That is to attempt to gauge the appropriate scale of the issue. The outcome of that exercise will be discussed at next week's meeting of the task force.

Arising from the task force's meetings, the road safety officers of each of the Dublin-based local authorities have agreed to organise a public awareness campaign urging parents not to purchase scramblers and quad bikes as Christmas presents for minors. In addition, the Road Safety Authority has agreed to bring forward a similar safety campaign. The Minister echoes the Deputy's request on radio this morning for parents not to buy off-road vehicles for their children as Christmas gifts.

Road safety is a shared responsibility for all road users, not just An Garda Síochána, the Road Safety Authority and other State bodies. The Minister and I urge anybody with information on this type of anti-social behaviour to contact local gardaí or the Garda confidential line on 1800 66611, a monitored freefone line that allows members of the public to contact An Garda Síochána with information of a confidential nature, or Crimestoppers on 1800 250025.

On behalf of the Minister, I acknowledge the genuine commitment of all agencies involved in endeavouring to effectively resolve the public safety concerns associated with the misuse of scramblers and quad bikes. The Minister will continue to closely monitor the cross-agency engagement. I again thank Deputy Rock for raising this matter.

An Ceann Comhairle: I understand Deputy Burton is on the way to the House so we will return to her matter.

Medicinal Products Availability

Deputy Caoimhghín Ó Caoláin: This is the second time in a relatively short period in which the Minister has not been present to answer a Deputy's questions. I protested strongly on the previous occasion, when the Minister of State, Deputy Finian McGrath, presented, and I now see the Minister of State, Deputy Catherine Byrne, will be replying. I respect the Minister of State greatly but this is simply not an acceptable practice. I had understood that there is an obligation on the primary Minister to present and answer a Deputy's Topical Issue when selected. I very much regret what is happening. It is most unacceptable. I am sure the Minister of State will convey my comments to the Minister, Deputy Harris.

I recently wrote to the Minister about Spinraza, or nusinersen, seeking a one-to-one meeting with him. Not only has he not been in attendance on the two occasions on which I sought to

address this very important matter, he has also written to me declining my request to meet him to address it. That is most strange. Here I am again seeking to establish exactly matters things stand with respect to the need to approve the drug Spinraza - or nusinersen, to give it its formal name - for HSE reimbursement. This is absolutely a must and it should be done without further delay. I understand there have been direct talks with the manufacturing pharmaceutical giant, Biogen, which makes Spinraza. I also understand that Ireland has been offered the same arrangement as was negotiated by the BeNeLuxA group of states, namely, Belgium, Netherlands, Luxembourg and Austria. We have now joined the BeNeLuxA initiative.

It is my view, which I would have put directly to the Minister, that any negotiation such as that specific to Spinraza with Biogen in this instance, or in any other comparable negotiation, should seek to widen the scope of engagement to take into account all possible areas for address, including what other benefits could be secured in our collective interest as a people. I speak of exploring what other financial savings could be achieved by examining other product lines manufactured by Biogen. It would include biosimilars relating to other branded drugs that we currently have access to in this jurisdiction. The focus is on Spinraza but significant gains could be made by widening the scope of the engagement with Biogen. There is the potential for real and substantial savings to be made not only with the initial cost of Spinraza and the significant reduction that the BeNeLuxA negotiation has made available to us but also through other savings that could be made by replacing branded products that are currently available and that are prescribed by general practitioners. They could be replaced with biosimilars currently produced by Biogen.

I apologise as I had not realised the time allocation had elapsed. I am making the point that it is within the gift of the Minister, the Department and the HSE to ensure this exercise can bring a financial reward that could see us reach a position where there would be no additional cost to the public purse because of an imaginative and thoughtful approach to the project.

Minister of State at the Department of Health (Deputy Catherine Byrne): I apologise for the Minister not being here. The last time I saw him he was attending a committee meeting. He must be still there. I have been asked to take this Topical Issue on his behalf and I thank Deputy Ó Caoláin for raising it.

Nusinersen or Spinraza is indicated for the treatment of spinal muscular atrophy, SMA, a disorder characterised by progressive muscle atrophy and weakness. The Minister appreciates that this debilitating and progressive condition places enormous pressure on SMA sufferers and their families and carers and that access to potentially beneficial drug treatments is an extremely important issue for people with spinal muscular atrophy. As the Deputy is aware, the Oireachtas has put in place a robust legal framework in the Health (Pricing and Supply of Medical Goods) Act 2013, which gives full statutory powers to the HSE to assess and make decisions on the reimbursement of medicines, taking account of a range of objective factors and expert opinion as appropriate. The Act gives the criteria to be applied in the making of reimbursement decisions, which include the clinical and cost-effectiveness of the product, the opportunity cost and the impact on resources that are available to the HSE. In reaching its decision, the HSE will examine all relevant evidence and will take into account such expert opinions and recommendations that are appropriate, including from the National Centre for Pharmacoeconomics, NCPE.

The HSE received an application for the reimbursement of Spinraza in July 2017. The NCPE conducted a health technology assessment on Spinraza and did not recommend the re-

imbursement of Spinraza at the submitted price. The statutory assessment process involves a health technology assessment followed by detailed consideration by the HSE expert groups on new drug therapies, including the technology review group for rare diseases and the drugs committee. The assessment is particularly centred on reviewing the evidence of the clinical effectiveness of this new drug therapy, for example the benefits for patients undergoing clinical trials. The application is currently undergoing the final stages of assessment and the various reports are due to be considered shortly by the HSE leadership team, following which the final decision will be notified.

In July 2018, two members of the BeNeLuxA initiative on pharmaceutical policy, Belgium and the Netherlands, completed a joint negotiation for the reimbursement of Spinraza. However, this joint negotiation process commenced when Ireland had only opened negotiations with Belgium, the Netherlands, Austria and Luxembourg with a view to joining the existing collaboration between these four countries. As a candidate country, Ireland was not notified due to confidentiality arrangements that negotiations were occurring for the reimbursement of Spinraza and we were not party to the negotiations and proceedings that occurred. I understand the Deputy's frustration.

Deputy Caoimhghín Ó Caoláin: We are talking about 25 seriously ill children and double that number of adults who would benefit directly from access to Spinraza. I will speak to the BeNeLuxA initiative and the negotiation process available to Ireland for Spinraza. It would mean that each vial, costing €83,000 each, would cost less than €50,000 as a result of the BeNeLuxA position that gives a significant saving of €33,000 per vial. In year one, six vials would be used and in each subsequent year it would be down to three vials per year in relation to those who would benefit directly from it.

While it is still a considerable sum, Biogen, like many of the other pharma giants, is a significant player in the production of many products, some branded and some biosimilar. We do not appear to have a biosimilar strategy in this State but I am asking the Minister of State to convey to the Minister for Health that from my examination of Biogen's range of products, there is the potential to engage seriously with it on biosimilars for other drugs that are currently costing us significant sums annually in tandem with the negotiation on Spinraza. A saving can be negotiated with Biogen that would eliminate the total cost of the introduction or approval of the reimbursement of Spinraza in this State. That would mean a lot for the children, families and parents in each of these cases.

I appeal to the Minister of State as a mother and a grandmother to impress on the Minister that the answer that I have received here today is not worth the paper it is written on. I have given more information than he has been willing to share in recent times and he has not yet presented in the House to address this issue. I appeal to the Minister of State to impress on him the importance of a decision in the favour and interest of these children.

Deputy Catherine Byrne: I reiterate that the HSE is the body that makes the decision on the reimbursement of medicine under the Health (Pricing and Supply of Medical Goods) Act 2013.

I understand the Deputy's concerns and his interest in this. I listened carefully to what he has said and I am a mother and a grandmother so I understand that when children are ill we must do our best and beyond our best to look after them. In many ways they are the jewel in all of our crowns as parents and grandparents. I will appeal on the Deputy's behalf and on a personal

basis to the Minister to look at some of the recommendations and points that the Deputy has raised when I get a chance to talk to him this evening or tomorrow. I will appeal to him on the Deputy's behalf to meet with the Deputy at some stage to discuss further some of the points the Deputy has raised with me today. Unfortunately I do not have the same level of knowledge on this as the Deputy so I am reluctant to speak further on it.

An Ceann Comhairle: The matter will be brought to the attention of the Minister by the Minister of State.

The general issue that Deputy Ó Caoláin raised is of concern to me. We have been trying to arrive at a point where Ministers who have Topical Issues tabled to them would correspond with my office or with the Deputy concerned directly to let them know whether they will be available or not to take the Topical Issue, thereby giving the Deputy the opportunity to defer the Topical Issue to another stage. That is what we all want to see happening. It is important that we accept that Ministers have a lot of responsibilities and that they cannot be in two places at once, but equally they have to treat the Topical Issues debate here seriously.

Disability Services Funding

Deputy James Browne: I lend my support to Deputy Ó Caoláin. This is my third or fourth Topical Issue debate in a row where I did not have the line Minister present. I had an urgent matter in Wexford this morning and I drove back up but I may as well have phoned it in as come here to debate the issue.

I raise the issue of St. Aidan's services in Gorey and I understand that this voluntary organisation is threatened with imminent closure. St. Aidan's services in Gorey provides day, residential, respite, preschool, elderly and training services across Wexford and also provides meals on wheels. It has been in its current location for 36 years and was established in 1968. It has over 300 service users per annum and has 130 staff, yet this week the staff will be paid on a delayed basis because of what St. Aidan's says is a shortage of promised funding from the HSE.

The service users, their families and the staff have been informed that the centre is in imminent danger of closure unless its finances are addressed as a matter of urgency and the issue has reached a crisis point. As the Minister of State can imagine, the information that has been provided has caused a huge amount of distress to the staff, the service users and their families.

I am told that a core deficit was identified in 2016 and the HSE agreed in 2016 to provide funding to the organisation to address it. The deficit arose as a result of the organisation providing HSE services without HSE funding. Additional costs have been incurred as a result of upgrading that was required to meet Health Information and Quality Authority, HIQA, standards.

This year the HSE has a budget of €17 billion and the money required to keep vital services open and 130 staff employed is a minuscule part of that. The high quality experience of the staff would be irreplaceable should this service shut down and the cost of providing an alternative service to service users will be far in excess of the money that is not being provided.

St. Aidan's in Gorey is not looking for special treatment, it is simply looking for fairness and for the HSE to honour the agreement it says the HSE made with it. St. Aidan's provides outstanding care in Gorey and also to the service users in Enniscorthy, New Ross, Wexford town

and throughout the south east.

The latest information I have received this week is that the staff who were meant to be paid today will not be paid until tomorrow but the HSE has come and looked for a €100,000 rebate to be paid in December which would be deducted from December's payment. I am being told that effectively means there will not be enough money to pay the staff in December.

This issue has been going on for four years, various people have raised it during that time and there is no resolution in sight. It is a matter of urgency that this matter is addressed. It has reached crisis point and as I understand it the service is about to collapse.

Deputy Catherine Byrne: I apologise that the Minister of State, Deputy Finian McGrath, is not here and I am taking this Topical Issue on his behalf. As Deputies know, I am a Minister of State at the Department of Health and I will, when asked, try to facilitate as many Ministers and Ministers of State as possible and come here on their behalf.

On behalf of the Minister of State, Deputy Finian McGrath, I thank Deputy Browne for raising the issue of funding in relation to St. Aidan's care services in Gorey, County Wexford.

The Government's ongoing priority is the safeguarding of vulnerable people in the care of the health service. We are committed to providing services and supports for people with disabilities. Disability services are provided to enable each individual with a disability to achieve his or her full potential and maximise independence, including living as independently as possible.

Services are provided in a variety of community and residential settings in partnership with service users, their families and carers and a range of statutory, non-statutory, voluntary and community groups.

Services, in the main, are provided either directly by the HSE or through a range of voluntary service providers. Voluntary agencies provide the majority of services in partnership with and on behalf of the Health Service Executive. HSE disability services have been allocated €1.8 billion in 2018. This includes residential services for 9,000 people, day services for over 24,000 in addition to 182,500 respite overnights, 1.46 million hours of personal assistant services and 2.93 million hours of home support services.

This funding is providing disability services throughout the country across all community healthcare organisations, CHO, areas and is spent in line with nationally agreed policy for disability services while at the same time endeavouring to maximise value.

St. Aidan's services in County Wexford provides a range of services for adults and children with intellectual disabilities which includes residential care, day services for adults with disabilities, preschool education for children with disabilities, day activation, rehabilitative training, a garden centre and respite services for children with high support needs.

St. Aidan's receives funding under section 39 of the Health Act 2007 from the HSE and is scheduled to receive €5 million in 2018. St. Aidan's has identified deficits to the HSE in its agency's core funding and costs associated with HIQA compliance, and has indicated that this may affect the services it provides. HIQA is the statutory independent regulator for residential services in the disability and older persons sectors. All residential services are inspected by HIQA and compliance with a number of quality and safety regulations is required for regis-

tration. Regulatory compliance is a requirement under the service level arrangements agreed between the HSE and voluntary service providers. Service providers are expected to meet any costs associated with HIQA compliance through their core HSE funding allocation. The Deputy should note that increases in funding can only be considered within the parameters and scope of funding available to the HSE. Local HSE disability services continue to have ongoing liaison and engagement with St. Aidan's regarding deficit issues arising in the context of resources available. The HSE will be producing the 2019 national service plan in accordance with the relevant legislative provisions and funding allocation and additional funding may be considered in this context.

I might have missed one of the issues the Deputy raised. He might come back to it.

Deputy James Browne: I am not having a go at the Minister of State or the line Minister. However, this is becoming a habit in the House and this case illustrates why it is an issue. The staff here are being paid a day late this week. I have been told there will not be enough money to pay the staff in December. There are 300 service users. Everyone is under stress, including staff, service users and their families. The answer that has been typed out for the Minister of State to read does not answer any of my questions. It does not address the situation of ongoing issues between St. Aidan's and the HSE regarding funding for the past two and a half years. It does not say whether the Minister is going to engage with the situation with either St. Aidan's or the HSE. No solutions, proposals or ideas are set out to deal with this situation and we will go home today none the wiser. Most of the Minister of State's reply just tells us what we already know. What does the Minister say to the staff who are being paid late through no fault of St. Aidan's which does not have the funding? What is to be said to families and service users? Will there be any intervention? The HSE's CHO 5 states that it has no money to pay because it has run out of cash. The matter has gone up the line to senior HSE management, but that is not addressed in the reply. The HSE and the Department have been given fair warning about this situation, which has now reached a crisis point. If things fall apart in the coming weeks, the responsibility will lie at their doorstep.

Deputy Catherine Byrne: I have little to add. I do not have any initial answers to the questions he asked. The matter raised centres on the provision of funding to avoid the closure of St. Aidan's care centre in Gorey and I do not know anything about why staff have not been paid.

Deputy James Browne: The HSE and the Department are aware.

Deputy Catherine Byrne: I assure the Deputy that I will bring his very relevant concerns to the Minister on my way back up and ask for a reply to be forwarded to him. I have taken notes and will ensure that happens. However, I do not have the specific answers in the reply or even in the other material I was given.

Deputy James Browne: I thank the Minister of State.

An Ceann Comhairle: Given the nature of the reply and the seriousness of the issue, the line Minister might meet Deputy Browne. It is a matter of some urgency.

Deputy Catherine Byrne: I will relay his concerns when I go back up to the office.

An Ceann Comhairle: It would be helpful in respect of finding a resolution to the matter.

Report on Positive Mental Health in Schools: Motion

Deputy Thomas Byrne: I move:

That Dáil Éireann shall consider the Report of the Joint Committee on Education and Skills entitled ‘Report on Positive Mental Health in Schools’, copies of which were laid before Dáil Éireann on 12th September, 2017.”

I am substituting for Deputy O’Loughlin on whose behalf I apologise to the House. She is at the international conference of ALDE, the group to which Fianna Fáil belongs in the European Parliament. I understand the Taoiseach is at his party’s group conference in Europe this week also. I see that Mr. Alan Guidon, the clerk of the committee, is in attendance and I thank him for his constant help and assistance to the members. He is a tremendous asset to us. I thank the Minister of State, Deputy Catherine Byrne, who is sitting in for her colleagues, and the Minister of State at the Department of Education and Skills, Deputy Mitchell O’Connor, who is also attending. My party’s spokesperson on mental health, Deputy Browne, is also in the Chamber. I thank the members of the Joint Committee on Education and Skills who contributed to the production of the report. The report was agreed by the joint committee at its meeting on 11 July 2017 and launched on 12 September 2017 and I have been nominated to move it in the House by the Chairman, Deputy O’Loughlin. It is a comprehensive and important report and I am delighted to have the opportunity to move its consideration in the House.

The Joint Committee on Education and Skills recognises that mental health issues are complex and that there is no one-size-fits-all solution to them. We are aware, however, that schools and the interactions of teachers and students play a hugely important role in the promotion of positive mental health among young people. Early intervention is critical for mental health and the education system must equip and support children so that they can be confident and able to achieve their full potential in whatever roles they take on in their lives. Children’s mental health should be placed at the heart of the education system, but more needs to be done to support students and teachers in and out of the classroom through greater integration and co-operation of schools and the wider community to promote positive mental health effectively in schools.

The evidence provided to the joint committee makes it clear that there is a particular need to ensure that additional training and support are provided to teachers in order to enable them to recognise when students need assistance and to give them the time and space to provide the help required. It also became apparent to the joint committee over the course of its proceedings that a change is required in the mindsets of all in school communities throughout the State to ensure the well-being of students and teachers is central to the education system. Indeed, we see that starting to be the case more and more in schools nationally. There has been a change in the whole mindset that schools are about teaching and imparting information in the recognition that they are also about ensuring the well-being of students and school communities generally is at the heart of everything a school does. From that, better results can be achieved.

A change is also necessary in society generally in the context of attitudes to mental health difficulties in order that everybody can seek help when necessary and without the fear of being stigmatised. It is much better to concentrate on protecting the mental well-being of teachers and students rather than to focus solely on mental illness. While mental illness is obviously very important, we are talking today about the education system and the role it plays. Each school needs a strategy to achieve a whole-school approach to mental health.

The committee is of the view that the Minister for Education and Skills must work together with the Minister of State with responsibility for mental health and older people to promote resilience. Recommendations in the committee's report include recognising and supporting the critical role of teachers in creating a culture of whole-school approaches to mental health. The committee also recommends that teachers should be allocated sufficient time, training and resources to enable them to promote positive mental health among students and that teachers and students need time and opportunities to listen to each other and to develop caring relationships. Teachers and schools should be provided with the resources necessary to enable each student to participate fully in schools through encouraging and developing his or her particular talents and strengths. Positive measures to counteract bullying, such as the anti-bullying ambassadors project now running in a number of schools and which supports a friendly, positive and respectful culture in schools with a strong emphasis on eliminating bullying where it occurs, should be implemented.

Students need to feel connected to their community. Schools are a central way of doing that. Children and young people should be provided with the opportunity to participate and engage with both the local and school communities.

There needs to be enhanced collaboration between schools and State agencies to support students and teachers alike. The committee recommends that sufficient time and resources are allocated to ensure the promotion and support of positive mental health throughout the school community. It is recommended that the teacher training programme be revised to incorporate a module of resilience and promote positive mental health in schools.

The committee recommends a review of the current entry system, which places an emphasis on academic achievement, often resulting in additional stress on children and young people.

The committee recommends the establishment of an expert group to investigate the appropriateness, feasibility and best practice approach regarding the introduction of mindfulness in primary schools, particularly with a view to creating a standardised system if possible for all teachers.

It is important that we investigate the introduction of school-based counselling and the provision of nurses in schools, which has been recommended by the National Council for Special Education. We need to explore further training to guidance counsellors in secondary schools, which may be a cost-effective way to provide further access to counselling in schools.

It is a positive development that the well-being policy statement and framework for practice published by the Department of Education and Skills has incorporated a number of recommendations made by the Joint Committee on Education and Skills in its report. Key recommendations made in the report on a whole-school approach, the importance of listening and feeling a sense of belonging and connectedness were incorporated into the policy statement as areas to target in school well-being promotion.

I welcome the fact that the committee's report formed part of the policy statement. However, on behalf of the committee, I note the committee was disappointed it was not mentioned in the policy statement, considering the significant time and effort members put into producing what the committee and I consider an important report. The committee would appreciate, generally speaking, continued interaction along the lines it has had with the Minister and Minister of State, Deputy Mitchell O'Connor, in their relatively short periods in their jobs, particularly

in areas where the committee has worked. That would be appreciated.

Approximately one child or young person in ten has mental health problems. Research has found that, while people can experience mental ill-health at any time throughout their lives, mental disorders tend to peak during adolescence and adulthood. These issues can manifest as depression, anxiety and conduct disorder. This is often a direct response to what is happening in young people's lives. The emotional well-being of children is just as important as their physical well-being and my colleague, Deputy Browne, has done tremendous work on a statutory basis in equalising the State's responses to mental and physical health. I thank him for that. Good mental health allows children and young people to develop the resilience to cope with difficult situations and grow into well-rounded, healthy adults.

The committee recognises the importance of the promotion of positive mental health in schools. It is committed to its work in continuing to progress, promote and monitor the integration of the well-being policy statement in our schools. The committee looks forward to working more closely with the Minister and his Department on this topic in the future, and on many more issues relating to the education and well-being of our children and young people. The education system does not have the answer to everything. It plays an important role but is only one part of it and it is important that when issues arise in society that are of general importance, it is not simply sufficient for the State to say the schools or the teachers will look after it. Teachers have a role, as children spend a lot of their time in schools, but their main role is to teach and for children to learn. Teachers need to play their part, alongside State agencies, the families of the children and communities.

On behalf of the committee, I thank the witnesses who appeared before the committee to assist in its consideration of this matter. They generously gave the committee the benefit of their valuable time and expertise and made a significant contribution to the report and the committee is grateful to them. The report is on the committee's website and laid before the Houses. Those who appeared before the committee and their submissions are in that report.

I commend this report to the House.

Minister for Education and Skills (Deputy Joe McHugh): Ba mhaith liom mo bhuíochas a ghabháil leis an Teachta O'Loughlin agus na Teachtaí éagsúla ar an gcoiste fá choinne an tuarascáil seo a chur chun cinn. Tá an díospóireacht chuimsitheach agus leathan seo tábhachtach don ghlúin seo agus don chéad ghlúin eile. I welcome and acknowledge the members of the committee and Deputy O'Loughlin and Members of this House for their ongoing interest in this and it is important to have this comprehensive and wide-ranging debate on an important matter.

I welcome this opportunity to address the House on the Joint Committee on Education and Skills report on positive mental health in schools. The topic is significant and worthy of the full consideration of this House. The matter at its core concerns the country's most important and valuable national asset, our children, and how we support their development so that they may participate fully in society equipped with skills and competencies, experience and learning. Our schools occupy a pivotal position, second only to the family, in respect of supporting the development of our children. It is the task, and indeed the privilege, of the overall school community that such responsibility is entrusted to it. Children develop best in an environment which is caring, supportive and which caters for their individual need. While society has always exerted particular pressures on the young, in today's age of new technology and rapid social change, a new iteration of challenges faces our children.

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It is important that we notice and support the development of key skills and provide opportunities to enhance and promote their well-being and mental health within this ever evolving context in order that they thrive and flourish.

It is in this context that I welcome the input and insight of the joint committee in the report to hand. My predecessor as Minister for Education and Skills, Deputy Bruton, was pleased to welcome the report, which was launched in September of last year. Indeed one of my first actions upon my appointment in this role last week was to appear before the joint committee on this important matter and, as I said last week to Deputy Thomas Byrne and to reassure him again, I am happy to ensure that ongoing engagement happens on this important topic. I thank all the committee members and its Chairman for their cordial welcome and constructive debate on well-being promotion in schools.

I gave an undertaking at that meeting to provide additional information to the committee on a number of items and I expect to be in a position to respond to the committee regarding those issues in the coming days, not in the coming weeks or months, as my officials assure me that will happen in the coming days.

In preparation for that committee session, and amid all the understandable challenges in taking up my new role, I took the opportunity to familiarise myself with the content, focus and recommendations of the report on positive mental health in schools. The work is the product of a priority in the committee's 2017 work plan and included presentations from a number of eminent and noteworthy experts, who I also acknowledge. Upon reading the report I was struck immediately by the clear and concise observations of the joint committee in their deliberations on the matter. The report acknowledges that critical and creative thinking, processing information and working with others are absolutely essential to enable young people to navigate their way in the world and prepare them for life and not just for future employment opportunities. It recognises that the education system must support children to be confident and have the ability to achieve their full potential in whatever role they take. The mental health of children should be placed at the heart of the education system and more needs to be done to support students and teachers both inside and outside the classroom. There needs to be greater integration between the whole community and schools in order to effectively promote positive mental health in schools.

The committee concluded that mental health issues are complex and that there is no one-size-fits-all solution. Furthermore, the committee noted that school and the interactions between teachers and students play a hugely important role in promoting positive mental health amongst young people. In issues regarding mental health, early intervention is considered critical. Adopting these recommendations would put the needs of both teachers and students first and allow teachers to have the resources necessary to ensure that all interactions between teachers and students are constructive and promote well-being and positive mental health within the school community as a whole.

The report also sets out some 20 recommendations in areas including support for teachers through training and resources, the need for effective anti-bullying measures, the importance of connectedness between students and their communities, the need for enhanced inter-agency collaboration and reviewing the college entry process.

I am pleased to inform this House that there is a large degree of confluence between the report's recommendations and my Department's existing and developing policy on well-being

and mental health in our school system. Schools and centres for education are crucial to the ongoing development of our children and young people's well-being and we are fortunate to have schools that already do much to enhance children and young people's knowledge and skills in this area. The Department of Education and Skills has a key role to play in the promotion of the well-being of children and young people, in collaboration with the Departments of Health, and Children and Youth Affairs, and with other Departments and agencies. My Department adopts a holistic and integrated approach to supporting schools in promoting well-being and positive mental health. The process spans the curriculum in schools, whole-school ethos, quality of teaching, learning and assessment, student support and pastoral care and the provision of professional development for teachers. It also involves other supports such as educational psychological services and guidance services and the interface with other agencies, both nationally and locally.

The Department's three year action plan for education sets out a number of objectives and proposed actions specifically targeting the promotion of well-being and positive mental health in our school communities. These actions build upon and complement well-being promoting measures that are already in place. They include improved curriculum content, including the introduction of the junior cycle well-being programme; more training for teachers and school staff, including the roll-out of evidence-based programmes to promote social and emotional competence, resilience and school connectedness; the introduction of best practice models of school-based student support teams; and a significant increase in the number of National Educational Psychological Service, NEPS, psychologists as part of the programme for Government commitment. I had an opportunity to meet the team in Letterkenny on Monday to see the work in which they are involved. It is a challenge for many parts of Ireland to get around the geography and the nature of schools being in different geographical locations. I am very conscious of the resourcing of NEPS psychologists. Another measure is the restoration of guidance posts.

A key objective in the 2018 action plan for education was the publication of the Department's well-being policy statement and framework for practice, which was launched in July this year, providing an overarching structure encompassing existing, ongoing and developing work in the area of well-being promotion. The well-being policy statement and framework for practice for 2018 to 2023 sets out the ambition and vision of the Department of Education and Skills that, by 2023, the promotion of well-being will be at the core of the ethos of every school and centre for education, that all schools will provide evidence-informed approaches and support, appropriate to need, to promote the well-being of their students and that Ireland will be recognised as a leader in this area.

The well-being policy statement and framework for practice describes how schools can best promote well-being. In practice, such schools are those that recognise the importance of well-being promotion, where the voices of children and young people are heard and where they experience a sense of belonging and feel safe, connected and supported. They are schools which provide children and young people with positive experiences, high quality teaching and learning and in which approaches to well-being are developed, implemented and self-evaluated. Furthermore, they are schools that can point students and their parents to internal and external pathways to support, as needed. The well-being policy statement sets out the evidence base for best practice in relation to school well-being promotion, which indicates that schools should adopt a whole-school, multi-component, preventative approach to well-being promotion that includes both universal and targeted interventions.

A whole-school approach involves all in the school community engaging in a collaborative

process to improve areas of school life that impact on well-being. This will be achieved through the use of a school self-evaluation process taking well-being promotion as its focus. It will also allow schools to benchmark their practice against indicators of success and statements of effective practice and identify areas for development, implementation and review. It is envisaged that schools will engage with the statements and adapt and develop the best practice items as they meet the needs in their own school community. I am conscious, as a strong advocate for not recreating wheels, that many schools have well-being policies anyway. Many teachers, whether of physics, mathematics or physical education, are already doing the well-being work in a comprehensive way. I am conscious of that and of the many circulars that teachers have to deal with. I do not want to see this as a further bureaucratic role. We have to be practical and approach this with common sense.

A multi-component approach encourages schools to address areas not only relating to teaching and learning but also relating to other essential elements of well-being promotion including school culture and environment, policy and planning, and relationships and partnerships. Working preventatively and providing for both universal and targeted approaches is described as providing a continuum of support. Schools are encouraged to provide supports to promote the well-being of all within the school community as well as providing some targeted interventions for children and young people presenting with vulnerabilities in the area of well-being. These areas are embedded in the well-being framework for practice. It is my aim that by 2023 all schools and centres for education will have embedded this dynamic school self-evaluation process focusing on well-being promotion.

The implementation of this well-being promotion process is an ongoing process that will ensure the necessary focus of supporting children and young people in having a sense of purpose and fulfilment, and the skills necessary to deal with life's challenges. Schools will be supported in this work by a comprehensive national professional development programme, currently being developed and trialled, for which a full national roll-out will commence in 2019 and run to 2023. This will include facilitating the engagement of schools in the school evaluation for well-being promotion process which will build professional capacity. The implementation plan for this policy also sets goals to promote the well-being of teachers and to address the learning needs of current and future teachers in relation to well-being promotion. Work is underway to map the range of existing supports that schools can already access through the Professional Development Service for Teachers, PDST, health and well-being team, the junior cycle for teachers and NEPS, with a view to ensuring that there is a comprehensive and easily-accessible set of resources to address school-identified wellbeing promotion needs. There is also a plan to develop a research-based framework for the evaluation of well-being promotion in schools. A well-being policy implementation group is in place which will co-ordinate activity with other Departments. This group will link with the pathfinder project structures when progressed. The Department collaborates in the implementation of Healthy Ireland for 2013 to 2025, the Connecting for Life strategy for 2015 to 2020 and Better Outcomes, Brighter Futures for 2014 to 2020.

The well-being policy statement and framework for practice has incorporated some of the key recommendations of this committee's report on positive mental health in schools and I thank committee members for the important work they have undertaken in this area. Key recommendations in relation to the whole-school approach, the importance of listening and of feeling a sense of belonging and connection to school are highlighted as areas to target in school well-being promotion. The implementation plan recognises the need and plans to provide for

additional teacher training and the development of more resources for schools. The needs of children and young people with well-being vulnerabilities are also recognised and actions that require co-operation between the Department of Education and Skills and other Departments and agencies, including the HSE and Tusla, are included in the implementation plan. Deputy Thomas Byrne raised the issue of nurses, as he did in the committee, and I would be interested in pursuing that too. My Department will continue to work closely with other Departments and stakeholders to ensure that an aligned approach and continuum of services is provided to promote the positive mental health and well-being of all of our children and young people.

Deputy Pat Buckley: I thank Members for letting me speak on this and congratulate members of the committee on this report on an important subject, positive mental health in schools. The core principle of addressing mental health at a school level is early intervention. Early intervention is often talked about as some quite prescriptive model which needs to be implemented in a service and that is part of it but the idea that prevention is better than cure is fundamental. The principle is all the more important when it relates to children. Not only do we seek to intervene early in the development of problems but early in the entire life of the child to best avoid even some of those problems developing at all. It has never been a more stressful and confusing time to be a young person. Every year it seems children are under more pressure with regard to their academic and social life. These pressures are in many cases more heightened and constant versions of the kind of stressors my generation experienced but also new and emerging issues which we cannot yet know fully the consequences of. We need to intervene early not just to address mental ill health but to foster mental wellness.

I recently spoke to a young lady in Mayfield and asked about mental health in schools. She told me nervously but in her own words, which I will not repeat here but they were strong and I will instead give the politically correct version, that 15 minutes mental health a week was not enough in schools. She was right. Mental health should not be a 15 minute class discussion but actually woven into the entire concept of schooling and the culture and atmosphere of all schools. Everything a school does must have the mental health of its students and its staff at its centre.

5 o'clock

Instead of being a challenge to the mental health of young people, school should be a source of strength. In both a direct and indirect way, as young people learn mathematics, English and Irish, we must teach them the foundations of resilience, mindfulness, emotional awareness, and respect for all other people in their lives. If we can create that kind of environment we are not only intervening early but building a society in which we can protect and foster mental health in our lives, communities, workplaces and everywhere else.

I welcome the green flag initiative that is getting young people to talk in schools. It is giving them a sense of ownership and pride. I commend all those involved in the programme. We are all aware of safeTALK. We must address mental well-being in the education spectrum on an age-appropriate basis. I congratulate all those involved in the report. It provides a foundation for educating young people and giving them the coping skills to deal with problems and challenges as they go through life. I commend the report and congratulate the committee members responsible for it.

Deputy Kathleen Funchion: I am delighted to speak on this topic which is one I feel very strongly about. It is an excellent report and I hope its recommendations will be implemented

because reports sometimes end up on shelves gathering dust and I hope that does not happen with this report given the recommendations it contains.

We must take a two-pronged approach when it comes to mental health and children in schools. First, we must have the services in place for children in crisis. We all know tragedies can occur and things can be going on in people's home or family lives or they could be affected by external factors. In addition, there are stresses attached to school and children face worries and anxieties as well as bullying. I would like play therapists and counsellors to be available in schools. Many people know I am a big advocate of the school completion programme and I regularly speak about it. It should be rolled out to all schools.

I accept that much of what I am saying is very ambitious but we must start somewhere and we should be ambitious in our plans. Schools involved in the school completion programme provide access to counselling and play therapy, depending on the age of the child. Play therapy is more appropriate for younger children and then counselling can be provided as they get older. Early intervention often prevents a situation from getting worse and a child having to be referred to CAMHS. I accept it does not solve all the problems as counselling alone is not sufficient for every child. Some problems are more complex and psychiatric services need to be involved but we should begin to provide counselling services in all schools.

We must then consider preventative measures and how we can avoid problems getting to the stage where outside help and intervention are required. Reference is made in the report to the fact that teachers and schools should be provided with the resources necessary to enable each student to participate fully in school and to encourage and develop his or her particular talents and strengths. Later in the report it is stated that the committee recommends that non-academic achievements, for example, in areas such as youth theatre, could be taken into consideration for college entry. Those are things we must consider. We must take the stress out of school and ensure that all the focus is not on academic achievement. Some children are excellent in that regard and that is great. Other children are interested in sport and others again fall somewhere in the middle. We must take that into account. It cannot just be the case that one is only seen as a fantastic student if one gets all As because students might have other skills and they must be encouraged also. Those children must realise they are just as valuable as those who are good at mathematics.

Most children in junior and senior infants love going to school and love their teacher but as time goes on they encounter difficulties at school. At some point in the school system they feel they are not good enough and they lose confidence and self-belief. That is where mindfulness, coping skills and emotional resilience come in. There is no reason that cannot be done in schools. We could take a break from academic studies during the day and bring in meditation or time out where children could read a book or play a board game so that the school day is not focused on academic subjects alone. I am concerned about the level of homework especially in secondary school and the stress and worry that causes.

My children attend the Gaelscoil in Kilkenny and they have a mindfulness day on the last Tuesday of each month. That has been happening in the school for the past three to four years. It was introduced by an excellent teacher who saw the value in such an approach. Now, every parent knows that on the last Tuesday of the month there is no homework but they must do an activity with their child that is non-technological. It is about first adopting such an approach in schools and developing such a mindset but it also about changing the mindset of parents and society. That is just as important as the academic side of it. Much needs to be done but we can

start by introducing mindfulness, emotional resilience and teaching children that it is okay to be different, and it is okay not to fit in with everybody else. We must teach children how to cope when things go wrong or if something does not go their way, whether that is at school or due to something happening at home. They are the things on which we need to focus.

I was shocked when I learnt this week that we have the highest rate of child suicide for girls up to the age of 19 in Europe. That is something we must try to address. Given the current housing situation I also want to mention children who are in emergency accommodation such as hotels and bed and breakfast accommodation, which has an impact on their day-to-day lives and how they cope in school. Having raised the issue I was told supports are available through Tusla but not every child will be able to avail of the Tusla system. We all hope we will see an end to emergency accommodation but while the system is in place we must consider extra supports for children who are affected. For example, many of them travel a long distance to get to school. They have gone from having a certain routine and familiarity in their lives to upheaval and living in a hotel room with everyone living together in a confined space. It may seem that children are dealing with the situation but we must consider putting extra supports in place for them as well as for teachers to help them to provide support. Teachers require training in order to have the tools to provide support. I welcome the report and I hope the recommendations are implemented.

Deputy Maureen O’Sullivan: Cuirim fáilte roimh obair an choiste, roimh an tuarascáil atá á phlé againn agus roimh na rudaí a bhí le rá ag an Aire. I read the report and I was especially interested in the submissions and presentations. I have one question for the committee in that regard. Were there any presentations from teachers and students?

We are very conscious of health and safety regulations in every walk of life, including in schools. I refer, for example, to the type of doors, windows, flooring and locks, or the number of students who can be in a teacher’s car if a teacher is bringing them to an event. They all have to do with physical health and it is time that we did the same with the mental health of students.

As the Minister said, it is important to acknowledge the really good work that has been going on for many years. A variety of programmes is in place, some drawn up by schools themselves, such as the Meitheal system, mentoring, the Big Brother Big Sister buddy programmes and older students looking out for the younger students. When new initiatives are proposed in the well-being, wellness and mental health area I often wonder why they do not take account of the good work that has been going on in schools. When I hear the term child-centred education it is almost as if it was almost discovered in recent years but from my long experience in schools and the work of my colleagues I know that the child has always been at the centre of education.

I was looking at what we have been doing and it became a trip down memory lane for me. The school where I taught was a pilot school for the On My Own Two Feet programme. Caithfear aitheantas a thabhairt do na múinteoirí agus do na scoileanna a ghlac páirt sa chlár sin. Eight schools were involved with between five and 11 teachers in each school and we trained for up to 120 hours in order to be able to deliver the programme. Those hours were done outside school and at weekends because we were committed to the programme. It was devised by the psychological services in the Department of Education, the health promotion unit in the Department of Health and the Mater Dei Counselling Centre. It was launched in 1994 – I can hardly believe it now. Reading back through it last night, I was struck by how progressive it was and how advanced it was all those years ago. It was about developing personal and social skills. While it was designed for the prevention of substance abuse, it was an overall life skills

programme as well. The aim was to enable students to develop their ability to take charge of their health and, specifically, to make conscious and informed decisions. There were five books covering the areas of identity and self-esteem; understanding influences; assertive communication; feelings; and decision-making. There was a handbook on the methodology. The formal evaluation of the programme found that it had a significant effect on attitudes, beliefs and behaviours relevant to substance abuse. That was part of the substance abuse programme.

We are talking about the same thing now. At the time, teachers made some recommendations. One related to how vital it was for training for teachers to deliver these programmes. The recommendation was for 50 hours of training. At that time in the 1990s other courses were being carried out through developmental group work. The main point I wish to make is that in the 1990s and even before then this work was being carried out to support students personally and socially to enable them to make informed decisions. I am reminded of the phrase that a rose by any other name would smell as sweet.

A great deal is demanded of schools and teachers. Our experience from the 120 hours we gave was that we did it willingly, but that was in a different environment. The environment today is making it difficult for teachers, especially given the amount of paperwork they have to process. This had started in 2007 and 2008 when I was still teaching but it has increased more and more since. The problem is with all the “Ps”, namely, policies, plans and procedures. Teachers are inundated with the associated paperwork. No sooner is a policy agreed and ratified by a board than it is up for review. I realise we need policies and plans but not to the extent that we have them today.

From what the Minister was saying it looks like there may be more paperwork. My question is whether all of that is improving the quality of teaching. It is taking up an inordinate amount of teachers’ time. That time could be spent more productively on training in the courses needed to deliver the programmes we are all committed to and which contribute to positive mental health.

In spite of all the paperwork, teachers are doing their best with their students. Not only are they teaching the academic subjects but they are with their students in stressful and difficult times too. I saw a submission from the theatre group for aesthetic engagement which referred to the core experience. It reminded me of TEAM Educational Theatre Company, which did such invaluable work back in the day. However, it lost its funding and that was the end of that group.

I wish to raise one point about the school timetable and the pressures on it. A certain number of hours must be given for each of the academic subjects. There has to be a given allocation for physical education and a class for social, personal and health education or well-being or whatever we call it. If a teacher needs an extra class for an academic subject, the SPHE class will be the first to go. If a teacher is taking an SPHE class but she is either unwilling or does not want to be there or the class is simply being added on to make up the hours, she will be willing to give up that class.

I wish to make a point about religious education classes. Contrary to what some believe, they were not indoctrinating classes. They were times for students to have discussions. They were time for debate, meditation and for the issues that were important to students.

There is a role for outside agencies from the community coming in to schools to deliver

certain programmes. Some of the agencies I know in Dublin Central are community-based and work in the areas of drugs, alcohol, gambling and sexual health. They are welcomed by the schools because the people who come in have training and skills. It is vital to allocate time for this. This is where the religious education classes played a role in allowing students' voices and opinions to be heard. I was involved in an initiative in the north inner city through the drugs and alcohol task force. We had four conventions of transition year and fifth year students. These were roundtable discussions and the facilitators were the youth leaders. The conversations were about their opinions on drugs and alcohol but of course the conversations opened out into other areas. It was a question of engaging with young people on their terms.

The point is that children and teenagers in the north inner city and one or two other urban areas are living in a reality that is altogether different from the majority of areas in the country, urban and rural. They see open drug dealing every day. They can step over drug paraphernalia on their way in and out of school. They can see people in addiction shooting up. They know about fear and intimidation through drug debt. They see the normalisation of alcohol misuse and abuse. Of course they see the emergency response unit on the streets as well. The schools and youth projects are doing great work but when a programme is rolled out for the entire country it should take into account the specific and particular needs of young people who are living in these environments.

Well-being, mental health and the associated skills and strategies are vital to those who are most in need. One strong finding from the convention was how young people relish the opportunity to sit down with their peers and the facilitators to discuss these issues. We had another conference with teachers, youth leaders and some young people. We produced another report entitled *Let's Get Specific*, which the former Minister for Education and Skills, Deputy Bruton, launched. One key recommendation was on proper staffing and the training of teachers as well as connecting the teaching with the external support groups. Another related to involving parents in the training and the need for continuous feedback from young people on the effectiveness or otherwise of the strategies. This was an interagency collaborative report.

One of our recommendations was that SPHE would not be treated as an add-on subject. I am using the example of SPHE but the point applies to well-being too. There is danger in confining the class to one or two 40 minute periods per week. I have discussed the matter with the Minister's predecessors. This type of learning should pervade the whole day. There must be a whole-school, holistic approach. Every class should have the young person's sense of well-being at the heart of it. This means creating a positive learning environment, encouraging each student to achieve his or her potential and valuing each achievement. This should be the case regardless of whether the student achieved 200 points, 600 points or no points in the leaving certificate or he or she becomes an apprentice or a doctor. It is about challenging and stretching students to reach their potential and not giving up on them. Shane Martin made a submission suggesting that schools need to empower their students with the toolbox for coping during the inevitable crises and challenges in life. The word "inevitable" is important. We cannot eliminate all stress and anxiety from young people's lives but we can show them how to cope. That is why it is so important. This is where I see a role for mindfulness in schools but it has to be delivered by people who have had some training in the area.

One of the recommendations from the committee related to the provision of psychotherapy training. I know guidance counsellors who have done this as well. They have done the three year training course and built up the hours. There are no shortcuts to that end. I was struck by how that point came into the recommendations. Recently, recommendations on supervision of

guidance counsellors were introduced and that was welcome.

It was good that the submissions acknowledged that schools at primary and secondary level are responsive to the issues of poor mental health and that they are proactive in supporting and preventative approaches. We should not throw out the baby with the bath water. We have good programmes that are working and they can all be built in. The ethos of the school is important. We tried to emphasise all the time that we were a telling school and that people talked about things. We celebrated diversity and highlighted that there was nothing wrong with being different.

Some programmes have proven successful over the years. Programmes need to be well designed and teachers need to be trained. There needs to be timetable commitment. There needs to be managerial support and parental support. If such programmes are implemented, they can have positive impacts on the academic and well-being outcomes of students and can reduce the anxiety and stress. It does not matter whether we call it mindfulness, SPHE or well-being. We are all talking about the same strategies to help young people to cope.

Deputy James Browne: I congratulate the committee on the fine work done and on producing this report. As we know, schools play a role in promoting, supporting and developing positive mental health in their students. We know that early intervention is critical. I am chairman of the board of management of an Educate Together national school in Wexford town. We are looking for a new school building but I will talk to the Minister about that another time.

In March this year I raised the need for a review of mental health guidelines and supports in schools with the then Minister for Education and Skills, Deputy Richard Bruton. I talk to primary school principals and teachers on a regular basis to get a sense and understanding of what they are experiencing in schools. Teaching staff are under pressure to solve their pupils' problems. Often this involves referring students for psychological supports in schools and in the National Educational Psychological Service, NEPS, for which there are lengthy waiting lists. Teachers highlight the lack of supports for young people outside of schools in the child and adolescent mental health services and in community psychology care. When children do not get the necessary supports their issues fall back to the school. Often it is the teachers and principals who become active on the front line in dealing with young people and their mental health problems and challenges.

We know that 50% of those with mental health problems develop them before they turn 14 years of age. One student in four suffers from mental health problems. However, if those students come from minority groups, whether they be Travellers, people with disabilities, refugees or the LGBTQ community, those ratios increase fairly significantly and if they come from a number of those categories, they increase even further. It is important that appropriate resources are put in place to support the parents, students, principals and teachers.

I want to raise the increasing mental health issues of very young people in terms of digital safety. I have spoken to teachers and principals about that but we have seen research on it from America and the United Kingdom. Students are starting school with speech and language issues but, physically or mentally, there is nothing wrong with them. They are simply not used to speaking. They start school with vocabulary issues for no other reason than they are stuck on their laptops, iPads and iPhones. They are not developing the necessary vocabulary that would previously have occurred. There is research which shows that if one assesses a five year old's vocabulary, one can predict their likelihood of employment in their 30s. That does not neces-

sarily follow if appropriate intervention is put in place, but there is research that shows that. If young people are behind when they start school, they rarely catch up. The research shows that the gap widens. That is why there is a necessity for proper intervention.

In terms of dealing with the issue of young people's mental health, we need to teach parents, teachers and students how to recognise mental health issues, develop awareness around them, how to help them develop the confidence to speak openly about them, and develop coping skills and resilience to deal with them. The reality is that, in general, young people today probably do not face the same type of crises people might have faced 50 or 60 years ago. We need to teach them those resilience mechanisms.

Young people today are exposed to things that previous generations would not have been exposed to until at least their teenage years or even older. They are seeing extreme violence, pornography and all sorts of images on the Internet, and that is having a profound effect on young people. That emphasises the importance not just of well-being programmes but critical mental health interventions for young people and their teachers.

It has to be more than goodwill, however. It cannot be simply about putting all these mental health appropriate interventions onto the shoulders of already overburdened teaching staff. It has to be backed up with appropriate resources and referral pathways so that teachers know how to spot issues with young people and know how to deal with them and to where they should be referred. It is important also that when students are referred for help, that those supports are available.

In terms of community psychological services, which I appreciate does not come under the Minister's Department, in my county of Wexford, there is a 34-month waiting list for a child to see a community psychologist, and no urgent cases are being seen. That has a knock-on effect on the Minister's Department because those children are not getting the supports they need. They are going to school and they will have challenges on which teachers will have to support them. I would like to see greater interaction between the Department of Education and Skills and the Department of Health, in particular the section dealing with mental health, to see how these issues can be appropriately and effectively addressed.

It was reported about a year ago that Ireland has one of the worst statistics in the developed world for depression causing young people to leave school. That shows that the issue of mental health is not being dealt with effectively in schools.

The Joint Committee on Education and Skills report proposes enhancing the links between schools and State agencies to support pupils and teachers alike. I very much welcome that. As I said, ministerial collaboration with the other Departments in terms of mental health is vital. There is huge expertise in the Department dealing with mental health that can be shared with the Department of Education and Skills.

I congratulate the committee for its fine work. I wish the Minister the best with his Department.

An Ceann Comhairle: Does the Minister wish to respond to the points raised?

Minister for Education and Skills (Deputy Joe McHugh): I will be brief because the points have been well made and I do not have to re-emphasise their importance.

To concentrate on Deputy Buckley's contribution, he referred to resilience, mindfulness and respect, not just the continuum from primary to secondary school but also onwards into the workplace. Developing that confidence is something we very much value as a nation because we have a long history of our future not being clear-cut where people emigrated at 16 or 17 years of age and arrived in environments such as a building site in London to be asked what their trade was and overnight became a chippie or a brickie. We have to work on the resilience that has been built up at an educational level in a meaningful way.

The Deputy emphasised the importance of coping skills but that is not to say that every generation knew how their world would map out when they were growing up. I recall a statistic given of a family of 12 young people in Donegal, ten of whom became priests and nuns, and all of whom emigrated to Africa to work as teachers and so on. I refer to that resilience.

Deputy Maureen O'Sullivan emphasised that it very well. That ethos, philosophy and learning model has been passed from generation to generation and it has put us in a different space. In terms of my diaspora role, when I travelled as Minister of State with responsibility for international development and I met highly educated Irish people in key positions in different organisations. Speaking to their peers in different countries, if we were to analyse the skills Irish people have over other people in terms of getting into those key positions, it was emotional intelligence and the ability to listen and to take a step back. It was about having that awareness. I do not believe that has anything to do with DNA. It comes about through parenting. The education system has to have a major role in that regard, but we need to do more.

I agree with Deputy Funchion's comments. As a former youth worker who spent a few years in a community setting, I could see the value of the informal approach to helping people work on the creative aspects and not restricting them in terms of their spirit or creativity ability to do new things and face new challenges. We have to be conscious of that.

The Deputy's comment about taking the stress out of schools is apt. It is not just about stress in schools. Everybody is stressed. Parents are stressed. They are working hard and trying to juggle childcare, whether it is travelling from Mullingar to drop their child at a crèche at 5.30 in the morning or whatever. It is a different world. It is about taking a holistic approach to look at what is happening outside the school. I take the Deputy's point in that regard.

I agree with Deputy O'Sullivan on the question of sharing best practice. Many schools are doing many different projects. When I visited all the Gaeltacht schools throughout the country as Minister of State with responsibility for the Gaeltacht, I learned that no two schools are the same. They are unique. They have cultural nuances in terms of the region but they are all doing different things. They are working with industry and communities. There is volunteerism. There is a great momentum around physical education in many primary schools. It is about how we share that best practice, what is working and what is not working. We need to be clear about policy when we are bringing different groups or individuals from the outside in because the policy guidelines are important in that regard.

I was struck by something when thinking about the new physical education curriculum for the leaving certificate. That will stand out as an outlier if we do not put the same type of effort into primary school, particularly in terms of young girls. A recent statistic indicated that half of all young girls drop out of sport at the age of 12 or 13. If we do not encourage them to get involved in sport at primary school level the leaving cert curriculum is left as an outlier. I am conscious of that and I know much work is going on in primary schools. A lot of it is done by

volunteers. Schools have some funding for it, but it is something I am keen to pursue and look at.

Deputy O'Sullivan spoke of the good work that has been done in different generations through the years. I would be interested in finding out more about On My Own Two Feet, the programme at the school where she taught, if she would not mind sending me some information. She is right about RE, religious education, classes. There is sometimes an argument around religion, but the religion classes I took were more about getting a bit of space and time to think about things. Whether we call it RE, philosophy or meditation, we have to create the space for young people to take a step back from their busy lives.

Deputy Browne, who has left, spoke about the waiting lists for psychologists. There are resourcing issues affecting the National Educational Psychological Service, NEPS, and counselling. We need to beef those services up. That is where we come in as a Parliament. We must make the choices on where those resources are spent.

I refer also to speech and language therapy. That takes place outside the school, through the HSE. We have already started teasing that out within the Department. Conversations were happening before I joined the Department examining on-site speech and language therapy as an option for schools. That would be very practical and common sense.

I do not want to keep people here by filibustering - I note that I have two minutes and 20 seconds left. On a personal note, I was at a funeral in my parish this morning. We said goodbye to a woman from Carrigart who was a principal in Loreto Letterkenny. She started out as a home economics teacher, before moving to the Department's inspectorate and developing the home economics curriculum. She came back to become deputy principal and then principal. Her journey from being a practitioner to working in the Department gave her insight as a principal. Her colleagues are broken-hearted as she was a very young woman. Listening to them, one of the biggest observations was that she kept the ways of a home economics teacher. She was the person who cared for her students in a very compassionate way. That is something that we should never underestimate when we talk about the new well-being policy. We have leaders in our schools to whom we must look. We have to look at their life journeys, experiences and new ways of doing things. That said, old ways are good too. She was bid farewell today by the many people who knew her, her students and the whole community. They were also acknowledging her very important legacy of education. She never forgot where she came from and the key skills in teaching; helping people when they are in need, when they are in a corner and when they need a lift. She did that so well. Her name was Nora Friel.

An Ceann Comhairle: Ar dheis Dé go raibh a h-anam.

Deputy Thomas Byrne: I thank the Ceann Comhairle for the opportunity to have the debate. I thank the other member of the committee who was here tonight, Deputy Funchion, as well as the other Members who spoke. I gave apologies for my Fianna Fáil colleague Deputy O'Loughlin, who is abroad on behalf of the party.

Almost two thirds of children have experienced a stressful event of one sort or another by the time they reach nine years of age. We know this from the Growing Up in Ireland survey. This may be the death of a close family member, serious illness, moving house or another major event. These events undoubtedly impact on the well-being of young people. That same survey revealed that 23% of Irish nine year olds have social media or gaming profiles, that is, about

26% of boys and 21% of girls. At least I know that although my son says all of his friends take part in Internet gaming not all of them do. According to this survey, however, quite a few of them do. Boys' profiles are largely related to computer gaming, whereas those of girls tend to be on social media. In recent years we have become all too aware of the need to protect young people taking their first steps in life. As has been discussed already, perhaps the Minister will discuss the need for a digital safety commissioner with the Minister for Communications, Climate Action and Environment, Deputy Bruton.

Mental health services for young people are outside the school system, and of course they belong in the health services. However, the reality is they are deeply lacking. Some 1,607 children have been waiting for a year or more to see a psychologist. As my colleague noted, 109 of them are under the age of four. Again, that is outside the school system. These are the challenges that people with acute mental health difficulties face. NEPS practitioners are not front-line psychologists by any means, although they do provide some assistance. We only have 180 NEPS psychologists but we have 4,000 schools. A lack of NEPS psychologists has undoubtedly contributed to a lack of well-being among certain students who are unable to get the resources or services that they need.

On the health side, the situation is the same in child and adolescent mental health services, CAMHS. The latest figures show that while the Government has repeatedly claimed to be improving the capacity of CAMHS nationwide, almost 120 more children have been added to the list in the last year. We all know that from our constituency clinics. Constituents and principals come to us about the CAMHS services, trying to get some intervention. It obviously does not relate directly to school, but principals take a degree of responsibility when children have such a need for mental health services.

Mental health issues are complex. They do not suit one-size-fits-all solutions. However, a number of general principles are correct. Early intervention is critical. As has been said, schools acknowledge that they have a role in promoting and supporting positive mental health. By the age of 13, one in three young people in Ireland is likely to experience some type of mental disorder. I fully accept and emphasise that the Department of Education and Skills is not the only Department involved in this. I really do not lay this at the door of schools entirely. However, a holistic approach is needed in this area and the Department and schools need to play their respective roles.

I thank the Minister for his attendance and for listening to the debate and I hope that he will spend some time looking into this issue further, particularly where resources are concerned. We have spoken about NEPS, but guidance counselling is also relevant. I am delighted that guidance counselling is now part of the Government's strategy and that this particular cut has been largely, though not fully, undone. Given my party's position relative to that of the Government party, I have no doubt that it will be the subject of some discussions over the coming days and weeks, about which we will say no more on the floor of the Dáil.

Deputy Joe McHugh: The Deputy said "days and weeks", not "weeks and months".

Deputy Thomas Byrne: Yes, days and weeks. Weeks turn into months relatively easily. However, I am not on the negotiating team and neither is the Minister, so we will just have to keep doing our respective jobs.

This is obviously an area that needs work. The restoration of guidance counselling has been

highlighted as a key concern. Full restoration must remain a priority, regardless of what comes out of the confidence and supply talks. It is essential that this is done.

Again, I urge the Minister to look at the issue of nurses. This has been recommended by the National Council for Special Education, NSCE. A small number of nurses could significantly help the physical and mental well-being of a significant number of students, particularly in regard to medication for various ailments or conditions. We need nurses in schools to prevent other problems from happening. We do not need a nurse in every school, although that is the case in some other countries. We do need to make a start.

In closing, I welcome the fact that the Minister's well-being policy statement and framework for practice has been published. I am delighted to be here on behalf of Deputy O'Loughlin to debate the committee's report. I am glad we have done the work. I want to thank everyone involved. I mentioned Mr. Alan Guidon, other members of the committee and the witnesses that came before us. I also thank the other staff of the committee. A whole host of further actions are required if we are to move beyond crisis management. The holistic approach that we are moving towards is what this area requires.

Question put and agreed to.

The Dáil adjourned at 5.40 p.m. until 2 p.m. on Tuesday, 13 November 2018.