



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

| | |
|---|-----|
| Ceisteanna - Questions | 537 |
| Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions | 537 |
| Abbey Theatre | 537 |
| An Teanga Gaeilge | 542 |
| Hare Coursing Regulation | 544 |
| Ceisteanna Eile - Other Questions | 546 |
| Film Industry | 546 |
| Legislative Reviews | 548 |
| Heritage Promotion. | 549 |
| Gorse Burning | 551 |
| Heritage Promotion. | 553 |
| National Orchestras | 556 |
| Ceisteanna ó Cheannairí - Leaders' Questions. | 558 |
| Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation | 567 |
| Ceisteanna (Atógáil) - Questions (Resumed). | 577 |
| Cabinet Committee Meetings | 577 |
| Taoiseach's Meetings and Engagements | 581 |
| Taoiseach's Communications | 585 |
| Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters | 589 |
| Saincheisteanna Tráthúla - Topical Issue Debate | 590 |
| Foreign Policy | 590 |
| Housing Issues. | 593 |
| National Children's Hospital | 596 |
| International Conventions. | 599 |
| Nurses and Midwives: Motion [Private Members]. | 602 |
| Ratification of EU and NATO Status of Forces Agreements: Referral to Select Committee. | 634 |
| Criminal Law (Sexual Offences) (Amendment) Bill 2018: Order for Report Stage | 643 |
| Criminal Law (Sexual Offences) (Amendment) Bill 2018: Report and Final Stages | 643 |
| Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018: Order for Report Stage. | 658 |
| Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018: Report and Final Stages. | 658 |
| Health Service Executive (Governance) Bill 2018 [Seanad]: Second Stage (Resumed) | 668 |
| Health Service Executive (Governance) Bill 2018 [Seanad]: Referral to Select Committee | 681 |
| National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018: Order for Second Stage | 682 |
| National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018: Second Stage | 682 |

DÁIL ÉIREANN

Dé Céadaoin, 16 Eanáir 2019

Wednesday, 16 January 2019

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

Paidir.
Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Abbey Theatre

34. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht her plans to address concerns raised by more than 300 Irish artists about the Abbey Theatre; and if she will make a statement on the matter. [1719/19]

35. **Deputy Aengus Ó Snodaigh** asked the Minister for Culture, Heritage and the Gaeltacht her views on the letter written by 300 artists about the future of the Abbey Theatre. [1696/19]

37. **Deputy Richard Boyd Barrett** asked the Minister for Culture, Heritage and the Gaeltacht if her attention has been drawn to the major difficulties in the theatre, film and arts sectors in terms of insecure employment income and career possibilities in view of the controversy in a theatre (details supplied) and a recently launched campaign by actors and performers with regard to precarious work and ongoing disputes related to insecure employment in the film industry; the actions she plans to take to address these concerns; and if she will make a statement on the matter. [2004/19]

Deputy Niamh Smyth: What plans does the Minister for Culture, Heritage and the Gaeltacht have to address concerns raised by more than 300 Irish artists about the Abbey Theatre?

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I propose to take Questions Nos. 34, 35 and 37 together.

On 7 January I received a letter signed by over 300 theatre practitioners. It raised the concerns of the practitioners about the direction taken by the Abbey Theatre in the past two years. I have huge respect for the theatre practitioners who wrote to me and celebrate the extent and depth of the talent encompassed by the totality of the signatories. While the correspondence from the theatre practitioners raises concerns about the changing artistic model at the Abbey Theatre, I understand more positive outcomes from the changes have also been recognised. I acknowledge the concerns raised by the practitioners, while at the same time recognising the Abbey Theatre's need for artistic freedom to strike a balance in its programming. I also recognise the necessity for a strong working relationship between theatres and theatre practitioners which is vital for the continued success of theatre in this country. The Abbey Theatre and all theatre practitioners are a central part of our national culture. Therefore, I take the concerns of the practitioners very seriously.

I have been informed that the Abbey Theatre had already been aware of some of the concerns raised by the practitioners and is actively working with stakeholder companies to address them. I am pleased to report that it is already making arrangements to meet representatives of the signatories to discuss their concerns. In the meantime, I have written both to the theatre practitioners and the Abbey theatre on the issues raised last week.

I note also that the Abbey Theatre's statement makes it clear that it pays the actors it employs on terms and conditions agreed to with Irish Equity, the actors' union. In presentation or in-association arrangements the Abbey Theatre does not set the rate of pay, which has been the prerogative of the producing companies. It has stated this is to be reviewed as part of the dialogue with the theatre practitioners.

On Friday the Abbey Theatre issued a press release acknowledging the discussion in the media and stating it was listening attentively and with respect to all viewpoints. The statement went on to indicate that it was acutely aware of the precarious nature of work of those working in theatre as freelancers. I am confident, given these sentiments and the commitment of all parties to dialogue and engagement, that we can look forward to a mutually satisfactory outcome that will deliver the vision for a national theatre at the heart of Irish society that is artist-led and audience-focused.

The Arts Council has informed me that it had been engaging with the Abbey Theatre in recent months on the quality of employment opportunities and remuneration rates that it provides for Irish-based artists. That is the role of the council as the main funder of the Abbey Theatre and other State supported theatres and arts organisations. I am reassured by the fact that the council was already aware of the issues and taking action on this issue with the Abbey Theatre. As with all Arts Council funding, support for the theatre in 2019 will be based on a funding agreement. As has been documented in the media, €300,000 has been withheld pending confirmation that these conditions have been met.

The Abbey Theatre recently launched its five-year strategy, which sets out the key priorities of its vision between 2019 and 2023. It reflects the theatre's core responsibilities to Irish theatre-making, audiences, staff, funders and the community of stakeholders. The strategy has three interconnected strands: art and audience, internationalisation and investment and people and processes. In each strand the theatre identifies and outlines its goals for the five-year period. They include a consistent focus on new work and providing space and time to support artistic exploration and experimentation, alongside the theatre's relationship with established Irish playwrights and artists, as well as a pledge to ensure equality, specifically gender equality,

and diversity remain at the heart of its plans and all of its activities.

The Government understands the importance of culture and is committed to supporting it. The Taoiseach has committed to doubling funding levels for culture, heritage and the Gaeltacht by 2025. The announcement of €1.2 billion in capital funding for these areas last year in Project Ireland 2040 and the significant increase in current funding for the arts in budget 2019 are proof of this. I was pleased to be able to deliver additional supports to the sector in line with these Government commitments. In budget 2019, funding for the arts and culture sector in general was increased by €22.6 million to almost €190 million. That is an increase of 14% on 2018. This funding comprises €148.2 million in current expenditure and €41.7 million in capital investment. It includes an increase in funding to the Arts Council of almost €6.8 million, or 10%, to a total of €75 million. That is made up of €6 million in current expenditure, more than double the increase in 2018. The vast majority of this money goes directly to artists and those working in the arts in Ireland.

In 2017, the Government launched a pilot initiative allowing visual artists and writers to apply for jobseeker's benefit if and when they become unemployed. My Department is currently reviewing that pilot scheme with officials of the Department of Employment Affairs and Social Protection with the possibility of extending it to other artists, including actors. These initiatives, as well as the increased funding for the arts and cultural sector, in addition to the almost €1.2 billion in capital funding, clearly show that the Government is acting on our commitment to double funding by 2025. I have also asked the Abbey Theatre to give me an update and to keep me informed of progress.

Deputy Niamh Smyth: It was not only brave but also inspirational for 312 artists to be prepared to put their heads above the parapet and add their names to this letter. Many of those signatories are young and there is always a concern for an artist that if he or she speaks up too soon or too loudly on pay and conditions that it will have a detrimental impact on his or her career. It is, in no small way, a very brave thing that these artists have done. Some of them are cultural ambassadors appointed by the Minister, so I am sure they will have her ear in expressing the importance and significance of this issue.

We had members of Theatre Forum in here yesterday. Although this question is focused on the Abbey Theatre and the artists who have signed this letter, there is also a broader issue with the precarious situation that actors, playwrights, film artists and visual artists find themselves in during their working career. The Government's approach and response to this issue has been hands off and the silence on this issue has been deafening. The Minister has responsibility for this national cultural institution and she appointed the board. The ethos and objectives of the Abbey Theatre are greatly important and have to be influenced in some way by the Minister. The major issue with the Abbey Theatre centres on doing in-house productions to give opportunities to artists, actors, designers and playwrights.

Deputy Josepha Madigan: I accept it was very brave of the some 300 signatories to put their names to a letter to the Abbey Theatre of this nature and seriousness. There is no doubt about that and it is important their views are heard. They represent the acting profession throughout Ireland and the Abbey Theatre is the national theatre. I laud them for that. It is important there is a proper channel of communication between the Abbey Theatre and the actors. If this letter has precipitated that conversation about better communication in the future, then that is a good thing.

I see what the Deputy is saying about the precarious nature of the profession in general for actors and that is why, in my earlier statement, I mentioned the social welfare pilot scheme we have in place for actors. That will be rolled out once we look at the pilot in more depth. It is under review at the moment and it may be something that is feasible. It would be acceptable to assist artists in the future. On my own role, I have responsibility for setting the overall vision and the strategic direction for Ireland's cultural sector. In the first instance, these issues should be resolved by dialogue between the Abbey Theatre chair, board, directors and the theatre practitioners. I am already encouraged that the dialogue is taking place and that there will be progress.

Deputy Aengus Ó Snodaigh: I thank the Minister for raising some of the issues she mentioned but it is a pity it took more than 300 artists, actors and directors having to take to the national newspapers to raise these issues. They have raised them over the years but they have not been addressed fully. The Minister has urged dialogue but we need to go further than dialogue between those who signed the letter and the directors of the Abbey Theatre. It says something that things have got to this stage. Will the Minister agree that the national theatre itself has a role in setting an example in respect of terms and conditions of employment for actors and those within the theatre profession? Will she also agree there is a need for an ongoing conversation on the role of the national theatre now and in the future? I refer in particular to the commissioning of Irish works which directly employ Irish actors, etc., as well as ensuring there is an employment regime which encourages those who are self-employed in the industry.

Deputy Josepha Madigan: The Abbey Theatre certainly has a responsibility to examine the issues raised by the signatories in their letter. I wrote a letter to the Abbey Theatre on 11 January 2019. I stated that I was pleased to note that the Abbey Theatre had taken the concerns raised very seriously and had extended an invitation to representatives of the signatories to meet and discuss those concerns. I also welcomed the commitment by the Abbey Theatre to engage in dialogue and engagement and stated that I was supportive of their collective endeavours to resolve the matters raised. I asked that a report be submitted to me in a month with an update. I also stated that I looked forward to a mutually satisfactory outcome that will deliver the vision for a national theatre at the heart of Irish society that is artist-led and audience-focused.

I also wrote to the theatre practitioners and told them that I publicly lauded the wealth of talent among them. I continued by stating that while I acknowledged the necessity for the Abbey Theatre, as with all theatres, to have a level of artistic freedom with its programming, I also recognised the necessity for a strong working relationship with theatre practitioners and that is vital for the continued success of theatre in this country.

Deputy Richard Boyd Barrett: I talked to people who signed the letter as well as to people who were asked to sign it and made the decision not to sign it. As we can see, there is quite a polarised debate on both sides of this question. To some extent, it is up to the theatre and arts community to sort this out themselves. There has to be a balance between making the national theatre a space for all the people, all the theatre community and all the different theatre companies while at the same time guaranteeing decent terms and conditions of employment and some sort of security for actors and theatre workers generally.

That is what I want to focus on in my question. Will the Minister accept that what is really at the bottom of this situation is that workers in the arts, whether actors, performers or film workers, whose concerns I have raised with the Minister incessantly for the last year, have no security at all? They have no security of employment, no security of income and no security

16 January 2019

of career path. That is the problem. We take them for granted. We wheel out these workers in the arts for the celebrations of the centenary of the Dáil but we do not care that they are living in poverty and have no security of employment.

It is possible to work in the film industry or the arts sector for 20 or 30 years and not know whether there will be a job next week and an income or if it will be possible to pay the rent or get a mortgage. That is the problem.

Deputy Josepha Madigan: I thank Deputy Boyd Barrett for his question and for acknowledging that this is a polarised debate, or perhaps we might say discussion. It is already clear from media reports that there are very different viewpoints to the debate and it has to be said that the direction taken by the current Abbey Theatre directors has been positive in many respects. Developments that have been lauded include increased audiences, greater diversity of productions, gender balance and financial performance.

I note what the Deputy said about artists and actors in general and the struggle they have. It is not an easy profession. By its nature it is precarious and there is an onus on the Government to try to support their livelihood in any way it can. We are trying to do that through a social welfare scheme. There are currently 46 writers and artists participating in the pilot scheme and over 80 have participated in it since its commencement. As I said, it is under review currently and we are considering, hopefully, trying to extend it. There has also been greater funding for the arts, as I mentioned in my earlier reply.

Deputy Niamh Smyth: The letter requests that the Abbey Theatre stages a larger percentage of in-house productions rather than co-productions or buy-ins. It also requests that the performers, directors and designers whose work is used by the National Theatre of Ireland get Abbey Theatre terms and conditions. Does the Minister believe that the balance between co-productions or buy-ins and in-house productions since 2016 is correct? Does she believe that the artists who are performing in the National Theatre of Ireland should be remunerated in line with Abbey Theatre rates? Does the Minister agree with the dismantling of the literary department in the Abbey Theatre?

Deputy Aengus Ó Snodaigh: Does the Minister have a responsibility to examine the concerns and the issues rather than hope that the directors of the Abbey Theatre and the 300 signatories will resolve them? Has she read the playwright Jimmy Murphy's further criticism of the Abbey Theatre which appeared in *The Irish Times* yesterday? Given the large State funding of the Abbey Theatre I believe it has a number of roles and needs a vision. That vision should lie with the funder, and the funder should ensure it is implemented. Some of that vision is ensuring that people are directly employed, engaging with freelancers in the country, experimenting and encouraging, looking at our history and our future and all the issues that have been raised in recent weeks. However, the responsibility in many ways lies with the Minister, not only to get over this hurdle but also to ensure that these issues continue to be addressed over time rather than just finding a quick answer now.

Deputy Richard Boyd Barrett: Many of these issues are complex and nuanced, but one issue that is beyond question is that people involved in co-productions from other theatre companies who work on the Abbey Theatre stage should be paid Abbey Theatre rates. There is a two-tier pay structure. The other point, which the theatre forum people made, is that the smaller theatre companies have been effectively dismantled over recent years because of cuts in funding. We end up with the theatre community taking lumps out of each other in a desperate

scramble to get the small amount of work that is available in the Abbey Theatre or in the places where there is funding. The bottom line is we are not valuing arts and culture. I repeat the point made about film as well. There are people working in the film industry, a publicly funded industry, for 20 years yet they have no jobs. It is similar in the arts. Some 80% of our artists are earning approximately one third of the average industrial wage. It is totally precarious and there is no security. Our spending on arts is at one of the lowest levels in Europe. I was talking to somebody who worked in a theatre in Germany.

An Leas-Cheann Comhairle: A question, please.

Deputy Richard Boyd Barrett: Theatre workers in Germany, artists, performers and dancers, have permanent jobs. They get six weeks holidays, sick pay and pension contributions. They have real jobs. Workers in the arts in this country have no rights or security.

Deputy Josepha Madigan: Deputy Smyth asked about co-productions and the balance in the programming. Under the five year strategy the Abbey Theatre considers many different types of shows and programmes. There are co-produced shows, in association productions, presented shows and other types of shows. The balance has to be right. There must be a correct balance to support Irish artists in a meaningful way. The Deputy also mentioned the literary department. I am not aware of that but I can check it out and refer back to the Deputy.

To respond to Deputy Ó Snodaigh, it is important to point out that the arts community places a very high value on my legal position of having an arm's length relationship with the Arts Council. I provide significant funding to the Arts Council - this year it is €75 million - and it administers this independently. The Arts Council also must be mindful of the integrity of artistic freedom, which is important. In terms of the Deputy's comment that I will just let them have a dialogue about this and not interfere, I am overseeing what is happening. There was a further development yesterday. I received a copy of a letter the Abbey Theatre has sent to the signatories. It is seeking to have a meeting on 1 February and I hope the theatre petitioners will be in a position to do that.

An Teanga Gaeilge

36. D'fhiafraigh **Deputy Dara Calleary** den Aire Cultúir, Oidhreachta agus Gaeltachta cén uair atá sé i gceist Bille nua na dTeangacha Oifigiúla a fhoilsíú; agus an ndéanfaidh sí ráiteas ina thaobh. [1728/19]

Deputy Dara Calleary: Táim ag iarraidh a fháil amach cad é an scéal faoi Bhille na dteangacha oifigiúla. Bhí liosta dlíthe nua foilsithe inné agus ní raibh aon scéal faoin mBille nua ar an liosta sin.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Déanaim comhghairdeas leis an Teachta as ucht a ról nua mar urlabhraí Fhianna Fáil don Ghaeilge.

Mar chúlra, is iarracht í an Bhille seo, trí na ceannteidil éagsúla, an timpeallacht a chruthú ina mbeidh ról níos lárnaí ag an teanga in obair an Stáit, go mbeidh an teanga níos feiceálaí agus go mbeidh fáil níos leithne ar sheirbhísí trí Ghaeilge.

Agus an Bille á thabhairt chun cinn, cuireadh tréimhse comhairliúcháin ar bun leis na páirtithe

leasmhara. Leagadh na ceannteidil faoi bhráid Chomhchoiste na Gaeilge, na Gaeltachta agus na hOileáin agus foilsíodh tuarascáil ag eascairt as an bpróiseas seo roimh shamhradh 2018. Tá an tuarascáil sin scrúdaithe anois ag mo Roinn i gcomhthéacs dréachtú an Bhille.

Beidh sé mar ollchuspóir sa Bhille go mbeidh 20% de na daoine nua a earcaítear don tseirbhís phoiblí ina gcainteoirí Gaeilge, go mbeidh gach oifig phoiblí atá lonnaithe sa Ghaeltacht ag feidhmiú trí Ghaeilge agus go mbeidh comhlachtaí poiblí in ann freastal ar an éileamh ón bpobal ar sheirbhísí trí Ghaeilge. Is í an earcaíocht croí-lár na ceiste, agus táim dóchasach gur féidir tógáil, ar bhonn chéimiúil, ar líon na bhfostaithe le Gaeilge sa stachóras agus ag eascairt as sin, go mbeifear in ann feabhas a chur ar sholáthar seirbhísí trí Ghaeilge, mar is cóir.

Tá oifigigh mo Roinne ag obair faoi láthair i gcomhar le hOifig an Ard-Aighne chun Bille na dTeangacha Oifigiúla (Leasú) a dhréachtú.

Mar is eol don Teachta, tá dul chun cinn sunstasach déanta ar an mBille sin. Tá sé leis na dréachtóirí in Oifig na nDréachtóirí Parlaiminte don Rialtas. Tá siad ag obair ar an mBille i gcomhthéacs na gceanteideal atá foilsithe. Tá oifigigh mo Roinne ag comhoibriú ar an mBille. Níl ach sé Bhille ar an bpríomhliosta a foilsíodh inné. Tá a fhios ag an Teachta cén fáth. Beidh na dréachtóirí ag obair go mórmhór ar na Billí agus ar an reachtaíocht a theastófar ó thaobh an Bhreathimeachta. Sin an fáth go bhfuil liosta an-ghéarr againn don tréimhse idir seo agus deireadh mhí an Mhárta.

Deputy Dara Calleary: Gabhaim buíochas as na beannachtaí. Tuigeann gach duine sa Teach seo scéal an Bhille agus cad atá istigh ann. Táimid ag iarraidh go mbeidh muid in ann an Bille sin a phlé agus a chur ag obair sna ceantair Ghaeltachta agus do na daoine a labhraíonn an Ghaeilge. Tá na ceantair sin agus an Ghaeilge faoi fhíorbhrú. Níl an t-am againn moill a chur ar an mBille seo. Ní leithscéal é Brexit mar gheall ar an obair atá déanta ar an mBille seo. Labhair an tAire Stáit faoi obair an choiste. Tá an obair sin críochnaithe le sé mhí anuas. Bhí am ag an Aire Stáit an obair ar dúirt sé go raibh sé ag déanamh anois a dhéanamh roimhe seo. Níl sé déanta agus tá moill eile ann. Tá daoine ag fánacht ar an mBille seo. Tá sé an-tábhachtach. Is Príomh-Aoire an Rialtais é an tAire Stáit. Caithfidh sé an tionchar sin a úsáid agus brú a chur chun go mbeidh muid in ann an Bille seo a phlé sa Dáil agus chun go mbeidh muid in ann leanúint ar aghaidh leis an obair iontach atá leagtha amach sa Bhille.

11 o'clock

Caithfidh an obair sin a bheith sna ceantair atá ag fanacht le haghaidh an Bhille.

Deputy Seán Kyne: Aontaím le gach uile dhuine go bhfuil an Bille seo fíorthábhachtach. Tá a lán obair shuntasach déanta air ach, ag an am céanna, tá an reachtaíocht a theastaítear ó thaobh an Bhreathimeachta de níos tábhachtaí. Tá sé sin ag barr an liosta agus beidh na dréachtóirí ag obair ar na Billí sin so ní bheidh mórán dul chun cinn déanta ar aon Bhille eile seachas na Billí a theastaítear ó thaobh an Bhreathimeachta de. Bhí mé ag súil go mbeadh an Bille seo réidh roimh an Nollaig agus is mór an trua gur theip orainn é sin a dhéanamh. Tá dul chun cinn suntasach déanta, mar sin féin, agus beidh na feidhmeannaigh sa Roinn Cultúir, Oidhreacht agus Gaeltachta ag obair as seo amach chun a bheith cinnte go mbeidh an t-eolas go léir curtha chuig Oifig an Ard-Aighne agus na dréachtóirí. Go dtí go bhfuil cinneadh eile déanta ó thaobh an Bhreathimeachta de, áfach, is é an fócas atá ag na dréachtóirí ná reachtaíocht maidir leis an mBreathimeacht. Beidh moill ar gach uile Bhille eile mar gheall air sin.

Deputy Dara Calleary: An mbeidh sé foilsithe roimh an Nollaig nó an mbeidh orainn fa-

nacht le haghaidh bliain nua le go mbeidh sé foilsithe?

Deputy Seán Kyne: Beidh na dréachtóirí críochnaithe ag deireadh mí an Mhárta leis an reachtaíocht ó thaobh an Bhreathimeachta de agus b'fhéidir go mbeidh cinneadh eile déanta ag Rialtas na Breataine agus go mbeidh liosta nua reachtaíochta againn i gceann coicíse nó trí seachtaine. Bheadh sé sin go hiontach agus bheadh Bille na dTeangacha Oifigiúla ag barr an liosta sin go cinnte. Sin geall má tá liosta nua, ach beidh liosta nua i mí an Mhárta ar aon nós don seisiún idir mí an Mhárta agus an samhradh, agus beidh sé ar an liosta sin agus beidh sé foilsithe i bhfad roimh an Nollaig. Mar a dúirt mé, tá a lán obair thábhachtach déanta air agus teastaíonn an Bille seo. Tá an Teachta ceart go bhfuil a lán rudaí maithe sa Bhille agus tabharfaidh mé deis don Teachta agus do na hurlabhraithe eile chun suí síos leis na feidhmeannaigh i mo Roinn chun dul tríd an dul chun cinn atá déanta.

Question No. 37 answered with Question No. 34.

Hare Coursing Regulation

38. **Deputy Maureen O'Sullivan** asked the Minister for Culture, Heritage and the Gaeltacht if her attention has been drawn to the very serious concerns of animal welfare groups in relation to the so-called coursing trials; and if she will reconsider the issuing of licences. [1695/19]

Deputy Maureen O'Sullivan: My question to the Minister is if her attention has been drawn to the very serious concerns of animal welfare groups in relation to the so-called coursing trials and if she will reconsider the issuing of licences.

Deputy Josepha Madigan: I thank the Deputy for her question. My Department issued the Irish Coursing Club, ICC, with licences in August 2018 on behalf of its affiliated clubs to capture and tag hares for the 2018-2019 coursing season. These licences included conditions relating to the reporting of coursing trials. Until recently the organisation and monitoring of these trials has not been included in the licences issued by my Department to the ICC and its affiliated clubs. However, in the light of concerns expressed, a revised licence was issued to the ICC in October 2017 for the 2017-2018 season with additional conditions to strengthen the regulation of trials. These conditions for trials are also included in the licence issued to the ICC for the current coursing season. It is now a condition that only one dog, as opposed to two, can be used in trials and vets are required to be present.

In addition, my Department is to be notified in advance, which was not done previously, and reports of all trials are to be submitted to my Department. Those reports and any monitoring undertaken by the National Parks and Wildlife Service, NPWS, will also be taken into account in the consideration of the renewal of licences. Where resources allow, local NPWS conservation rangers and other staff attend coursing meetings to conduct on-the-spot checks and to monitor compliance with the licences issued to the Irish Coursing Club and its affiliated clubs. My Department monitored six of these trials during the 2017-2018 season given that these trials had not been monitored previously and these reports are available on the website of the National Parks and Wildlife Service of my Department.

For the current coursing season, and taking account of staffing constraints within my Department, my Department has concentrated its efforts on monitoring regular coursing meetings

16 January 2019

and to date has monitored some 32 coursing meetings compared to a total of 35 coursing events during the 2017-2018 season. I would intend that some trials will be monitored before the end of the current coursing season at the end of February.

Additional information not given on the floor of the House

My Department will be appointing additional conservation rangers during 2019 and it would be my intention that more coursing meetings and trials would be monitored during the next coursing season. If I can in any way improve the welfare of the hare in the context of coursing activities, then I will endeavour to do so. I must say, in fairness to the Irish Coursing Club, that it has worked with my officials in making these very important changes to the licensing, reporting and monitoring regime. I would point out, as I did in response to written questions in this House yesterday, that I have no role in relation to the payment of any fees relating to these trials. That is a matter entirely for the ICC and its affiliated clubs. I would stress, however, that trials are trials and I would certainly not understand them to be revenue raising opportunities.

Deputy Maureen O’Sullivan: I thank the Minister. There were some positive aspects to her reply. I want to stress the term “so-called trials” in my initial question because condition 23 of the licence is that it gives an opportunity to familiarise hares with the most direct route for escape and that there would not be more than one dog at any particular trial run. Somebody who rang up to book their dog in for one of these trial runs was told that the hares had been well trained. That indicates that any of the hares that had escaped are being kept in captivity to be used again. I stress that these trials are not for the benefit of the hare and to give it a more level playing field, as it were, when it comes to escaping, but rather for the benefit of the greyhounds so they will better be able to chase the hare. The Minister gave the report about how the coursing clubs and events are monitored but this just shows that this industry cannot be regulated. There is growing opposition to coursing and it is time for a ban. I do not believe the Minister supports activities where animals are badly treated and tortured.

Deputy Josepha Madigan: I certainly do not support any type of sport or hobby that would in any way prejudice the welfare of an animal. The concerns of the animal welfare groups relate to the fact that they do not consider that trials are organised to familiarise hares with the most direct route to the escape, as the Deputy said, as per condition 23. The Department understands that in order to familiarise hares with the layout of the coursing field and the location of the escape in advance of coursing meetings, hares in the hare park, the enclosure in which they are kept prior to the start of the coursing meeting, will have access for some time to the coursing field. The specific inclusion by the Department of trials in the licence issued to the Irish Coursing Club since the 2017-2018 season made it a condition that the primary purpose of trials was to train hares for the regular coursing meetings. Given staffing constraints within the National Parks and Wildlife Service, the Department has concentrated its efforts on monitoring regular coursing meetings and we have managed 32 to date.

Deputy Maureen O’Sullivan: I will go back to the monitoring of the coursing events. Through a freedom of information request, it has been found that there were some conflicts between the evidence given by the vets who were hired by the Irish Coursing Club and the rangers from the National Parks and Wildlife Service. The divergence in the evidence is being used by the Irish Coursing Club as a reason to ignore the ranger reports and not make the ranger reports available. Surely it is instead grounds for the Department of Agriculture, Food and the Marine to have its vets at these meetings so that the evidence can be collected there. I know that is not the Minister’s Department but part of the problem when it comes to animal welfare

issues is that it falls between several Departments and there could be a conversation between the Minister and the Minister for Agriculture, Food and the Marine about the use of vets from the Department of Agriculture, Food and the Marine and there would be no conflict of interest there if, as I have pointed out, the reports from the National Parks and Wildlife Service rangers are going to be ignored.

Deputy Josepha Madigan: I appreciate the point the Deputy has raised. We can certainly have a conversation with the Department of Agriculture, Food and the Marine in relation to any vets that it can provide. It is of paramount importance that we keep the welfare of the hares as our primary concern, and indeed the dogs as well. It is important to say that the EU habitats directive has found that the Irish hare is widespread and common, which is good to report, and none of the identified threats, such as the changing practices, is considered likely to impact on its conservation status in the foreseeable future. The future prospects of the hare were deemed favourable and that can only be a good thing. It is important that we monitor the trials. The number of rangers dropped to 60 from 72 at the end of 2018 owing to some retirements, promotions and exits, but the monitoring of these meetings allows the National Parks and Wildlife Service to be present for the release of hares after coursing, which would not have been the case with trials, and it is also important to note that 99.3% of hares are put back into the wild after coursing events, which is quite a high percentage.

Ceisteanna Eile - Other Questions

Film Industry

39. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht her plans to increase the participation of women in projects funded by the Irish Film Board, IFB; and if she will make a statement on the matter. [1708/19]

Deputy Niamh Smyth: The question follows on from points I raised when the House first debated the Irish Film Board (Amendment) Act last year. I raised the increased level of participation in projects funded by the IFB at the time, however the increases appear uneven. Will the Minister outline the actions she has taken to address women's participation in Irish film?

Deputy Josepha Madigan: The IFB was renamed Screen Ireland in 2018. Screen Ireland is the national development agency for Irish film making and the Irish film, television and animation industry. Its statutory remit is to assist and encourage the making of film in the State and the development of a film industry in Ireland. Screen Ireland supports writers, directors and production companies across these sectors by providing investment loans for the development, production and distribution of film and television programming.

Screen Ireland is at the forefront of the movement towards gender equality and has demonstrated its commitment to addressing gender equality in Irish film-making and screen content. In particular, in the roles of writers and directors, Screen Ireland is working towards achieving a target of 50:50 creative talent working in screen content by 2020. Screen Ireland has reported a significant increase of 62% in applications received with female talent attached and an 82%

increase in funding awards with female talent attached in 2018, in comparison to 2017 figures.

Screen Ireland's vision for gender and diversity is set out in its five-year strategy and the six-point plan on gender equality, which outlines a number of measures to monitor and enhance gender representation across the sector.

Considerable progress has been made in terms of encouraging female writers, directors and producers into the sector through training initiatives and through the Screen Ireland short film schemes. The commitment of Screen Ireland to gender equality has been acknowledged nationally and internationally, and 70% of Screen Ireland short films funded under the Screen Ireland short stories and frameworks schemes in 2017 have female directors attached.

Deputy Niamh Smyth: There has been a particularly high number of female protagonists and producers in Irish film in recent years. In 2017, seven out of ten Irish films had female protagonists. It is something of which we can be proud. The monitoring by Fís Éireann has been valuable and Screen Ireland has played a crucial role in this. However, the number of women directors is relatively stagnant at over 20%. Further efforts by the Minister and the Government are necessary to address this. What specific measures are being introduced to increase female participation in the direction of Irish film?

Deputy Josepha Madigan: I appreciate that the Deputy acknowledges that seven of ten Irish films had a female protagonist, of which we are justly proud. She is correct that we cannot rest on our laurels and I will support Screen Ireland's work in proactively seeking to increase the number of female directors, in particular. In the past year, female-led Irish films have included "The Breadwinner", "Float like a Butterfly", "Kissing Candice", "A Girl from Moga-dishu", and "A Mother Brings her Son to be Shot". There are many excellent films with high numbers of female protagonists.

On specific initiatives, Screen Ireland has a six-point action plan. It is working to achieve enhanced levels of diversity in films and screen content and has several gender-focused funding initiatives to develop this, which are aimed at the under-representation of women in Irish film. Considerable progress has been made through these initiatives. There are many incentives geared towards directly increasing the numbers of female writers, directors and producers.

Deputy Niamh Smyth: Is Screen Ireland on track to achieve gender parity in the industry by 2020? Can the Minister provide a detailed update on the action points contained in the 2016-20 strategic plan? Does she believe there is adequate funding to achieve the goal? On several occasions, she has mentioned Screen Ireland's six-point plan, but there must be funding behind this in order that actions can speak louder than words. Is Screen Ireland adequately funded so that those targets will be met?

Deputy Josepha Madigan: There is adequate funding. Since 2016, the statistics have shown significant progress. In 2016, for example, only 34% of successful project development applications had female writers. This has increased by 10% with 44% of successful applications in 2018 having a woman writer attached. In documentary development, successful women directors were at 8% in 2016, which has increased to 48% in 2018, a 40% increase. There has also been an increase in successful women writers in animation development by 31% between 2016 and 2018. These clearly demonstrate the increased percentage in women's representation in the industry. The Deputy is correct that we must continue to do this. Funding initiatives for this include POV, which is a training scheme aimed exclusively at female talent.

There is also a low-budget film production and training scheme for female talent and enhanced production funding for female initiated and driven feature films, which increased support of up to €100,000 for projects applying for Irish production funding if the film is led by an Irish woman director, writer or a combination of both. Gender parity will continue to be monitored across all schemes.

Legislative Reviews

40. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the reason no post-enactment reports have been carried out by her Department since 2011; and if she will make a statement on the matter. [1712/19]

Deputy Niamh Smyth: The Department of Culture, Heritage and the Gaeltacht has passed five Acts since 2011. Does the Minister believe this legislation is operating as intended? What oversight of this legislation is in place? Some of these Acts are technical in nature, but others have considerable scope. For instance, *Acht na Gaeltachta 2012* provides for a statutory language planning process to support the Irish language and provide for amendments to the board and function of *Údarás na Gaeltachta* or the Heritage Act. I do not wish to retread the arguments or discussions which took place during the legislation but to ascertain and identify the current mechanisms within the Department for legislative review once a Bill has passed through the Houses. Why has none been conducted?

Deputy Josepha Madigan: Post-enactment reports, as referenced in Standing Orders of both Houses of the Oireachtas, serve as a review of the functioning of an Act 12 months following the enactment of a Bill. The Government's support for this process is reflected in the programme for partnership Government 2016. My Department was responsible for six Acts passed by the Oireachtas during the period specified by the Deputy.

The Wildlife (Amendment) Act 2012, extended arrangements set out in the Wildlife (Amendment) Act 2010 regarding provisions that deemed all holders of valid firearm certificates issued for shotguns between 15 August 2009 and 31 July 2012 to be the holders of a hunting licence under the Wildlife Acts for the purposes of hunting game bird and hare species. Given that the practical effect of this change was considered minimal it has not been considered necessary to undertake a post-enactment report.

Acht na Gaeltachta 2012, provided for the introduction of a language planning process, primarily in Gaeltacht areas, as set out in the 20-Year Strategy for the Irish Language 2010-2030 and for changes in the size of, and method of appointment of members to, the board of *Údarás na Gaeltachta*. As the full impact of both of these provisions would only become fully evident over an extended period, the appropriate timing for the undertaking of a post-enactment report of this Act remains under consideration.

The purpose of the National Cultural Institutions (National Concert Hall) Act 2015 was to place the National Concert Hall on a statutory footing and provide for appropriate reporting and accounting to the Minister and onwards to the Oireachtas, while not impinging on curatorial independence. I am advised that work on a post-enactment report in respect of this legislation is under way and that this report will be laid before the Oireachtas when complete.

My Department is also responsible for the National Archives (Amendment) Act 2018, the

16 January 2019

Heritage Act 2018 and the Irish Film Board (Amendment) Act 2018. The conduct of post-enactment reports in respect of these Acts will be addressed in due course.

Deputy Niamh Smyth: I thank the Minister. Evidence suggests that an effective process of post-enactment scrutiny includes roles for Departments, the Parliament and independent external bodies and agencies. Experience in the UK and Scottish parliaments suggests that where the initiative rests fully with a parliament to prioritise the legislation for review and then conduct that review, the associated barriers may be too high. These barriers include information asymmetry, capacity and resources. Is the Minister satisfied that the level of post-enactment scrutiny undertaken by her Department is sufficient?

Deputy Josepha Madigan: I made brief reference to the various Acts. The Oireachtas Library and Research Service's spotlight report on this issue mentions that while there is no single approach to undertaking post-enactment scrutiny, there is some consensus that its primary purpose is to ascertain whether the legislation, which is usually an Act, has achieved the original policy objectives. The report also highlights that it may be inappropriate to carry out post-enactment scrutiny until a substantive period has passed and that such periods may justifiably differ depending on the Acts involved. This means that it may take longer in some instances, depending on the particular Act, for the post-enactment report to be compiled. Some have said that it is likely to be in part related to the short one-year timeframe.

Deputy Niamh Smyth: The purpose of the process is simple. It identifies whether laws made in this House are having the desired impact. Indeed, the programme for Government and that which preceded it contain commitments to support that process. I fully accept that there is a limited capacity to deliver and that it is the responsibility of the Oireachtas committee to request that these reviews be conducted. I am not doing this because I am advocating the commissioning of a report into a specific legislation or because I am seeking to influence the workings of the committee. I am asking the Minister to outline the process by which the Department ensures that legislation has the impact we desire.

Deputy Josepha Madigan: The Deputy is correct. The primary purpose of these post-enactment reviews is to enable us to demonstrate clearly whether an Act has been implemented in the way originally envisaged and whether it is doing what it was designed to do. This is a very valuable process. Post-enactment reports were not required before 2011. As part of the political reform agenda, the Government aspires to implement a process of post-enactment scrutiny for all legislation. The programme for Government contains a commitment to supporting post-enactment review of legislation by Oireachtas committees. This reiterates the previous Government's commitment to the concept. While there is no single approach to undertaking this type of scrutiny, there is some consensus that its primary purpose is to ascertain whether the legislation, usually an Act, has achieved the original policy objectives.

Question No. 41 replied to with Written Answers.

Heritage Promotion

42. **Deputy Bernard J. Durkan** asked the Minister for Culture, Heritage and the Gaeltacht the extent of specific events scheduled in 2019 to encapsulate and promote an even greater awareness of Irish culture and heritage at home and abroad; and if she will make a statement on the matter. [1756/19]

Deputy Bernard J. Durkan: I am seeking to obtain information on the number of events scheduled for the current year and promoting Irish heritage and culture at home and abroad, with a view to tapping into the economic benefits arising therefrom.

Deputy Josepha Madigan: The Government agency with primary responsibility for promoting knowledge, appreciation and practice of the arts in Ireland is the Arts Council of Ireland, which has been allocated €77 million for its work in 2019, an increase of some €6.8 million, or 10%, from its allocation for last year. Total expenditure on arts and culture by my Department in 2019, including the Arts Council of Ireland, national cultural institutions and Screen Ireland, will be some €190 million, an increase of €23 million, or 14%, on 2018.

Through its Culture Ireland division, my Department has primary responsibility for the promotion of Irish culture abroad. In 2019 I allocated €4.6 million to Culture Ireland, an increase of €600,000, or 15%, from last year. On 7 January last I announced the appointment of five cultural ambassadors. These new positions will see high-profile figures from Ireland's arts and culture community promoting Ireland globally as part of the Government's Global Ireland 2025 initiative. The latter is a whole-of-Government initiative which aims to double Ireland's footprint globally through a mix of actions in the cultural, diplomatic, business, education and tourism areas. In addition, a conference of cultural stakeholders is being held in Dublin on 24 January to discuss how best to advance Ireland's global visibility and strengthen global relationships.

Other mechanisms by which we support culture and creativity include the Creative Ireland programme, a culture-based programme designed to promote individual, community and national well-being. Its core proposition is that participation in cultural and creative activities drives personal and collective well-being and achievement. Under the programme, my Department will commit €2 million to local authorities under pillar 2, the creative communities element, in 2019.

Deputy Bernard J. Durkan: I thank the Minister for her reply. I have a further supplementary question. From her information on events which have already taken place, to what degree is information under the headings she has mentioned to the House being made available to schools in order to create an early awareness of our history and culture, and obviously to reap the consequent benefits? Has the Minister determined the extent to which the Government can use the advantages of Ireland's stamp or image abroad for economic purposes, in order to ensure, particularly in the aftermath of Brexit, that a greater and wider audience both at home and abroad is aware of our presence?

Deputy Josepha Madigan: I thank the Deputy. He mentioned schools. I note that the creative schools programme is one of the key deliverables of the creative youth plan, which is an initiative of the Creative Ireland programme. It is led by the Arts Council of Ireland in collaboration with and funded by my Department and the Department of Education and Skills. Following an open application process, 150 schools were selected for the pilot in the school year running from 2018 to this year. These schools have approximately 38,000 pupils. There are a diverse range of school types involved in rural and urban parts of the country. Primary, post-primary, DEIS and special schools and Youthreach centres are included. A total of four schools in Kildare are participating in the pilot scheme, namely, Scoil an Linbh Íosa in Ballycane in Naas, Scoil Mhíchíl Naofa in Athy, Scoil Mhuire in Ballymany in Newbridge and Ursaille Naofa in Naas. Schools participating in the pilot are working with artists, creative practitioners and educators to develop their own unique programme of arts and creative work, connecting them

16 January 2019

to the full range of local and regional cultural resources and opportunities. Concerning Ireland in general, the cultural ambassadors will go some way towards expanding our global footprint.

Deputy Bernard J. Durkan: I thank the Minister. Has her Department evaluated the extent, if any, to which people's personal contacts internationally can be accelerated and expanded with a view to making it almost impossible to ignore the existence of what we have to offer in the context of culture and heritage? This has an obvious benefit from the points of view of tourism, education, utilising every opportunity to promote what we have to an even greater extent than has been done in the past and identifying the extent to which that can be done practically.

Deputy Josepha Madigan: I thank the Deputy. One of the aims of Global Ireland 2025 is to ensure that Ireland is showcased around the world. One of the reasons I appointed the cultural ambassadors was in order to do this. Culture Ireland has a lot of ambition for 2019, and we hope to double our footprint by 2025 through a mix of actions in the cultural, diplomatic, business, education and tourism areas. We have a strong reputation for culture and creativity and it is central to the initiative. We propose a number of actions to enhance the promotion of Ireland's culture globally. The Heritage Ireland 2030 plan is exceedingly important for this country. It is at public consultation at present and the process will go on until February 2019.

Some projects in County Kildare were successful in applying to the national creativity fund, which was launched in May 2018.

Gorse Burning

43. **Deputy Eamon Ryan** asked the Minister for Culture, Heritage and the Gaeltacht to outline the reason she opened a public consultation on draft regulations allowing burning in March of uncultivated land at 5.30 p.m. on the Friday before Christmas to close on 16 January 2019; her views on whether timing public consultations to run over the Christmas period represents good practice; and if she will extend the consultation period to allow for effective engagement by the public and environmental organisations. [1755/19]

Deputy Eamon Ryan: At the time of the formation of this Government the programme for Government stated specifically that the Government wanted to do consultation in a new way. It was to be proper consultation and not simply a tick-the-box exercise. The idea was that we really listen with respect to the views before the public service makes a policy decision. Does the Minister believe it is appropriate, therefore, that the public consultation in regard to the burning of vegetation regulations and the strategic plan for the Skellig islands was announced and issued late on Friday, 21 December, the last Friday before Christmas? Does the Minister believe that was an appropriate approach to public consultation given the intention set out in the programme for Government on how the Government will do public consultation properly?

Deputy Josepha Madigan: As the Deputy is aware, section 7(1) of the Heritage Act 2018 provides that I, as Minister, make regulations to allow the burning of vegetation during such periods as the month of March in such parts of the country as specified in the regulations. For me to be in a position to make a decision on whether to allow burning in certain areas this March, my Department initiated a public consultation process on the draft regulations and guidelines on 21 December last. Two documents were published. These included draft regulations to permit controlled burning only in March, only in certain parts of the country and only due to adverse weather conditions such as when winter rainfall is higher than average. The second docu-

ment sets out draft best practice guidelines for burning management. It covers issues such as the requirement for consent on any Natura sites, advice on rotational burning, the prohibition of burning on blanket bog habitat and guidance on how to carry out controlled burning to benefit certain ground-nesting birds, including the hen harrier, red grouse, curlew and golden plover.

While I take the view that publishing these documents over the holiday period gave people the time and space to reflect on the proposals, I appreciate the concerns that have been expressed by several organisations and individuals on the closing date for the receipt of submissions being 16 January. In making the decision on the standard 28-day consultation period, my Department had allowed the latitude to automatically extend that period if stakeholder interests so demanded. My Department decided to exercise that automatic extension on Monday, 7 January last. Therefore, the consultation period referred to by the Deputy for this process is now open up to 31 January. The Deputy may not have been aware of this prior to tabling the question. I believe this deadline will allow all interested parties to be in a position to consider the documents and make a submission if they so wish.

Deputy Eamon Ryan: I am glad there was an extension but I retain my concern that the opening date for the consultation, late on Friday, 21 December, was not designed to encourage maximum participation. That is a real problem. It gives a sign of the real intent of the Minister and the Department. Furthermore, the document on wildlife burning refers to a period from XXX to YYY on which we are asked to comment, but without knowing what those dates are. Similarly, the document refers to burning taking place in parts of the State set out in Schedule 1 and to the process taking into account the best practice guidelines set out in Schedule 2 of the regulations, but neither schedule was provided. People are being asked to consult on a document in circumstances where the Department has not provided the necessary schedules to allow them to consult properly. The timing and the nature of the consultation documents, which do not include the schedules or timelines to which the regulations refer, send out the signal that the Minister is not serious about this consultation. The Minister is doing a tick-the-box exercise. She has made up her mind and consultation is not real.

Deputy Josepha Madigan: I am sorry that Deputy Ryan doubts our bona fides with regard to this public consultation, bearing in mind the fact that we have extended it to allow for further public consultation and to allow people to make submissions on such a necessary topic. It is a complex issue that the Department needed to research. The drafting of the best practice guidelines for burning took longer than anticipated due to the various issues that needed to be covered in the guidelines. It was not a question of waiting until 21 December. It was more a question of not being ready until then. We offered a 28-day consultation period, as I have said. That is at the higher end of standard consultation periods. We allowed for automatic extension, if needed. It was needed in this case. We did that last Monday. It is now a six-week consultation period. There was no statutory obligation on me to consult. It seems I am actually being criticised for acting in good faith. The extension of the deadline to 31 January gives interested parties a reasonable opportunity to consider. Moreover, I did this without being asked by the Oireachtas.

Deputy Eamon Ryan: Why did the Minister not include Schedules 1 and 2 to the regulations? Why were they not included in the consultation documents on which people were invited to comment to allow proper consultation?

Deputy Josepha Madigan: Several issues are covered in the regulations and best practice guidelines, both of which are now out for public consultation. The regulations will permit con-

trolled burning only and only on the basis of adverse weather conditions, such as where winter rainfall is higher than average. The draft guidelines refer to the requirements for consent on any Natura sites and other relevant legislation on the burning of lands. Advice is provided on rotational burning, since uncontrolled and unplanned burning can result in monoculture and more dominant vegetation types over land areas. The guidelines also state that burning should not be carried out in a blanket bog habitat in any circumstances or in humid mires or wet heaths as this can lead to damage to the moss layer or to the peat itself. The guidelines emphasise that species and habitat considerations should be to the fore prior to embarking on a planned burn. The objectives should always be to return the habitat to its pre-burnt condition in a reasonable timeframe.

Heritage Promotion

An Leas-Cheann Comhairle: The question was submitted by Deputy Burke but permission has been given to Deputy Joe Carey to ask this question. I understand it may be grouped.

44. **Deputy Peter Burke** asked the Minister for Culture, Heritage and the Gaeltacht to outline the details of the public consultation process for Heritage Ireland 2030; and the opportunities for residents of counties Longford and Westmeath to contribute to the process, including details on public events. [1720/19]

48. **Deputy Tom Neville** asked the Minister for Culture, Heritage and the Gaeltacht to outline the details of the public consultation process for Heritage Ireland 2030; and the opportunities for residents of County Limerick to contribute to the process, including details on public events. [1777/19]

Deputy Joe Carey: I am asking this question on behalf of Deputy Burke and I thank the Ceann Comhairle for his co-operation in this regard.

Will the Minister for Culture, Heritage and the Gaeltacht provide details of the public consultation process for Heritage Ireland 2030 and the opportunities for residents of counties Longford and Westmeath to contribute to the process, including details on public events?

Deputy Josepha Madigan: I propose to take Questions Nos. 44 and 48 together.

Our heritage is a priceless and irreplaceable national asset that belongs to all of us. We want everyone to be able to enjoy this heritage, to have a sense of pride in it and to keep it safe for the future. The four-month public consultation process that I announced on 1 November 2018 is a critical phase in the development of Heritage Ireland 2030, the new national heritage plan for Ireland. The consultation is open until the end of February 2019. The public consultation is designed to afford plenty of opportunity for everyone to have their say.

There are four means whereby people can participate. The first is to go to the Heritage Ireland 2030 section on my Department's website and complete the online survey. People can send a written submission by post to Heritage Ireland 2030 at the Department. People can email heritageireland2030@chg.gov.ie. People can participate in local or regional events throughout the country. There will be a series of regional workshops in the coming weeks, the first of which will be in Dublin on 29 January. As more details and dates are confirmed for these regional workshops they will be published on my Department's website. I anticipate that many

people will be most interested in the events in their local area. I acknowledge the contribution of the county heritage officers in arranging these events. To find out about Heritage Ireland 2030 public events in their own county, individuals should contact the heritage officer in their local authority. A list of heritage officers is available on the Heritage Council website, www.heritagecouncil.ie. I am aware that a small number of local authorities do not have a heritage officer. My Department will work with these local authorities and the Heritage Council to ensure that all counties are catered for and have a public event for people to attend. People may also contact my Department directly or make a submission through any of the channels I have already mentioned.

Our vision for heritage is a simple one: that heritage will be valued and protected. Heritage Ireland 2030 is built around the vision that the way in which we identify and protect our heritage is the best it can be. I am very grateful to all the key stakeholders who engaged with us in shaping the public consultation strategy for Heritage Ireland 2030. I would encourage everyone to avail of this unique opportunity to rethink how we care for our habitats, landscapes, wildlife, historic buildings and monuments so they can be celebrated and enjoyed long into the future.

Longford and Westmeath are in Ireland's hidden heartlands and are home to our majestic Shannon, a shimmering lakescape, rolling pastoral landscapes, wild peatlands and villages and towns with built heritage that is lovingly preserved. Together and separately these counties provide a heritage centre of gravity for the entire country and island. Their contribution to this strategy is essential. Limerick includes the "Treaty City", one of contrasts where the contemporary embraces a past of heritage treasures, and a county that remains guardian of a rich medieval and monastic history. A strategy uninformed by what Limerick has to offer is irretrievably impoverished.

The public consultation on Westmeath will be discussed at the Westmeath heritage forum in Westmeath County Council on 26 January. Deputy Burke might be interested in that. There will also be a public drop-in event at Athlone library on 31 January where those concerned can hear about the plan and get advice on preparing a submission. If anyone would like further information, the contact person is Ms Melanie McQuade of Westmeath County Council.

Deputy Joe Carey: I congratulate and commend the Minister and her Department on taking this initiative. It makes an awful lot of sense to revitalise and refresh our heritage plan. The initiative Heritage Ireland 2030 does just that.

It is important that we publicise these events and let individuals and groups know they can have an input into the process. I welcome the various ways by which individuals can have an input. The Minister outlined them. Has she any other plans to publicise the events? The heritage officers who work in the local authorities, in County Clare in particular, do a very fine job. Has the Minister any other ideas or ways to publicise the public consultation process?

Deputy Josepha Madigan: I understand there is a heritage officer in County Clare. It would be good to liaise with that officer. Perhaps the officer would have ideas on how to promote the public consultation of the heritage plan. The role of a heritage officer is really important. An officer works with other sections in the local authority to develop policies and projects that highlight the importance of our national built heritage when planning for the future. The officers co-ordinate and implement county heritage plans and also help inform, develop and implement national and regional heritage policy at local level.

16 January 2019

The Department is updating its website daily as details on more events come in. The Deputy talked about highlighting the heritage plan. In general, Members should contact the local authority heritage officer, who will have the most up-to-date information on events locally. A list of heritage officers is available on the Heritage Council's website.

Deputy Tom Neville: I thank the Minister for her reply and for visiting Lough Gur in County Limerick recently to attend the launch of the book by Ms Rose Cleary, *The Archaeology of Lough Gur*. I thank the Minister of State, Deputy Griffin, through the Minister's offices, for visiting St. Kieran's Heritage Association in regard to the celebration of the finding of the Ardagh chalice 150 years ago.

With regard to heritage consultation, I would like to take matters a step further in regard to county towns. We should use our heritage and culture to market those towns and enhance how they are perceived. We should encourage an influx to the towns and drive industry in them. My town, Rathkeale, has the Augustinian Abbey, Castle Matrix, Holy Trinity Church of Ireland, the Palatine Museum, St. Mary's Roman Catholic Church and a Victorian courthouse. Mr. Ernest Walton, the Irish physicist famous for splitting the atom, spent part of his childhood in Rathkeale. The tenor Christopher Lynch is from Rathkeale, as was Seán Ó Faoláin's mother. All such facts should be used as a marketing tool to create an influx to a town. If something could be done between the local authorities and the Department to drive such an initiative, through social media or above-the-line advertising, it would generate more industry. As we know, the arts and culture are now migrating to digital platforms. New occupations are being created, particularly in the visual arts and also in the sound arts.

Deputy Josepha Madigan: It was a pleasure to visit Lough Gur and meet Ms Rose Cleary and launch her book on the archaeology of Lough Gur. I accept the Deputy's points on Rathkeale and the area of Limerick in question. It would be worthwhile having a conversation with the heritage officer there on bringing that part of the country to light and also working from a tourism perspective because it is certainly a beautiful part of the world.

Some of the projects we funded in Limerick include the Georgian core project in Limerick city. This involved repairs to the wrought- and cast-iron railings. In regard to the Georgian terrace on Mallow Street, there was a pilot scheme for the restoration of the historic railings. Also included were the guardhouse at Castlegarde, Cappamore, County Limerick. That benefited from the built heritage investment scheme and the structures-at-risk fund over a number of years, including 2016 and 2017. Limerick is working on a regional workshop related to Heritage Ireland 2030. It would be a good idea to go to that.

Deputy Joe Carey: Could the Minister outline and expand on the intention behind the three themes of the Heritage Ireland 2030 campaign?

Deputy Tom Neville: Again I recognise the Minister's visit to Lough Gur. I thank the Government for the funding it is providing through the outdoor recreation scheme. Moneys have been coming through in this regard and they all feed into their heritage and culture side.

Lough Gur, which the Minister visited, for which we are very grateful, has 1,000 field monuments within 5 km. On the night the Minister visited, Dr. Philip O'Regan, dean of the Kemmy Business School, University of Limerick, stated in his speech that the area is the home of Ireland's largest stone circle. It is a key driver of tourism in the region. Such a feature could be used as a key driver of tourism on a global scale. We have attractions that can do this. I ask

that the Government continue to help in using such attractions to market Limerick and Ireland globally. Anybody who pops into County Limerick might also pop into County Clare, County Tipperary or County Kerry. It is a way of enhancing and fostering more development and employment in rural areas.

Deputy Josepha Madigan: One of the primary purposes of the public consultation was to have people in a position to make submissions by the end of February. Certainly the points the Deputy raised on Limerick will be very valuable. I acknowledge the Deputy's point on attracting overseas tourists to Ireland, including the part of the world to which he referred. For his information, Ms Conjella McGuire is Clare County Council's heritage officer.

Deputy Joe Carey: Yes.

Deputy Josepha Madigan: Mr. Tom O'Neill is the heritage officer for County Limerick.

Deputy Carey referred to themes. There are three main themes in the context of the Heritage Ireland 2030 project. The first is that of national leadership to provide an overall national heritage policy direction reflecting commentary in recent years and the strong need for leadership by Government in the heritage area. The second is the need for organisations and communities to work better in partnership to manage, protect and conserve the heritage. The third relates to the importance of communities and supporting local people in caring for heritage in their areas. The plan also seeks to empower local authorities and communities in the increasingly important role that they play in protecting and managing heritage for the enjoyment and benefit of all.

National Orchestras

45. **Deputy Joan Burton** asked the Minister for Culture, Heritage and the Gaeltacht further to Parliamentary Question No. 101 of 2 October 2018, if she will report on the ongoing working group to undertake the transfer of the National Symphony Orchestra from RTÉ to the National Concert Hall; the representation musicians and employees of each orchestra have on the working group; and if she will make a statement on the matter. [1582/19]

Deputy Joan Burton: I understand that a working group is to undertake the transfer of the National Symphony Orchestra from the direct control of RTÉ to that of the National Concert Hall. What representation do musicians or other members of the orchestra have on that working group? How is the move progressing? When is it proposed that it will take place?

Deputy Josepha Madigan: Following the publication of a report commissioned by RTÉ from independent consultants Helen Boaden and Mediatique on the RTÉ orchestras - RTÉ Orchestras: Ensuring a Sustainable Future - the Government agreed in principle that the RTÉ National Symphony Orchestra should come within the remit of the National Concert Hall. It also authorised the initiation of discussions on the implementation of the recommendations of the report.

The overall aim of the Government decision in regard to the proposed transfer of the RTÉ National Symphony Orchestra is to enable it to be established as a world class orchestra which, with the National Concert Hall, would provide a creative and imaginative programme strategy that would greatly enhance the offering of the combined organisation to the public. The process offers a welcome opportunity to plan a way forward for the RTÉ National Symphony Orches-

tra and the RTÉ Concert Orchestra and ensures that they can contribute fully to Ireland's rich cultural heritage.

As the Deputy stated, an oversight group and working group have been established with formal terms of reference and with a view to identifying and addressing the relevant issues to enable the successful transfer of the RTÉ National Symphony Orchestra from the remit of RTÉ to that of the National Concert Hall. The terms of reference of the oversight group provide that the group will be chaired by the Department of Culture, Heritage and the Gaeltacht and constitute representatives of that Department, the Department of Communications, Climate Action and Environment, RTÉ and the National Concert Hall. The terms of reference of the working group provide that its membership may vary depending on the nature of the issue being discussed and that it will report to the oversight group.

The oversight group has met on a number of occasions, most recently on 8 January, and has agreed on the importance of a proper communication process between the oversight and working groups and representatives, members and support staff of the National Symphony Orchestra in order to ensure that the orchestra is informed on a timely basis about all aspects of the proposed transfer and can input to the process. In this regard, it is intended that a meeting will be arranged shortly between the working group and union representatives of the National Symphony Orchestra to update them on developments to date.

Deputy Joan Burton: I thank the Minister for her reply. However, the question I asked - and which she failed to answer - relates to whether any of the working musicians or others in the orchestras are represented on the working group or the oversight group. The Minister waxed lyrical in reply to previous questions from Fine Gael backbenchers. The orchestras are a great national cultural treasure for Ireland. Musicians in the orchestras are paid at living wage and union wage rates. Earlier, I asked the Minister about the many people in the arts who are on very low rates of pay - below the minimum wage - and who are unable to afford housing due to the meagre remuneration they receive. The orchestras are very important in terms of the calibre of their artistic merit and the fact that they provide regular, secure employment that is paid at a good rate. Are any of the musicians represented on either of the groups?

Deputy Josepha Madigan: I appreciate the Deputy's question. I will take it as a compliment that I have been waxing lyrical in my replies to Fine Gael backbenchers.

Deputy Joan Burton: The Minister's reply could have been set to music.

Deputy Josepha Madigan: I hope to do the same in reply to Deputy Burton. As stated, the oversight group may task working groups to report on specific issues as the need arises. These groups may include members of the oversight group together with other individuals as appropriate. Working groups may be tasked to: design and make recommendations on the appropriate process for the transfer of the National Symphony Orchestra from RTÉ to the National Concert Hall; identify which staff to transfer in accordance with the rules governing the transfer of undertakings; formally engage and consult the employees of the National Symphony Orchestra, as the Deputy mentioned; finalise the costs involved in the transfer, having regard to the recommendations in the report; and identify any existing central corporate supports provided by RTÉ and not subject to transfer, and the costs thereof. The membership of the group may vary depending on the nature of the issue under discussion. All working groups will report to the oversight group. I am satisfied that all parties are represented and that all stakeholders and relevant persons are being engaged in the process.

Deputy Joan Burton: That is what is outlined in the written statement in front of the Minister. What is the representation of musicians and employees of each of the orchestras on the working and oversight groups? Either there are musicians from the orchestras on the working group or there are not. I acknowledge the Minister's comment to the effect that the membership of the working group may vary. If no musicians are on it, I ask her to vary that membership in order to include representatives of the artists and musicians as soon as possible. Their artistry has made the orchestras what they are. I ask the Minister to provide me with the names of those on the working groups in order that we can find out whether musicians are represented in this very important undertaking for the future of orchestral music in Ireland.

Deputy Josepha Madigan: I can only answer the question in so many ways. I stated that the oversight group may task working groups to report on specific issues as the need arises and that the make-up of the working group will depend on the issue that is being discussed. It is impossible to say at any given point who is sitting on a particular working group. If the Deputy wishes to have further information, I will provide it.

The oversight group is to meet on 5 February. It has discussed many issues such as funding arrangements, communication, engagement with stakeholders, legal issues and a shared vision of the future. Significant progress has been made on the terms of reference of the oversight group and the composition of the working groups and how they will work. Ultimately, it is for the oversight group, on which all stakeholders are represented, to determine the make-up of each individual working group.

Deputy Joan Burton: The Minister does not know whether there are musicians on this very important working group. She does not have a clue.

Deputy Josepha Madigan: I strongly resent that personal accusation.

12 o'clock

Ceisteanna ó Cheannairí - Leaders' Questions

An Ceann Comhairle: Before we start Leaders' Questions, I point out to leaders the orders to the House set out the time allowed. Can people please adhere to the time allowed?

Deputy Micheál Martin: Yesterday's vote in the British House of Commons is serious and grave and creates real uncertainty and anxiety. No clear or coherent view has yet emerged from the British political system of the type of Brexit that would command a majority of British parliamentarians. In our context we know a no-deal Brexit would be very damaging to the Irish economy, to the UK economy and to Europe as well. That is why we must double down in our efforts to be ready and prepare comprehensively for a no-deal Brexit.

In Ireland the Fianna Fáil Party's decision to continue with the confidence and supply agreement has spared us the mayhem, instability and uncertainty that is evident from the British system, which would have flowed if a general election had been precipitated here.

When it comes to Brexit the Government must be honest with the Oireachtas and the people. It needs to be honest about the potential impact of a no-deal Brexit on our politics, economic

16 January 2019

potential and social well-being. The Government needs to be honest about all the preparations currently under way concerning a no-deal Brexit. It should share all of its analysis in areas such as pensions and social protection, for example. It should publish its analysis of the implications of a no-deal Brexit on our budgetary projections on revenue and expenditure.

Yesterday's exchange between the Tánaiste and the Minister for Transport, Tourism and Sport are deeply worrying because it suggests the public are not being told the full truth for party political reasons. I get the same sense at times with the Government not revealing the full details of its plans for a no-deal Brexit. As the Taoiseach knows, the Minister, Deputy Ross, replying to a question about whether there would be checks on a truck travelling from Scotland to Larne and proceeding to the Republic, said, "I would anticipate that there would be checks." In reply, the Tánaiste said:

Yes, but we can't get into where they'll be at this stage. They could be in the sea, they could be... But once you start talking about checks anywhere near the Border, people will start delving into that and all of a sudden we'll be the Government that reintroduced a physical border on the island of Ireland.

To that, the Minister, Deputy Ross, said, "Yeah, but I didn't know what to say." Clearly he did not do his homework.

This obviously was a conversation that was never meant to be public; the microphones were still on. However, it seems there is a private understanding and knowledge within Government about a border in the aftermath of a no-deal Brexit but at all costs that private understanding must not be shared with the public. Is that not a fair conclusion to be drawn from the exchange between the two Ministers? It is like the episode from *Fawlty Towers*, "Whatever you do, don't mention the war", but somebody forgot to tell the Minister, Deputy Ross. Who is telling the truth here? Were Ministers told not to mention the possibility of some checks being done or in place in the event of a no-deal Brexit? Is it the Government's position that border checks could be at the sea? How realistic is such a proposition anyway?

The Taoiseach: As a Government, we very much regret the vote that occurred last night in Westminster to reject the withdrawal agreement and the associated joint political declaration. A no-deal exit would be very bad for Ireland, for the United Kingdom and for all of the European Union. A no-deal scenario would leave us with no guarantee of there not being a hard border between Northern Ireland and Ireland. It would leave us with no protections on citizens' rights and freedoms and, of course, would have a major impact on jobs and the economy, particularly the traded sector, SMEs and the agrifood industry. Therefore we must do all that we can in the coming weeks to avoid a no-deal exit of the UK from the European Union, but not in a way that compromises our fundamental positions.

This is a problem that began in Westminster with the referendum on Brexit. We found a solution: the withdrawal agreement negotiated over several months and agreed by 28 governments. Now Westminster has rejected that solution. Therefore the problem lies in Westminster. I welcome that the British Prime Minister has said she will now engage with senior politicians from all parties to see if they can come together to find a way forward with a Brexit that commands a majority in the House of Commons. However, whatever they come up with must be acceptable to us in Ireland and the European Union as a whole.

The Deputy mentioned the budget impacts. The budget was planned and written with Brexit

in mind. That is why we have provided for a budget surplus. That is why we provided for a rainy day fund. It is also why we provided for a 25% increase in capital spending, with €1.5 billion being invested in infrastructure in Ireland to give the economy a bit of a boost at a time when there is a risk, obviously, of a significant slowdown.

In terms of plans for checks, we are obviously now implementing the no-deal plans. It is no longer contingency planning: we are implementing our no-deal plans. That provides for checks at ports and airports in Dublin and Rosslare. We are not planning for checks along the land border between Northern Ireland and Ireland, nor are we planning for checks in the sea. I cannot imagine how one would carry out checks in the middle of the sea. I think they can only be done at ports and airports.

Everything the Tánaiste has said is very consistent with our position that we stand by the backstop and we stand by the withdrawal agreement. His only concern - it is a genuine concern I have - in answering questions on this issue is that if one uses the wrong words or says things in the wrong way, people will misinterpret that as though one has some sort of secret plan to impose a hard border between Northern Ireland and Ireland; we have no such secret plan.

Deputy Micheál Martin: However, the Tánaiste said that the border checks could be at sea. I did not say that; nobody else in this House said that, but the Tánaiste said it to the Minister, Deputy Ross, albeit he thought he was saying it privately not realising it was caught on microphone. Now the Taoiseach is saying that clearly it could not be at sea. The Tánaiste went on to say that “But once you start talking about checks anywhere near the border, people will start delving into that and all of a sudden we’ll be the Government that reintroduced a physical border on the island of Ireland.” The emphasis was on “we’ll be the Government”, so whatever one does, do not mention the border. He was effectively saying to the Minister, Deputy Ross, “Don’t mention it. For God’s sake don’t mention the border because we’ll get tarred with it and that’s the last thing we want.”

Has that conversation happened with the European Union? Has the Government shared that view with the President of the Commission and with Michel Barnier? What is the Taoiseach’s take on the exchange between the Minister, Deputy Ross, and the Tánaiste? In the aftermath of the budget the independent Parliamentary Budget Office made the comment that there are no projections in terms of revenue and expenditure.

The Taoiseach: I am not sure exactly what the Deputy is driving at. The Tánaiste was referring to checks on goods moving from the UK to Ireland. That is what the backstop provides for. The backstop and the withdrawal agreement provide for checks on the movement of goods between Britain and Ireland at the ports at Dublin, Dublin Airport and Rosslare and also at the ports in Northern Ireland. That is what the withdrawal agreement provides for. That is what the backstop provides for: checks on goods traded between Britain and Ireland.

Deputy Timmy Dooley: Is that in a no-deal scenario?

The Taoiseach: On the budget, I mentioned already how the budget was planned with Brexit in mind. All the economic analysis we have so far from Copenhagen Economics and the ESRI, for example, indicate that there would be a slowdown in economic growth, but not that we would enter recession. Some people feel that is a little optimistic. The projection from the ESRI, Copenhagen Economics and others is that in the event of a hard deal or no-deal Brexit, the Irish economy would slow down but not that it would go into reverse. That is why we built

buffers into the budget, including a surplus and a rainy day fund.

Deputy Mary Lou McDonald: Last night, as predicted, the Brexit withdrawal agreement negotiated between the British Government and the European Union was overwhelmingly rejected by the British Parliament. As was the case during the Brexit referendum debate, the vote last night again reflected an absolute disregard for the interests of Ireland and for the international obligations of the British State to honour and implement the Good Friday Agreement. Indeed, there is an unmissable hostility to Irish interests in some sections of the British political establishment. The level of Brexiteer delusion is perhaps best summed up by the commentary of the DUP leader, Ms Arlene Foster, when she claimed that we never had a hard border in Ireland. That is manifestly not true and it illustrates clearly that Brexiteers do not deal with reality. I am sure the Taoiseach does not need me to point out just how worrying that is because with every day that passes, we lurch closer to the possibility of a no-deal scenario and the return of that hard border.

Yesterday, prior to the vote in Westminster, the Tánaiste briefed us on contingency plans in the event of this situation. These contingency plans focus on east-west matters, which are important to protect trade and commerce between our islands. The Tánaiste said that the legislation required to deal with these matters will not be published until 22 February. Sinn Féin will assist in crafting and passing all necessary legislation but the Government is coming to all of this very late in the day. The Government needs to revise that schedule and Members need to see the legislation before late February.

The Tánaiste had nothing to say, however, on contingency planning to protect our all-island economy, citizens' rights and the Good Friday Agreement in the event of a crash Brexit. Last night, as has been said, the Tánaiste and Minister for Transport, Tourism and Sport were at odds in respect of checks on goods crossing the Border in the event of a no-deal Brexit. The Minister, Deputy Ross, said that there would be checks but the Tánaiste said there would not. They cannot both be right. Who is right? Is it Deputy Ross or is it the Tánaiste? The reality is that in the absence of a backstop, there will be a hard border and there will be checks. The Taoiseach has skated around this issue time and again. Is it not now time to say out loud that in the absence of a deal, there will be a hard border and to reassert that this is an unacceptable, indeed, an unconscionable situation for us? It is time to state clearly that the Taoiseach will not, under any circumstances, accept a hardening of the Border and the chaos that would follow from it for citizens in their daily lives.

I ask the Taoiseach to state unequivocally that the backstop remains the bottom line, that he will defend that position and that there will be no resiling from it.

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

Deputy Mary Lou McDonald: I also ask him to set out the Government's plan to protect our all-island trade and economy, our society and our peace agreement in the event of a no-deal, no-backstop Brexit.

The Taoiseach: I very much agree with the Deputy's initial remarks. We had a hard border between Northern Ireland and Ireland. I remember it well. During the Troubles and prior to 1992 when the Single Market came into effect, I remember very well crossing the Border as a child and in my early teens. There were customs checks. I remember the 24-hour rule and I remember seeing soldiers, and I never want to see any of those things ever again on our island

between Northern Ireland and the Republic of Ireland. That is why I have been working so hard to secure an agreement over the past year and a half.

In terms of the legislation, we expect to have the heads of the Brexit omnibus Bill within the next two weeks - ideally by the end of next week. That will give a very clear picture as to what is in the legislation. Of course, we will be open to input at that point from Opposition parties as to whether it covers everything that needs to be covered. We anticipate having the final Bill ready for publication on 22 February 2019. It is a big task, which is why the legislative programme that we produced yesterday contains only six Bills on the priority list for publication this session, three of which are explicitly linked to Brexit.

Words are not enough to avoid a hard border between Northern Ireland and Ireland. I hear people saying all of the time, in various analyses, that there will not be a hard border just because nobody wants one but it does not work that way. The only way that we can avoid a hard border between Northern Ireland and Ireland into the long term is by having an agreement on customs, a common customs territory or customs union and regulatory alignment either between Northern Ireland and Ireland or all of the UK and the European Union. That is what we negotiated in the withdrawal agreement and the backstop, namely a common customs territory and regulatory alignment so that there would not have to be a hard border between Northern Ireland and Ireland. It is not good enough for those who rejected this agreement to just say that there will not be a hard border because everyone says that there will not be one or because nobody wants one. We must have a political agreement that involves a single customs territory and regulatory alignment. There are lots of ways of doing that. There are Northern Ireland-specific solutions and there are UK solutions but that is what has to happen if we are to secure an agreement and ensure that a hard border does not emerge on our island.

In response to the Deputy's direct question, I will absolutely defend the backstop but the backstop is there as a means to an end. Let us not forget what the backstop is, namely a legally operable guarantee that the mechanisms will be put in place to ensure no hardening of the border between Northern Ireland and Ireland. It is the outcome that we need to achieve and I stand by that, absolutely.

Deputy Mary Lou McDonald: I am well aware of the intent and the content of the backstop and welcome the Taoiseach's assertion that he will stand by it. I take it that this will remain the case, irrespective of overtures or pressure that might come from the British Government or from other quarters. The backstop is necessary, as the Taoiseach correctly said, to avoid a hard border. It logically follows that in the absence of a backstop, the Border will harden and that will result in many things, including checks as goods crossing that border. The Taoiseach has again failed to set out the contingency in that eventuality, which is not one that I or anyone in this House wishes to come to pass. What happens then? The contingency legislation for east-west matters has been dealt with and we will see that legislation shortly but the big question remains. What happens regarding the Border on the island of Ireland, not least in the context of the consequences for the Good Friday Agreement? What is the contingency plan for that? Let us make no mistake about it, as sure as night follows day, if there is a crash Brexit and there is no backstop, a hardening of the Border will follow automatically.

An Ceann Comhairle: The Deputy is way over time.

Deputy Mary Lou McDonald: What will the Taoiseach do? I agree with him that his should not, under any circumstances, be the Government that reimposes a hard border on the

island of Ireland. However, that begs the question again: what does the Government do?

An Ceann Comhairle: I beg the Deputy to acknowledge that she is over time.

Deputy Mary Lou McDonald: What does the Taoiseach propose to do? What is the contingency in that set of circumstances?

The Taoiseach: The Government of the United Kingdom - and the United Kingdom - has given the people of Ireland and Northern Ireland a commitment that Brexit, which is its policy, will not result in a hard border between Northern Ireland and Ireland. We have come up with the solution. We have it in the withdrawal agreement plus the backstop. That is how we avoid a hard border between Northern Ireland and Ireland. It is now for those who have rejected that solution to honour their commitment to us that there will be no hard border between Northern Ireland and Ireland by coming up with an alternative solution that does exactly what it needs to do. The ball is now very much in their court. I do not believe they will be able to come up with an alternative solution. I do not believe they will be able to come up with something that departs very differently from what has been agreed, unless they fundamentally change their red lines in relation to the customs union and the Single Market.

We stand by the withdrawal agreement. We stand by the backstop. Westminster has rejected it. It is now up to Westminster to come together to develop a solution to what it believes is a Brexit it can pass through the House of Commons. Whatever it comes up with must be acceptable to the European Union and Ireland.

Deputy Mick Barry: Last night, the Government shot down reports that it plans to table fresh pay proposals to nurses next Monday. In doing so, it brings the country closer to a national pay strike of more than 40,000 nurses, the largest strike organised in the country in quite some time, which Solidarity will support to the hilt. If my constituency of Cork North Central is anything to go by, the nurses enjoy the overwhelming support of the general public, who believe that they are entitled to a pay rise and understand that higher pay for nurses will make for a better health service.

Last week, the Taoiseach tried to pose as a representative for patients when he urged the nurses not to start their strikes on a busy Wednesday. That had no effect on public opinion. How hollow his words were when everybody knows his Government presides over hospital waiting lists of more than 700,000 people. He can recruit support for his stance from the corporate media or some trade union leaders who should know better, but he will not recruit support from the general public because they firmly support the nurses. In fact, the Government will be the loser if it continues to take a hard line. If the Taoiseach does not understand that, he is living in a bubble.

One of the reasons working-class people support the nurses is that those people support what the Taoiseach calls knock-on claims. Every worker in the country, public and private sector alike, deserves a decent pay increase. Many are struggling with the cost of accommodation and childcare, while the working poor, who are struggling just to make ends meet, desperately need one. The Taoiseach will say the country cannot afford it, but a financial transaction tax on shares and derivatives would raise more than twice the funding needed to meet the claim. A tax of 2% on household wealth of more than €1 million would raise more than enough to settle other claims. Record private sector profits show the affordability of pay increases above the current rates. If the capitalist market cannot afford decent pay increases in the fastest-growing

economy in Europe, perhaps working people cannot afford the capitalist market.

Is the Taoiseach prepared to consider a U-turn on nurses' pay before it is too late, and before he provokes a major national strike, which, apart from anything else, will do his Government serious harm?

The Taoiseach: The Government acknowledges and is aware of the fact that two of the three unions that represent nurses have voted to strike. They have done so by a large margin - 95% - which indicates the depth of feeling among nurses and midwives about their terms, conditions and pay. The Government understands that, and we will engage with all three unions that represent the nurses and midwives with a view to avoiding strike action, if at all possible. There was a meeting between employers and unions yesterday, and there will be a meeting of the public sector pay deal oversight committee, I believe, on Friday. There will be engagement, therefore, and we will do all we can within reason to avoid strike action simply because of the impact it will have on patients. A midweek strike will have a significant impact on patients. It will be necessary to wind down activity probably from the middle of the day on Tuesday, and circumstances may not return to normal until some time on Thursday. It will result in thousands of operations being cancelled and thousands of patients not getting the appointment with the specialist they may have waited to see for a long time, which we want to avoid. Even if it is cancelled at the last moment, as strikes sometimes are, it will be too late to reschedule everything, which is why we will engage through the normal mechanisms between now and then to try to avoid strike action.

It is important to point out again that we have a pay deal, not only with nurses and midwives, but with all 300,000 public servants. That pay deal runs until 2020 and provides for pay increases between now and then. We want to pay those increases because we want to pay our public servants better as they deserve to be paid better, but we need to do it in such a way that it is affordable and fair, recognising what is happening in the wider economy and recognising the wider political situation, particularly relating to Brexit. I note the comments of the Leader of the Opposition about how Brexit may have an impact on the public finances in the months and years ahead.

The Deputy said it was his analysis that this dispute could lead to knock-on claims across the public service, which may well be correct, but that would leave us with a bill for hundreds of millions, if not billions, of euro in pay increases, which we cannot afford. As is always the case with populists of the left and right, they present easy answers and simple solutions such as a financial transaction tax but that would just drive financial transactions to other financial centres. It would not bring in the money that the Deputy believes it would, and it is disrespectful to nurses and midwives considering going on strike to present easy answers like that which he knows are not true.

Deputy Mick Barry: Once again the Taoiseach has tried to play up the question of inconveniences to patients as a way of making his case against the nurses' strike. Before coming to the Chamber, I looked up this morning's trolley watch figures. They have fallen slightly, but for the third consecutive day the figure is in excess of 500. The Taoiseach and the Government have no credibility in trying to pose themselves as champions of patients in the context of the dispute.

Similarly, the Taoiseach tried to bring in the issue of Brexit in making his case against the strike. Working people will not be impressed by that in any sense, and the Government will not get away with using Brexit as a way of standing against the rights of working people.

There is one rule for the people at the top and one rule for ordinary working people on the ground. The bosses of the top 20 ISEQ companies are paid 33 times more, on average than their staff's salaries. Some of the chief executive officers have wages of more than €5 million. The Taoiseach will shrug his shoulders and say it is because of market forces, but he will ignore that the labour market demands that nurses be paid. They are paid 20% more in the private sector. They should be paid the going rate to avoid the strike. If there is any discomfiture, inconvenience or worse to patients as a result of a strike, it will be due to the hard line taken by the Taoiseach and his Government.

The Taoiseach: I care deeply and profoundly about patients. I am a medical doctor by training, I worked in the public health service - and never in the private health service - for seven years, I have been a Minister for Health, and I am the leader of the Government. I care deeply, therefore, about how strike action may impact on our patients. I care about patients and how they might be affected, and I care about taxpayers, whether they work or not, because people who do not work also pay taxes. Any solution, agreement or pay deal must be paid for by taxpayers one way or the other, and any strike will have an impact on patients.

I fully accept there are far too many patients on hospital trolleys. We will continue to do all we can to reduce the number. There is one area, however, where we have made undeniable progress, namely, in reducing waiting times for people who need a hospital operation or a procedure. The numbers waiting more than 12 weeks, which is the target set in the Sláinte-care plan, is now at a five-year low, but strike action will impact on that. Operations will be cancelled and the enormous progress we have made in reducing waiting times for hospital operations and procedures may be reversed. I do not want that to happen, which is why we will engage with the unions to try to avoid strike action, if at all possible.

Deputy Mick Wallace: There is a mental health and suicide crisis in Wexford. Everyone does not present with suicidal ideation, and it is not always possible to identify signs that someone might be suicidal, but there seems to be an incredible lack of an emergency response to those who do so. Kenneth Rowe took his own life just over one year ago at the age of 32. Before Christmas, I read a letter from Kenneth's sister in this Chamber and I shall repeat one line from it:

Imagine our despair that in spite of an urgent referral from Waterford to Summerhill Community Mental Health Services, [Wexford] Kenneth's appointment was for six weeks later. The wait was impossible ... Kenneth fought so hard to stay alive for everyone and everything he loved. But he didn't make it. He ended his life 19 days before his appointment at Summerhill.

I have spoken to the parents of a number of children who have presented with suicidal ideation and who have had to wait for more than two and half years to get the supports they have needed from the child and adolescent mental health service, CAMHS. Dr. Kieran Moore resigned from his position as consultant child psychiatrist almost one year ago and we still do not have a replacement. Anne O'Connor, the national director of mental health services in the HSE said in 2017 that CAMHS had become a catch-all service in the absence of other services. It was never designed to be a catch-all service but to cater for children and adolescents with severe and enduring mental health illnesses. Children who do not need to be are funnelled into CAMHS because alternatives are not there. Anne O'Connor said that young people should be able to go to their GPs in order to get access to a primary care-based psychology or family counselling service. The waiting time for primary care child psychology services in Wexford

is more than three years. This is despite the fact that four newly created assistant psychologist positions were filled in the last year in Wexford. A three-year wait is hardly good enough.

In its final report, the Joint Committee on Future of Mental Health Care expressed serious concerns at “the lack of accessible counselling services and [that] the money spent by the State on the services is insufficient, as compared to expenditure on psychotropic medication.” The report also states, “Evidence also supports that there is an over reliance on medication as a response to preventing ‘mental ill health’ issues in the absence of alternatives in primary, community care levels.” The Ombudsman for Children informed the committee that children have identified a rush to medicate in their treatment, which is incredible.

The lack of adequate community and primary care mental health services in Wexford is a serious problem. The pace of change is painfully slow. It is too slow for some. Kenneth Rowe was one of those. I realise that suicide figures nationally are down but they are still incredibly high in Wexford and it is one of the most concerning issues in the county. Do we need more resources? Do we need a different approach? I know it is not easy but I put it to the Taoiseach that whatever it is we are doing, it does not seem to be good enough.

The Taoiseach: I thank the Deputy. I am very sorry to hear about that gentleman and his experience. I am aware that Deputy Wallace raised the matter in the House previously. I doubt that any Deputy has not in some way been affected by suicide or does not know someone who has taken his or her own life. We all know the enormous grief this causes and the effect it has on families and friends. It is a grief that never dies; it goes on forever. As Deputy Wallace stated, this is an area in which there has been some progress in recent years. The number of people in Ireland taking their lives has decreased by 30% since 2012. Suicide rates in Ireland are now roughly at the EU norm. Statistics such as this mean nothing to anybody who has had suicide touch his or her life. I acknowledge that it does vary from place to place within the State, but I do not have that particular breakdown in front of me.

In the context of what it can do, the Government is committed to developing mental health services in the broadest sense, namely, for the health service and for education in the context of well-being and resilience, which are very important. The budget for mental health will approach €1 billion, which is very large and which is acknowledged by experts, such as Senator Freeman, as being more than is spent in many other similar countries. It provides an additional €55 million for the development of services in 2019. We need to make sure this money gets to the patients and to those who need it most.

There are 2,560 children on the CAMHS waiting list. The HSE is prioritising those who are waiting more than 12 months, which is some 295 children. All aspects of CAMHS will be improved as part of the service plan in 2019. This will include: better out of hours cover and 7-7 cover where possible; progression of day hospital care; development of specialist teams, for example for eating disorders; and improved prevention and early interventions. There are now 70 CAMHS teams and three paediatric liaison teams. The Minister of State, Deputy Jim Daly, who is the lead Minister for this matter and on issues of mental health, will meet the HSE on 23 January to review progress on all aspects of CAMHS, including waiting lists. I will ask him to raise Wexford as a particular black spot when it comes to these matters. We now have 114 assistant psychologists hired and 20 psychologists recruited for the primary care services. These were recruited throughout the course of last year. We hope that the full year effect of them being employed now will make a difference in waiting times.

16 January 2019

Deputy Mick Wallace: Some 2,500 people were referred to counselling in primary care in 2016 and 2017 in community health organisation, CHO, 5. Some 950 people were referred to the self-harm intervention counselling programme in the same years. I asked the HSE for the numbers of people being prescribed antidepressant medication for those same years. It gave me the numbers of 249,500 people in 2015 and 390,000 for 2016. This is just the data of those who use medical cards and it represents a 36% increase. We know that medication can be helpful but the number of people on antidepressants is totally out of sync when compared to the numbers who receive counselling. Any psychiatrist who believes in the idea of recovery will tell us that antidepressants are not intended to be used as a long-term solution and are damaging when taken in the absence of ongoing counselling or talking therapies. In Ireland, however, there are 250,000 people - medical card holders - on antidepressants and perhaps only one in ten is talking to anyone about the root of his or her problems. It is a recipe for drug dependence and it does not lead to a great deal in terms of recovery.

The people in Wexford desperately want things to be different. Kenneth Rowe's family have spoken about the lack of talk therapy offered to him. He was put on powerful antidepressants. On 2 January 2018 his prescription was doubled and his agitation became extremely intense. He was dead three days later. We will never know if talk therapy would have saved him but we owe it to him and to others to make real change to the way we provide mental healthcare in this State. It is not good enough.

The Taoiseach: It is important to state that medicines - antidepressants, anxiolytics and anti-psychotics - have a role to play in the treatment of mental illness. I know the Deputy is not disputing that and does not disagree with it. When these medicines are prescribed, it is by general practitioners or psychiatrists. I am sure that in the vast majority of cases when these medicines are prescribed, this is the appropriate course of action. I also acknowledge the Deputy's point to the effect that it is much easier for a doctor to prescribe medicine than a patient can get within hours than it is to get counselling, cognitive behavioural therapy or talk therapy for him or her. The doctor can sign the prescription, give it to the patient and the patient can be in the pharmacy within the hour and have his or her medicine. It takes much longer for patients to get access to other treatments such as behavioural therapies and counselling and all those things that we know also have an effect. The Deputy makes a fair point.

The Minister of State, Deputy Jim Daly, is here and he has informed me that he is going to meet the CAMHS teams' management and clinical leads next Wednesday, as well as senior HSE management. Deputy Wallace is aware there is €55 million available to make meaningful improvements in mental health in the year ahead. The challenge the Government always faces is to ensure that money gets to the patients. If it works, we should see more people getting access to those therapies more quickly and, perhaps as a result of that, a fall in the number of prescriptions and in medication costs.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: I recently asked the Minister for Health when he had received advice from his officials on the impact of announcing a recheck of cervical smear tests, if he had held meetings with them at that time, the discussion that took place and if he would make a statement on the matter. His written reply did not answer any of the specific questions I tabled.

I have complained under Standing Order 44 in that regard. I ask the Taoiseach to take this up with the Minister in the context of the CervicalCheck tribunal Bill that is on the Order Paper and on the legislative programme, which is important legislation to follow through on a commitment that was given by the Government. It is equally important to be fully transparent in all decisions that were taken on that issue, the background to those decisions being taken, and the advices received. I ask the Taoiseach to ensure that the Minister gives me a full reply to that and indicates when he thinks the Bill will be before the House.

The Taoiseach: The CervicalCheck tribunal Bill is one of only six Bills on the priority list and our intention is to have it in the House and enacted before the summer recess. I am told that setting up a tribunal of this nature, which is different from previous tribunals in the sense that it will have to assess liability and not just the level of compensation paid, is novel and it will be difficult to do, but I have said to both the Attorney General and the Minister for Health that I want them to prioritise this alongside Brexit legislation, so the timeline is for publication and enactment before the summer recess. It is essentially a six-month timeframe.

On the other matter, I am not privy to that information. I will tell the Minister for Health that the Deputy raised it today but now that the out-of-cycle smears are no longer being provided, as that programme ended towards the end of last year, we would anticipate that there will be an improvement in the time it takes to get results to women. I know a lot of women are concerned about the delay in getting the result of their smear test.

Deputy Mary Lou McDonald: The spring legislative programme includes the mental health (amendment) Bill. As the Taoiseach will be aware, this will implement the recommendations of the expert review group, which were published in late 2014. I am pleased that this legislation is listed but it has been listed in legislative programmes since as far back as autumn 2017 and little progress has been made. Mental health resourcing and services have been raised with the Taoiseach by Deputy Wallace. Could priority be given to the legislation? When might we see the Bill? What are the targets in terms of getting the legislation off a list and onto the Statute Book?

Minister of State at the Department of Health (Deputy Jim Daly): I will have to come back to the Deputy because the legislative timetable is something over which I do not have full control. I will provide an update to the Deputy on the matter.

Deputy Brendan Howlin: One of the main objectives and goals of the Government, and of this House, in the past year, in respect of Brexit has been to ensure the rights and privileges enjoyed currently by Irish citizens who have made their lives in Britain are maintained into the future. We had a briefing last night and the Tánaiste then made utterances in the press. It is interesting that he had cautioned us about what we might say about the memorandum of understanding but I had not left the room when I read about his briefing on it. That is fine.

Regarding the memorandum of understanding and the high level agreement that we understand has been reached between Britain and Ireland, will the underpinning legislation form part of the omnibus Bill, or will it be a stand-alone Bill? Will all of the issues be addressed? The Taoiseach will recall that one of the concerns we had about writing down the rights enjoyed under the common travel area was that we would in some ways restrict them because in many ways it was a melodeon set of rights. Because they were not codified and set down in legislation they were perhaps broader than ones that were set out. Could I ask the nature of the legislative underpinning, how it is to be done and if it is to be done as part of the omnibus Bill this

side of 29 March?

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): As a matter of record, we made a point yesterday of briefing Opposition parties first before taking questions from the media and briefing them. I believe that was the right thing to do because we are relying on the co-operation of Opposition parties to get significant legislation through the House in an extraordinary circumstance. The common travel area memorandum of understanding to be agreed between the two Governments will have legislation linked to it as well. The plan is to have that legislation as part of the omnibus legislation to ensure that we get all that we need to get passed before the end of March, should it be necessary to do that in the context of a no-deal Brexit.

Deputy Richard Boyd Barrett: In the debate on the Solidarity-People Before Profit Anti-Evictions Bill 2018 just before Christmas, which the Government unfortunately opposed but which fortunately was passed by a majority in the Dáil, to address part of the reason for the current homelessness crisis, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, promised that there would be legislation dealing with residential tenancies that would come in immediately in the new year. He said it would deal with some aspects of the loopholes that allow landlords to mistreat tenants and to evict them. I mentioned a woman called Elaine who yesterday received 20 anonymous texts that were clearly linked to her landlord trying to bully her and her four children out of her house. She is still in that situation. The Minister said legislation would be introduced in January to deal with and improve the lot of tenants in such situations. The Bill is not on the priority list or the legislative programme. Where is it?

An Ceann Comhairle: All right. Let us ask the Minister.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): The Bill is not on the priority list because it was published in the previous term. Second Stage will be taken, if not next week then the week after.

An Ceann Comhairle: I thank the Minister very much.

Deputy Mattie McGrath: Five thousand people went onto the streets in Tipperary last year. The Taoiseach is well aware of the history of all of that. There is a new feeling there. The Taoiseach acknowledged that he would set up a task force under the Minister of State, Deputy English. Will the Taoiseach ask the Minister of State and the Minister for Rural and Community Development, Deputy Ring, to seek collaboration from all the groups, which are many and varied? The Jobs for Tipp action group has been excluded although it has been working hard behind the scenes for three or four years. The groups are ready, willing and able to collaborate. This cannot be a solo run by any group and the county council because people have, unfortunately, a lack of trust in the council. New shops have opened and business has been increasing in Tipperary. There is a feelgood factor and we do not want this to go wrong. If there is a task force, it must be meaningful and engage with all of the groups that are active and interested in collaborating and being involved.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): As the Deputy will be aware, we have had a couple of meetings with different people to try to organise the working group. The local authority has been involved as well. I hope that in February we will be in a position to announce the details of who

will be on the working group and how we can progress it. We will involve all the Members of the House from Tipperary in how we put the group together. I will link back with the Deputy, hopefully in the next two weeks.

Deputy Catherine Connolly: Maidir le hAcht na dTeangacha Oifigiúla 2003 agus an Bille nua atá beartaithe, d'fhoilsíodh an príomhliosta reachtaíochta inné agus ní raibh tásc ná tuairisc ar an mBille nua. Tá sé ardaithe go mion minic. Tugadh gealltaí sollúnta dom go raibh an Rialtas ar tí an reachtaíocht sin, nó ar a laghad an Bille, a chur os comhair na Dála roimh an samhradh, tar éis an tsamhraidh, agus arís roimh an Nollaig. Ba é an t-aon bhotún a rinne mé ná níor chuir mé an cheist maidir le cén bhliain. Cén bhliain a bheidh an Bille nua le feiceáil?

The Taoiseach: An bhliain seo.

An Ceann Comhairle: Beidh sé le feiceáil i mbliana.

Deputy Catherine Murphy: I raised some months ago with the Taoiseach the issue concerning CervicalCheck slides not being provided to women. He gave an assurance that he would go back and talk to his officials. I have pursued this matter with the Minister for Health, Deputy Harris. I indicated that it was going to end up in the courts. The case was heard in the High Court on 20 December. Commitments were made by the HSE in the court to provide the slides but they have not been provided. The women are back in the court this Friday. This is a disgrace. There is no reason to fail to provide the slides. An unnecessary frustration is being experienced by these women. Could the Taoiseach give an assurance that this nonsense will be stopped and the HSE will be instructed to do what it agreed to do in the court?

The Taoiseach: I recall that when the Deputy raised the issue previously, I made inquiries of the HSE and the Department of Health about it. I put across our very strong instruction from Government that a slide should be provided without undue delay. I understand there can be delays at different points before a slide can be sent to a laboratory, and the solicitor has to indicate which laboratory they want to send it to. There is a protocol in place; I understand that the vast majority of solicitors have signed up to that protocol but not all. Delays can happen at different points. It is not always at the point of the HSE or the lab and it can happen at the level of the law firm as well.

Deputy Danny Healy-Rae: What will be the result of the doubling of the cost of the children's hospital in Dublin, which is being built in wrong place? Will it have an adverse effect on places like Kerry, where we were promised a new community hospital, which people are crying out for? Where is this extra funding going to come from? Will it be at the cost of a place like Kerry not getting a new community hospital in Killarney? It is a very serious matter and people are very concerned.

The Taoiseach: The children's hospital may be located in Dublin but it is a children's hospital for all of Ireland and sick children from Kerry who need specialist care will get that specialist care in that hospital. It will be one of the best in the world, with over 300 beds, individual rooms, rooms for parents to stay overnight, five MRI machines and 15 theatres. It is going to be a hospital of enormous value for all the country and we should never forget that when it comes to this debate.

As a result of the higher cost of building it, it will be necessary to reprofile capital expenditure and that means about €100 million will need to be found this year - €50 million from the Department of Health and €50 million divided across the other 15 or 16 Departments. It is be-

16 January 2019

ing worked on at the moment by the Department of Public Expenditure and Reform as to where that is going to fall. We do not anticipate it requiring the cancellation of any projects but it does mean some projects may be delayed.

Deputy John Curran: I want to revert to an issue I raised with the Taoiseach in this House on a number of occasions last year and I regret that, due to a lack of progress, I have to refer to it again. It is the issue of the 25 children who are suffering with spinal muscular atrophy who want access to a drug, Spinraza. If they were in many other European countries, they would have that access. When I raised the matter before, the Taoiseach and the Minister of State, Deputy Jim Daly, indicated there is an ongoing evaluation by the HSE. There had been hope before Christmas that progress would be made and a resolution to this problem found but, unfortunately, that has not happened and the condition of these children is deteriorating. While I support and acknowledge there must be due process, due process cannot go on endlessly. Time has moved on. A solution needs to be found so these children can get access to this drug.

Deputy Jim Daly: Regrettably, I still do not have a final update because the HSE is still doing the due diligence that has to be done. The background to this is that the cost is extremely high and the HSE has a moral obligation to ensure we do not refuse other people other drugs. There is a limited, finite budget so we have to get that aspect right. It is worth noting that our nearest neighbour, the UK, has not okayed this medicine under the NHS system because it is too expensive. We are hopeful and positive on this but we have to do the due diligence. A decision is due shortly, although I do not want to put a date on it. I know the Deputy's concern and know he is very consistent on this. I am getting daily updates from the HSE but, while a decision is due shortly, I cannot name the date because when one is negotiating, one cannot tie one hand behind the other. We have to be fair to everybody. The Deputy can rest assured that, from a political point of view, and given the efforts of the Deputy and others, this will not be left to dwindle.

Deputy John Brady: I want to ask about the Data Protection Commissioner's report into the public services card, which to date has cost up to €60 million. The report was carried out to examine whether the card and related systems fully complied with Irish law following a number of concerns around the purpose of the card, including the legal basis for its introduction. The Irish Council for Civil Liberties, which requested the report under freedom of information, was refused it. Why is this report being hidden away from the public? Does the Taoiseach think it is in the public interest that this report is published? Will he ensure the report is published in full? When will that happen?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): The Deputy is well aware that the Data Protection Commission had particular issues. It wrote to us and specifically told us not to discuss the report with absolutely anybody. That is the reason the freedom of information request was refused, in particular given this is still ongoing. We have replied, as requested by the office of the Data Protection Commissioner, to the concerns it has raised and we await a response. When this is all over and when the final result of the investigation arrives, I am sure both the Department of Employment Affairs and Social Protection and the Data Protection Commission will issue the report.

Deputy Pat Buckley: According to a response to me from the HSE in September 2018, a review of the Jigsaw service was to be completed in the final quarter of 2018. It is now mid-January 2019 and there is no report. Will the Taoiseach commit to publishing the full findings of this report, given the very important work done by the service and the need to build on and

enhance youth mental health services?

Deputy Jim Daly: I received that report just before Christmas. I am happy to share it with the Deputy and we will publish it as well.

Deputy Bobby Aylward: Page 45 of the programme for Government refers to commercial rate valuations. I have correspondence from numerous small businesses in Carlow and Kilkenny which are being crippled by 300% and 400% increases in rates following a review carried out last year. Some of the business owners I spoke to will have to close if the rates keep rising. Fianna Fáil introduced a Bill in the Dáil proposing that the level of increase for an individual business be capped and that increases should be staggered at the discretion of the local authority over a five-year period. This would mean increases are limited and spread over time rather than the current system which involves a single large increase. There is a clear need for a formal appeals mechanism for businesses to the local authority to restructure debt payments on the basis of inability to pay. The Government should also consider a choice of direct debit payments rather than two tranches of payments to help businesses cope with cashflow issues. Turnover and square meterage should also be considered. I hear from numerous business owners who have appealed rates increases that they have not yet heard back from the Valuation Office. What is the status of the commercial rates Bill? Will the Minister include measures within the legislation to address these issues?

An Ceann Comhairle: Thank you, Deputy.

Deputy Bobby Aylward: Businesses in Carlow and Kilkenny now have debt collectors after them. They paid the same rates as the year before. They made appeals but have heard nothing back from the appeals office in 12 months and they are now being pursued for money while their appeals are under way. I told them not to pay the money until the appeal is replied to but they now have debt collectors after them to pay the money and to close them down.

Deputy Eoghan Murphy: Rates legislation is currently being drafted in my Department. It will allow for rates alleviation and for different measures within local authorities to help businesses and to help promote a certain type of business activity. I will ask the Minister of State, Deputy Phelan, to brief the Deputy on the details of the legislation this week.

Deputy Eamon Scanlon: The Taoiseach might advise the House what is the hold-up in approving the G5 transmitter for type 1 diabetes. It is over nine months since the HSE requested a tender and, to date, no decision has been taken. The transmitter allows parents to monitor a child's blood sugar levels without constantly having to prick their fingers with a needle, and it automatically uploads to a mobile phone, which is a great benefit to the parents. I am sure the Taoiseach will agree it is very important for small babies and their parents that the G5 transmitter is approved immediately.

Deputy Martin Kenny: On the same matter, in Sligo University Hospital the diabetic dietician has at present been allocated to do other work in the hospital to cover maternity leave. There are type 1 diabetes patients waiting to do the Berger course, which they need to do in order to use the pump. One man contacted me who is waiting 18 months. The pump has been delivered to the hospital but he cannot do the course because there is no dietician available to do that course with him. The pump is sitting there and this man is very frustrated. The company has written to him asking him how he is getting on with the new equipment yet he cannot use it. It is one of these situations where maternity leave is being covered but a service is absent

because of the way the cover is organised. There is clearly a huge issue. It is part of this problem of retention and recruitment. In a situation like this, it is a false economy to put people's lives at risk in order to cover maternity leave when a service is removed from another part of the hospital.

1 o'clock

Deputy Jim Daly: I do not have an update to hand for the Deputy but I will get one. As I am on my feet, the Bill Deputy McDonald inquired about is almost complete and due to go to the Mental Health Commission for its comments and observations. It will return to the legislative table after that.

Deputy Eamon Scanlon: It is unfortunate that there is no update.

An Ceann Comhairle: The Deputy cannot come back in a second time.

Deputy Eamon Scanlon: I know that but I would like to get some answer.

An Ceann Comhairle: The Minister of State said he would come back to the Deputy.

Deputy Shane Cassells: While the Taoiseach stated that the increase in local property tax for homeowners will be modest, when one looks at the graph published in the *Irish Independent*, it is clear the increases will be anything but. Simultaneously, he said during the Christmas period that it was his intention that local authorities would be able to retain all of the local property tax raised in their own areas. If he takes that course of action, there are a number of local authorities whose coffers will benefit. These include large counties like Dublin and, indeed, my own county, Meath. How will the Taoiseach square the circle, however, between what he calls modest increases for homeowners and his intention to allow local authorities to retain all the taxes raised? He has also committed the Government to meeting the budget shortfalls of less well-off counties. Is it the case that local authorities in counties such as Dublin and Meath will experience an increase in funding raised off the backs of homeowners in their own areas while central government funding is taken from them to be sent elsewhere?

The Taoiseach: I thank the Deputy. This is still a work in progress and no Government decision has been made yet. However, there are two things I can say. I appreciate that there is a feeling out there that because people's house values have increased to such an extent in the past couple of years, they will see a corresponding increase in their property tax rates. That will not happen. We will reform the bands and the rates to ensure any increase is modest. In many cases, there will be no increases at all while some may even see a reduction, depending on the value of their homes. None of these changes will take effect in 2019. Any changes will take effect in 2020 at the earliest. On local authorities being allowed to retain the money paid, many people wish to see the property taxes they pay stay in their counties. That makes sense to me. If we are to provide for that, we will have to continue to have an equalisation fund to ensure less well-off counties do not lose out. However, that could be funded from central taxation rather than the local property tax.

Deputy Declan Breathnach: The Public Health (Alcohol) Act was passed by the House last year and most of us welcome its implementation. Minimum unit pricing was raised during the passage of the Bill and I understand the Minister for Health, Deputy Harris, is intent on bringing the legislation in that regard into force. I refer to the absence of an assembly in the North of Ireland. It was stated during last year's debate that there was a need for back-to-back,

simultaneous introduction of minimum unit pricing North and South to avoid an impact on retailers. I call on the Government to ensure it consults with the representative organisations of retailers and vintners on the impact this will have, particularly in the Border region. That is not about the day-to-day shopping of individuals but rather the criminal activity that will ensue if a significant price difference is brought about by the introduction of minimum pricing here but not in the North. I want the Taoiseach to be cognisant of the loss of trade and revenue.

The Taoiseach: I will have to speak with the Minister for Health, Deputy Harris, or Minister of State, Deputy Catherine Byrne, to get an update on the matter. The Deputy's point is well made. We will achieve nothing if all we do is encourage people to cross the Border to buy alcohol in Northern Ireland. That does nothing for their health and it damages retailers in counties south of the Border. That does not make common sense. The original intention all along was to do it at the same time as Northern Ireland but that is a problem in the absence of an assembly and Executive there. I will check matters with Deputies Harris and Catherine Byrne but the point the Deputy makes is valid and made well. However, this will not prevent us from implementing many other aspects of that groundbreaking public health legislation.

Deputy Willie O'Dea: I understand from the Minister for Employment Affairs and Social Protection that quite a bit of work has been done by her Department on reciprocal arrangements for payments of social security benefits between Ireland and the United Kingdom in the event of a no-deal Brexit. Will the Taoiseach arrange for the publication of the results of that research to allay public concern, of which there is a great deal? Will separate legislation be required? If so, will it be possible to pass that legislation before 29 March 2019?

Deputy Regina Doherty: I am not sure what the Deputy means by "research". I have put on the record of the House before and in replies to numerous parliamentary questions the fact that I met Esther McVey last April. We both agreed that our objective was to continue to pay social security payments by way of reciprocal arrangements between the United Kingdom and Ireland in the event either of a deal or no-deal outcome because of the common travel arrangements which have been in place for the past number of generations. Officials of both Departments have been working since last April to provide a memorandum of understanding which will be an international treaty. That awaits signature and will require legislation. Such legislation will be part of the omnibus Bill to be presented next week.

Deputy Niamh Smyth: Last night, I attended in Monaghan a meeting facilitated by Monaghan County Council for the residents of Drumgossatt and Magheracloone, and Gyproc. It was a heated debate and I thank the county council for arranging it. It is clear that homes, farms and the local road network have been undermined. Legislation must be introduced to deal with mining and to prevent the flooding of mines such as occurred in this area. People's lives have been changed irrevocably and they want to see legislation introduced to ensure these events do not take place again.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): The Minister of State, Deputy Canney, also attended that meeting last night. He will work with the EPA and other responsible bodies, including the local authority, on the matter. If legislation falls to be considered, he will consider it. The parties are working to resolve the matter.

Deputy Michael Healy-Rae: Last Saturday morning, I sent another bus of 24 people to the North for cataract removal as a direct result of the failure of the HSE to provide for same in the

16 January 2019

South on time and before those people went blind. Given what is happening with Brexit, what comfort can the Taoiseach provide to the many others who are waiting their turn to go to the North to have these operations in circumstances in which we are failing to carry them out on time here? The only hope to save the eyesight of these people is to travel to the North to have their cataracts removed. What comfort can the Taoiseach provide those people if the cross-border health directive fails due to Brexit?

The Taoiseach: Perhaps the best comfort I can provide is twofold. First, we will work with the European Union to ensure we are part of any agreement with the UK on ongoing co-operation on health. Second, and perhaps most important, I note that our investment in the National Treatment Purchase Fund and in reducing waiting times for operations and procedures is working. At the end of July 2017, 10,000 people were waiting for cataract operations and this figure had fallen by December 2017 to 8,000. By December 2018, it had fallen to 6,440. The numbers waiting three months are down by half and the number waiting more than nine months is down by 87%.

Deputy Michael Healy-Rae: I took 24 off that last Saturday. I am doing more about it than the Taoiseach.

The Taoiseach: I do not think so.

Deputy Michael Healy-Rae: I do.

The Taoiseach: The Deputy will be aware that the operations are being paid for by the Government, which is to say by the Irish taxpayer and not by Deputy Healy-Rae.

Deputy Michael Healy-Rae: Look at the amount of money increased in the directive.

An Ceann Comhairle: No, Deputy, there is only one go at this.

Deputy Michael Healy-Rae: It shows how many people are crossing the Border.

An Ceann Comhairle: Please, Deputy Healy-Rae.

Deputy Michael Healy-Rae: The only reason they are doing so is that we are not doing the operations here. The Taoiseach is ignoring that.

Deputy Declan Breathnach: It has been known for years.

An Ceann Comhairle: I ask Deputy Healy-Rae to resume his seat. There are just three Deputies remaining. I will take 30-second questions from each of them and we will get answers.

Deputy Pearse Doherty: I appreciate that. I raised the rip-off cost of mart insurance on Topical Issues 18 months ago. At the time, the Minister of State, Deputy D'Arcy, referred the matter to the insurance industry, which is what he always does. The insurance industry told him there was no issue, but there is an issue. A mart in County Laois which had been in operation for 51 years has had to close its doors because mart insurance premiums increased for the fourth year in a row. Serious concerns are being raised about the sustainability of marts across the country. The Taoiseach has to acknowledge that the Government's plan is not working. I am asking for serious measures and actions to be taken by the Minister of State. He needs to meet mart managers and operators to listen to their concerns and to the proposals they are making. I

am asking the Taoiseach to ensure this happens.

Deputy Carol Nolan: The programme for Government states clearly that the Government is committed to a policing service that is visible. We have had many instances of rural crime. I know this is constantly denied in this Chamber. A farmer in Dunkerrin, County Offaly, was recently burgled for the seventh time. There was a similar incident on the Laois-Carlow border in the last week. There is worry and concern. The reality is that these crimes are happening. Although we have a good police service, gardaí are not able to cover large rural areas. I believe that is the problem here. They are doing their best, but they cannot cover the large rural areas. Will the Minister take action? Will he increase the number of gardaí in rural counties like Laois and Offaly?

Deputy Michael Moynihan: In view of the discrepancies in the Children and Family Relationships Act 2015, particularly in Part 9, when will the debate on the civil registration Bill 2019 commence?

An Ceann Comhairle: Who will take those questions?

The Taoiseach: I will take the first one and leave the second and third questions to the Ministers, Deputies Flanagan and Regina Doherty.

The Government is very aware of the impact of increasing insurance costs on individuals, households and businesses, including marts. We have had a long-standing engagement with the industry, the Central Bank and the Courts Service on this issue. That was initially led by the Minister, Deputy Eoghan Murphy, but is now being led by the Minister of State, Deputy D'Arcy. It is showing some good results. The cost of health insurance plateaued and has subsequently fallen a little. The cost of car insurance has decreased since 2016. I appreciate that the cost of public liability insurance is still a problem. We will continue to work with the various groups to try to bring costs down.

Minister for Justice and Equality (Deputy Charles Flanagan): I assure Deputy Nolan that rural crime is a priority for the Garda Síochána and the Department. The House had an extensive debate on the matter last evening. An informative amendment that was proposed by the Government during the debate will be voted on tomorrow. There is probably no need for me to assure the Deputy that Garda numbers and policing matters in counties Laois and Offaly are priorities for me.

Deputy Regina Doherty: The Government decided last week to take the amendments to the 2017 Bill out of that Bill. I hope to publish a stand-alone Bill next week. I hope that with the co-operation of Deputies on all sides of the House, we will get that Bill passed in the next couple of weeks.

An Ceann Comhairle: That concludes questions on promised legislation. Twenty-two Deputies were heard today.

Ceisteanna (Atógáil) - Questions (Resumed)

Cabinet Committee Meetings

1. **Deputy Joan Burton** asked the Taoiseach when Cabinet committee B, social policy and public services, last met. [51848/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach when Cabinet committee B, social policy and public services, last met; and when it is scheduled to meet again. [53033/18]

3. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet committee B, social policy and public services, last met; and when it will next meet. [53036/18]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet committee B, social policy and public services, will next meet. [1550/19]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

Cabinet committee B last met on 22 October 2018. While the date of the next meeting of the committee has yet to be finalised, it is likely that it will take place in early 2019. Cabinet committee B covers social policy and public services, including education, children, social inclusion, the Irish language, arts and culture, as well as continued improvements and reforms of public services. In addition to meetings of the full Cabinet and Cabinet committees, I often meet Ministers on a bilateral basis to focus on particular issues. I regularly meet the Ministers, Deputies Regina Doherty and Donohoe, to discuss issues relating to social policy and public services. Over recent times, the Government has introduced various reforms through Cabinet committee B which seek to improve the lives and living standards of those who are most in need or those who are often marginalised by our society. These reforms include the affordable childcare scheme, which is a major priority for this year, the publication of the LGBTI+ national youth strategy, the publication of the action plan for online safety and the ratification of the UN Convention on the Rights of Persons with Disabilities. Further gender equality actions have also been driven through this Cabinet sub-committee.

Deputy Brendan Howlin: I understand that this Cabinet sub-committee is responsible for the arts and culture. Most people will acknowledge that there is a crisis with regard to the wages and working conditions of people across the nation who are working in the arts sector. There is real concern about how our national theatre is operating. As the Taoiseach is well aware, last week over 300 actors, directors, designers, agents and playwrights took a public stand to express real and built-up concern and dissatisfaction about how the national theatre is being run. We saw the reality of life for artists in Ireland, and how poorly they are paid, earlier this week. It was revealed in the review of pay and conditions, which was published by the Theatre Forum, that many of them do not receive the minimum wage. The Minister for Culture, Heritage and the Gaeltacht has called for dialogue in respect of the Abbey Theatre dispute. This is an issue that concerns our national theatre. We are all proud of the theatre, which is a unique international institution. It appears to have nothing to say on the commemorations we are facing into this year, including the centenary of the First Dáil and the beginning of the War of Independence. Have these matters been discussed by this Cabinet sub-committee? Does the Taoiseach have a view on these matters? Has the sub-committee made a specific policy directive in relation to the future of the national theatre and the sustainability of working in the arts in Ireland?

Deputy Mary Lou McDonald: I think Deputy Howlin's points are well made. The national theatre's lack of in-house production is a cause of concern for all of us. I look forward to hearing the Taoiseach's response to the Deputy's questions.

We are approaching the fourth anniversary of the marriage equality referendum. The people's decision to extend marriage rights to same-sex couples was momentous and defining. These fundamental rights are still not enjoyed by the LGBTQI community in the North, but that is not what I want to raise with the Taoiseach today. The 2015 referendum recognised the rights of same-sex couples and their children. The Government has been found wanting in its delivery on the rights of these families. LGBT Ireland is holding an event outside Leinster House today to highlight the Government's delay in making progress with long-awaited legislative protections for the families represented by that organisation. The Children and Family Relationships Act 2015 put in place a legal framework to provide for and protect diverse families and parental rights. Parts 2 and 3 of that Act have yet to be commenced. In 2017, the Minister for Health, Deputy Harris, issued a statement in which he gave a commitment that he would commence Part 2 and 3 of the Act by the end of that year. It is now 2019 and we have not been given a revised date for when legal provisions relating to donor-assisted human reproduction and other important matters will be delivered. Given that the general scheme of the assisted human reproduction Bill 2017 is currently with the Joint Committee on Health, it will be some time before the legislation in question is introduced. Technical amendments need to be made to Part 9 of the 2015 Act to provide for the registration and re-registration of the birth of a donor-conceived child. I thank the Minister for Employment Affairs and Social Protection for agreeing to introduce these amendments through a stand-alone Bill to speed up this process. Sinn Féin will support the speedy passage of that legislation through the Dáil. The continued legal uncertainty for LGBT parents and their children is wrong. The buck stops with the Taoiseach as the Head of Government. What action is being taken to ensure all outstanding legal protections are delivered for same-sex couples and their children?

Deputy Richard Boyd Barrett: While I made the main points I wanted to make about the arts sector during Question Time with the Minister for Culture, Heritage and the Gaeltacht this morning, I would like to put it to the Taoiseach that we need to urge the Abbey Theatre to engage with those who signed the letter we discussed this morning. It is quite a polarised and complicated debate. All of the different stakeholders need to get together to sort out these issues. However, at the back of it - this is where the Government comes in - all across the theatre, art and film sectors, which I have been talking about repeatedly for the past year, there is no job security, income security, no rights or entitlements and no jobs. There is just total precarity. The Government needs to address that. In Germany, a person who works in the arts is effectively a public servant and has public service conditions, whereas in Ireland, the land of saints and scholars, we treat artists with contempt. That is the problem and the Taoiseach needs to address it.

Has the Taoiseach's Cabinet committee on social policy and public sector reform addressed the fact that an industrial action by the National Ambulance Service, which will have serious consequences, is due to take place on 22 January? It involves a serious matter regarding trade union recognition whereby the HSE is refusing to engage with the National Ambulance Service Representative Association, NASRA, which is affiliated to the Psychiatric Nurses Association, PNA, or recognise its right to represent ambulance workers. As a consequence of that, a national ambulance strike will take place on 22 January. The Taoiseach has talked a good deal about urging negotiation in terms of the nurses' dispute. I strongly urge him to contact the HSE

and tell it that workers have the right to choose their own trade union and that it should engage urgently with the PNA and NASRA to avert a national ambulance strike on 22 January.

An Ceann Comhairle: Deputy Micheál Martin wishes to make a brief contribution.

Deputy Micheál Martin: I thank the Ceann Comhairle. I agree with what Deputies Howlin and Boyd Barrett said. Yesterday, I raised the issue in question in the context of the Abbey, the National Theatre of Ireland. I made the point previously that there has been drift. The initiative of Creative Ireland is more about political patronage than a genuine substantive investment in the arts. A strong tradition was developed over the years of the Arts Council and independent bodies, free from political partisanship or influence, that would decide arts policy. That needs to be restored. There must be a clear national policy direction in terms of what we want from the Abbey Theatre and what we want it to contribute to development of the theatre and the arts in general.

The Taoiseach referred to online abuse. I attended the BT Young Scientists and Technology Exhibition last week. I pay tribute to BT, which is a private company that sponsors and has grown that competition significantly for almost two decades. At the event, I noted the number of projects from young people regarding the impact of technology games such as Fortnite and so on. They are interested in the impact on children's minds, their development, concentration and study and the juxtaposition of the impact of it on reading, etc. This is in contrast to a reluctance on the part of State agencies to do likewise. The ESRI issued an interesting publication this morning on the impact of mobile phones on children under 12 years of age. It is time for detailed assessment of these issues. There can be a good impact and there are many positives emerging from technology. The Taoiseach mentioned online abuse and there are many challenges also that have emerged from technology in that regard. The State has a certain deference to the digital companies and their impact and influence. There is almost a sense of tiptoeing around the significant issues that need to be addressed.

In terms of the Cabinet committee, the Taoiseach might reaffirm a commitment the Government made. During the budget negotiations, we discussed the need to provide 100 additional therapists in order to reduce significantly the waiting times for children on waiting lists for speech and language, occupational therapy, psychology and physiotherapy.

An Ceann Comhairle: The Taoiseach has five minutes to respond.

The Taoiseach: In the context of the arts, the House will be aware that the Government gave a commitment to double our spending on arts and culture over a seven-year period. That roughly equates to an increase of 10% or 10.5% every year. We exceeded that in the budget for 2019. There will be a 12% increase in funding for arts, culture and heritage. That is a combination of current and capital funding. That is invested in many ways in the national cultural institutions, in the Arts Council, through Screen Ireland - formerly the Irish Film Board - in Creative Ireland and various other different mechanisms such as the Heritage Council. Part of the programme and part of Project Ireland 2040 provide for a new national theatre to be built and for the Abbey to be demolished. It has already acquired some of the buildings around it, which will allow it to be demolished and rebuilt into a new state-of-the-art national theatre, of which I hope we will be extremely proud. I am sure people have been to the National Gallery since the renovation there. The gallery looks fabulous and what a national cultural institution should look like. I would certainly like to see those Abbey plans advanced very soon in order that we can have a new national theatre. I acknowledge, however, that a theatre is worth noth-

ing without the artists and actors who perform in it. I had the opportunity to meet the chairman of the board of the Abbey Theatre not too long ago. I am confident that the board will want to respond to the concerns of the artistic community. There are differing views, as Deputy Boyd Barrett acknowledged, but I am confident the board will want to respond to those concerns. I expect it will do so. I do not believe it is the role of the Government to interfere in the programmes of individual theatres and I do not believe anybody in the House would want us to do that, but it is appropriate that the board should engage with the concerns.

On the incomes of artists and people involved in creative industries, it is like many businesses or industries, there are many forms of self-employment or many professions. Some people do very well and do very well financially while others are not so successful and do not do so well financially. We have done two things to help. First, we have amended the social welfare code. I did this approximately two years ago in order to allow people who are part-time artists and who are not making an adequate income or earning sufficient revenues from their art to qualify for jobseeker's payments and social protection without the requirement that they be seeking full-time employment. I am not sure how many people have availed of that but it is in place as an option and helps to set a minimum floor of income for the artists in question. We also changed the Competition Act to allow freelance artists to engage in collective bargaining in certain circumstances in a way that we do not allow the vast majority of self-employed people or professionals to do.

Regarding Deputy McDonald's question on health legislation, it is always the case that Departments, the Office of the Parliamentary Counsel and Government have to prioritise legislation in the same way as the Oireachtas and the Seanad. It is not possible to do all legislation at the same time, either in government or in the Oireachtas, which, of course, the Government does not control. The priority for the last six months of 2018 was the abortion legislation, and that was passed. The House and the public wanted us to prioritise that legislation. In addition, the governance legislation to re-establish the HSE board is currently going through the Houses. The priority for quarters 1 and 2 of this year is health legislation relating to Brexit. People understand why that has to be prioritised. Brexit is scheduled to happen at the end of quarter 1 so that legislation has to be prioritised, as does the legislation to establish the CervicalCheck tribunal. They are the health legislative priorities for the first half of this year. However, work will continue on the assisted human reproduction Bill. I anticipate it will be published sometime this year and hopefully enacted. It is very complicated legislation. I recall reading all about it when I was Minister for Health. It will require much debate and some difficult decisions to be made because currently the whole area of assisted human reproduction in Ireland is not illegal but it is also not legislated for. There are many questions that will require decisions on our part as to what will and will not be legal, including what forms of surrogacy will be allowed and whether we will continue to allow the practice of anonymous donation of sperms and eggs. I can understand why people would want that to continue but if we are pursuing a child-centred policy, where children have the right to know who their parents are and that speaks to our history, perhaps that is something we should not allow. Therefore, there are many difficult judgment calls and decisions to be made. I imagine that will be teased out by some very reflective sessions by the health committee.

An Ceann Comhairle: We need to move on.

16 January 2019

Taoiseach's Meetings and Engagements

5. **Deputy Joan Burton** asked the Taoiseach if he will report on the foreign visits he has undertaken or will undertake in the period from December 2018 to February 2019. [52850/18]

6. **Deputy Joan Burton** asked the Taoiseach the meetings he has planned with Heads of Government and Heads of State over the next six months. [52851/18]

7. **Deputy Michael Moynihan** asked the Taoiseach if he will report on his recent visit to Mali; the persons he met in the Defence Forces; the other meetings that he attended; and the issues that were discussed. [1214/19]

8. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his planned visits abroad in the next six months. [1291/19]

9. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent visit to Mali and Ethiopia. [1383/19]

10. **Deputy Micheál Martin** asked the Taoiseach if he will report on his visit to Mali and the discussions he had with the Defence Forces. [1430/19]

11. **Deputy Michael Moynihan** asked the Taoiseach if he will report on his visit to Ethiopia and the meetings he attended. [1431/19]

12. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to Mali and Ethiopia and the UNHCR refugee camp for Eritrean refugees. [1548/19]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach the meetings he has planned with Heads of State over the next six months. [1551/19]

14. **Deputy Joan Burton** asked the Taoiseach if he will report on his recent visit to Africa. [1702/19]

15. **Deputy Mary Lou McDonald** asked the Taoiseach the foreign visits he plans to undertake to the end of June 2019. [1705/19]

16. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent visit to Mali and Ethiopia. [1707/19]

The Taoiseach: I propose to take Questions Nos. 5 to 16, inclusive, together because almost all of them relate exclusively to my recent visit to Africa.

Deputy Brendan Howlin: There are two groupings here. One relates to the Africa visit and the other to the Taoiseach's proposed visits for the next six months. They are quite different.

Deputy Micheál Martin: Which are we taking?

Deputy Brendan Howlin: Questions Nos. 5 to 16.

The Taoiseach: The Deputy is correct. I will raise that with my office when I get back. There are 12 questions here which could be broken into two groups, one about Africa, which is in the past, and the other about future meetings.

An Ceann Comhairle: There are maybe four different questions so we should be able to get through them if we are concise.

The Taoiseach: I take the Deputy's point. I propose to take Questions Nos. 5 to 16, inclusive, together. I travelled to Mali and Ethiopia from 6 to 11 January to see at first hand the work being done by our Defence Forces, by Irish Aid and by our diplomatic and other representatives. My visit also allowed me to get the perspective of African leaders on Ireland's contribution to the deepening partnership between Africa and Europe, which focuses on sustainable development, peace and security, trade, economic growth and job creation. In Mali, I met the President and discussed the peace and security challenges facing his country as the Government seeks to regain control of Mali and how UN and EU missions can help. He thanked me strongly for Ireland's contribution to the EU training mission, EUTM. I met the mission commander of the EU training mission, Brigadier General Mirow. I was accompanied by the Minister of State, Deputy Kehoe, the Chief of Staff of the Defence Forces and the Secretary General of the Department of Defence. I also visited the EUTM training camp in Koulikoro, where Irish troops are training the Malian armed forces.

In Ethiopia, I had meetings with Prime Minister Abiy Ahmed, President Sahle-Work Zewde and the African Union acting chair, Commissioner Elfadil. The Prime Minister and I discussed his programme of reform, including improving the conditions for foreign direct investment and economic growth in his country, where Irish experience and expertise may be useful. My discussions with the President focused on the need to drive economic development in the country, including through the advancement of education, especially education of girls. In my meeting with Commissioner Elfadil of the African Union, we discussed how the European Union and Africa can work together on combatting our shared challenges. In Addis Ababa, I met Irish NGOs working in Ethiopia, including GOAL, Concern, Trócaire, Self-Help and Vita. I attended a community reception at the Irish embassy, where I launched the Ethio-Irish Alumni Association.

I visited a number of heritage sites, including the UNESCO world heritage site in Lalibela, where I launched a new partnership initiative on cultural heritage and rural job creation. I also announced the "greening" of the iconic Church of St. George for the first time on St. Patrick's Day. I visited Irish Aid funded projects in Tigray, where Irish funding is dramatically improving the lives of some of the poorest and most vulnerable people in the world. I visited a UNHCR camp close to the Eritrean border which is home to 18,000 refugees. One in seven refugees in the camp are unaccompanied minors and I saw the work being done to ensure that children in these camps can continue their education.

With regard to my travel intentions for the coming six months, later in January, I expect to travel to Davos for the annual meeting of the World Economic Forum. I also plan to attend scheduled meetings of the European Council on 21 and 22 March and 20 and 21 June, as well as an informal meeting in Sibiu, Romania on 9 May. Other EU engagements may also arise, and I will give full consideration to attendance in due course. I look forward to travelling to the United States in March for the annual St. Patrick's Day celebrations. The details of this visit are still under consideration and I will provide further information in due course. Other international visits and engagements with political leaders are also being given consideration but at present none are confirmed.

Deputy Brendan Howlin: I warmly welcome the Taoiseach's visit to Africa. It is an important statement of Ireland's support for the development agenda and it is in keeping with our

strong record of non-partisan, non-aligned development and promotion, which I welcome. The Taoiseach will recall that I raised on many occasions the need for what is called a new Marshall plan or development plan for Africa and also for our own neighbourhood in the Middle East. We will be faced with growing pressure because of climate change and population increase, with stress on migration to the European Continent, radicalisation in those countries which might in future present security threats, and also the contamination of European politics.

We see more and more fundamentalist parties across the Continent with a narrow nationalist, xenophobic agenda, gaining traction and gaining ground. The main way to tackle this is to have a new Marshall Plan so that we can devote significant resources as a Continent to developing the economies of countries that need not only mitigation of climate change impact but real development. Ireland could be a leader in that regard. I welcome the Taoiseach's comment on that. That should be one of the cornerstone propositions that Ireland makes as part of its Security Council bid. I also welcome the Taoiseach's general view of increasing Ireland's footprint. I ask him to spell out in clear detail how broadening Ireland's international footprint might be achieved and how he would envisage that both in formal representations and in bilateral visits so that we could provide other nations with a stronger vision and understanding of Ireland, of our history, our record and our future.

Deputy Micheál Martin: I also warmly welcome the visit to Mali and Ethiopia. As a former Minister for Foreign Affairs, I have been to Ethiopia and witnessed at first hand the very impactful work of Irish Aid across Africa, especially relating to educational attainment and health. There are some good health projects in Ethiopia funded by Irish Aid. There are projects relating to agricultural practices and such too. The Taoiseach met with the Defence Forces, which are playing an essential part in training the Malian army to deal with its challenges. It highlights and illustrates the contribution that the Irish Army and Defence Forces generally make to the international reputation of Ireland. In some respects, that is not reflected, in my view, here at home in Government policy, attitude and demeanour to the Defence Forces.

The figures from last November show that the Defence Forces are down to 9,022 personnel. They have an approved establishment strength of 9,500 but they have not reached that for seven years. There is a significant retention crisis in our Defence Forces. I recently met with the Representative Association of Commissioned Officers, RACO. The Defence Forces are losing expertise across the board, such as in communications, sometimes to other Government agencies and Departments that can pay much more for the same people. The Army bomb disposal unit was significantly undermined last year or the year before by people leaving. I know this was not the Taoiseach's intention but the Army is not about photo opportunities. Considering the great work it does, we need to analyse seriously how the crisis in retention and low morale in the Defence Forces are being dealt with by official Government policy. The ongoing loss of expertise and experience is a big worry. I think the Taoiseach accepts there are issues in the Defence Forces. Will he indicate when he expects the awaited report on the Defence Forces from the Public Service Pay Commission?

Deputy Richard Boyd Barrett: Did the Taoiseach discuss what is going on in Sudan in any of his meetings? A popular revolution is happening against the al-Bashir Government in Sudan, triggered by a brutal, murderous response by the al-Bashir regime to protests over bread price increases. There have been mass arrests of students, schools and universities have been closed down, and 24 people have been killed, yet the protests continue which shows how serious they are. There has been vast mobilisation of the poor and working people. I am interested to know the Taoiseach's thoughts. The al-Bashir regime is in receipt of EU money. It is part

of the set-up where Europe pays to keep people out of Europe. Is that why it is so silent on a popular revolution being brutally attacked by the Sudanese Government? I have absolutely no doubt about the bravery, commitment and determination of the Irish Defence Forces, those involved in the training mission in Mali and the rangers who might be deployed there. However, I have very serious questions as to whether the Government should be sending them there. This is a counter-terrorism operation. It is not peacekeeping. It is a dangerous mission in a very messy conflict in which there are no real good guys. The Malian Government has even itself acknowledged that it has killed innocent civilians in its counter-terrorism operations; there are ethnic complexities involved; and the French have a colonial history and an agenda there. Our deployment there potentially causes very serious reputational damage to Ireland's high standing as a neutral country that does not back or side with imperial powers, big powers, in very messy situations. Perhaps the Taoiseach could comment on that as well.

Deputy Mary Lou McDonald: Of course, the reason there is such a recruitment and retention crisis in the Defence Forces is, frankly, because people cannot live on the poverty wages they are being paid. Not just members of the Defence Forces, but more directly their families have, as we all now know, long protested and campaigned on this issue. It is a disgrace to us as an Oireachtas if we praise the blue helmets and our peacekeepers and bask in their reflected glory and then, when they return home, pay them poverty wages. This needs to be addressed as a matter of urgency.

The Tánaiste has been in the Middle East a number of times since becoming Minister for Foreign Affairs and Trade. I was in Palestine in the West Bank just before Christmas. I made extensive visits; met a wide range of groups and individuals; met each of the political parties or factions on the Palestinian side; saw at first hand the outrage and the breach of international law that the illegal settlements represent; spoke to families, children and young people who had first-hand daily experience of the harassment and brutalisation at the hands of the Israeli defence forces; reflected that Oslo, it now seems, might be dead; despaired at the fact that the international community sits on its hands and allows the Israeli state to act with absolute impunity; reflected on the fact that there is actually an answer to all this, that there is, if the international community were so minded, still one last chance to deliver a two-state solution; and then wondered - and I ask the Taoiseach the question today - will he visit Palestine? It would be extremely important if he did so. Furthermore, can we and can the Government move to recognition of the state of Palestine, as mandated by this Oireachtas? When the occupied territories Bill comes before us in the Dáil, will the Taoiseach please change position and do the right thing, in accordance with the spirit and the letter of international law, and support that legislation?

The Taoiseach: I acknowledge that all Deputies welcomed my visit to Africa. It was a real privilege to have the opportunity to visit Africa and represent the country there. It was the first official visit by a Taoiseach, I believe, in more than ten years and reflects our increasing and deepening engagement with Africa, through the European Union and the UN; bilaterally; through our Defence Forces, which is the security aspect of it; through international development - the budget for international development will increase by over €100 million this year; and through our membership of the African Development Bank and the fact that we have recently become an observer of la Francophonie. We are also upgrading diplomatic missions in Africa. The Liberia office has been upgraded to an embassy, and we are examining whether we should open a new mission in Francophone West Africa. I very much agree with Deputy Howlin's assessment about having a Marshall plan for Africa. Whether or not we choose to call it that is

16 January 2019

a different matter, but the concept is the correct one, that is, the approach taken by America to rebuilding western Europe and its economies and ensuring there were democratic institutions that worked and ensuring there was security. Thinking about many of the major problems we now face in Europe, whether human trafficking and illegal migration, terrorism, drug trafficking or climate change, all of them have origins or sources in other parts of the world, including parts of Africa. If the West and western countries spent as much on international development and genuine security operations in Africa as they do on military operations in places such as Syria, we would not have half the problems that are causing populists to be on the rise in Europe.

The budget for this year provides for an increase of just over €50 million for the Defence Forces. I assure Deputy Micheál Martin that this is not for photo ops. The extra €50 million for the Defence Forces this year is for aircraft, vessels, equipment, improvements to barracks, increases in pay and pensions. Joining the Defence Forces is a very good career option. One can join at 18 or 19 years of age, within two or two and a half years become a three-star private, and be paid €35,000 a year at a time when many of one's peers would be on Student Universal Support Ireland, SUSI, grants or still in college. One can also get new skills, represent one's country and travel the world. It is a career option that young people might consider, particularly if they do not want to go to college or down the apprenticeship route.

I acknowledge, however, that pay is an issue and we need to do something about it. The first thing, of course, is the public sector pay deal. This will provide for further pay increases this year and a special increase for new entrants in March, provided we can finalise agreement with ICTU on that. This would be very significant for the Defence Forces because so many have been recruited since 2012. Then there is the work of the Public Service Pay Commission. We expect the commission to report in March or April. It is looking particularly at the issue of specialists, the fact that pilots, air traffic controllers, engineers and many others now have such good opportunities in the private sector that we are losing them from the Defence Forces. We are also now allowing people to return to the Defence Forces, and it is really good to see people who have left coming back. They were not able to do so before now. The pay commission will also look at some allowances that are specific to the Defence Forces, reflecting the very specific type of work they do. I look forward to that report being received in March or April.

Taoiseach's Communications

17. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his recent telephone conversation with Prime Minister May. [53007/18]

18. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent conversation with the British Prime Minister, Mrs. Theresa May. [53034/18]

19. **Deputy Joan Burton** asked the Taoiseach if he will report on discussions he had recently with the British Prime Minister, Mrs. Theresa May. [53143/18]

20. **Deputy Michael Moynihan** asked the Taoiseach if he has spoken to Prime Minister May about Brexit and Northern Ireland since Dáil Éireann adjourned for the Christmas recess. [1215/19]

21. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent conversations with Prime Minister May. [1385/19]

22. **Deputy Micheál Martin** asked the Taoiseach if he has spoken to Prime Minister May since Christmas 2018; and if so, the issues that were discussed. [1427/19]

23. **Deputy Micheál Martin** asked the Taoiseach if he has spoken with the British Prime Minister, Mrs. Theresa May, since the vote on the withdrawal treaty took place. [1713/19]

The Taoiseach: I propose to take Questions Nos. 17 to 23, inclusive, together.

Prime Minister May and I are in regular contact, both directly and through our offices. Our last contact was just before I went to Africa.

Our most recent meeting was in Brussels on the morning of the European Council meeting of 13 December. We discussed the state of play with Brexit and in particular what she hoped to achieve at that Council meeting. We also discussed the political situation in the UK following her decision on the previous Tuesday to defer the meaningful vote in the House of Commons, and the vote by her party MPs in respect of her leadership of the Conservative Party on Wednesday, 12 December.

In the run-up to that meeting of the European Council we also had a detailed telephone conversation on Sunday, 9 December. At that time the vote in Westminster was still scheduled for Tuesday, 11 December. In each of our discussions I restated the Government's position that while the backstop is an essential part of the withdrawal agreement, we share the objective of securing a very close future relationship between the UK and the EU in order that the backstop would not need to enter into force or, if it did, that this would be for a short time only.

Brexit is a priority issue for Government, and my Cabinet colleagues and I will continue to take every opportunity to engage with EU partners and the UK to put across our views and advance Ireland's priorities.

An Ceann Comhairle: Could we perhaps take just a minute for each question? Then we will be able to get a response from the Taoiseach.

Deputy Brendan Howlin: Déanfaidh mé mo dhícheall. I will do my best.

An Ceann Comhairle: Go raibh maith agat.

Deputy Brendan Howlin: May I ask a very direct question then, since the Ceann Comhairle wants us to be very direct and very succinct? When has the Taoiseach scheduled his next conversation with Prime Minister May? Does he propose to telephone her today? Presumably, he will allow the no confidence motion to be determined. The expectation is that she and her Government will survive that. The scale of the defeat of the negotiated plan was such in the House of Commons that it is the very clear view of virtually everybody who has spoken that the plan is no longer viable in terms of its potential to be approved in any slightly modified way by the House of Commons. Does the Taoiseach know what Theresa May's plan B is, which she is now required to present to the House of Commons next Monday? Does the Taoiseach have a plan B or is the view simply that what is negotiated is negotiated and if it is not that it is no deal?

Deputy Mary Lou McDonald: I thank the Taoiseach for the account of his conversation. When does he propose to speak to Mrs. May? We can speculate and no doubt people will on what form the management of this parliamentary crisis will be across the water and that is all fair enough. The question for us is where Ireland is positioned. Will the Taoiseach make absolutely clear and plain to Mrs. May that the needs and interests of Ireland have not changed, that

16 January 2019

the backstop remains the absolute bottom line? Will he also talk to her about the contingency, of which he has not spoken, in the event of a crash and a no-deal and no-backstop scenario on that issue, that she has raised in the House of Commons, that is the prospect of putting the constitutional question and a referendum on unity?

Deputy Micheál Martin: Will the Taoiseach be more specific about when exactly his last contact was with the British Prime Minister? I think he said it was before his visit to Mali. Was that a telephone call or what was the nature of that contact and the deliberation? The Tánaiste yesterday seemed to confirm what the Minister for Transport, Tourism and Sport, Deputy Ross, said, that there would be checks in the context of a no-deal Brexit but he does not want to talk about it because once we start delving into what he said all of a sudden we will be the Government that reintroduced a physical border on the island of Ireland. We need clarity on that and I did not quite get it this morning from the Taoiseach. What was the Tánaiste saying? Was he saying that in the event of no deal there is no backstop? Therefore, what are the implications and has the Taoiseach discussed with the President of the Commission Mr. Juncker or with Michel Barnier how we prevent a border emerging? Have the Taoiseach and the British Prime Minister discussed the idea of an extension of Article 50?

Deputy Richard Boyd Barrett: I have been saying for some time that my concern is that if there is no deal Europe will insist, in order to protect the Single Market, that there should effectively be a border with customs checks and so on, North and South, and the conversation between the Minister for Transport, Tourism and Sport, Deputy Ross, and the Tánaiste rings alarm bells in that regard. We hope there will be some sort of deal even if it is not this deal - I think at one point the Taoiseach referred to the “no-deal deal” that could be done between Ireland and the UK in that event. If all that fails, will there be pressure from Europe on us to impose a border?

Europe says it will stand with us on all these issues. Will it stand with us to the extent that it will make funds available to protect certain sectors of the Irish economy, workers, small farmers and so on from the impact if there is a crash-out Brexit with all the potential consequences of that?

The Taoiseach: I do not remember the exact date of my last contact with Theresa May but it was by telephone about ten days ago. I think it was the day I was in Munich or the day after that when I was in Paris. We had pencilled in a call for the week gone by but given all the events in Westminster that did not happen. I do not anticipate I will speak to her today. The motion of no confidence is happening and I understand there may even be a series of rolling motions of no confidence. This, I understand, is the idea of the leader of the Labour Party in the UK, to put down several motions of no confidence but I am sure we will speak soon and we may have the opportunity to meet in Davos next week if she is able to make it. I appreciate things are very fluid in Westminster at the moment. There is ongoing contact between our Sherpas and our chiefs of staff.

We have not had a detailed discussion on Article 50. In at least one meeting or telephone call I raised the prospect of Article 50 being extended, saying that was an option, which is just a statement of fact, but it was not something that she really wanted to pursue at that point. It was our shared objective to focus on securing the ratification of the withdrawal agreement.

Deputy McDonald asked many hypothetical questions. I do not have a problem with that. Asking hypothetical questions is reasonable but it is not always possible to give answers to

hypothetical questions without guessing and I have found that guessing and speculating out loud is not a good idea when it comes to Brexit. There is one hypothetical question I might ask Deputy McDonald to consider: I know it is the Sinn Féin policy that if there is a hard Brexit, no deal, the only way to avoid a border between Northern Ireland and Ireland is to have a border poll and bring about territorial unity. The question arises that if that border poll were defeated would Sinn Féin then seek that Ireland leave the European Union and align itself with the UK in terms of customs and the Single Market. These things have to be thought through because that is certainly something I would never support. We will stay at the heart of the European Union. I wonder if Sinn Féin might go back to being Eurosceptic in that situation. I would be interested to know how the Deputy would propose to avoid a hard border after the border poll was defeated.

I read the transcript of what the Tánaiste said yesterday. My reading of it is that he was specifically referring to checks on goods travelling between Britain and Ireland and we all know that those checks will occur at ports and airports. That is the most sensible thing to do.

Deputy Micheál Martin: He was not talking about that. He was talking about-----

Deputy Brendan Howlin: No he was not.

The Taoiseach: That was my reading of it.

Deputy Micheál Martin: That is twice the Taoiseach has misled us. That is not what he said.

Deputy Brendan Howlin: No journalist who was there said that.

Deputy Micheál Martin: No one is saying that. He was talking about the consequence of a no-deal Brexit.

The Taoiseach: I shall read it again but that was my reading of it. In a no-deal scenario obviously we have a big problem. As I have said before, it is not enough for people to say that a hard border can be avoided simply by saying that nobody wants one-----

Deputy Brendan Howlin: What is the Taoiseach's plan B?

Deputy Micheál Martin: Is the Tánaiste correct in saying what he said?

The Taoiseach: -----and simply by saying that it can be achieved merely through political will and good intentions.

Deputy Micheál Martin: We know that.

The Taoiseach: To maintain the absence of a hard border between Northern Ireland and Ireland we have to have an agreement on customs and regulation. We have to be in the same customs territory or customs union, whatever one wants to call it, and we have to have alignment on regulations.

Deputy Micheál Martin: In a no-deal scenario where do we go?

The Taoiseach: That is precisely why we have negotiated the withdrawal agreement.

Deputy Brendan Howlin: It has been rejected. What is next from the Irish Government's

perspective?

Deputy Micheál Martin: What was the Tánaiste getting at? Was he saying that in a no-deal scenario there would be checks?

The Taoiseach: The Deputy would have to ask the Tánaiste but that is what he told me he was getting at.

Deputy Micheál Martin: He is the Taoiseach's Tánaiste. I am asking the Taoiseach.

The Taoiseach: That is why we negotiated the withdrawal agreement and the backstop. I do not see much room for negotiation beyond that. What has to happen now-----

Deputy Richard Boyd Barrett: Then what?

Deputy Micheál Martin: Then what if there is no deal, how do we prevent the border?

The Taoiseach: I will tell the Deputies then what. What happens now is exactly what Prime Minister May said would happen. She will now engage with senior politicians in Westminster to see if they can come up with a set of proposals that would allow us to ratify the withdrawal agreement. That is where the issue lies. We have to hear from the UK what its proposals are to resolve this problem and avoid no deal. We can then consider its proposals but any proposal it makes has to be acceptable to the European Union and to Ireland. There are many ways we can protect sectors of our economy that may be exposed. We already have approval for rescue and restructure, for example.

2 o'clock

If in the event of no deal, particular businesses fall into huge difficulty as a consequence and where jobs and viability are threatened, we can use public money to help save those businesses if saving them is a possibility. We have approved that already. It is a rescue and restructure system. We can also bring in special supports for the food industry and the agrifood industry. When Russia closed its market to agricultural imports from the Baltic states the EU was able to go in with special assistance and special aid. They are the kinds of things we can do to protect industry and jobs and to protect the agrifood sector in particular if we need to do so. The priority for the next few weeks is securing a deal so we do not get into that kind of situation.

Written answers are published on the Oireachtas website.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Seán Crowe - to discuss the ongoing hunger strike by over 120 Kurdish prisoners in Turkey; (2) Deputy Kevin O'Keefe - to discuss the framework required for Cork County Council and Irish Water to advance construction of residential units in north Cork; (3) Deputy Eamon Scanlon - to discuss the provision of capital funding for new beds at Sligo University Hospital; (4) Deputy Éamon Ó Cuív - the need for the Minister for Agriculture, Food and the Marine to take steps to increase the amount of planting of native woodland by extending eligi-

bility for the native woodland grant to lower yield classes and by other measures; (5) Deputies James Browne, Jan O'Sullivan and Mattie McGrath - to discuss the cost overruns in health, including University Hospital Limerick and the national children's hospital; (6) Deputy Pat Buckley - to discuss the need to publish last year's review of Jigsaw youth mental health service in light of the increased demand for and pressure on CAMHS and other mental health services directed at young people; (7) Deputy Donnchadh Ó Laoghaire - to discuss the potential upgrade of the L2455, Lehenaghbeg-Lehenaghmore road; (8) Deputies Clare Daly and Catherine Conolly - to discuss the proposed extension of the final report of the commission of investigation into mother and baby homes by a further year; (9) Deputy Eoin Ó Broin - to discuss the need to amend social protection legislation governing eligibility for one-parent family payment to include foster parents in the list of qualifying parents; (10) Deputy Brian Stanley - to discuss with the Minister for Communications, Climate Action and Environment what preparations have been made in terms of securing energy supply after Britain leaves the European Union, including the State's oil reserves in Britain, natural gas supply from Britain and the single electricity market; (11) Deputy Mick Wallace - to discuss the appointment of John Moran as interim chair of the Land Development Agency; (12) Deputy Jim O'Callaghan - to discuss the ratification of the Budapest and Lanzarote conventions on cybercrime and child protection; (13) Deputy Bríd Smith - overdevelopment of student accommodation and hotels in Dublin 8; and (14) Deputy Richard Boyd Barrett - income, employment, career insecurity and poverty among artists and arts workers.

The matters raised by Deputies Crowe, O'Keeffe, Browne, Jan O'Sullivan and McGrath and O'Callaghan have been selected for discussion.

Sitting suspended at 2.02 p.m. and resumed at 3.02 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Foreign Policy

Deputy Seán Crowe: Leyla Güven, an imprisoned MP for the pro-Kurdish HDP Party in Turkey, has been on hunger strike for the last 69 days. Leyla has been on hunger strike in a Turkish prison against her unjust detention since 8 November and is now in a critical condition. She faces over 31 years in prison for simply being critical of the Turkish regime, after she rightly condemned the Turkish invasion of Afrin and other human rights abuses. Over 260 Kurdish political prisoners have now joined her on hunger strike in Turkish jails. They are calling for her release and for an end to the isolation of Kurdish leader Abdullah Öcalan. We know that prisoners on hunger strike have been attacked in their cells. Cell confinements and harsh disciplinary punishments are worsening the situation in the jails.

As Leyla's condition is now deteriorating it is imperative that the international community acts to save her life. Will the Minister of State urgently raise this case with his Turkish counterpart and the Turkish authorities? Last weekend, Sinn Féin's MEP for the North, Martina Anderson, travelled to Turkey and met with Leyla's daughter and her lawyers to extend our solidarity and discuss her condition. Along with other international observers, she attempted

16 January 2019

to visit Leyla in jail. They were denied entry to the prison by the Turkish authorities and there were tense scenes outside the prison after they were refused entry. They witnessed at first hand the tactics of the heavily armed Turkish police when they visited the headquarters of the HDP Party and saw lines of police in riot gear when they left the building.

It is clear that ending the illegal policy of prison isolation is key to advancing the peace process. The solitary confinement of Kurdish leader Abdullah Öcalan and other political prisoners is a gross violation of their human rights. Any form of isolation or solitary confinement is strictly prohibited under the United Nations minimum rules of the treatment of prisoners, also known as the Mandela rules, which were adopted by the UN in May 2015. What is happening to this prisoner is wrong and he is a key to unlocking the conflict between the Kurds and Turkey.

Our own history has many examples of hunger striking prisoners. We are remembering the centenary of An Chéad Dáil this month and one of the Deputies elected to that historic assembly was Terence MacSwiney, who later became mayor of Cork and who died on hunger strike in 1920. I remember vividly Bobby Sands, MP, and Deputy Kieran Doherty dying on hunger strike in 1981.

At this critical time for Leyla Güven I urge the Minister of State to raise the circumstances surrounding her arrest and imprisonment urgently with the Turkish Government and join the international action to try to save her life. It is crucial. After 69 days on hunger strike, the woman is at a critical phase. We need to raise our voice. She is facing a long prison sentence merely for going on social media to raise the issue of the illegal invasion of Afrin and other legitimate points of view in respect of the situation in Turkey and the impact it is having on the Kurdish people. The Irish Government needs to raise its voice and condemn what is happening in Turkey and particularly to this woman.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I wish to thank the Deputy for raising this matter.

Ireland is very concerned with the hunger strike of the Kurdish prisoners, in particular that of Ms Leyla Güven, the deputy of the People's Democratic Party, HDP, who has been on hunger strike since 7 November 2018 and is reportedly in a critical condition. It is our understanding that over 160 Kurdish prisoners in 36 prisons are now on hunger strike.

Officials from the Department of Foreign Affairs and Trade have in the past conveyed our concerns to the Turkish embassy in Dublin in regard to the arrest of HDP MPs, along with other elected politicians, journalists and academics over the past two years. We are well aware of the challenge faced by Turkey in July 2016, with the attempted *coup d'état*, but the state of emergency is over and the rule of law and freedom of expression must prevail.

We are worried at the reports of a serious deterioration in Ms Güven's health and would strongly urge the Turkish authorities to take urgent measures to alleviate the situation, including her immediate transfer to a hospital where she can get adequate medical attention and treatment and enable contact with her lawyers and family. It is of particular concern that the delegation of MEPs and lawyers who sought to meet with Ms Güven on Saturday were denied entry.

Ms Güven's hunger strike is specifically related to the rights of lawyers and family members to visit Abdullah Öcalan, the head of the Kurdish Workers' Party, and it is our hope that the decision over the weekend by the Turkish authorities to allow Mr. Öcalan a visit from his brother for the first time in two years will be the start of a process leading to the resolution of

this particular crisis.

On the wider Kurdish issue, it is clear that this can only be addressed through dialogue aiming at establishing a peaceful, comprehensive and sustainable solution. Ireland has called for the resumption of such a dialogue to allow the political process to resume and we continue to support efforts to maintain contacts between the Kurdish and Turkish sides through our funding of the Democratic Progress Institute's Turkey programme.

On the wider issue of rights within Turkey, we have been consistent in expressing our grave concern at the disproportionate scale and scope of measures taken by the Turkish authorities in the wake of the failed coup attempt in July 2016. Together with our European partners we have conveyed our concerns on the backsliding on the rule of law and fundamental rights, the deterioration of the independence and functioning of the Judiciary and the restrictions, detentions, imprisonments and other measures targeting parliamentarians, journalists, human rights defenders and others exercising their fundamental rights and freedoms.

I want to assure the Deputy that the Irish Government will continue to monitor developments in Turkey on the specific issue of the hunger strike and also on the wider issues of human rights, freedom of expression, rule of law and democracy.

Deputy Seán Crowe: Since the abandonment of the Kurdish-Turkish peace initiative in 2015, Turkey has intensified its military war and political repression of the Kurds. The suppression of political parties and the jailing of Kurdish political leaders has become the norm as Turkish democracy has descended into authoritarian rule.

There are now an estimated 260,000 political prisoners in Turkey. Human rights organisations are reporting that human rights violations against prisoners are on the increase. The Government needs to raise its voice against gross human rights violations. The Turkish Government must stop the torture of prisoners, respect freedom of speech, uphold the rule of law and respect the role of democratically elected representatives. It should also respect its own laws and release the MP, Leyla Güven, and embrace an opportunity to advance the peace process.

Does the Minister of State agree that the only long-term solution to the Kurdish issue is through peaceful and democratic dialogue, not isolation and imprisonment? In any country where parliamentary democracy functions properly, Members of Parliament and leaders of political parties are not put in prison for their political beliefs. Yet that is the day-to-day reality in Turkey and there is now the real possibility that an MP might die on hunger strike. I again urge the Minister of State to urgently raise Leyla Güven's case with the Turkish Government and join the international acts to save her life.

Deputy Ciarán Cannon: I again thank the Deputy for raising this important question. I also thank all others who have made contributions. We share the concerns expressed over the Kurdish prisoners' hunger strike and it is clear the issue needs to be urgently addressed before it deteriorates. As Ms Güven's condition is most serious, I reiterate that the Turkish authorities need to take urgent measures to alleviate the situation, including immediately transferring her to a hospital where she can get adequate medical attention and treatment, and enable contact with her lawyers and family.

The Deputy also raised the wider Kurdish conflict. I repeat that there can be no security solution and the matter can only be addressed through dialogue - something which we are all familiar on this island - leading to a peaceful, comprehensive and sustainable solution. That

dialogue needs to resume.

As I stated earlier, officials from the Department of Foreign Affairs and Trade have conveyed our concerns on human rights issues to the Turkish Embassy in Dublin in the past and we will continue to raise our concerns about any Turkish Government actions that fall short of the international standards and obligations to which Turkey has subscribed and committed itself.

Turkey remains a key partner of the European Union and as such when Ireland along with our European partners raise these human rights issues, we do so out of a desire to see a strong, secure and democratic Turkey in which all can find their place and make their individual contributions to the country's future.

Housing Issues

Deputy Kevin O’Keeffe: Is the Minister of State, Deputy McEntee, taking this matter?

An Leas-Cheann Comhairle: Yes. We are honoured.

Deputy Kevin O’Keeffe: It is a bit surprising that no Minister from the Department of Housing, Planning and Local Government is available. I thought we had a Brexit crisis, but seeing the Minister of State, Deputy McEntee, here, I wonder where the Government's priorities are.

Anyway I return to my own issue of importance. I am grateful for the opportunity to raise this Topical Issue matter. When I was elected to this House in 2016, on top of the dilemma of a Government being formed, the first thing Oireachtas Members did was to create a committee to investigate policies and articulate ways of going forward in the development of housing.

I live outside Mitchelstown, which is a planned historic town. It is ideally located just off the M7, the Dublin to Cork motorway. It also filters traffic on to Mallow and Killarney via the N73. The other place we are discussing today is Glanworth, which is also a renowned historic village. It is also within commuting distance of Cork city. Employment is being created in the area and, as I said, both are close to Cork city and Fermoy so it is a good location for people to live and rear families.

We have a major problem. The provision of housing has been an area of contention for the Government. It has launched programme after programme to get construction under way.

The elephant in the room, which is a big issue in north County Cork, is Irish Water. Over two years or more there have been many planning applications, some granted and some pending, but none of them can end up giving the key to the owner of the house because we have a major problem. The wastewater treatment plants in Mitchelstown and Glanworth are closed to the granting of licences for new applications. It is causing a major hindrance and is affecting the development of these two tremendous locations in north County Cork. It is a disgrace. Irish Water gave commitments that it was about to do up these plants.

The local authority has granted one developer planning permission, and although he can proceed to the stage of having the houses ready, he cannot connect to the sewer until Irish Water has its projects completed. How on earth can any small-time developer build houses and not be sure when he will be able to hand over the keys for these properties? Many of those involved

can be on bridging loans attracting higher interest rates and it is unfair. It is creating problems in Mitchelstown in particular. We have seen some growth in employment with people seeking accommodation to rent or buy. It is hindering the growth of Mitchelstown.

I do not know what the Minister of State will tell me, but I hope she can provide some clarity as to when Irish Water can give a timeframe for the works to commence. Even the planning authority is weary of Irish Water's letters of comfort at the moment. There are a couple of cases at the moment where the local authority will not even acknowledge the planning applications because it is not too sure if Irish Water will go ahead.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I thank the Deputy for raising this issue. I am taking this on behalf of the Minister, Deputy Eoghan Murphy, who sends his apologies for not being able to be present.

I will first outline the work that Irish Water has been doing, which is important to set the scene for what we are discussing. Since 1 January 2014, Irish Water has had statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local level. Irish Water as a single national water services authority is taking a strategic, nationwide approach to asset planning and investment, and meeting customer requirements.

Irish Water is working with all the local authorities to support housing development as a priority including in north County Cork. Furthermore, it has established a dedicated connection and developer services function to work with developers through a pre-connection inquiry service.

It delivers its services in accordance with its water services strategic plan published in October 2015. This sets out a high-level strategy over 25 years to ensure the provision of clean safe drinking water, effective management of wastewater, environmental protection, and support for economic and social development.

In addition, the first ever national water services policy statement, prepared in line with the Water Services Acts, which was launched on 21 May 2018, outlines a clear direction for strategic planning and decision making on water and wastewater services in Ireland. It identifies key policy objectives and priorities for the delivery of water and wastewater services in Ireland up to 2025. It provides the context within which necessary funding and investment plans by Irish Water are framed and agreed.

On 7 November 2018, the Minister, Deputy Eoghan Murphy, approved the Irish Water strategic funding plan for 2019 to 2024. This sets out Irish Water's multi-annual strategic funding requirement of €11 billion out to 2024. This comprises €6.1 billion of investment in infrastructure and assets and €4.9 billion in operating costs. This significant multi-billion euro investment programme aims to ensure the continued operation, repair and upgrading of the country's water and wastewater infrastructure to support social and economic development across the State and continued care of the water environment, including the projects to which Deputy O'Keeffe referred.

The strategic funding plan is now subject to economic regulatory review by the Commission for Regulation of Utilities, CRU, which will consider the efficiency of the investment proposals together with submissions from Irish Water on its detailed investment plans for the third regulatory control period from 2020 to 2024. The investment plans will set out Irish Water's financial planning for capital investments to support its strategic objectives to deliver improvements to

water services where they are needed most.

I will outline to the Deputy the situation with regard to planning applications in my follow-up response.

Deputy Kevin O’Keeffe: I thank the Minister of State for the reply. I acknowledge that there is liaison between developers, the planning section of the local authority and Irish Water. However, engineers in Cork County Council are getting frustrated at this stage. They are reluctant to even consider planning permission applications at the moment because they feel that the commitment from Irish Water has not been copper-fastened. Regarding Glanworth, for example, the local authority is in discussions with a developer and has committed to taking possession of a number of social houses, which is welcome news. It also takes away the fear that the local authority might buy houses on an *ad hoc* basis. Projects have been shovel ready for two years or more. In 2016, issues relating to wastewater treatment at Mitchelstown and Glanworth came to a head. At the same time, we had good news for Mitchelstown regarding the opening of Ornuá’s butter plant, which would be a major discharger of effluent.

The Minister for Housing, Planning and Local Government must provide assurances to Cork County Council that Irish Water’s commitment to upgrade these wastewater treatment plants is sufficiently robust to allow developers to go ahead with building houses. I ask the Minister of State to ensure that the commitments given by Irish Water in this regard will be accepted by the local authority. As it stands, the planning section of Cork County Council is reluctant to accept commitments received in correspondence and emails from Irish Water. We are talking here about three lovely developments in Mitchelstown. There are no ghost estates in Mitchelstown but we could end up with ghost estates because houses will be built that will not be occupied. I ask the Minister of State to relay my concerns to the Department of Housing, Planning and Local Government.

Deputy Helen McEntee: I thank the Deputy for his comments. I appreciate that this is a matter of major concern for him, although I understand that he is not just talking about his own community and county, and that this may well be an issue in other areas as well. That said, I assure the Deputy that Irish Water is trying to develop and implement a long-term investment perspective to strategically address significant deficiencies in the public water and wastewater systems. This is a long-term issue that it is trying to fix and when one is trying to fix something that has been broken so substantially for such a significant time, it will take some time to do so. Irish Water is working with all of the local authorities to support housing development as a priority. I assure the Deputy that this is a priority not just for Irish Water but also for the Minister for Housing, Planning and Local Government. The utility is implementing its capital investment programme, which prioritises investment decisions to ensure that it utilises available funding most effectively by making investments that deliver the best improvements to water and wastewater infrastructure and services while maximising value for money.

I understand that the upgrade of the wastewater treatment plant in Mitchelstown is currently at the planning and design stage, with construction expected to commence in the latter part of 2019 for completion in 2021. That is the timeline that has been given to me but if that differs to that given to the local authority, I ask the Deputy to inform the Department of same. In the case of Glanworth, I understand that Irish Water’s plans to upgrade the wastewater treatment plant are being advanced as part of a bundle of projects that are due to be tendered for in 2019, after which a definitive timetable for completion will be developed. Irish Water anticipates that the works will ultimately be completed by end of the first quarter in 2020. These projects are a

priority for the company and for the Department. If the Deputy or other Members have further queries, they can use Irish Water's dedicated Oireachtas helpline. If what I have outlined is not what council officials have been told, I ask the Deputy to make me aware of that and I will bring it to the Minister's attention.

National Children's Hospital

Deputy James Browne: I raise the issue of the runaway bill for the new children's hospital and the impact that will have on other health projects. The original bill was €650 million but the Taoiseach said yesterday that the final project cost has now risen to more than €1.4 billion or €450 million higher than the figure approved by the Government in 2017. It has been reported that the Minister for Health warned the Cabinet that the project could cost up to €1.7 billion, although there will not be a single extra bed for this extra money. This massive overspend demonstrates a clear and grievous failure of competence that will have a dire effect on the delivery of other necessary health projects throughout the country. Projects may now be significantly delayed at a cost to patients' health. It is patients, ultimately, who will lose out. Concerns have been raised, for example, regarding the provision of a second catheterisation laboratory in University Hospital Waterford and the development of the National Forensic Mental Health Service in Portrane.

Why should we believe these new figures as opposed to previous ones? How will the additional costs be funded? How much will be taken out of the existing health capital budget? When will the Minister for Health set out the projects that will now be delayed and the length of delay involved in each case? I ask the Minister of State to confirm that neither the catheterisation laboratory in Waterford or the National Forensic Mental Health Service will be delayed.

Deputy Jan O'Sullivan: I am concerned on behalf of my constituents and the people of the mid-west that the planned 96-bed inpatient block and the 60-bed interim accommodation solution, both promised for University Hospital Limerick, could be put at risk or delayed because of the overrun in the national children's hospital capital project. Our hospital was consistently at the top of the list for numbers of patients on trolleys last year. It was the only hospital in the country that had more than 10,000 people on trolleys in one single year. It is at the top of the list again to date in 2019. This cannot be allowed to go on and I want an absolute assurance that there will be no delay, prevarication or hold up in the appointment of staff because the current situation is intolerable for patients and their families, as well as for the people who work in the emergency department. Statistically, the mid-west has been under-served with beds in comparison with other regions, as illustrated by figures published recently. That is why Limerick is consistently at the top of the list when it comes to trolley numbers. This issue must be addressed and prioritised. I want a clear answer to the effect that progress on both projects will be maintained to deliver the beds that are so urgently required in the mid west.

Deputy Mattie McGrath: I want to know where the Minister for Health is today. Where is he hiding? We were told that this project would cost €1.433 billion, which is €450 million more than what was advised to the Government in April 2017. I warned the House about this. Indeed, the Rural Independent Group tabled a Private Member's motion in the House a month before the decision was made to go ahead with this project. The parties whose representatives are raising this matter today, namely the Labour Party and Fianna Fáil, supported the Minister of Health and did not support our motion. We warned Members of this very issue. The reply I

16 January 2019

received today to a parliamentary question on the matter is staggering. I am as concerned about South Tipperary General Hospital as Deputy O'Sullivan is about Limerick University Hospital, which serves the other part of County Tipperary. A 50-bed unit there is in jeopardy. Every project in the country will be delayed.

The staggering costs involved are outrageous. Apparently €319 million of the additional costs relate to construction cost overruns, while the balance of €131 million, including €50 million in VAT, relates to costs associated with staff, consultants, planning and design teams, fees, risk contingency and management equipment services. This is an appalling vista but we warned Members about this project. It will not stop at €2 billion because the wrong site has been selected. The group Connolly for Kids warned the Department about this. There was a site available at Connolly Hospital. There will never be a maternity hospital co-located with the new children's hospital as promised because there is no room for one. Nurses cannot get in or out of the hospital. There are no parking spaces and the site is totally unsuitable. One cannot make a silk purse from a sow's ear. This is an appalling vista on the watch of the Minister for Health and this Government, as well as the parties that supported them, despite the warnings. Those parties are now crying crocodile tears.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Deputies for raising this issue. The new children's hospital project includes a state-of-the-art facility being developed on the campus shared with St. James's Hospital and the associated two outpatient and urgent care centres on the campuses shared with Connolly and Tallaght hospitals. The new hospital will become the single national tertiary-quaternary centre for highly specialised paediatric care for children from all over Ireland and will have the critical mass necessary to deliver best outcomes. Together with its two paediatric outpatients and urgent care centres, it will provide all secondary, or less specialised, acute paediatric care for children from the greater Dublin area.

The health capital allocation in 2019 is €567 million for the construction and equipping of health facilities. Following the publication of its national service plan for 2019, the Health Service Executive, HSE, is developing its capital plan for this year. The latter will determine the projects that will progress in 2019, having regard to the available capital funding, the number of large national capital projects under way and the relevant priority of each. In this context, the Deputies will be aware of the increased capital costs associated with the new children's hospital and the approval by the Government of the investment to proceed with the building of the facility. In developing its capital plan for 2019, the HSE must consider: the amount contractually committed in 2019; its annual requirement to meet risks associated with clinical equipment, ambulances and healthcare infrastructure; and the total capital Exchequer funding required for the new children's hospital in 2019. The Government has agreed that the project will proceed in 2019 to completion in 2022.

The impact on non-contracted capital commitments for the health services is that a selection of health capital projects and programmes will be delayed to contribute to funding the increased capital cost of the new children's hospital project from within the existing health capital allocation. Health capital projects, including the development of additional beds at University Hospital Limerick, will be considered in the context of developing the HSE's capital plan for 2019. The additional costs associated with building the new children's hospital are of grave concern to the Government. While it fully supports this project, the Government must have assurance that construction will be delivered within the current budget and timescale. The Government will work to minimise the effect of the increased costs of developing the hospital. We must

remember, however, that we are developing a world-class facility which will support the implementation of a new model of care for the children of Ireland. It will have a profound impact on all paediatric services when open.

Deputy James Browne: I am dissatisfied with the Minister of State's reply. When the project was officially launched by the Minister, Deputy Harris, in 2017, there was outrage at the suggestion that it could be the most expensive hospital in Europe. Little did we know that the Minister was far more ambitious than that. It now appears that the hospital will be the most expensive ever built in the world. The Minister has the authority in this regard. He controls the Department of Health and he is responsible for addressing the capacity crisis in the health service. He must accept that his performance in the delivery of the children's hospital has not been good enough. We need accountability in healthcare provision and the Minister needs to ensure that value for money is delivered in the context of the expenditure for which he is responsible. The Minister is politically responsible and accountable for this matter. Thus far, however, his response has demonstrated that he is neither.

Deputy Jan O'Sullivan: The Minister of State's response was alarming, particularly where he stated that his "selection of health capital projects and programmes will be delayed to contribute to funding the increased capital cost of the new children's hospital project". He indicated that it will be delivered within the budget and timescale, but that other commitments were made. The Minister went to Limerick and gave a commitment on the timescale for the interim 60-bed unit and the 96-bed unit. I reiterate that Limerick has the highest numbers on trolleys in the country week on week. The units are urgently needed. If the children's hospital is to be delivered within the timescale, the other commitments made by the Minister must also be delivered in that way.

I will pursue the matter to ensure we in Limerick receive the beds we need because people, often elderly people, are in pain on trolleys for hours and hours with no beds for them to use. It is entirely unacceptable. There is an expectation that the beds will be delivered on time, and that must happen.

Deputy Mattie McGrath: I am not surprised by the Minister of State's response. It is as clear as the nose on one's face that the money will not be available for projects such as that at South Tipperary General Hospital, Limerick hospital and many other locations. It is galling to have to endure the belated and disingenuous bleating of all the other groupings and main political parties in the Dáil, when those of us in the Rural Independent Group, working with Connolly for Kids and the Jack and Jill Foundation, clearly laid out in our Private Members' motion the likelihood of this exact scenario coming to pass in March 2017, a full month before the Government signed off on the original estimate. Not one member of those parties supported us. They were all in bed together, putting the matter aside, and now we have the mess and trauma of people sick and waiting on trolleys and so on.

I have zero confidence that the national paediatric hospital development board or the Minister are capable of ensuring that phase B of the project will be delivered. Similarly, the national maternity hospital was meant to be developed alongside it. Sick children need to be rolled in from the maternity hospital to the same campus, but it will not happen. There is no helipad. Rather, there is only the side of a building. There is no access by car because of chronic traffic. There is no safety for nurses or retention of nurses, and we are unable to get nurses to work here. It is a fiasco over which the Government is presiding with the support of the political parties of the House. They can all cry wolf but it is too late.

16 January 2019

Deputy Jim Daly: Perhaps it is to be lamented that more members of the Rural Independent Group did not accept ministerial responsibilities when they were offered to them at the formation of the Government because they have an answer for everything.

Deputy Mattie McGrath: We would not have this mess anyway. The Government has Independents but it cannot handle them. It has the Minister for Transport, Tourism and Sport, Deputy Ross - an Independent - and he is wrecking the country.

Deputy Jim Daly: Sometimes the Deputy should listen.

Deputy Charles Flanagan: Deputy Mattie McGrath is in with Deputy Ross. Deputy Ross is one of Deputy Mattie McGrath's.

Deputy Mattie McGrath: Deputy Ross is not one of mine. I would not touch him with a barge-pole. He spent Christmas Eve canvassing until 9.30 p.m., instead of stuffing his turkey at home.

An Leas-Cheann Comhairle: The Minister for Justice and Equality, Deputy Flanagan, is normally orderly and does not invite interruptions. The Minister of State has a minute and a half remaining.

Deputy Jim Daly: I apologise for being provocative.

Deputy Mattie McGrath: The Minister of State started it. He wanted the distraction.

Deputy Jim Daly: While the Government fully supports the project, the additional costs associated with it are of great concern and we must have assurances that phase B of the construction project will be delivered within budget and timescale. Accordingly, the Government has approved the commissioning of an independent review of the escalating costs and the effective management of public funds. Arrangements for the commissioning of the independent review are under way. The hospital development board will be required to provide ongoing assurances that phase B of the project is being delivered within budget and timescale.

Development is also well advanced on the two paediatric outpatient and urgent care centres at Connolly and Tallaght hospitals. Works at Connolly are on target for practical completion of the building in spring 2019, with the opening scheduled for July 2019. Works at Tallaght are under way with a target handover date of July 2020, while the main hospital is to be completed in 2022. Integration of the three existing paediatric hospitals, the opening of the outpatient and urgent care centres and the transfer of services to the new hospital facilities represent a highly complex project in its own right. The recent establishment of Children's Health Ireland under the Children's Health Act 2018 to run the children's hospital supports the major programme of work of service and clinical integration required to run integrated services on the existing children's hospital sites and commissioning required to achieve a successful transition to the new facilities when they open.

International Conventions

Deputy Jim O'Callaghan: The sexual abuse and exploitation of children is one of the most serious and pernicious problems that any society faces. Unfortunately, with the development of the Internet, that problem is being further aggravated. We are now aware there is a serious

problem with the Internet being used by criminals for the purpose of the sexual abuse and exploitation of children. The Topical Issue matter that I raise concerns two of the international conventions that Ireland has signed to protect children from abuse on the Internet, but which we have not ratified. I refer in particular to the Budapest Convention, signed in 2001, and the Lanzarote Convention, signed in 2007, which have yet to be ratified by the State. These instruments should be ratified.

There are ways of dealing with the abuse and exploitation of children on the Internet, but that can be done only through international co-operation. A number of international agreements seek to deal with the issue. On the most general basis, there is the United Nations Convention on the Rights of the Child, which establishes the right of children to be free from abuse and exploitation. Since then, a number of conventions have been signed and brought in by the EU and the Council of Europe. I refer again to the Budapest Convention on Cybercrime, which was signed in 2001, and the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Ireland has signed both of these conventions but has ratified neither. This will not come as a surprise to the Minister or the Government because Dr. Geoffrey Shannon, the special rapporteur on the protection of children, brought this expressly to the attention of the Government - lest it needed to be brought - in his report of 2014 in which he stated:

Ireland has signed both Conventions, but has ratified neither. In order to ensure the highest standards of protection for children, and the highest level of international cooperation in this area, it is imperative that both Conventions are ratified without reservation.

This is what the Special Rapporteur on Child Protection said in 2014 and regrettably Ireland is still in a situation where the Government has ratified neither of those conventions.

It is important to be aware of what the conventions expressly provide for. The Budapest convention deals specifically with individual actions of production, possession, distribution and solicitation of child abuse images. It does not deal with the issues of grooming or soliciting a child to engage in activity that could facilitate the production of pornographic material but it provides very important requirements for states to introduce to protect children.

The more recent Lanzarote convention was signed in 2007 and deals specifically with the issue of child pornography. In a development of the Budapest convention, this convention stipulates that member states must criminalise the intentional act of “knowingly obtaining access, through information and communication technologies, to child pornography”. The explanatory report to the convention clarifies that this is “intended to catch those who view child images online by accessing child pornography sites but without downloading and who cannot therefore be caught under the offence of procuring or possession in some jurisdictions”. Those conventions were signed, respectively, 18 years and 12 years ago. The Government has not ratified them. I am pleased the Minister for Justice and Equality, Deputy Charles Flanagan, is in the Chamber to take this matter. It is such an important issue that it demands his presence. I want an answer from the Government as to when these crucial conventions will be ratified by Ireland.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputy for raising this issue on these two important conventions. I will first provide an update on ratification of the cybercrime convention, otherwise known as the Budapest convention, which Ireland signed in 2002. Much work has been done on implementing the provisions of the convention in the meantime. I acknowledge some unforeseen delays along the way, but these were largely

reflective of developments at European level. The vast majority of the provisions in the cybercrime convention are provided for in Irish law. The Deputy will be aware that it is necessary to give effect to legal provisions in international instruments in national law before the ratification process can be finalised. The most significant development towards ratification of the Budapest convention was the enactment in 2017 of the first Bill in this jurisdiction specifically dedicated to dealing with cybercrime. The Criminal Justice (Offences Relating to Information Systems) Act 2017 gave effect to an EU directive on attacks against information systems. The key provisions of the directive mirror the key provisions of the cybercrime convention. The new legislation, therefore, also gives effect to provisions of the convention relating to offences against information systems and their data, and search and seizure powers in respect of such data. It was originally intended that this legislation would also cover any other outstanding elements of the convention - mainly relating to production orders for computer data and subscriber information - but that was not possible due to an imminent transposition date for the EU directive.

I am pleased to inform the Deputy that the current Government legislative programme makes provision for the drafting of a new cybercrime Bill to give effect to those remaining provisions of the cybercrime convention not provided for in our national law in order. This is to ensure that we can ratify the Budapest convention. A new area of responsibility for cybercrime has been established within my Department and one of the key priorities of this new area is to progress ratification of the convention. Officials recently attended a meeting of the cybercrime convention committee in Strasbourg and held discussions with the Council of Europe secretariat to progress outstanding issues for Ireland in respect of the Budapest convention.

I turn now to the Lanzarote convention, signed by Ireland in October 2007. Significant progress has been made towards ensuring that Ireland is in a position to ratify this convention. The Criminal Justice (Sexual Offences) Act 2017 has been enacted, Part 2 of which strengthens the law relating to the sexual exploitation of children, including child pornography, and criminalises the use of information and communication technology to facilitate such exploitation. This legislation ensures the State's compliance with criminal law provisions in the convention. My Department has carried out a detailed review of compliance with regard to other elements of the convention, in consultation with the Department of Children and Youth Affairs and other stakeholders such as An Garda Síochána and the HSE. Information was sought regarding the child protection, prevention and victim support aspects of the convention. While the Department now has most of the information required for ratification, some stakeholder work is still required to ensure that Ireland is fully compliant in all areas of the convention. Once that work has been completed, and the Office of the Attorney General has been consulted, I assure the Deputy that steps towards formal ratification can be taken. I trust that the significant progress made in the lifetime of this Administration, not least through enactment of recent legislation, strongly demonstrates this Government's commitment to ratification by Ireland of these two important international treaties.

Deputy Jim O'Callaghan: I cannot accept that. The Budapest convention was signed 17 years ago and the Minister has said that much work has been done on it. He cannot, however, give a date as to when Ireland is going to ratify the convention. We are aware that certain steps have been made in respect of it and that it has been partly implemented in domestic law, but that is still not an answer to the plea made by Dr. Geoffrey Shannon in 2014 that the conventions be ratified. It is not as though the Department or the Government have not been put on notice of the failing of the State to ensure the provisions are implemented so this important convention can be ratified.

On the Lanzarote convention, which was signed 12 years ago, the Minister said that “significant progress has been made” but, again, we have not been given an indication as to when we are going to have full ratification of this crucial legislation. When one considers the Lanzarote convention one will note there is a significant number of important provisions contained within it that we have to ensure we bring into our legislative scheme. We need to recognise that the creation of images of non-existent children contributes to the sexual objectification of children. I am aware that this is a complex area, but it has to be dealt with under the Lanzarote convention. I regret that it is an area the Government has not yet dealt with. I am conscious that the Taoiseach, Deputy Leo Varadkar’s Government has been in place for nearly two years, but Fine Gael has been in power since 2011. During the eight-year period between 2011 and 2019, the Government has had significant time to do work in respect of both of these crucial conventions to ensure they had been ratified and to ensure that the provisions required under the conventions had been fully transposed into domestic law. That has not been done. I ask the Minister once again if he will let the public know when those crucial conventions will be ratified fully in domestic law.

Deputy Charles Flanagan: I listened carefully to what the Deputy said and I agree with him on the importance of the completion of the appropriate legislation to allow for full compliance. He fails, however, to acknowledge the progress that has been made towards ratification of these important international treaties. The Bill to which I referred earlier is, in essence, landmark legislation that was enacted in recent times, which was within the timeframe of this administration. I assure the House of my commitment towards ratification and my recognition of the importance of these two conventions. I look forward to bringing forward further cybercrime legislation that would provide for the outstanding provisions required to ratify the Budapest convention, which is included in the current legislative programme. It is my intention that this legislation will be advanced within my Department and, ultimately, formally drafted by the Office of the Parliamentary Counsel, following work on urgent legislation relating to Brexit and subject to the legislative priorities under which we all work according to the weekly schedule of the Houses.

On the Lanzarote convention, I am keen that the remaining work on the input from relevant stakeholders can be completed as soon as possible to facilitate ratification. I assure the Deputy and the House that I am determined that the long-held aspiration for Ireland to ratify both conventions will become a reality in the not too distant future, thereby building on progress that has been made and bringing to fruition the significant work undertaken by the Government in these areas in recent times. The legislation is subject to the Dáil timetabling and the priorities in my Department. Deputy O’Callaghan is all too well aware of the pressures involved in drafting legislation. I am committed to ensuring we will have the appropriate legislation to allow for formal ratification at the very earliest opportunity.

Nurses and Midwives: Motion [Private Members]

Deputy Stephen S. Donnelly: I wish to share my time.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Stephen S. Donnelly: I move:

16 January 2019

That Dáil Éireann: notes that:

— members of both the Irish Nurses and Midwives Organisation (INMO) and the Psychiatric Nurses Association of Ireland (PNA) have rejected the Public Sector Pay Commission recommendations and that both unions have served notice of industrial action in the weeks ahead;

— the INMO has given notice of a strike for 24 hours on 30th January, 2019;

— should the dispute go unresolved, there will be further 24-hour strikes on 5th and 7th February, and then on the 12th, 13th and 14th of that month; and

— the PNA is to implement an overtime ban on 31st January, and on 1st, 5th, 6th and 7th February, with possible strike action by its members on 12th, 13th and 14th February next;

agrees that:

— such industrial action is not in the best interests of patients and that every effort must be made by Government to defer the action by urgently engaging with both organisations and also utilising the Workplace Relations Commission and the Labour Court; and

— it is deplorable that no substantial engagement has taken place prior to this;

recognises that:

— there has been a significant increase in demand for health services over the past decade, with further increases anticipated owing to changing demographics;

— the number of staff nurses has fallen by 1,754 between 2008 and 2018;

— there are significant challenges in recruiting and retaining nurses and midwives;

— the difficulties in recruitment and retention are having an adverse impact on patient care in both emergency and scheduled care;

— at least €1.4 million is being spent on agency nurses per week;

— there is only one applicant for every four nursing and midwifery vacancies in the Health Service Executive;

— there was a 40 per cent increase in vacancies in psychiatric nursing positions from November 2017 to September 2018;

— nurses and midwives are the lowest paid graduate professionals in our health services;

— nurses and midwives work a 39 hour week while all other allied health professionals work 37 hours;

— nursing/midwifery agencies have increased the rate for nurses/midwives they engage with by 20 per cent; and

— previously a commitment to review nursing and midwifery salaries in the context of advances in their education and training, and the expansion of their roles was given in 2006;

further recognises the recent pilot projects on safe staffing levels, and their very strong results in terms of patient care and outcomes; and calls on the Government to:

— engage with the INMO and the PNA to resolve the dispute and to ensure that any strike action has minimal impact on services for vulnerable patients; and

— commission (while recognising, in particular, clause 3 of the Public Service Stability Agreement, and the Public Sector Pay Commission Report) an independent judge-led review of the nursing and midwifery professions, taking account of the introduction of the nursing degree programme, the extra specialties and extended duties that have evolved and that can be further enhanced, as well as examining the remuneration, contracts, and allowances for same with a view to addressing the chronic recruitment and retention issues.

In 14 days there is due to be a national strike by the Irish Nurses and Midwives Organisation. If it goes ahead, it will be just the second national strike by the INMO in its 100 year history. The following day, the Psychiatric Nurses Association will commence escalating industrial action. The motion before the House which Fianna Fáil has tabled calls on the Government to do two things. The first is to urgently engage with the INMO and the PNA to avert strike action. That could include the Workplace Relations Commission and the Labour Court if it proved useful to all sides. The second is to establish an independent commission on nursing and midwifery, chaired by a judge, to assess the nursing and midwifery professions, including pay, conditions, staffing and career structures. We believe such a commission would provide a mechanism to address the very real issues being raised by nurses and midwives and would do so within the bounds of the public service stability agreement.

The strike action is not something that nurses and midwives have chosen lightly. It is something they have been forced into by a Government that does not listen and appears not to care. They are not alone. Unprecedented anger and frustration is being felt right across the country by nurses, midwives, GPs, non-consultant hospital doctors, NCHDs and consultants. In spite of spending billions of euro more on healthcare in recent years, and having one of the highest healthcare spends anywhere in the world, this Government has at the same time managed to alienate pretty much the entire healthcare profession.

The INMO and the PNA have been raising concerns about retention and recruitment and knock-on effects on patient care since 2013, and they have been largely ignored by the Government. In fact, just last month the Government cancelled its scheduled meeting with the INMO. At the same time, the Taoiseach went so far in this House as to blame nurses and midwives for causing the upcoming winter crisis because they might take a few days off. That lack of understanding is also seen in the Government's countermotion, which regrettably does not address the core issues at play as this strike is being considered. In fact, I debated with a Government Minister on Sunday who went so far as to say that the Government did not really know if the strike was about pay or whether the nurses and midwives were all that aggrieved. That was an extraordinary statement to make in the face of potentially the second national strike in 100 years.

16 January 2019

The INMO is asking a very simple question. Why are nurses and midwives paid thousands of euro less than other degree level graduates in the HSE? That is the question. Why are they the lowest paid degree level graduates in the HSE? They deserve an answer to that question and there must be movement on that question.

At the same time there are other issues and opportunities across the profession that can be addressed. The Public Service Pay Commission reported last August. It recommended increases to allowances of 20%. It recommended promotion to senior posts earlier. It recommended recognition of additional specialties, as indeed were identified last year by the INMO's own members at their annual conference. It identified serious failings in career supports, advancements, professional training and in a range of other areas for nurses and midwives in the HSE.

On the issue of core pay the report showed that Irish nursing graduates are paid significantly less than they are in Australia, the US and Canada - English speaking countries around the world actively looking to hire our nurses. Nursing agencies have increased their fees by at least 20% and in some cases by up to 44%. They would not have done that unless it was becoming harder to hire agency nurses based on pay. The report pointed out that the use of agency nurses is increasing, which surely is a false economy given that last year the spend on agency nurses was somewhere between €1.4 million and €2 million a week.

On recruitment and retention the report identified numerous issues. These included hiring specialty grades such as in emergency medicine, intensive care and theatre. It included hiring for senior nursing roles. The report pointed out the heavy reliance on overseas recruitment and the increasing use of agency staff. Right now there is one applicant for every four nursing and midwifery vacancies within the HSE. We know that there has been a 40% increase in vacancies in psychiatric nursing positions just from November 2017 to the following year. We also know that the difficulties with recruitment and retention are having an adverse effect on patient care in emergency and scheduled care. For example, in Galway University Hospital, one in every three of its operating theatres is closed on a full-time basis because the hospital is not able to hire enough theatre nurses. How many patients lives are being harmed by that? How many scheduled operations are being cancelled because one in three theatres in the only level four hospital in the region is closed?

In response to those facts the Government regularly points out that the total number of nurses is increasing. The report from August last year showed that while that may be true in total when one includes directors and managers, it is highly variable by hospital, it is static for community nursing and it is falling in mental health. Just as concerning, the report pointed out that workforce planning in the HSE is so poor that it does not know how many nurses it is trying to hire. We do not even know how many nurses we want. We do know that the number agreed between the INMO and the Government has been missed, to the tune of 69%, in terms of the number of additional nurses to hire.

Pay and conditions, staffing levels, career supports and advancement, patient care and many other issues need to be addressed. In so doing, the issues at the centre of the strike can be addressed. At the same time, both the commission report and unions have identified numerous opportunities to make the professions more attractive while greatly improving patient care. Fianna Fáil believes that the best way to do that, while staying within the bounds of the public service stability agreement, is an independent commission on nursing and midwifery. It should be led by a judge. It should be strictly time limited and it should have terms of reference agreed between the Government and the unions. Meaningful engagement by the Government with the

unions is needed now. It has not happened for years. The industrial relations apparatus of the State is at hand to help. At this point, every effort must be made to avoid industrial action. If the motion is passed by this House and acted on by the Government, and if the Government engages in good faith in a meaningful way with the unions, I believe we can avoid strike action, make the professions more attractive and improve patient care all at the same time.

Deputy James Browne: The Psychiatric Nurses Association has given notice that it will escalate its industrial dispute by implementing an overtime ban on 31 January and 1, 5 and 6 February, with possible strike action on 12, 13 and 14 February. That did not happen overnight and it was not taken lightly by the Psychiatric Nurses Association or its 6,000 members. They do not want to be on strike. They want to provide the high quality of care to patients that they are trained to give, but it is impossible for them to deliver that high quality of care due to overcrowding in hospitals, the crisis in their pay and conditions and the cost of living.

Nurses are the lowest paid core salary graduates of any health profession. The staff shortages in mental health nursing are very real. There is a recruitment and retention crisis in mental health. There is overcrowding in mental health facilities. It is clear the staff shortages are the main obstacle to the implementation of the Government policy on mental health as set out in *A Vision for Change*. Again and again throughout the country we hear that young people or adults who need mental health services cannot obtain them, it is because the staff - nurses, psychologists, psychiatrists or allied health professionals - are not available.

4 o'clock

Mental health nurses are voting with their feet - they are resigning or changing their speciality. There was a 40% increase in vacancies in psychiatric nursing positions between November 2017 and September 2018, which is a phenomenal increase in such a short period. They are under intolerable stress, there is burnout and isolation and their own mental health has been put under serious strain. We have also seen a significant increase in the level of assaults on psychiatric nurses, with 11 in 2015 and 149 reported in the first ten months of 2017, which is a 15-fold increase in just a couple of years.

This year, due to the confidence and supply agreement, an additional €55 million was provided for mental health services but the same amount was effectively spent on agency staff last year. There is also the Brexit context. I was glad to hear the common travel agreement has been reaffirmed by the Government but it is clear the UK Government intends to restrict seriously the number of workers who can come from the Continent to work in the UK. The UK is suffering its own crisis in mental health staffing, in particular in nursing because continental nurses who were going to the UK are no longer going there. The UK has started a recruitment campaign to target nurses and, no doubt, with the common travel agreement being reaffirmed, which is to be welcomed, Irish nurses will be the target.

It is not that nurses are unreasonable. They are well known for expanding their practice and abilities. They were some of the first in the world to adopt nurse prescribing and took on prescribing for X-rays, for example. Nurses are reasonable and they are asking reasonable questions. It is time the Minister met them and gave them a reasonable response.

Deputy Barry Cowen: I welcome the opportunity to debate this issue in the House prior to strike action taking place, if only to allow those involved to bring forward solutions which can be explored and could bring about a successful conclusion. I hear the Government, the

Taoiseach among them, talking about the public service stability agreement being sacrosanct and saying it is the only show in town and that there will be no side deals with the potential of a knock-on effect on other sectors, should there be a successful conclusion in regard to a pay claim on these issues. However, if one investigates and analyses that agreement, and seeks to preserve its integrity and work within it in order to bring about a resolution, one will see it goes beyond the 7.4% for a three-year deal, beyond restorative pay in regard to FEMPI and beyond restorative pay and parity for new entrants.

There were two avenues within that agreement that were open to the unions representing nurses. There was clause 3, and the Minister was put on ample notice some time ago of the unions' interpretation of that clause. Other unions might not agree with that interpretation, and be that as it may, but the Government has also rejected their contention in regard to their interpretation of that. That is part of the reason we believe it is necessary to have a new nursing commission to look specifically at these details and to adjudicate on that issue alone.

The Government cannot have it two ways. It cannot take credit for putting an agreement in place and putting a pathway in place to deal with reservations that might be contained within it and then, when those reservations are enacted or sought to be addressed, it plays dumb. There was also the pay commission itself, which was a mechanism by which the Government could put this issue at arm's length and allow independent assessment of career advancement or issues within the health service restraining the recruitment or retention of staff. It made various recommendations and drew conclusions, which Deputy Donnelly outlined. Ministers have been quick to say over the last week that they agreed with all the recommendations contained within it, restrictive as they were, but they failed to acknowledge or inform the public in any of those briefings that it is not the pay commission's duty to take the place of direct negotiations in regard to issues that need to be resolved because of its findings.

The Ministers also failed to inform the public that the foreword to that report issued by the commission chairman outlined in some detail the lack of available analytics within the HSE to allow it to make a substantive recommendation. That leaves the entirety of the report somewhat flawed and lacking in credibility. It is because of this that a specific commission should be charged with that responsibility. However, the fact the Government and its members say they had set that in train, and that they agreed with its recommendations and provided for the costs associated with it, is an acknowledgement that they would have worked with its recommendations. Nonetheless, if its recommendations are flawed, then they have to stand up and account for that and allow a process to evolve.

An Leas-Cheann Comhairle: The Deputy is over time.

Deputy Barry Cowen: I accept that but I have very little time to make the point. This is well-intended on our part. I believe we have credibility in what we are saying in regard to protecting the integrity of the agreement while still offering the opportunity for a solution which the Government must play its part in ensuring is reached.

Deputy Frank O'Rourke: I welcome the opportunity to speak on the motion. The first thing we must do is put pay and conditions in place to retain our front-line staff, that is, the midwives and nurses who provide such a critical service every day. If the right pay and terms and conditions are in place, we can attract people back to work in Ireland, which we desperately need in this specialised field. It is important to identify that nurses and midwives are highly qualified and provide a very specialised skillset. In that regard, we need to ensure they are re-

tained to work in this country in order to provide much-needed day-to-day services on the front line in our hospitals, which we all need to engage with at different times throughout our lives. It is very important that we focus in on the parameters and the terms and conditions, and that we work to put measures in place to alleviate their concerns and deal with their issues. Most importantly, we need to retain nurses with their wonderful skillset and to attract more people back.

Our spokesperson Deputy Donnelly wrote to the Minister on the area of DEXA scans. Currently there are hospitals in Dublin and Naas that cannot provide those services when there are people who need them on a day-to-day basis to monitor their condition and no alternative measure have been put in place for them in either public or private hospitals. The GPs are very concerned about the consequences of the lack of resources in a general context, as well as in this specialised area. It was only brought to my attention on Monday at my clinic in Naas that Naas Hospital has a very sophisticated MRI scanner but it only operates in the morning and cannot operate in the afternoon or evening because there are no staff to operate it. Meanwhile, the hospital is sending patients accompanied by nurses in an ambulance to a private hospital to get those MRI scans done. That is the consequence we are dealing with. It is important we put packages in place to keep front-line people.

Deputy Lisa Chambers: I welcome the INMO, nurses and midwives to the Visitors Gallery and thank them for being here with us. We cannot run our health service without our nurses - it is a simple fact. Heretofore, the health service has been managing as best it can on the back of a lot of goodwill on the part of our nurses. They work over and beyond the hours they are contracted to work. They come in early, they stay late, they skip their breaks and they do not often take their holidays, despite the Taoiseach saying they are somehow responsible for the trolley crisis because they take a few days off at Christmas time. In fact, they often skip their holidays.

The Minister has allowed the situation to escalate to where it is today. We are facing into potential strike action, although I do not believe the nurses took this decision lightly. It is the second time ever in the history of the State that our nurses will strike, which says it all. They obviously feel as though they have nothing else they can do but take that action. It has taken that to bring the Minister to the table and to have those conversations to try to resolve this issue.

Nursing is a four-year degree course and it should be properly paid for and recognised. The profession has been changing dramatically in the past 15 or 16 years. The very basic comparison with other jurisdictions, such as the UK, does not take into account the working conditions, which are a big factor. Other countries have additional staff who are not nurses but who help nurses to do their job. Nurses here do far more work on a daily basis than their counterparts in some other jurisdictions. As such, a basic wage comparison is not sufficient. Working conditions for nurses in Ireland are extremely stressful. Any nurse who has worked in the UK, Australia or the USA will tell one that working conditions and pay are better in these countries. We must look not only at the conditions in which nurses work, but at retention. Why are nurses leaving in droves? Why are they choosing to leave their home country to work elsewhere? The use of agency staff is another major issue. The spend on agency staff is breeding great resentment across the health sector and it must be tackled. While I hope sincerely that this matter can be resolved quickly and that strike action can be avoided, I understand and appreciate absolutely why we have got to this point. It is up to the Minister to resolve the issue.

Minister for Health (Deputy Simon Harris): I move amendment No. 1:

16 January 2019

To delete all words after “12th, 13th and 14th February next” and substitute the following:

“agrees that such industrial action is not in the best interests of patients and that every effort must be made to avoid the potential adverse impact on our health services and those patients who are reliant on those services;

recognises that:

— pay for public servants is currently the subject of a three year collective agreement, the Public Service Stability Agreement (PSSA) (2018-2020); this is being implemented through the Public Service Pay and Pensions Act 2017 which provides for the gradual progressive unwinding of the pay reduction measures under Financial Emergency Measures in the Public Interest (FEMPI) legislation;

— by end 2019 public servants on pay levels up to €50,000 will have pay reductions fully unwound;

— the PSSA is delivering wage increases in general averaging around 2-2.5 per cent per annum, with higher benefits for new entrant single scheme pension members and the lower paid, and the PSSA will cost €1.1 billion out to 2021;

— on top of the basic pay increases provided under the PSSA, the Government reached agreement with the Irish Congress of Trade Unions (ICTU) on a measure to deal with the post-2011 new entrant salary scale issue; these proposals will deliver an additional €3,000, on average, over the coming years starting in March 2019 to over 60,000 post-2011 new entrants, including 10,000 nurses; the measure will cost an estimated additional €75 million (€28 million in 2019 and €47 million in 2020) in the lifetime of the PSSA;

— in addition, the Public Service Pay Commission completed its examination of recruitment and retention in the health sector in August 2018 and recommended a 20 per cent increase in the Location and Qualification Allowances for nurses and accelerated promotion for nurses to the senior staff nurse level in order to incentivise nurses and midwives to work in certain areas; the Government has agreed that, if accepted, those measures would be implemented from March 2019, at a full year cost of a further €20 million; and

— the maintenance of industrial peace is an essential requirement of the PSSA; under the PSSA, the parties, including nursing unions, have committed:

— to cost increasing claims;

— to claims related to improvements in pay or pensions or any related matters;

and

— that all forms of industrial action are precluded; and

agrees accordingly that all parties should engage actively and positively within the terms of the PSSA, utilising to the degree necessary the provisions of the PSSA and the industrial relations mechanisms and machinery of the State in order to ensure that

health services can continue to be delivered for patients without adverse impacts from industrial action.”

Of course it is up to me to endeavour to work with willing partners to resolve this, which is exactly what I am going to do. However, the level of revisionism taking place in the House this evening is simply breathtaking. To suggest that it has taken strike action to engage with me does not bear scrutiny. I am sure the INMO will confirm that there has been no time its representatives have sought to meet me when I have not been available to engage. Nor does it bear scrutiny to move a motion calling for engagement to take place and to use strong language around that when engagement took place yesterday and is scheduled to take place at the oversight group on Friday and on Monday when the Department of Health, the HSE and nursing unions meet again. As Deputy Lisa Chambers quite rightly stated, all of the industrial relations mechanisms are in place. The INMO, which is represented in the Gallery, is well aware of the comments made by Fianna Fáil spokespersons at the health committee on 11 July last. The INMO was extraordinarily disappointed by the comments of Deputy Donnelly who, on the basis of his own field research, stated that Irish nurses were the third highest paid in the world in 2013 and among the top five in 2016. That transcript is there for all to read in full, as indeed it has been read and considered, I am aware, by the INMO.

There is no monopoly when it comes to supporting our nurses. There is no one who cares in particular for nurses above and beyond other political parties. We all appreciate the vital role nurses and midwives play in the delivery of our health services. We also all appreciate that the Government and unions have signed up to a three-year public service pay agreement. It is one that Fianna Fáil respects under confidence and supply and it is one from which Fianna Fáil did not seek to deviate in budget talks when the party did not seek one additional cent to address the issues on which it now says it wants movement. When Fianna Fáil agreed the budgetary framework, it did not seek to deviate from its confidence and supply commitments on respecting public sector pay agreements. I respect very much the point made by Deputy Cowen on the fact that working within the context of those agreements is a prudent approach to take. Indeed, the oversight body to monitor the implementation of the agreement will meet on Friday. It will be a very important opportunity for all parties to see how we can endeavour within the context of the agreement to move forward.

The agreement in place commits to seeing increases in pay by 2020. Nurses and midwives can expect to see their deserved share of these increases beginning this year. Reductions for pay levels up to €50,000, which include a large proportion of the nursing and midwifery profession, will be fully unwound by the end of 2019. This represents a wage increase of between 2% to 2.5% on average across the sector, with new entrants and lower-paid professionals rightly benefiting most from these changes. The Government and I support these changes fully. Nurses and midwives are at the heart of our health service, bringing professionalism and compassion to everything they do. We are committed to ensuring that these skills and attributes are recognised and valued within our health service and that pay increases through the agreement reflect this. We are united in our support for this agreement that will see pay restoration for all public servants, including nurses and midwives. The Government is united in its support for unwinding pay reduction measures introduced under the FEMPI legislation. The agreement was sought in full co-operation and collaboration with public sector unions, including our nursing unions, and we are eager to come to a fair and satisfactory solution for all parties involved. However, it must be a solution that preserves the integrity of all elements of the agreement. I presume and hope that is the position of all parties in the House. Otherwise, it will have to be explained why

16 January 2019

the agreement can be breached for one group but not others. If we are respecting the integrity of the agreement, we must find solutions within that space. I am committed to finding fair and satisfactory solutions which preserve that integrity.

The issue of pay disparity for post-2011 new entrants to the nursing and midwifery profession has been highlighted in the past and this Government has listened. On top of benefits arising from the current public service stability agreement, we have agreed with ICTU, of which the INMO is a member body, to deal with the new entrant salary scale issue. This agreement affects approximately 10,000 nurses and midwives in Ireland who entered the health service since 2011. Starting in March of this year, nurses and midwives employed in the health service since 2011 can expect an additional €3,000 to their pay cheques every year. This represents an essential step towards not only restoring pay for nurses and midwives in our health service, but towards ensuring the recruitment and retention issues that have been referenced in this debate are alleviated. Issues of recruitment and retention in our health service must be taken seriously. We accept fully that the number of highly qualified nursing midwifery and medical professionals leaving the country is an issue that requires investigation. This is why the Government engaged the Public Service Pay Commission to look specifically at recruitment and retention in the health service and at roles in the public sector where these issues had been identified. The commission involves members with a wealth of experience working in the trade union movement, including at SIPTU, IMPACT and ICTU. Nursing and midwifery were among the first of the professions investigated by the independent commission such was the importance attached by Government to the area. The commission's findings were clear and we have accepted its recommendations in full. This does not discount the equally clear actions recommended in the report which I, as Minister for Health, the HSE and the Government are considering to improve staff retention and recruitment within the nursing and midwifery professions. In addition to the benefits nurses and midwives can expect to receive from the unwinding of pay restrictions under the PSSA and the correction of salary scale issues for post-2011 new entrants, the Government has agreed in full to the commission's recommendations of a 20% increase in local and qualification allowances for nurses as well as accelerated promotion for staff nurses and to senior staff nurse level. This change represents a further investment of €20 million above the investment provided for in the public sector pay agreement.

Despite the nursing unions' recent rejection of the commission's findings, the Government is hopeful that through further dialogue and clarification, the recommendations can be accepted. We are confident these measures can support nurses and midwives in their essential day-to-day work and pave the way for growth and progression. The Government is committed to ensuring that those working tirelessly day to day are remunerated for the service they give to Irish society, as reflected by the public service stability agreement. I understand the strength of the unions' concerns and fully recognise that to have a first-class health service requires first-class support for our first-class staff. However, the industrial action proposed by the unions is not the answer and would violate the terms clearly set out in the public service pay and stability agreement. The proposed action risks jeopardising the numerous benefits people expect to gain from the agreement. I do not want to see that happen and I know that no organisation involved wishes to see it either. More importantly, it is essential that this strike action is averted to ensure that our health service can continue to care for those in need without disruption.

While my Department and the HSE will prepare carefully should a strike proceed and while contingency plans are being drawn up, I am confident that industrial action can be averted. We continue to meet with the INMO and PNA in order to resolve this issue. I am pleased to note

yesterday's constructive engagement where all parties to the engagement agreed an industrial dispute should be avoided if at all possible. The parties agreed to meet again on Monday, 21 January, to continue engagement and the oversight group will meet on Friday. The Government maintains that a solution can be found through the State's industrial relations machinery and mechanisms, namely the Workplace Relations Commission and the Labour Court. I heard Deputy Donnelly seek that earlier and wish it to be clear that we will use the industrial relations mechanisms available to us. However, we must go through our engagements on Friday and Monday. We are fully committed to coming to a satisfactory solution for all parties involved which is in accordance with the terms of the public service pay and stability agreement which Fianna Fáil supports.

The proposed industrial action is a no-win scenario if it proceeds. It puts in danger the great progress we have made as a Government in recent years to improve pay conditions across the public sector and jeopardises the promise of increased supports I want to meet this year and in the years to come. Crucially, it compromises the very service we are all striving to deliver to those in Irish society who need our care to live healthy, fulfilling lives. I realise this is a decision our nursing unions did not take lightly and that they do not want to see industrial action either. I remain committed with my Government colleagues, the Department and the HSE to using the industrial relations mechanisms of the State to try to find a solution. However, it must be one which honours the integrity of the public service pay agreement to which unions signed up and which parties in the House and society more broadly value as a means by which to ensure the economic stability and proper management of our public finances at this difficult time.

An Leas-Cheann Comhairle: We now move on to the Sinn Féin slot. A total of 15 minutes is available to Deputy O'Reilly and her colleagues.

Deputy Louise O'Reilly: I will take six minutes and my colleagues will share the rest of the time. I am pleased to be able to contribute this afternoon in support of nurses and midwives. I welcome the nurses and midwives who are in the Gallery. The Minister has said that strike action is not an answer. I have never heard any Minister say that strike action is the answer to any problem. According to the nurses and the midwives themselves, strike action is the answer in this case. That is what they have balloted for. No nurse or midwife, or no representative of nurses or midwives, will thank us if we try to negotiate a settlement to this dispute on the floor of the House. That is not what we are trying to do. As we make clear in our amendment, the parties to the dispute must be given the space to ensure negotiations can take place and the matter can be resolved. We are all at one on that. Nobody wants to see nurses and midwives on the picket line, but the Government must understand that is where they will go unless there is a change in approach. The Government's approach has got us this far. There are two weeks to go until pickets will be placed and industrial action will be taken.

Sinn Féin fully supports the nurses and midwives. While we support the aims of the Fianna Fáil motion, we have tabled a joint amendment with Independents 4 Change, the Social Democrats and the Labour Party to seek to strengthen the motion by including a reference to the fact that pay must "form part of any resolution to this dispute". The pay of nurses and midwives is an important issue that has been ongoing for many years, as is the recruitment and retention crisis. As we all know, the situation has been deteriorating at a significant rate recently. The Minister cannot be unaware of this. He did not listen when the nurses told him about this fact. They are voting with their feet and emigrating. Approximately 80% of those who are leaving the profession of nursing and midwifery are resigning rather than retiring. They are leaving the health service. They are telling the Minister how they feel with their feet. Now they have

16 January 2019

a ballot for industrial action, but it still seems like the Minister is not getting the message. He cannot pretend that this issue has taken the Government by surprise. I have been raising this issue week in, week out since I walked in the door of this place.

Fine Gael has had almost eight years to address the recruitment and retention crisis crippling this country's health service, but it has completely failed to do so. As a result, the situation has deteriorated. Last year, Sinn Féin introduced a Private Members' motion on the pay and recruitment of nurses and midwives. It was unanimously passed by this House, but its recommendations were not implemented; in fact, they were ignored. The situation has escalated and we now have an industrial relations crisis. The last thing that nurses, midwives and other healthcare professionals want to do is go on strike. In this case, they have been left with no option. Members of the INMO and the PNA are not taking the decision to strike lightly. It is their last resort. The Minister referred to industrial relations mechanisms. The people in the Public Gallery know - they do not need me to tell them - that strikes happen when all the industrial relations machinery has been exhausted and discussions have taken place locally and at the WRC. When discussions come to an end, a call is made for a ballot. Reference has been made to the industrial relations machinery of the State, but face-to-face negotiations are needed because they represent the only way of resolving this dispute.

The unions have continuously sought engagement with the Ministers for Health and Finance to address the core problem. That is what is at the heart of this matter. Engagement with both Ministers is the key to resolving this dispute. The unions have proposed sensible and responsible solutions with a view to addressing the crisis and averting industrial action, but they have all been ignored. Members of the Government have tried to shift the blame for the crisis it has created to nurses and midwives who are working on the front line. For the avoidance of any doubt, I am referring to the Taoiseach's comments about nurses and midwives taking holidays to which they have a legal and lawful entitlement. I hope nurses and midwives continue to take their holidays because if anyone deserves a holiday, it is them. This crisis has not been caused by people taking holidays - it has been caused by the fact that there is just not enough staff. Holidays can and should be taken, and there should be cover. The Taoiseach's comments revealed an awful lot about the Government's attitude.

Given that pay is central to this dispute, it is mystifying that the Fianna Fáil motion does not mention pay. We all know what Fianna Fáil's view on the pay of nurses and midwives is. It has been mentioned. I do not believe nurses are well paid. I would not say they are in the top five or the top three or whatever it is. If this motion is Fianna Fáil's effort to apologise for the things its members have said, it should man up and apologise to the nurses for trying to malign them by saying they are overpaid. If that is what Fianna Fáil is trying to do, it should dispense with all the fancy words and apologise. The nurses and midwives have said that while pay might not be the entire problem, it must be part of the solution. I have to ask Fianna Fáil why the serious issue of recruitment and retention and the issues raised by the nurses did not form part of its negotiations with Fine Gael on three successive budgets. It has renewed the confidence and supply arrangement without securing any commitments for anything. Nurses and midwives deserve our support. We should support them in their demands. They are fighting for the staff needed to be able to deliver a decent health service and to deliver Sláintecare.

An Leas-Cheann Comhairle: There are four more Sinn Féin Deputies on my list. There are eight minutes remaining in this slot, so they will have two minutes each.

Deputy Imelda Munster: Nurses rarely, if ever, go on strike. Given the importance of their

work, they rightly view strike action as a last resort. The current situation is so dire that 95% of the nurses in the INMO who were balloted chose strike action. This is the INMO's second strike in 100 years. That should be a wake-up call for the Government. Nurses and midwives are being forced to go on strike in an attempt to ensure patients in our health service are safe. The recruitment and retention crisis is continuing, partly because of terrible working conditions and partly because of the Government's refusal to deal with the pay issue. Nurses are emigrating to countries with functioning health services to escape the HSE. It is difficult to bring them back because conditions in our health service are not improving. The working conditions of nurses are horrendous and are getting worse. When I speak to nurses who have emigrated, they tell me they have rekindled their grá for the nursing profession now that they are in a better working environment with better conditions, pay and resources to deal with patient care.

Even though the population of this country has increased by 500,000 in the past ten years, the number of staff nurses here has decreased by 6%. Services are understaffed and underfunded. Nurses work longer hours than their counterparts in most other countries. Their work can be dangerous and is often difficult. They are underpaid. The INMO is asking for the pay of nurses and midwives to increase in line with therapeutic grades in the HSE, but the Government has rejected this on the basis that it cannot afford it. We all know this is a nonsense. We would have plenty of money in this State if the Government would only spend it wisely. Rather than spending millions of euro each year on subsidising private landlords, the Government should build social housing. The same point applies in this instance. Rather than spending €1.2 million a week on agency staff to make up for the shortage of staff nurses, the Government should pay nurses properly. If the Minister, Deputy Donohoe, can afford to give tax breaks to landlords and banks as he did in last year's budget, and if he can afford to increase Deputies' pay, he can afford to pay nurses fairly.

It is clear that this Government does not value the vital work done by nurses. It has shown nothing but disrespect and disdain for nurses since this dispute began. It is shameful that it has allowed the situation to escalate like this. The nurses and midwives have the support of Sinn Féin and, equally importantly, the support of the people. The Government needs to get a grip on this matter. Everyone we meet on the street is backing the nurses. It is high time the Minister for Health and the Government gave the nurses and midwives the respect they deserve.

Deputy Gerry Adams: Tá mé sona sásta seans a bheith agam caint faoin ábhar tábhachtach seo. Ba mhaith liom mo chuid tacaíochta a thabhairt do na haltraí.

Sinn Féin supports the thrust of the Fianna Fáil motion but there are obvious gaps. The amendment we have brought forward, along with Independents 4 Change, the Social Democrats and the Labour Party, is about closing these gaps. In particular, our amendment tackles the issues of pay, recruitment and retention.

The series of planned strikes by the INMO and the PNA are actions of last resort. An email sent to me and many other Deputies today gets to the heart of this matter. The writer does not want to be named, which is her entitlement, but I want to read part of her email into the record of the Dáil. It states:

While part of this dispute is about pay, the working conditions of nurses and midwives need to be addressed immediately.

I have on a number of occasions needed nursing and midwifery care. On one of these

16 January 2019

occasions, nearly 9 years ago, I was an hour away from giving birth to my stillborn son. At this time, the nurses and midwives were again looking for better working and pay conditions from the government and I commented to the midwife that I was sorry about how badly they were being treated by the government. The midwives that delivered my stillborn son were amazing. The care they gave to myself, my son and my family was full of love, empathy and compassion. It saddens and angers me greatly, that 9 years later, the working conditions have gotten worse for the nursing and midwifery staff.

I would also like to make you aware that I have a hospital appointment for the 30th January. This is for a simple test which will be the final test of 4 tests needed for a diagnosis. Not getting this test will delay my treatment. Even if my treatment is delayed, I will give my full support to the nurses and midwives on the day. I will also be joining ... [them] on the picket line.

Please give your support to the nurses and midwives and improve their lives and working conditions.

Sin an méid a bhfuil ón bhean chróga seo. I ask the Dáil to support the amendment to the motion tabled by Sinn Féin, the Independents 4 Change, the Social Democrats and the Labour Party.

Deputy Pat Buckley: I am glad we are discussing the struggles faced in work by our nurses this week as strike action by these essential workers looms but it is disappointing that a party like Fianna Fáil which wants to pretend to be the real Opposition has not taken the time to talk to the workers and their representatives who are at the core of this issue.

As party spokesperson on mental health, I am all too aware of the real cost and damage done by the way we have treated nurses in our health system. Such damage has not only been done to our nurses but to our entire service and those who depend on it. When someone is at breaking point, when their life has spiralled out of control and illness has taken over, it is the members of the Psychiatric Nurses Association who are there, not the Minister, the Government or the chief executive officer of the HSE. It is the well trained, professional and caring face of such nurses. It is for this reason the people are firmly on the side of the nurses and they will win this fight. It is for that reason also the Government should hang its head in shame for making threats when it should have been offering olive branches.

We in Sinn Féin demand the Government engage, recognising the need to address pay issues and commit to a pathway to rectifying unequal pay in the health service and for an independent review as laid out in the proposed amendment. I ask the House to support the amendment to the motion tabled by Sinn Féin and other parties.

Deputy Donnchadh Ó Laoghaire: Ní thógfadh aon altra an cinneadh seo go héadrom. Tuigeann siad go bhfuil siad tar éis deireadh an bhóthair a shroichint leis an bpróiseas faoi mar atá agus go bhfuil gá le stailc le ráiteas suntasach a dhéanamh agus chun an Rialtas a thógáil go dtí an bord cainte.

Nurses and midwives feel they have been taken for granted. The issues they face of pay and of extremely stressful conditions have been going on for years. This has not come from nowhere. I have met the INMO locally in Cork on a number of occasions. The frustrations its members expressed were the same in 2016, 2017 and 2018 as they are now. No nurse would take the decision to strike lightly. They are very committed to their profession and vocation but

they feel they have been left with no choice. The thumping, emphatic decision of the ballot, the highest ever in the history of the INMO, with something of the order of a 95% vote in support of it, shows that there must be scarcely a nurse in this country who has not reached the end of their tether and feels there is a need for industrial action. Nurses are committed. They are some of the best qualified and the most capable in the world and are highly sought after. However, it is no coincidence that the number of staff nurses has fallen by 1,700 from 2008 to 2018. They are the lowest paid graduates in the health service, yet the system cannot function without them.

This is a strategic as well as a moral and an industrial issue. The entire health service cannot function without nurses. Unless this matter is addressed, our health system will continue to be in crisis because we will not be able to recruit or retain nurses.

The Government cannot ignore this issue. It cannot treat nurses with contempt. Part of the solution must be to give the nurses the pay they deserve and ensure they do not have to face industrial action. They do not want to do that but they have been put in this position.

Deputy Alan Kelly: The Labour Party will be 100% supporting the nurses in their action. I welcome the INMO representatives in the Gallery and I acknowledge the PNA which is also represented. It is a sorry day that it has come to this point. I have no doubt the senior Minister needs to be away from the Chamber for personal time and I 100% appreciate that. I am glad the Minister of State is here because he is a person who listens.

I want to refer to some of the statistics relating to the current position. Close on 110,000 people were on trolleys in 2018 due to understaffing. The Government also knows there is under-capacity as well as understaffing in the health service. Some 7,000 procedures were cancelled in 2018 due to understaffing. These are INMO figures. There are more than 1,700 fewer staff nurses in Ireland than there were a decade ago. A fee of €10,000 has been paid to overseas recruitment firms for each nurse recruited. Some 60% of nurses who registered in 2017 were migrant nurses. Some 71% of Ireland's nursing and midwifery students are considering leaving Ireland according to a survey carried out last year. In the past decade the number of nurses has declined by 4%. The accumulation of all those figures shows that we have a dramatic and a serious issue when it comes to nursing and midwifery in this country.

I am glad Fianna Fáil put forward this motion as it gives us an opportunity to speak on this issue. It is laudable but I find it ironic given Deputy Donnelly's contribution to the health committee on 11 July when he expressed his views, especially on entry level nursing, which surprised me. I acknowledge he is trying to turn that around on behalf of his party. We and other groups have put forward an amendment to this motion in order to strengthen it. I will return to that point.

Nurses do not go on strike lightly. Hardly any of us do not have a family member who has been or is a nurse, and I am no different. This is not easy for them. Nursing is a very deep vocation. Nurses going on strike is the last resort. Withdrawing their labour shows the level of frustration among nurses.

I represent County Tipperary and on one side of the county we have University Hospital Limerick and on the other we have South Tipperary General Hospital, both of which have among the highest rates of hospital overcrowding in Ireland. I meet nurses all the time. Their level of frustration extends beyond pay but pay is part of the issue. Their working conditions are intolerable and, in many cases, it is affecting their health. However, the issue is also about

16 January 2019

pay given that nurses are earning €7,000 less than similar healthcare professionals such as physiotherapists, occupational therapists, speech and language therapists and so on. Given the fact they have to spend four years to qualify, that is not acceptable.

The issue, in the main, is also about recruitment and retention, and the figures I outlined show that. The fact there is one application for every four nursing vacancies, which has been shown, demonstrates the issue we are trying to deal with tonight. Nurses and midwives are the lowest paid graduates in the health service. This has to be dealt with quickly. I hear spin from the Government about nurses earning €57,000. I do not know if the Minister of State uses social media but many nurses put their pay slips up and they are not earning anything near €57,000. The way that figure is manufactured is not the right way of doing things. There is spin that it will cost €300 million and anyone doing basic mathematics will know that if one deducts agency pay of between €120 million and €140 million, the income tax contributed as a result, excessive, inflated recruitment costs, and the efficiencies and benefits of having more nurses and midwives, the figure is a fraction of what has been provided.

If one compares the pay and working conditions of nurses and midwives to our neighbour across the sea and to English-speaking countries, we have a serious problem and they are not being treated fairly. The topic of the year is Brexit but if it goes through in the shambles it is in now, there will be a pull from Britain as it looks for nurses, since it will not look to Europe, and our issues will be accentuated. Nurses working in English hospitals are promoted more quickly, they work 1.5 hours less on average a week and they are better paid.

Another issue that does not get enough attention is the health and safety of nurses and patients as a consequence of the fact that there is not enough nurses. I have seen the condition, health and well-being of nurses as a result of being overworked. I have close personal experience of it. It happens all over the country. I have met nurses. Members of my family are nurses. I have seen this, including the excessive hours and responsibility. We cannot continue to allow the impact on their mental health to happen. The safety of patients is at risk because of the time and effort they have to put in. Mistakes happen if they are working that hard, yet the nurses will bear responsibility and be brought to disciplinary proceedings. That is not fair because of the situation they have been left in, the vocation they have and their willingness to take care of people.

I spent 11 months working on Sláintecare with other colleagues here. We have the national maternity plan, the mental health strategy and a range of requirements. I spent four hours debating the children's hospital at a committee meeting this morning. Nurses are needed to implement all those strategies, otherwise they will be a waste of time. If we do not value our single most important resource - nurses and midwives - to keep the blood flowing in the health system, these strategies will not be worth the paper they are written on.

There has been a lot of commentary about how this will have a knock-on pay impact. I understand the nervousness but it is clear from the pay deal negotiated that there is conditionality to deal with this. The issues raised by the nurses have not been dealt with to date, though there is conditionality in the pay agreement to deal with it. We are heading towards a strike because it has not been honoured. The statistics show that it has not been honoured. It must be honoured. The amendment that others and I have tabled is intended to create space for negotiations to happen within a fixed timeline to deal with the obvious retention, recruitment and pay issues.

Please take this on board because otherwise I categorically guarantee that we will be out

on strike in 14 days. We will be dealing with this. The consequences for surgeries and the impact for the public will be dramatic and ongoing. The public will support the nurses because it knows their working conditions.

Deputy Bríd Smith: Céad míle fáilte roimh gach duine atá anseo. I welcome the nurses, students and their union representatives. I am delighted to see them in the Gallery. I regret that the Minister, Deputy Harris, has left, but it is even more regrettable that the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, is not here. There is no explanation for that. He should be here. He has to answer for why he is not paying these people. The Minister, Deputy Harris, asked the Opposition a question before he left. He said that in our amendments, we suggest that we pay nurses. He asked us to explain, if an exception is made for one group, how it is explained to all other groups in the public sector. I will offer an explanation which is that this group rejected that deal by a margin of 94%. That says something about how it feels about jobs, pay and conditions. This group is a major part of the solution to our health crisis and if we do not deal with that, we will let sick people, future generations and all workers in the health service down. They are a key part of the solution.

The Government seems to reject, with the Public Service Pay Commission, that their pay is related at all. The Minister, Deputy Regina Doherty, repeatedly said on “The Week in Politics” that they are not looking for more money. She should get into the real world and listen to what these workers are saying. The commission findings, according to the Minister, Deputy Harris, stated that recruitment and retention issues were a cause of concern but it could not find them to be a determining factor, and that it involves many aspects. It has many aspects and I hope the Minister of State has read the submissions from the PNA and INMO. They are wonderful, clear submissions. They are not rocket science and if the Minister of State has not read them, he should. Some of the figures which have been read out and quoted by other Deputies include a €7,000 annual pay gap between nurses and other graduate professions in the health service. The starting salary of three nurses equals my salary. Every Deputy is paid a salary which is three times what a nurse is paid. The Taoiseach is paid a salary which is six times what a nurse is paid. We should think of those facts when we determine the future and daily lives of other people in this legislation.

I will focus on an aspect of the submission from the union which shows something interesting about the role the Department of Public Expenditure and Reform has played. Allied with certain parts of the media, it has tried to muddy the issues and encourages us to think that this is a dispute about the numbers of nurses we have compared to other countries, that there is no issue and no confusion, that we are not short of nurses and that the higher turnover of nurses in our public services relates to something else. Some even go as far as to call them irresponsible because of Brexit. It is out of their control and is nothing to do with them. How dare anyone accuse the nurses of being irresponsible and say that now is not the right time because of Brexit? Now might be the right time to pay them properly.

The Taoiseach, the Minister who has just left and others have presided over a system in our health service that is creaking and not working. That means they have presided over a two-tier health service, encouraging private health at the expense of public health. In the submission I refer to, the unions point out that the joint employers’ submission which tries to state there is no difficulty with retention takes out chunks of the HSE submission. The HSE submits that the economic downturn has had a profound impact on the nursing and midwifery resource with substantial reductions of between 4,500 and 5,000 nurses and midwives, which is a historical fact that has to be addressed. These chunks of the HSE submission were ignored by the

16 January 2019

Department of Public Expenditure and Reform. It says that the overall picture of nursing and midwifery is one of constant challenge to effectively retain and recruit. Its conclusion is that the pay of nurses must be examined. The Department of Public Expenditure and Reform ignored that and instead did a public service pay deal that did not look at the details of what its own organisation, the HSE, not just the unions, was saying.

We have been asked to provide solutions and to state why we should pay the nurses and not those in other sectors. We have also been asked repeatedly by the media and Ministers from where we will get the money. The nursing unions have offered some very good solutions in terms of what would be saved by not having to retain agency nurses on a weekly basis and what the Exchequer would save by getting PRSI and tax money back from increased salaries. There are other choices the Government could make. The choices it has made have been detrimental to this country. One such choice was not to take the Apple tax money and to keep it in an escrow account. There are billions there that could be used to pay nurses. One does not have to look far for solutions or to see that the Department of Public Expenditure and Reform is mismanaging the facts in order to undermine this group of workers. I am 100% for the nurses.

Deputy Paul Murphy: I express the full support of Solidarity and the Socialist Party for the nurses' strike. Our amendment makes it extremely clear that the House should support the pay claims of these staff as the best immediate step we can take to deal with the general crisis in our public hospitals. This is about pay equality and parity for an extremely underpaid group of workers. In our opinion, it is about all those workers who have experienced stagnating wages while housing costs in particular are completely out of control. Wage rises need to match what is happening in other areas. This is also part of a struggle for a decent, properly funded public health service, a single-tier national health service as opposed to the chronically underfunded, two-tier health service that is a drive towards privatisation. Nurses, together with patients, are on the front line in suffering the brunt of the latter, with chronic stress, burnout, sickness and so on.

There is a deep irony in that Fine Gael obviously loves the free market but refuses to recognise reality when labour market conditions here dictate that nurses need a massive pay rise. It is a global labour market and there is a shortage of a million nurses worldwide. This is the reason that nurses' pay is significantly higher in other countries. It is the reason that agency pay is 20% higher here. We have a pay crisis and an understaffing crisis because of the absence of a Government willing to fund the service. This is reflected, for example, in the shocking ratio of births to midwives, which is significantly under the internationally recognised standard.

I echo the point that there is huge public support for the nurses, as I am sure they are aware. We had a stall in Tallaght on Saturday and there was a queue of people to sign a petition in support of the nurses. If a public demonstration were held, for example, I think there would be a huge turnout to support the nurses and the idea of a properly funded public health service, and this would add extra pressure on the Government.

There was widespread dismay and disgust at the comments of Paul Bell of SIPTU, which effectively encouraged SIPTU nurses to pass the pickets. Of course, they should do no such thing. They should refuse to undermine their colleagues' struggle and instead ballot and join the struggle alongside the INMO and the PNA.

Many examples have been given as to where the money is to be found. It is to be found in many places, and we could be here all day explaining how the nurses absolutely could be paid.

I will add just one more example. It did not get a lot of coverage before Christmas, but the junior Anglo Irish Bank bondholders, those who were meant to be burned, who were not meant to be paid, but who refused to take any sort of haircut, got paid €270 million. The Government could find the money to pay bondholders who were supposed to be burned but says it cannot find the money to pay the nurses. This tells us everything we need to know about the type of Government we have and whom it represents.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on the motion. As everyone knows, nursing is not a job, it is a vocation. Nurses' dedication, the hours they put in and the way they look after people day in and day out is a credit to them. Nurses on the front line have endured horrific working conditions in recent years and they have kept going, kept working and kept airing their views as to the conditions in which they were operating. Obviously, however, no one has been listening. We must give student nurses something to ensure we keep them in the system. What is happening at present? Many young people are finishing school, they pursue their nursing degrees and then they get the hell out of the country. That should not be the case in any society. We should have something to tempt those in the nursing profession in order to keep them here.

I have always stated that if one decides that one is going to spend five, six or ten years in this country, the first thing that should happen is that one's college fees should be paid. The second thing is that people need to be given a wage. The position with apprentices is similar. One cannot just leave them with only money coming from home while they try to work jobs in order to remain in college. The third point is that because of the housing crisis in the various cities - it should be borne in mind that many of the big hospitals are in the larger cities - the wages nurses receive, be they student nurses or people who have been in the profession for a good while, are insufficient to allow them to afford the cost of rent. The Government could have something to say if it had tried, for example, to sort out matters on the housing side. What has been done about affordable housing for young gardaí and nurses or other front-line staff? The answer is nothing. In Dublin - or Galway, Limerick or Cork - can they afford a house with the wages they are on? The reality is that they cannot. There are inept people in the likes of the Department of Housing, Planning and Local Government who have not moved on. It is a pretty simple job to build houses by the square foot if the State provides the land.

The Government must sit down with these nurses. We must sort this out. We cannot keep going down a road of unhappy workers because if we have unhappy workers, we have an unhappy environment that will not survive. The Government therefore needs to address this once and for all.

Deputy Joan Collins: I welcome the INMO members in the Gallery and I wish to put on record my full support for them and the members of the PNA, who I am absolutely sure do not have a light-minded attitude to the effects their actions will have on patient care and the ongoing crisis in our health service. This is reflected, as has been said already, in the fact that this is only the second time in 100 years that nurses have voted to take industrial action.

I categorically reject the Taoiseach's recent statements that strike action by nurses will cut across spurious and so-called improvements in the numbers on trolleys in emergency departments and on waiting lists. This is yet another attempt to blame overworked, hard-pressed staff for a crisis that stems from - and I address this comment to Fianna Fáil Deputies - decades of underfunding, cutbacks, loss of staff and beds and mismanagement on a gigantic scale.

16 January 2019

This action is not just about pay, it is also about the extremely poor working conditions faced by nursing staff as a consequence of the recruitment and retention crisis in our health service. The facts speak for themselves. There are today, according to the Irish Nurses and Midwives Organisation, 2,662 fewer nurses in the public health system than in 2007. This must be set against the fact of ongoing increased demand due to demographic and other factors. There was a 40% increase in vacancies in psychiatric nursing positions from November 2017 to September 2018. Everyone agrees that there is a need for more nursing staff and a much higher rate of retention of trained, qualified nurses. Part of the solution is to resolve the issues of low pay and the lack of parity between nurses and allied health professionals. The starting salary of a staff nurse or midwife is €28,768, compared with that of an allied health professional at €35,319. Neither of these can be considered good pay, especially given the training and qualifications involved, but there is a difference of €6,551, falling to €4,400 after 16 weeks' employment. Nurses and midwives also work a longer, 39-hour week.

There is a reality that Government needs to accept. Despite the threats of a withdrawal of the general pay increases, along with increases to address lower pay for new entrants and their loss of increments, 95% of nurses voted for strike action. The Government cannot ignore this. These strikes will go ahead. At some point the Government must change its stance and enter meaningful negotiations. As has been said, negotiations started yesterday.

5 o'clock

I would like to know how meaningful they were. I will be contacting the INMO and the PNA to ask them. The Government should accept the nurses' claim for parity and agree a process as to how it will be achieved in a reasonable timeframe. There is a clause in the public service agreement which allowed for a review of recruitment and retention which would allow for not just talks but a solution to the issues in this dispute without collapsing the general agreement.

I find it quite repulsive to listen to some of the debate on the airwaves and in the media. Fine Gael Deputies who have accepted a €7,358 increase since 1 January 2017 under the restoration of pay and the unwinding of the financial emergency measures in the public interest, FEMPI, and general secretaries of unions who received the same sort of increase can come out and attack nurses for taking this action after going through all the industrial relations processes they could possibly go through. This is the last action workers can take if they know they are not being listened to. This Private Member's motion will be passed and rather than simply ignore it as just another lost vote, as the Government did with the Sinn Féin motion last year, it should take seriously the views of the majority in this House and of the public and patients and act accordingly and resolve the situation.

Deputy Catherine Connolly: I have no hesitation in supporting the action taken by the nurses, not because I wish to see a strike but because if we listen to what the nurses are saying - I welcome them to the Gallery - it is not about pay and conditions but providing a safe health service. In the absence of sufficient staff a safe health service cannot be provided. In 1999 I had the privilege of being elected to the local council in Galway and I sat on a health forum. I find Fianna Fáil's attitude deeply unacceptable. It is very hard to take it seriously because it presided over the privatisation of the public health service and its systematic running down, which Fine Gael and the Labour Party unfortunately took over.

A safe health system cannot be provided with inadequate staff. I know that personally and

professionally. My family knows on a personal level the pressure the staff are under in Galway. Looking at the context of the strike we see the figures for people on trolleys. Figures are thrown about here so I am going to repeat them because these are simply for Galway and Ballinasloe. There were 8,750 people on trolleys and chairs. An 80 year old woman was on a trolley for three days and on 11 April last year there were 58 people on trolleys. I can pick any figure or I can quote Dr. Hickey who has come out very honestly and openly to tell us that every year between 300 and 350 people die prematurely because of the time spent on trolleys. We have an unsafe health system despite the best efforts of nurses and doctors because we have systematically run that down. We are seeing the consequences of that every single day. Earlier, Deputy Adams read out a letter. I also got that letter, as did others, from a woman who is facing an essential test on the day of the nurses' strike and notwithstanding that she said she supports the nurses. It is an absolute disgrace that a junior Minister is here on his own in an empty Chamber with not a single Fine Gael colleague to support him. That tells a story of itself.

Deputy Clare Daly: I am very glad to be here supporting the motion and the amendment because recent attempts on the national airwaves and by some Members of the Houses through the Sunday newspapers to control the narrative of the reality of the lives of nurses and midwives and their pay and working conditions and the reason they have been forced into industrial action have been largely discredited by the nurses and their union and in the minds of the general public who are lock, stock and barrel standing behind the nurses. The INMO is clear that this dispute is about safe staffing in the public health service, something that is very precious to all our citizens. The HSE has not been able to recruit and retain enough nurses and midwives on current pay scales. The narrative belongs to those directly affected. I do not have the time to tell their stories as they have done so eloquently themselves on social media but I will summarise one. She said all the nurses have stories like this, they go home sore and sad and tired. They do their best but they have had enough. They need more nurses and better pay and conditions and she asks that people please listen to them when they say they need help. That is the message that is coming out here loud and clear.

Since embarking on a programme of austerity successive Governments have undermined the health service and the professions of nursing and midwifery and there is a cost for that, not just on the shoulders of nurses but also on patients. The INMO has previously highlighted the fact that we are losing Irish trained staff to the UK and other mainly English-speaking countries. The HSE's response is to recruit from outside. It is not cost-effective to pay out over €100 million every year on agency staff when we should be using our resources to create good jobs and retain qualified people in the public service. We need action on this and we need it dealt with now.

Deputy Mattie McGrath: I am happy to speak on this motion. I fully support the nurses' pay claims and welcome their representatives here today. As the INMO has made clear, its members can be comprehended within the Public Service Stability Agreement 2018-2020. As per section 3 of that agreement, the Public Service Pay Commission examined the underlying difficulties in the recruitment and retention of staff and issued its report in September 2018. Its purpose was to recommend measures to address the recruitment and retention difficulties. The proposals that came from the Public Service Pay Commission were considered at a special delegate conference of the INMO on 26 September 2018 and the decision of that conference was that the recommendations would not solve the difficulties in recruitment and retention and, therefore, that all public sector members should be balloted. As we all know, this is an action of last resort. It is indicative not just of the complete and utter failure of this incompetent and

abysmal Minister for Health, it is also a sign that there is no political will to listen to the nurses. That applies also to the Minister of State, Deputy Finian McGrath. The Independent Alliance has a position and it should use it rather than talking about Santa Claus and knocking on doors on Christmas Eve. Its members are in government. In terms of the tail wagging the dog, they are not wagging anyone's tail. They have done nothing for the people. They have abandoned them.

The Psychiatric Nurses Association, PNA, has outlined the impact on service delivery and patient care as a result of the non-implementation of A Vision for Change, for example, the removal of 76% of beds and the development of only 30% of community services. It is appalling in Tipperary where there is not one long-stay psychiatric bed. According to the PNA, to currently maintain these inadequate and minimal services, the mental health services have an unsustainable reliance on agency nurses and overtime as a consequence of the inability to recruit and retain nurses. The HSE spends €1 million on agency nurses and €300,000 on overtime each week in the mental health services. This over-reliance on agency and overtime is detrimental to the provision of a comprehensive mental health service.

This is damning. What will it take for this atrocious Minister for Health, Deputy Harris, to resign or be fired? He is walking the Irish health service into total meltdown yet he remains in place when any other Minister with an ounce of political humility would have offered his resignation or be dragged or kicked out by his colleagues but there is not a peep out of them. When the Minister of State, Deputy Finian McGrath, was on this side of the House he was well able to jump up and down and there was nothing he would not do but now he has the price of power and he has abandoned the people.

As if this strike was not bad enough, I recently received an email from a paramedic with the national ambulance service, and a member of the PNA. This person wanted to make me aware of impending strike action within the national ambulance service on the 22 January. This will result in widespread disruption in the provision of services to the public, particularly in rural areas. There we have it. Abandon the people, let them die in the fields. Any of us who go into the accident and emergency departments in the hospitals know what the nurses do. We know how hard they work and their dedication to duty. It is a vocation for 99% of them. They do their best and we give them no support, only lipservice.

Deputy Michael Collins: Last night I talked about the disgrace our health service has become. The INMO and PNA have served notice of industrial action for the weeks ahead. Both unions have been forced into taking such action in the interest of patients and everyone who uses the public health service. Nurses and midwives are the lowest paid graduate professionals in our health services. This is not acceptable. It is no wonder that the health service has difficulty in the recruitment and retention of nurses. The number of staff nurses fell by 6% between 2008 and 2018, but on the other hand, our health services experienced an increase in demand. Not only does this have an adverse impact on patient care but the cost of agency nurses to the taxpayer is €1.4 million per week, which is a staggering €72.8 million per year. Our health service is haemorrhaging money that is badly needed in the health service to create more respite beds, reduce waiting times, provide new equipment and hire more permanent staff. All these factors would greatly improve the working conditions of nurses and encourage the recruitment of new nurses and the retention of current nurses. At present there is only one applicant for every four nursing and midwifery vacancies in the health service. The Government needs to see the seriousness of this and act quickly to tackle the problem.

I have criticised the Government before for putting its head in the sand and I am afraid it is doing it again. Figures released this week show the number of patients left waiting daily on trolleys in hospitals nationwide has already exceeded the 600 mark. The high trolley figures come just weeks before strikes by nurses. The Government needs to realise if we have a high number of people waiting on trolleys, the number will rise substantially when the nursing strike commences. Our nurses work extremely hard in very poor conditions. In my constituency of west Cork, I have seen first-hand the Trojan work that nurses carry out in nursing homes and community hospitals in Bandon, Kinsale, Clonakilty, Skibbereen, Bantry, Dunmanway and Castletownbere. I know from talking to nurses that no one wants to go on strike but in reality our nurses' hands have been tied and they have no option. I support our nurses as they deserve better pay and conditions. The Government asks where we will find the money. In the past number of years politicians have been accepting pay increases and nurses have been forgotten. That is the way with most politicians. I have not but others have. I call on the Government to engage immediately with the INMO and the PNA to resolve the dispute and address the demands of the nurses. They deserve parity in their pay with that of the other healthcare professionals. It is high time the Government listened to the people who elected them to power. The people and nurses of Ireland have a voice which needs to be heard.

Deputy Danny Healy-Rae: I am glad to get the opportunity to talk on behalf of the nurses tonight. I recognise their pay claim and support it 100%. I am glad to see many nurses in the Gallery. There are some from Kerry. We are glad to see them here and we support them 100%. We have three Ministers and a Ministers of State with responsibility for health. Deputy Finian McGrath is one of them. I am sure they are all well paid. We cannot do without nurses. It is a fact that many young graduates are going abroad because they can get properly remunerated and work under better conditions. I was very sad the other evening when I met a girl who I knew very well wearing a neck brace. She will never work again because she was assaulted in her workplace where she worked as a nurse. She tried to go back to work twice but has been told she is in serious danger of being invalided if she tries to work again. That is her story after giving so much to patients and supporting and working for our health system. We all know how hard nurses work. There are too few of them on the ground. We know the kind of pressure they are under. I was in Tralee general hospital when my father was there. There are always patients pressing the button, which is their right, looking for help and assistance. Someone has to come to them and it is the nurse who has to do so. There are not enough of them at present in our hospitals. I especially thank the nurses who work in Tralee general hospital, Bon Secours, Killarney community hospital, Dingle, Bantry, Cahersiveen and Killarney, who work so hard to attend to patients. I see the pressure they are under when they take over the shift and do their rota. They have to do so much paperwork before they get going that they are then behind because there are patients in need of attention. We all know the pressure they are under. It is no problem for the Government to give three times as much to the children's hospital as was planned. It is three or four times the original cost. That is what is happening. The Government is not on top of its game at all. One thing we are sure-----

An Ceann Comhairle: The other Deputy wants to contribute for 30 seconds.

Deputy Danny Healy-Rae: The Government must pay the nurses properly.

An Ceann Comhairle: Deputy Michael Healy-Rae has literally 30 seconds.

Deputy Michael Healy-Rae: Literally. I want to put my shoulder to the wheel in support of the nurses. Every one of us has had family members who have benefitted from the care and

attention they have received from nurses. It is only right that all of us in the House ask the Government to look after the nurses because it is the nurses who look after us and the people.

Deputy Róisín Shortall: I am very happy to have the opportunity to speak in this debate and to discuss the issues and the looming crisis that is coming down the line in respect of the likely nurses' strike. I particularly want to pledge my support to the amendments to the motion which the Social Democrats are very happy to support. Those amendments relate to the issues raised by Sinn Féin in particular.

There is no need to recite the problems in our health service. We are all too familiar with them. There are very serious problems. We spend more in this country than most other countries spend on their health services yet there is a significant amount of unmet need. There is very poor access and in no other country do so many people have to pay upfront to access the most basic health services. We desperately need system change. Whether we are talking about trying to operate the existing system in a better way or reforming it and moving to a new and more modern public health service, there is one obstacle which it is impossible to see how we can overcome without drastic action. That is the obstacle and the serious problem of the crisis in recruitment and retention. It applies right across the board within the health service for most disciplines but it is particularly acute when it comes to all kinds of nurses. That is where the biggest crisis is. This crisis has been flagged for some time by both the INMO and the PNA. The Government has persisted in ignoring the looming crisis. The attitude of the Taoiseach and the flippant and dismissive tone he has been using when speaking about this issue are entirely unhelpful. It is insulting to the nurses at the centre of the dispute. It is time the Taoiseach, the Minister and the Cabinet woke up to the looming crisis coming down the tracks. It is very hard to see how we will avoid the crisis of a nurse's strike over multiple days unless Government takes urgent action to address the matter.

The undoubted general shortages that exist at the moment with nurses, particularly theatre nurses, are causing significant problems. It is not an issue of a shortage of beds, theatres, equipment or consultants. The main reason procedures are cancelled is as a result of a shortage of theatre nurses. Let us be clear about it. That is where the problem lies at present and that is what must be addressed before we talk about building more hospital beds or hospitals. Maternity services must be midwife-led. There are serious shortages there. Previously we had good quality, seamless services right across the community in terms of children's health, including vaccination programmes and developmental checks. All of those key services that are provided by public health nurses and basic services for children are not being provided as a result of a dire shortage of public health nurses particularly in the Dublin area. That is how the system operates at present.

Theoretically, everybody in the House has signed up to the reform programme that is Sláinte. The latter locates nurses at the very heart of the delivery of health services and that is how it should be. Irish nurses are highly qualified and, in the main, are capable of delivering public health services. We have talked for years about the need to reform the model of care to get away from the expensive hospital-based care system and to bring services locally into the community. Nurses are at the heart of those community services. We also talk about the need for an emphasis on prevention and early intervention, and again it is nurses who we need to deliver those services. For 20 years we have been talking about the need to address the major issue of chronic illness management within our health service. We know that up to 80% of the burden of the health service relates to chronic illness management, yet we have very few chronic illness programmes; it is nurses and senior nurse managers who are equipped to lead

out on those programmes and who should be providing them. If the Minister and the Department of Health have any sense, they will realise that is the key to addressing the logjams within the health service. We need clinical nurse managers and nurses right across the board to deliver those services. We are also facing a massive challenge in respect of our ageing population and the need to provide community services to support people living in their own homes for as long as possible. The necessary supports in respect of home care supports, home help services and all of that should be overseen, managed and supervised by nurses. That is what the reform programme is about. It is about switching to a different model of care. It is about getting much better value for money and improving access to health services. We cannot do that unless we have sufficient nurses.

Nurses are voting with their feet. It is undeniable that at the root of this problem is the fact that pay is unacceptably low. There is no reason highly qualified nurses should be lowest among professionally qualified healthcare staff but that is the situation, both in the starting point of the pay scale and going up the pay scale and incremental improvements. At each stage, nurses earn €7,000 less per year than their counterparts - therapists and so on - in other health disciplines. That is an enormous gap which is insulting to nurses, who are just as highly qualified as other health professionals working at the coalface. They are just as highly qualified as the range of allied health professionals, yet they are lagging so far behind. There is a massive demand for nurses. There is a large market for well qualified English-speaking nurses such as ours. There are lots of different packages on offer in places where it can be much more pleasant and more affordable to live. Those packages are better than what is on offer here. We need to value our nurses. We need to recognise that we are facing a real crisis. We need to say that unless urgent action is taken to ensure that there is pay parity between nurses and other health professionals, we are going to continue to haemorrhage nurses. Our health service is in crisis. If we lose more nurses it will collapse and we are very close to that tipping point. I call on the Minister of State and the Taoiseach to wake up, see what is happening before their eyes and avert this crisis before it is too late.

Deputy Niamh Smyth: I welcome the nurses and members of the INMO and the PNA to the Gallery. It is great to see them and I thank them for taking the time to listen to the debate. Our nurses and midwives are the backbone of our public service the length and breadth of the country. Cavan General Hospital and the Monaghan minor injuries unit are exceptional when it comes to energy, passion and dedication and are exemplary examples of service provided to patients in the north east of the region. Cavan General Hospital's emergency department sees over 30,000 patients per annum and patient numbers keep growing. Our nurses are the life blood of our hospitals but there is a huge problem with recruitment and retention. This issue must be addressed. Before Christmas, the RCSI hospital group informed me that there were 42 vacancies across Cavan General Hospital and Monaghan minor injuries unit, the majority of which are in the nursing profession. I appreciate that efforts are under way locally to try to attract nurses but this all leads back to the bigger issue of pay and conditions for nurses, midwives and psychiatric nurses.

The Government needs to examine why we cannot attract nurses. I am confident that the answer it will receive will be very similar to the one I get from nurses in Cavan and Monaghan, namely, stress and pay. The terms and conditions being offered by the HSE are significantly less attractive than those that are available abroad. It is creating a real human resources problem within our hospitals. In Cavan General Hospital and Monaghan minor injuries unit, the workload that is expected of professionals is untenable. Figures released to me via a recent

16 January 2019

parliamentary question show that over 25,000 people attended the emergency department in Cavan General Hospital in the first nine months of 2018, which was an increase of 2.9% on the same period in 2017. We have a fabulous facility in Monaghan minor injuries unit that provides top-class service. The staff tell me they want to expand that service. Currently, it is run from Monday to Friday, nine to five. They want to provide a 24-hour service. They have the enthusiasm, commitment, passion and capacity to do it. The biggest problem for them and for the Minister will be recruitment. The facility complements what goes on in Cavan General Hospital. The Government must address recruitment. To do so, it must address terms and conditions. I earnestly ask the Minister to listen to the professionals who are here in the Gallery. They know what they are talking about.

Deputy Jackie Cahill: I welcome the nurses in the Gallery. I am glad the Minister for Finance and for Public Expenditure and Reform, Deputy Donohoe, has joined us. For much of this debate we have had no Fine Gael Member in the Chamber. Deputy Donohoe is the person in charge of the money and it is good that he is here to hear what is being said.

Nurses provide an essential service in our communities. I am not going to repeat what others have stated. We have all had experiences in hospitals. We cannot overvalue the services nurses give to their communities. This dispute is about pay and working conditions, as a number of speakers have said already. The conditions that nurses have to work in are bringing great stress to their lives, which is a large part of their grievances. Unfortunately, the two major hospitals that service my constituency, namely, South Tipperary General Hospital in Clonmel and University Hospital Limerick, are two varying examples of this. I visited University Hospital Limerick last weekend. The crowded and cramped conditions staff are being asked to work in are unreal. Anyone coming out from visiting a patient there would be exhausted. Trying to work there for a long shift and dealing with the number of patients they have to deal with puts extreme pressure on those in this valued profession.

It is no good stating that the nurses' pay claim is going to give rise to other such claims across the public sector. The nurses have balloted for strike action. We have to face up to that and deal with it head on. The basis of their case is crystal clear: they are underpaid. We are failing to recruit nurses into the service. We are finding it very difficult to maintain staff. We have to address the issues that have been raised by the nurses.

Deputy Fiona O'Loughlin: Nurses are witness to both the beginning and the end of life, dispensing care, compassion and comfort along the way. They live very demanding lives and deserve our support and solidarity now more than ever. It is a scandal that nurses and midwives have the lowest core salary for graduate professionals in the health service. It is a scandal that it has taken so long for the Government to meet or engage with the Irish Nurses and Midwives Organisation. Nurse numbers are reducing while the population is increasing. The only way to address a recruiting and retention crisis in nursing and midwifery is to address the issue of pay. This is not just about pay. Nobody goes into nursing expecting to make a fortune, but the least they deserve is to have a decent standard of living for themselves and their families.

Four nursing jobs are available in Ireland for every qualified nurse applying, which is incredible. Intensive care units and operating theatres around the country are among the worst hit. I have checked that out with my local hospitals in Naas and Portlaoise. I spoke to two young nurses from my constituency this morning. One is now living and working in Dubai enjoying a far higher salary and far better working conditions. The other is still working in Ireland and is one of only two from her class of 80 who remained in Ireland. She has been back to col-

lege four times since then to further her nursing education and has only stayed in Ireland due to family commitments. She described her nursing colleagues as tired, worn out and stressed due to the understaffing issues in their hospital. A commitment to review nursing and midwifery salaries in 2006 remains to be honoured.

Deputy John Brassil: I support the motion tabled by my colleague, Deputy Donnelly. I welcome the representatives of the INMO and the PNA to the Gallery. It is unfortunate that the nurses felt it necessary to approve strike action in order to get a hearing. I support them fully in their calls.

We have a recruitment and retention crisis, and unless we do something about pay and conditions, we will not solve it. In December I submitted a parliamentary question on recruitment of psychiatric nurses. I asked how many contracts were awarded in 2018, broken down between permanent and temporary. I was informed that 176 contracts were awarded in 2018, of which 56, which is 33%, were temporary contracts. How are we going to solve a crisis by offering temporary contracts to a third of those we employ? If we want to hold onto people, we need to offer them training, education, decent pay and conditions, and permanency. The same figure could be applied to the INMO temporary contracts.

We need to deal with this crisis realistically. Pay is an extremely important issue and conditions are equally important. However, providing people with permanency so that they can plan their lives is just as important. I ask the Minister to include that in his negotiations in solving this issue, which we have to solve. We need to pay our nurses the money they deserve. We also need to give them the terms, recognition and contracts they also deserve.

Deputy Margaret Murphy O'Mahony: I welcome Ms Phil Ní Sheaghda and the other nurses' representatives to the Gallery. On behalf of the public I thank nurses for their Trojan work.

It is reflective of the Government's priorities that we find ourselves this evening debating another instance of pay parity in the public sector. I regularly come across nurses in my constituency of Cork South-West - indeed many of my closest friends are nurses. We all know how hard they work and the great responsibility on their shoulders. It is unacceptable that they have to take such drastic measures just to ensure their pay scale is in line with comparable colleagues.

There was great hope for the findings of the Public Service Pay Commission. I knew the unions, particularly the INMO, were hoping that the commission would reflect their plight. However, it is quite disconcerting that the unions were not engaged at all in any pay-review exercise. In fact, they were precluded from even recommending pay rises. In addition the commission made no reference to a crisis in the recruitment and retention of staff and other comparable medical professionals. That is not to mention the disparity between them and other front-line staff, which really makes them feel undervalued. Fair pay is being requested and I sincerely believe that pay parity is the least these health professionals deserve. I cannot understand these findings when it comes to the well documented severe staff shortages in areas such as the child and adolescent mental health services. That such services need to rely so heavily on agency staff is indicative of the staff-shortage crisis. I ask the Minister to please support the nurses.

Minister of State at the Department of Health (Deputy Finian McGrath): I will be sharing time with the Minister for Public Expenditure and Reform, Deputy Donohoe.

16 January 2019

I thank the Deputies for raising this motion on such an important issue. It has been good to have an opportunity to debate concerns over this impending dispute strike by the INMO and PNA. The Government's countermotion sets out the route for this dispute to be resolved, which is through engagement. I and my colleagues in the Independent Alliance appreciate the strength of feeling among nurses about their pay and conditions. Many of us have family members and friends who are nurses and we totally understand their concerns. However, we want solutions.

As has been mentioned repeatedly in the debate on this motion, the nursing profession is vital to the health sector. We all agree on that. A nursing strike will, therefore, have a huge impact on the health service and will affect the majority of patients in hospitals. Services will be affected not only on the day of the strike, but in the days leading up to the strike and afterwards. The Government acknowledges that an overwhelming majority of the membership of these unions voted to go on strike.

I heard some constructive suggestions on Sláintecare on the high cost of agency staff and the issue of permanency. I assure the Dáil that we are sincere in seeking a way to avoid this strike. The mechanisms exist to seek a resolution. The Government is willing to engage with the unions within the confines of the public service stability agreement, PSSA, to which the nursing unions committed in 2017. The PSSA is the deal in place for the entire public sector. The Government gave our commitment to that as did the nursing unions and other trade unions. Under the conditions of that agreement, we cannot make special provision for a pay deal only for the nursing unions.

Health sector management met representatives of the nursing unions yesterday to attempt to seek a solution to this dispute. These and other engagements are the way to seek a resolution. The Government is committed to finding a fair solution that will keep health services running. A meeting with the national oversight body will also take place later this week and health sector management will meet nursing unions again on Monday next week. We all want a resolution.

As already outlined, under the public sector stability agreement, nurses can expect to see significant increases in pay which I very much welcome. In addition the deal for new entrants, including nurses, will mean that nurses and midwives will start seeing the benefit of the deal from March of this year.

I take on board the points made by many Deputies that issues with recruitment and retention still require attention. However, gradual improvements are being made in nursing numbers. The Taoiseach spoke yesterday and gave some figures which are helpful for comparing how far we have come since the recession. The number of nurses employed in the public health service in the past five years increased by 2,330. From November 2017 to November 2018, the number of nurses increased by 860, not including student nurses. The original motion makes the comparison between 2008 and 2018. I do not need to remind Deputies that between these times, this country went through a serious economic downturn. The Government supports the Public Service Pay Commission's finding that a general pay increase will not solve recruitment and retention issues overnight. The Public Service Pay Commission made recommendations which would be of direct benefit to the nursing profession, including a 20% increase in local and qualification allowances for nurses, as well as accelerated promotion for nurses to senior staff nurse level. This represents a further investment of €20 million in our nursing workforce. These measures can support nurses in their essential day to day work and can create real opportunities for the profession into the future. Unfortunately, these proposals have been rejected by a vote of the membership of the nursing unions but the Government has encouraged them to

reconsider and will continue to do so. I urge all Deputies to support the Government's counter motion, which recognises that the best way forward to prevent this strike is for all parties to come together and to use the existing industrial relations machinery of the State. It is important that whatever solution is reached lies within the parameters of the public service stability agreement.

Deputy Paschal Donohoe: I will begin by acknowledging the immense contribution our nurses make in our hospitals and primary care centres every day, in every community in our country.

Deputy Joan Collins: Pay them.

Deputy Paschal Donohoe: While I am very much aware of this contribution, I am equally aware of the contribution that many other public servants make to our economy and society. Deputy Cahill suggested in his contribution that we should go ahead and make additional pay available to nurses but not deal with the fact or the risk of knock-on claims. That is not an option for any government. Many Deputies have made reference to the fact that there are nurses in the Public Gallery this evening and that we must recognise the contribution they have made. However, the empty chairs in our Public Gallery would quickly be filled with other public servants who would ask why the same money cannot be made available to them. Agreements were made with public servants on the basis of integrity around our wage policy. We have said that a certain amount of money is available in any given year, of between one quarter and one third of what we spend each year, and that is set aside for pay. In addition to that, we have put in place a plan for €1.1 billion of additional wage changes and increases, all of which are deserved by our public servants. When we made that agreement with them, we as a Government, underscored by elements in this Dáil, said that this is the best that is available to them. On the basis of that, the agreement was made.

What would colleagues in the House say to those who are campaigning on and who care about the new entrant issue, particularly the teachers' unions? What would they say to the armed forces who are engaging with the Public Service Pay Commission? What would they say to all other civil and public servants who were told that this is the most the Government can pay them? That is the risk and the challenge the Government and the Oireachtas will have to address. If we say to a group that this is the most that is available, we will have to explain how that can be changed in the face of or on foot of industrial action. Let me be clear about two aspects of that industrial action. First, the Government will do all that can be done through the public service stability oversight group and the bilateral contact between the HSE and the nurses, to resolve this issue. The second point to be emphasised is that the scale and timing of this industrial action is designed to maximise the impact it will have on patients, on operations and on pre-planned activities-----

Deputy Bríd Smith: And on the Government.

Deputy Paschal Donohoe: -----all of which will have a big impact on those we care about and those we represent.

At the heart of this is our ability to strike a balance between public pay needs and the need to make service and capital investments. We must strike a balance between the two. In this Dáil, I as Minister for Public Expenditure and Reform had to deal with the last chain event, when a decision was made relating to one group of public servants and within 24 hours, the same needs

crystallised with every other public servant. That is the great risk and challenge that we face.

Those members of Fianna Fáil who have spoken on this issue today have said that we should pay more to the nurses now. I can understand why they would say that, given the care that they see nurses providing, which I also see in my community and constituency. However, that is not what the motion before us calls for; rather it calls for the setting up of a commission. I have already dealt with the issue of the risks involved in doing more for one group. Equally, if we go down the route of setting up a commission in this instance, every other group within our public service would then ask for the same judge-led commission, the consequence of which would be an end to collective wage agreements. Fianna Fáil was a catalyst for collective wage agreements. As a party, it focused on how collective wage agreements can responsibly meet the needs of our society, while also meeting the needs of those who provide public services. That route will spell massive difficulty in terms of keeping the existing wage agreement in place and in terms of the ability for any future wage agreement to be negotiated at a time when we are facing such enormous risks to our economy.

I will end where I began by underscoring the huge respect and appreciation I have for the work our nurses do all over the country. However, I would ask everyone to consider how, in meeting the need they have articulated, we can deal with the consequences of doing so, especially given that the need expressed by the nursing unions amounts to a wage increase of 12%. How would colleagues respond to the raised expectations of the rest of those who work for the State? The challenge in meeting that is too great which is why, as the Minister of State has already said, we will do all we can but only within the current wage agreement. We will respect the wage agreement and we will not change it but we will see if the machinery of State can engage with those who work in the nursing profession to resolve outstanding issues.

Deputy Louise O'Reilly: We will have a strike and it will be the Minister's fault.

Deputy Eamon Scanlon: The INMO ballot was not just about wage increases but was also about patient safety. The HSE has not been able to recruit and retain sufficient nurses and midwives, meaning that the health service is understaffed. Nurses are working 12 hour shifts which sometimes run into 13 or 14 hours. They rarely get out of work on time and are constantly contacted on their days off to do overtime. They work exceptionally hard and it is often forgotten that they have families of their own to look after. They care for everyone and they are not rewarded in the way they should be. In Australia, the maximum number of patients in a nurse's care is six but in Ireland it can be between 15 and 20, which speaks for itself. Morale among nurses is at an all-time low at the moment.

After year one, a staff nurse earns approximately €31,000 while a garda earns €32,000. The equivalent salary for a respiratory technician or occupational therapist is €37,000 and for a teacher is almost €38,000. These salary scales came into effect in 2011. Nursing is the lowest paid of all of these professions, despite being a degree-only profession. Nursing is an increasingly complex role, especially given an ageing population with multiple co-morbidities and complex care needs as well as new technologies that are constantly being developed to keep people living longer, healthier lives. The hourly rate for new nurses in Ireland is 29% lower than in the US, 27% lower than in Canada, 28% lower than in Australia and 19% lower than the rate in England.

A number of years ago an issue arose with garda pay. That was resolved by recognising that gardaí work unsociable hours, days, nights, weekends, holidays, Easter and Christmas -

around the clock. Nurses are in the same category, they do the same hours and they should be treated the same. The situation could be resolved by using the principle that was used in the Garda pay claims.

I have spent more than 30 years in politics, and I have never received as many emails from patients supporting nurses. People who are too sick to come out and support the nurses are asking us to support nurses. I ask the Minister to do the same.

Deputy Thomas Byrne: I thank my colleague, Deputy Donnelly, for putting forward the motion. The Minister for Public Expenditure and Reform is correct that the motion is narrowly tailored, but if what we are calling for was accepted by the Government, it could have a significant impact on this industrial relations dispute. Our motion states we agree that the strike is not in the best interests of patients but, as it notes, it is shocking that no substantive engagement has taken place, which needs to happen. I strongly urge the Minister to begin that engagement, listen to what nurses are saying and talk to them. In industrial relations, there is always room to talk, which I strongly encourage the Government to do.

The Minister has come to the Chamber with smooth mood music, but the truth is that some of his colleagues have not acted the same way, and they have set bad mood music for the strike by immediately attacking the INMO instead of leaving the industrial relations process to run its course and the Government to talk. The backbenchers attacked the nurses, as did the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty. Whatever about their views, misrepresenting on television what nurses were saying is not helpful to the process. Rather, it would be helpful if the Ministers for Public Expenditure and Reform and Health set in motion what our motion demands, which Deputy Donnelly reasonably asked for.

Nurses are hard-working, and those who work in hospitals do not usually have breaks because they are simply unable to take them. Those who work in residential care units do not have any break in their 12-hour shift. They go into work early and leave late because they must hand over, for which they are not paid in some cases, and they must work unsocial hours. They know they signed up for that but the State needs to recognise that.

Tá mé anseo chun tacaíocht a thabhairt don rún seo. Níl ach dhá rud á lorg againn: go mbeadh coimisiún, agus breitheamh i gceannas air, curtha in áit chun dul i ngleic leis an bhfadhb seo; agus go mbeadh cainteanna idir an Rialtas agus na banaltraí agus na ceardchumann. Sa chaoi sin, is féidir réiteach ar an bhfadhb seo a fháil agus is féidir a chinntiú nach mbeidh stailc ar siúl ag deireadh na míosa seo.

Deputy Marc MacSharry: I welcome the president of the INMO, Ms Martina Harkin-Kelly, and its general secretary, Ms Phil Ni Sheaghda, with their colleagues, and I thank them for taking the time.

The Minister gave some analogies but he did not compare like with like. We all know there are pay agreements and the INMO is well aware that €300 million is not available to deal with the issue in one go. It is incumbent upon us, however, to lay out a pathway to that, but the existing industrial relations apparatus will not do that. Equality of status is an old adage that has been around for many years. The Minister gave a flawed analogy of the Defence Forces, which requires more fair pay, but he compared 17 weeks in recruitment training to the four years in professional development that nurses have done. There are no allowances for the mentoring that goes on for someone who has just qualified and is brought along to develop his or her con-

fidence to be an autonomous professional, which could be addressed.

The Minister of Health, who was in the Chamber earlier, made reference to a constructive engagement yesterday. The word around the campfire, however, is that it was not constructive at all but rather superficial, and the attitude was one of, “We have nothing for you. What are you doing here?” I hope that does not happen in the coming weeks. A pathway needs to be developed to show that the State values a four-year degree course and the professionalism shown by nurses, and that they will be put on the same wavelength and in the same ballpark or league, to which they are entitled, as other allied healthcare professionals. It is incumbent on the House to lay that out. Existing pay agreements are not the apparatus for that, and something different is required.

I wish to put nurses’ minds at ease. Earlier, colleagues suggested the establishment of an expert commission. If one casts one’s mind back to 1998 and the commission for nursing that was set up then, one will remember smoke and mirrors with little outcome. We want a short period to professionally examine the issue in order to give nurses parity to which they are entitled similar to other allied healthcare professionals. If minor actions are to be taken, one which the Minister could take is to tell the negotiators not to be superficial in their engagement at the next meeting, but rather indicate that allowances will be provided for mentoring, as a small olive branch to a broader intention to give nurses and their professional qualifications the recognition they deserve.

Deputy Stephen S. Donnelly: I acknowledge the two Ministers and the Minister of State who spoke in the debate and the constructive approach that was taken to the motion by various non-Government groups. I add to the welcome of the nurses, midwives, the INMO and the PNA for attending the debate.

Where are we after all the debate? A Minister and a Minister of State said the solution needs to be within the PSSA, and we agree. We tabled the motion carefully to ensure we can do that. The PSSA allows for measures targeting recruitment and retention. I reiterate that in Galway, one in three operating theatres is closed because theatre nurses cannot be hired, while only one in four vacancies is being applied for. The HSE’s submission, which did not make it into the final report, stated the overall picture of nursing and midwifery workforce is one of a constant challenge to effectively recruit and retain to meet ever-increasing service demands, that the stability and sustainability of the workforce throughout the year is challenging, subject to peaks and troughs, particularly in the case of graduates, and that these challenges need to be viewed through a lens of increasing health service demand. It went on to discuss the issues of recruitment and retention.

The Department of Public Expenditure and Reform has insisted it will not bring forward proposals for additional pay as part of the moves to avert the strikes. The Minister for Health praised nurses and midwives in his contribution but having done so, the next word in his speech was “however”. He stated he was “eager to come to a fair and satisfactory solution”, yet he did not once address the unfair and unsatisfactory situation that exists, namely, that a 22 year old graduate nurse who walks in the front door of a hospital on his or her first day of work and stands beside a 22 year old graduate physiotherapist - both honours degree-level graduates - will be paid €7,000 less. If the Minister wants a fair and satisfactory solution, the Government must address the unfair and unsatisfactory reality, which the INMO is bringing to bear and which is causing the recruitment and retention problems, leading to a serious knock-on effect on patient care.

In my experience, the Government is not good at listening to those working in healthcare. It is not good at listening to doctors, consultants or dentists, and it is clear that it is not good at listening to nurses and midwives. In the debate, I did not hear a Government listening to what nurses and midwives are asking for, and I did not hear engagement with their arguments, but I heard many reasons that there cannot be engagement with their arguments. It is time the Government answered the reasonable questions put by the INMO. Why are graduates of the same level, such as a nurse and a physiotherapist, subject to a pay differential of €7,000? If the Government begins to engage and address the concerns, and sets up an independent commission to address these issues and many others, perhaps a strike can be averted. Critically, recruitment and retention can be addressed, patient care can be improved, and the nursing and midwifery professions can go from strength to strength.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 17 January 2019.

6 o'clock

Ratification of EU and NATO Status of Forces Agreements: Referral to Select Committee

Minister of State at the Department of Defence (Deputy Paul Kehoe): I move:

“That the proposal that Dáil Éireann approves the terms of:(i) the Agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context, done at Brussels on 17 November 2003, a copy of which was laid before Dáil Éireann on 2 January 2019; and

(ii) the North Atlantic Treaty Organisation Partnership for Peace Status of Forces Agreement, done at Brussels on 19 June 1995, a copy of which was laid before Dáil Éireann on 2 January 2019, subject to the respective reservations, copies of which were laid before Dáil Éireann on 2 January 2019;

subject to the respective reservations, copies of which were laid before Dáil Éireann on 2nd January, 2019, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 5th February, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.”

A status of forces agreement, SOFA, regulates the legal and administrative arrangements applied to members of foreign forces operating within the state where they are deployed. It relates to the immunities and privileges extended to members of the Defence Forces when serving on overseas missions as part of a UN-mandated force. It also relates, in the case of the EU

and Partnership for Peace, PfP, SOFA, to the immunities and privileges extended to members of the Defence Forces when engaged in exercises in EU or NATO and PfP member states or on stand-by for the EU battle groups.

All international organisations, including the UN, the EU and NATO, have concluded SOFAs with the states where they have deployed forces or engaged in training missions. In respect of UN operations, the UN concludes a specific SOFA with the receiving states, for example with Lebanon in relation to UNIFIL. In the case of EU or NATO-led operations authorised by the UN, either a specific SOFA covering all deployed personnel is concluded or the relevant EU or PfP SOFA applies to personnel from participating states.

In circumstances where members of the Defence Forces are deployed within the territory of another EU member state on training or exercises, or where the relevant overseas mission utilises the EU or PfP SOFA, members of the Defence Forces do not benefit from the standard immunities and privileges as of right. This is due to the fact that Ireland has not ratified these SOFAs. In such circumstances separate arrangements have to be put in place through an exchange of letters. This, however, is not always possible. Ratification of these SOFAs is designed to address that deficiency. SOFAs are designed to protect deployed military personnel in terms of accidents, third party liability claims, potential prosecutions and other actions that may be covered by legislation in the host country. The ratification of the SOFAs simply means that the Defence Forces can acquire the rights and privileges of these arrangements as a matter of right rather than having to rely on a difficult or contentious exchange of letters between jurisdictions, which may or may not be concluded on their behalf.

The EU SOFA has been ratified by all member states except Ireland. It can only come into effect on ratification by Ireland. All other non-aligned or neutral member states, including Finland, Sweden and Austria, have ratified the EU SOFA. Approval by this House is not required in respect of ratification of the EU SOFA because this is covered under the Lisbon treaty. However, I have included it in the motion for the sake of transparency.

Ratification of these SOFAs will only extend to members of the Permanent Defence Forces deploying overseas where these SOFAs apply. They cannot apply within the State. There is a constitutional prohibition via Article 15.2 on Ireland agreeing to receive and base foreign troops on its territory and, as a result, there is no situation in which the SOFA could have application in respect of foreign forces in Ireland, including forces in transit or visiting personnel. In that regard, reservations have been drafted for both agreements, clearly articulating Ireland's constitutional position and leaving no scope for ambiguity. The reservations state: "Ireland shall not be a receiving state for the purposes of the present Agreement".

I cannot stress enough that Ireland's policy of military neutrality is not diminished, circumvented or reduced by our ratification of the SOFAs. If anything, our national position will be more strongly discernible following this process, particularly in light of the reservations we are attaching to our instrument of ratification.

Deputy Jack Chambers: Fianna Fáil will be supporting the proposals to ratify the SOFA that will facilitate the participation of Ireland in the EU battle groups. The Minister of State is correct that this is about providing the immunities, privileges and process for the joint co-operation that is happening anyway. When he is replying, perhaps he might explain the problems that he and the Department have had regarding letters of exchange. In many ways, it was an Irish solution to an Irish problem for something on which we have co-operated over a long

period. This year, in ratifying the agreement, we are providing for and protecting Irish men and women who serve abroad. It will enhance their training and also their protection while on any foreign mission.

When Ireland plays a role in a crisis management situation it is important that we provide for the legal certainty for members of our Defence Forces. In 2016, the Germans questioned the letters of exchange regarding the German-led battle group and for the 2020 battle group. Perhaps the Minister of State will elaborate on that. Reference was made to some reputational damage in that regard. This has been ongoing since the 2000s, a long time before the Minister of State's tenure in the Department. Why has it taken so long, going between Departments and the Attorney General, to see this agreement ratified when it is found within the Lisbon treaty as the Minister of State mentioned?

I welcome the fact that there is democratic legitimacy to this motion being provided in Dáil Éireann, even though it is currently covered within treaty law. When Fianna Fáil was last in Government we supported the development of the EU's rapid response capability in support of the United Nations. This is in keeping with our State's long tradition and policy of support for the United Nations' multilateralism and for the Security Council as the lead authority for the maintenance of international peace and security. Among the operations in respect of which a battle group could be deployed are those of a humanitarian nature to assist, if requested, the authorities in a state that has been devastated by a natural or man-made disaster where there is unlikely to be a UN Security Council resolution because the situation may not involve any security issues. In 2006, Ireland was involved with the Nordic battle group with the EU and this provided for a military response. In the context of this agreement it is important to note that the SOFA protects Irish troops who are abroad. I welcome that. It is also important that we put on the record that this is part of Ireland having an approach that reflects an active neutrality. This is extremely important. An active neutrality reflects the reality that our sovereignty is secure, that our democracy is functioning well and that, in fact, Ireland is one of the most successful democracies in the world. It also reflects the fact that we are at a juncture in our development where we have an enhanced opportunity to focus on what we have to offer other members of the international community. An active neutrality says that we have a duty to share our lessons of our experience of peace building on this island and peacekeeping on the international stage with others who may benefit from them. As part of the triple lock and maintaining our status of neutrality we can offer an independent role on that basis but we have to be involved to play a positive role and ignoring the EU SOFA and ignoring co-operation does not achieve that.

It is important that we are a bridge between the developed and the developing world, a global leader in the fight against poverty, disease and underdevelopment and an intermediary and facilitator in peace processes. In that regard it is important that we should not just abandon the triple lock, specifically the requirement in the 1954, 1960 and 1993 Defence Acts that there would be a UN mandate when sending a contingent of 12 or more armed Irish troops overseas. It is important that we reflect that Ireland's policy of military neutrality is a positive policy. We need to ensure that we continue a multilateral approach and continue the triple lock but that we also co-operate with others so that we can defend our country and others against the threats of the 21st century. Our participation in the agreement allows that.

Deputy Aengus Ó Snodaigh: Unlike the previous speaker I do not welcome the agreement and I will not support it. I do not understand how we would support it having been tied to NATO's Partnership for Peace, PfP, because Fianna Fáil decided to turn its back on an electoral commitment not to join it, but as soon as it got into Government it did so. Now, the Govern-

16 January 2019

ment wants us to sign up to an agreement that will give immunity even in the case of the use of lethal force to Irish soldiers, French soldiers or whatnot, and that they can be brought back to the safe haven of the country from which they were sent abroad in the first place. The Government needs to seriously think about that. If something is not broken then we should not fix it. We have operated within the Partnership for Peace, albeit it without our support in this House, for many years. What should be before us is a motion extracting ourselves from bodies that compromise our neutrality but that is not what is before us. I have made the argument previously in this House. Both of the SOFA, status of forces agreements, will affect Irish soldiers not only in EU battle groups – the EU army – but also Irish soldiers or military staff who are currently in Brussels. There are five Irish soldiers in the EU military staff, two soldiers liaise with NATO and there are four military representatives to the EU, and there would be many more in the future.

This is very similar to PESCO where there was no understanding or preparedness in terms of saying we need to go down this road and then all of a sudden it was foisted on us out of the blue. That is like many of the actions that have been taken over the years to undermine our neutrality.

We know how the EU has developed and continues to develop in terms of militarisation, the European Defence Agency and the EU army, which despite the Minister of State's protestations, all of the other EU leaders say will be set up by 2021 at the earliest and 2023 at the latest. That is exactly what they are looking for. I have not heard a demand from anyone within the Defence Forces here looking for that to give extra protections to Irish soldiers. There are sufficient protections available. If members of the Defence Forces were confined to UN missions, there is already a SOFA in place to cover them. It is only when the situation is complicated by being part of an EU battle group or because it is a Partnership for Peace mission or connected to NATO that one runs into difficulties. Reference was made to the potential of soldiers being embarrassed when they were on duty with an EU battle group. I am embarrassed that they were there in the first place, and many Irish people are embarrassed that Irish soldiers are aligning themselves with NATO troops around the world on missions either encouraged by NATO countries or by the EU. The Irish people have taken a stand in this country and demanded that we respect neutrality. The agreement is totally contrary to that and we should reject it and any other attempt to take the little steps that further immerse us in the EU military apparatus and the EU project, or for that matter in any NATO project associated with it. I am opposed to the agreement and to any further diminution of Irish neutrality.

Deputy Paul Murphy: I wish to share time with Deputy Boyd Barrett.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Paul Murphy: We are completely against the ratification of the status of forces agreement. We are against the process of militarisation which is happening across the European Union. We are against the integration of Ireland with NATO through the process of the so-called Partnership for Peace. These agreements are designed to facilitate the further process of militarisation. That is the truth.

The model for the status of forces agreement is the NATO model. It is a model which is used, especially by the US, to allow its troops not to be subject to the jurisdiction of host states. US troops have a very long and inglorious record of avoiding the justice system in those states when those troops commit crimes, even when off duty. These agreements provide the legal

framework to smooth the process of further involvement of Irish military forces in EU and Partnership for Peace deployments. The Government and Fianna Fáil like to say the deployments are for humanitarian reasons but the truth, unfortunately, is otherwise. There is a galloping process of militarisation of the European Union to which we have been drawing attention in recent years. I will give a couple of recent examples which illustrate the point. Angela Merkel, not in some unguarded comment or minor speech, but in a speech in the European Parliament in November said: “We have to create a European intervention unit with which Europe can act on the ground where necessary ... We have taken major steps in the field of military co-operation ... we have to work on a vision to establish a real European army one day.” That was linked to a call for a move away from unanimity on the matters of defence and foreign policy. Mrs. Merkel said: “in the long run, Europe has to become more capable to act. We have to reconsider our ways of deciding and to renounce the principle of unanimity” while proposing a European security council. That is already taking effect in the significant increase in the amount of European money going on defence spending and research spending on defence. It is also taking effect in the moves towards the creation of a European military headquarters.

Deputy Richard Boyd Barrett: George Orwell, in his fantastic work *1984*, described a dystopian future where the world is divided into three big geopolitical military blocs in a state of permanent warfare, but that reality was glossed over by ideological doublespeak from the rulers of those blocs whose motto was “war is peace, freedom is slavery, ignorance is strength”. That is precisely what we are getting from the Government and Fianna Fáil when it comes to our involvement with the increasing process of militarisation and the creation of a European army. Incredibly, they acclaim it. It is encapsulated in the name - PfP with NATO. This is an oxymoron, it is doublespeak, and it is a contradiction in terms. NATO is a nuclear, military, expansionist, aggressive alliance. It has a first-strike nuclear policy, which means you fire nuclear weapons at other people before they fire them at you. The EU is integrating with the organisation and the Government is dragging us by stealth into that through the process of PfP and these sorts of agreements while claiming it is not affecting our neutrality. It is rubbish.

Let us look at the current deployment in Mali. Mali is a place where the French have a colonial history, and not a very good one. We are deploying 12 Army rangers, just enough so we do not have to invoke the triple lock, but we are not involved in peacekeeping, where peace has been established, but instead we are in-between, maintaining the peace but basically in a civil war situation where the Government we are supporting has itself acknowledged it is killing innocent civilians in a complicated conflict. Why the hell are we sending our troops into that dangerous situation and aligning ourselves with aggressive imperial powers like France? In this case, we are aligning with NATO, which is instigating an expansionist policy in eastern Europe and intensifying conflict with Russia, one of the other aggressive geopolitical military blocs. It is madness and we absolutely oppose it.

Deputy Mick Wallace: I wish to share time with Deputy Clare Daly.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Mick Wallace: I am not sure why the Government is ratifying these SOFAs now. Can the Minister of State give me examples where the Defence Forces have suffered in previous instances due to these SOFAs not being ratified?

A WikiLeaks cable from 15 December 2009 showed the Department of Defence was considering ratifying them in 2010 but was concerned about the element dealing with foreign

16 January 2019

troops on Irish soil. In a Wikileaks cable from 2009, an assistant secretary in the Department of Defence, Ciaran Murphy, tells a US political officer of Ireland's hopes to ratify an EU SOFA and a NATO-PfP SOFA in 2010, which obviously did not happen. Ratifying these two SOFAs now also opens up the possibility that Ireland may receive requests for foreign troops to transit on route to operations. The briefing note supplied by the Department of the Taoiseach for the debate states that ratifying these SOFAs would not impact our traditional policy of military neutrality, if it exists, and that there was no situation in which a SOFA could result in Ireland agreeing to receive and base foreign troops on its territory, including forces in transit, as there is a constitutional prohibition on this. This is not true. There is no constitutional prohibition on foreign forces transiting, although Dáil approval is required, as per Article 28.3 of the Constitution, which states: "The State shall not participate in any war save with the assent of Dáil Éireann".

Referring back to the 2009 cable in regard to a request for US troops to transit through Shannon under a SOFA, the assistant secretary in the Department stated:

...while the Irish constitution does not forbid foreign troops transiting through Ireland or coming for ship visits, as U.S. troops do, a SOFA that included provisions for transiting troops would require legislative approval, since the constitution gives the Irish parliament authority over military forces. Getting legislation approving troop transits, and giving U.S. troops transiting Ireland any sort of special status ... would entail a major public debate that would shine a spotlight on the fact that U.S. troops are transiting Ireland on the way to Afghanistan; it would awaken the opposition of an Irish populace that is very zealous of Ireland's neutrality.

How interesting. The cable summarily ends with the following line: "U.S. troops transiting to Afghanistan and Iraq through Shannon airport in Ireland will continue to be handled informally." This cable highlights how consecutive Governments since 2003 have been able to get around the provision of Article 28.3 concerning Dáil approval by stating that its use does not amount to participation in a war and that the arrangement is on an informal basis for the past 65 years. We are neutral in name only. The ratification of these two SOFAs is another example of this. It is not right to pretend that they will not affect our neutrality or that there is no possibility of foreign troops transiting through as a result of the ratification. Why does the Government not just be straight and tell the people how it is, because this is not true?

Deputy Clare Daly: We all know NATO set up the PfP in 1994. We also know that William Perry and Ashton Carter, the brains behind it, said in their book, *Preventive Defense*:

The objective of a renewed Partnership for Peace should be to make the experience of partnership as close as possible, in practical military terms, to the experience of membership in NATO . . . PfP combined exercises and other military-to-military activities should advance from the partnership's early focus on peacekeeping and humanitarian operations to true combat operations.

The PfP is, and always has been, a disgusting contradiction in terms. Ireland should have nothing to do with it. As a neutral, post-colonial country, we should have nothing to do with the neocolonialists in NATO. What we are being asked to do today is to agree to Ireland signing up to EU and NATO Partnership for Peace SOFAs. We are being asked to entangle Ireland ever more closely with a Europe newly determined to start wars so it can give its armies something to do with the weapons it is eagerly amassing to the benefit of the arms industry.

I have an interesting quote regarding what deeper entanglement might mean for Ireland:

Our view is that any decisions involving a closer association with NATO or the Western European Union would represent a substantial change in defence policy, and would have long-term if not immediate implications for our policy on neutrality. Any such proposals must be put to the people in a referendum before a decision is taken.

That was Bertie Ahern in 1996. Fianna Fáil fought and won the 1997 election on the basis of opposition to participation in the PfP. What has happened since then to change that status? Absolutely nothing, except a much deeper drive to arms and enrichment of the arms industry. We should not have had anything to do with it in 1996 and we certainly should have nothing to do with it in 2019 either.

Deputy Paul Kehoe: I thank Deputies for their comments and contributions. I very much respect the views on all sides of the House and the concerns raised. Deputies have highlighted the importance of our military neutrality and our reputation for peacekeeping. However, the public would also consider it important that the brave men and women of Óglaigh na hÉireann serving overseas are protected, like all other military personnel operating on the same mission or exercise are protected. We would also want our personnel to benefit fully from the training available through exercising with peacekeeping partners and contributing states where such opportunities are available. In the face of increasingly complex crisis management operations, such exercises can contribute extensively to the capacity and capability of any mission. Ratification of the SOFAs can deliver these benefits for members of our Defence Forces without in any way compromising or diminishing our traditional policy of military neutrality.

The SOFAs will offer members of our Defence Forces protections and immunities equal to those of colleagues from other countries where they are working alongside them on missions and operations abroad and ensure they are not restricted to such operations or exercises. As previously outlined, the EU and Partnership for Peace SOFAs are standard agreements which apply in regard to certain EU and NATO-led overseas crisis management operations and exercises. They provide members of the Defence Forces with the same immunities and privileges as all other contributors without the requirement for complex side agreements between Ireland and other contributors, which is currently the case. In regard to the Pfp SOFA, it is important to note that the EU crisis management operations and battlegroups have operated under this agreement where there has been third-state participation in operations, and it is very common that security and policy missions and operations also involve third-state participation from non-EU member states. These third states are usually states party to the Pfp SOFA but not party to the EU SOFA. As such, it is more appropriate to apply the Pfp SOFA in that context. Ratification of the SOFA means simply that the Defence Forces can acquire the privileges of these arrangements as a matter of right rather than having to rely on difficult exchanges of letters between jurisdictions which may or may not be concluded on their behalf. In the past, issues have arisen unnecessarily in relation to the completion of the exchange of letters through no fault of either party concerned. As outlined by Deputy Jack Chambers, this was a reality in 2016 during Ireland's participation in the German-led battle group when Germany advised that it could not facilitate the exchange-of-letters arrangements on time due to legal, constitutional and parliamentary requirements. As a result, Ireland could not participate in the field exercises undertaken by all other participants in the German battle group.

Deputy Aengus Ó Snodaigh: Happy days.

16 January 2019

Deputy Paul Kehoe: This is unsatisfactory from a training and interoperability perspective. We also had to rely on the goodwill of members of the Defence Forces and their partners in respect of the deployment to the battle group's operational headquarters during the stand-by period. This SOFA compromises in no way our national policy of military neutrality.

Deputy Richard Boyd Barrett: War is peace.

Deputy Paul Kehoe: Given the constitutional prohibition in Article 15.6.2o on Ireland agreeing to base foreign troops on its territory, there are no circumstances in which the SOFA could have an application in respect of foreign forces in Ireland, including forces in transit or visiting personnel. The reservations which will attach to our instrument of ratification make this absolutely explicit and leave no room for ambiguity. It states that Ireland shall not be a receiving state for the purposes of the present agreement.

Our Defence Forces should be protected in the same manner as the other military personnel with whom they operate on missions and exercises when deployed outside the State. Ratifying the SOFA provides these protections. I thank the Members for their contributions and will consider what has been said in advance of further discussions at the Select Committee on Foreign Affairs and Trade, and Defence. I respect everyone's views and take on board the concerns expressed. However, I emphasise that this SOFA does not threaten our military neutrality in any way. I propose that the motion be referred to the select committee for its consideration.

An Leas-Cheann Comhairle: In accordance with the order of the House of yesterday, any division will be taken immediately.

Question put:

| <i>The Dáil divided: Tá, 75; Níl, 29; Staon, 0.</i> | | |
|---|-------------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Stاون</i> |
| <i>Aylward, Bobby.</i> | <i>Barry, Mick.</i> | |
| <i>Bailey, Maria.</i> | <i>Boyd Barrett, Richard.</i> | |
| <i>Breathnach, Declan.</i> | <i>Brady, John.</i> | |
| <i>Breen, Pat.</i> | <i>Broughan, Thomas P.</i> | |
| <i>Brophy, Colm.</i> | <i>Buckley, Pat.</i> | |
| <i>Browne, James.</i> | <i>Collins, Joan.</i> | |
| <i>Bruton, Richard.</i> | <i>Connolly, Catherine.</i> | |
| <i>Burke, Peter.</i> | <i>Crowe, Seán.</i> | |
| <i>Byrne, Catherine.</i> | <i>Daly, Clare.</i> | |
| <i>Cahill, Jackie.</i> | <i>Ellis, Dessie.</i> | |
| <i>Canney, Seán.</i> | <i>Funchion, Kathleen.</i> | |
| <i>Cannon, Ciarán.</i> | <i>Kenny, Martin.</i> | |
| <i>Carey, Joe.</i> | <i>Mitchell, Denise.</i> | |
| <i>Casey, Pat.</i> | <i>Munster, Imelda.</i> | |
| <i>Chambers, Jack.</i> | <i>Murphy, Catherine.</i> | |
| <i>Collins, Michael.</i> | <i>Murphy, Paul.</i> | |
| <i>Corcoran Kennedy, Marcella.</i> | <i>O'Brien, Jonathan.</i> | |

Dáil Éireann

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|-----------------------------------|--------------------------------|--|
| <i>Coveney, Simon.</i> | <i>O'Reilly, Louise.</i> | |
| <i>Cowen, Barry.</i> | <i>O'Sullivan, Maureen.</i> | |
| <i>Creed, Michael.</i> | <i>Ó Broin, Eoin.</i> | |
| <i>Curran, John.</i> | <i>Ó Caoláin, Caoimhghín.</i> | |
| <i>Daly, Jim.</i> | <i>Ó Laoghaire, Donnchadh.</i> | |
| <i>Deasy, John.</i> | <i>Ó Snodaigh, Aengus.</i> | |
| <i>Deering, Pat.</i> | <i>Pringle, Thomas.</i> | |
| <i>Doherty, Regina.</i> | <i>Quinlivan, Maurice.</i> | |
| <i>Donnelly, Stephen S.</i> | <i>Ryan, Eamon.</i> | |
| <i>Donohoe, Paschal.</i> | <i>Smith, Bríd.</i> | |
| <i>Dooley, Timmy.</i> | <i>Stanley, Brian.</i> | |
| <i>Doyle, Andrew.</i> | <i>Wallace, Mick.</i> | |
| <i>Durkan, Bernard J.</i> | | |
| <i>English, Damien.</i> | | |
| <i>Farrell, Alan.</i> | | |
| <i>Fitzgerald, Frances.</i> | | |
| <i>Flanagan, Charles.</i> | | |
| <i>Griffin, Brendan.</i> | | |
| <i>Harty, Michael.</i> | | |
| <i>Haughey, Seán.</i> | | |
| <i>Healy-Rae, Danny.</i> | | |
| <i>Heydon, Martin.</i> | | |
| <i>Humphreys, Heather.</i> | | |
| <i>Kehoe, Paul.</i> | | |
| <i>Kyne, Seán.</i> | | |
| <i>Lahart, John.</i> | | |
| <i>MacSharry, Marc.</i> | | |
| <i>Madigan, Josepha.</i> | | |
| <i>McEntee, Helen.</i> | | |
| <i>McGrath, Michael.</i> | | |
| <i>McHugh, Joe.</i> | | |
| <i>McLoughlin, Tony.</i> | | |
| <i>Mitchell O'Connor, Mary.</i> | | |
| <i>Moran, Kevin Boxer.</i> | | |
| <i>Moynihan, Michael.</i> | | |
| <i>Murphy O'Mahony, Margaret.</i> | | |
| <i>Murphy, Eoghan.</i> | | |
| <i>Murphy, Eugene.</i> | | |
| <i>Naughton, Hildegard.</i> | | |
| <i>Neville, Tom.</i> | | |
| <i>Noonan, Michael.</i> | | |
| <i>O'Connell, Kate.</i> | | |

16 January 2019

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| <i>O'Dea, Willie.</i> | | |
| <i>O'Donovan, Patrick.</i> | | |
| <i>O'Dowd, Fergus.</i> | | |
| <i>O'Loughlin, Fiona.</i> | | |
| <i>O'Rourke, Frank.</i> | | |
| <i>Ó Cuív, Éamon.</i> | | |
| <i>Phelan, John Paul.</i> | | |
| <i>Ring, Michael.</i> | | |
| <i>Rock, Noel.</i> | | |
| <i>Ross, Shane.</i> | | |
| <i>Scanlon, Eamon.</i> | | |
| <i>Smyth, Niamh.</i> | | |
| <i>Stanton, David.</i> | | |
| <i>Troy, Robert.</i> | | |
| <i>Varadkar, Leo.</i> | | |
| <i>Zappone, Katherine.</i> | | |

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Richard Boyd Barrett and Aengus Ó Snodaigh.

Question declared carried.

Criminal Law (Sexual Offences) (Amendment) Bill 2018: Order for Report Stage

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): I move: "That Report Stage be taken now."

Question put and agreed to.

Criminal Law (Sexual Offences) (Amendment) Bill 2018: Report and Final Stages

An Leas-Cheann Comhairle: Amendment No. 1 is in the names of Deputies Clare Daly and Wallace. Amendments Nos. 1 and 2 are related and they will be discussed together.

Deputy Mick Wallace: I move amendment No. 1:

In page 3, to delete lines 24 to 29, to delete pages 4 to 6, and in page 7, to delete lines 1 to 9.

The Criminal Law (Sexual Offences) (Amendment) Bill 2018 is an example of a broken legislative system and something about which we as legislators should be extremely concerned. This is the second time flawed legislation proposed by an Independent Alliance Deputy has been allowed progress through the Department of Justice and Equality. I hardly need to remind

everyone of the disaster to which the Judicial Appointments Bill amounts. It appears that Fine Gael, historically the party of law and order, is prepared to allow its coalition partners propose flawed legislation in order to maintain their support.

The main goal of the Bill is to seek to impose presumptive minimum sentences for sexual offenders who have been convicted of sex offences and received a sentence of at least five years and who go on to commit another sexual offence within a further ten years. The Bill appears to have been proposed based on the concerns of a few particular constituents of the Minister of State, and this amendment, which proposes to remove sections 4 and 5, will render the main goal of the Bill null and void. In fact, the Minister of State admitted that the genesis of the Bill came from his constituents, when he told the justice committee: "I have met victims and the purpose of bringing forward this legislation is based on the evidence put in front of me by these people". This is not the way legislation should be drafted, namely, to appease the concerns of constituents. I am not saying these constituents did not have valid concerns and while we should listen to our constituents, drafting primary legislation on the basis of concerns alone is not the answer. Legislation should be based on multiple issues, namely, empirical evidence and discussions with stakeholders, in this case, the courts, the Prison Service, victims, families of victims, offenders, counsellors, experts, etc.

I wish to discuss some of the reasons we are proposing this amendment. Section 4 appears to be based on two falsehoods. The first is that there is a high rate of recidivism by sexual offenders. In 2013, the Irish Prison Service conducted a study on recidivism which found that the offence groups with the lowest rates of reoffending were homicide at 26.2%, followed by sexual offences at 28.2%. While it is obvious that the rate of reoffending would be low in the cases of homicide, the reoffending rate for a sexual offender is also low compared with a crime like burglary where the reoffending rate stands at 79.5%. Has the Department of Justice and Equality in drafting this Bill conducted any up-to-date studies on the recidivism rates of sexual offenders?

The second basis for section 4 is that incarceration stops sexual offenders reoffending, with which we disagree. A US study from 2007 of 627 sexual offenders found that there was no evidence that the relationship between incarceration and recidivism was confounded or moderated by risk or the length of incarceration and that sentencing sexual offenders to terms of incarceration appears to have little, if any, impact on sexual and violent recidivism following release. Has the Department of Justice and Equality conducted similar studies on sexual offenders in Ireland? I am not sure if it has, but similar to the recidivism rate of sexual offenders, it is worrying that it appears that the Department has not done any analysis on this.

As mad as this sounds, section 4 will probably never be applied in the way the Minister hopes, as it gives the Judiciary a get-out clause, which I can only assume has been inserted at the behest of the somebody in the Attorney General's office, as they probably share the same concerns we have voiced. The get-out clause states: "Subsection (1) shall not apply where the court is satisfied that it would be disproportionate in all the circumstances of the case to specify as the minimum term of imprisonment to be served by the person concerned the term of imprisonment referred to in that subsection in respect of the subsequent offence." An identical get-out clause was included in section 5 of the Criminal Justice Act 1999 which sought to impose a mandatory ten-year sentence on anybody found guilty of possession of drugs valued above €13,000. The first thing the Judiciary did when sentencing under this Act was to go straight to the subsection which allowed it to use its discretion, and this has resulted in less than 10% of the convictions under this legislation amounting to the full ten-year sentence.

Instead of this Bill, we believe the Government would be better placed proposing legislation that makes it mandatory for sexual offenders to do therapy while in prison. Currently, there is a programme called Building Better Lives, however, although it is made available to all sex offenders in Ireland, it is voluntary, and it requires participants to admit the offence they caused and the harm done to victims before they can take part. Figures obtained by RTÉ's John Burke before Christmas showed that the number of sex offenders who are being released from prison without having undergone the programme has increased. Out of 135 sex offenders who will be released this year, as few as 17 have taken part in the Building Better Lives programme. There are approximately 450 sex offenders currently in Irish prisons at any one time, yet it appears that the numbers taking part in the Building Better Lives programme are dropping year on year. In a reply to a parliamentary question in 2015, the former Minister, Deputy Frances Fitzgerald, told the House that 136 sexual offenders were released from custody in 2014, and 29 participated in the Building Better Lives programme. There has been a decrease in the number of participants since then. This drop is worrying, particularly as the figures show that those who complete the Building Better Lives programme are less likely to re-offend. The head of the Irish Prison Service psychology service, Dr. Emma Black, told RTÉ that the recidivism rate for those treated under the Building Better Lives programme was much lower than those untreated. She said: "The recidivism rate for people who have undergone the treatment, over 15 years, is about 5.4%, compared with those untreated at about 19.6%."

That is an amazing statistic and it raises the question as to why the Department does not consider making the Building Better Lives programme mandatory. The Minister, Deputy Flanagan, is on the record as saying that he is very keen to work closely with the Irish Prison Service on the issue. I understand that certain offenders refuse to admit their crimes. However, Dr. Black stated that the Irish Prison Service was now considering introducing a specialised treatment programme aimed specifically at so-called "categorical deniers" who refused to admit the sexual abuse they engaged in, or that it was harmful to their victims, and a business case has been put to the Department of Justice and Equality for additional resources on this issue.

If the Minister, Deputy Flanagan, and his Department want to properly address the issues surrounding sexual offences and recidivism, they should withdraw this Bill, and instead examine making programmes like the Building Better Lives mandatory for sexual offenders. As we know from the US study, incarceration alone does not stop recidivism.

Deputy Clare Daly: It does not give me any pleasure to say that this is one of the worst pieces of legislation that has come before this Dáil. Our amendments deal with the removal of presumptive minimum sentences for repeat sexual offenders. The measures being put forward in the legislation do not act as a deterrent and will not in any way have an impact on reoffending. The Minister and everybody in the Department has admitted that in the discussions on the other Stages of this process. The best the Minister could wrestle with was to say that by putting forward this Bill, we are recognising the impact of sexual offences on the individual and on society and ensuring that appropriate measures are available to the Judiciary at sentencing to ensure that crimes can be dealt with appropriately and effectively.

7 o'clock

The Judiciary already has such measures available to it. The Bill will not change that. It does not confer any new or stronger powers. If or, presumably, when this Bill passes, the Judiciary will have exactly the same sentencing powers and discretion as at present. Nothing will change in that regard.

Before I go further in dealing with this amendment, it goes without saying that I agree that sexual crimes are some of the worst crimes in our society. Their awfulness is compounded by the situation of decades of relative impunity for sexual offenders, regardless of whether that was because the perpetrators were priests, the result of the State's attitude towards women or whatever. I understand the desire to ensure that sanctions for such offences are as serious as they should be but this Bill does not do that. The prevention of sexual offences, let alone repeat sexual offences, cannot be dealt with lightly by simply imposing longer prison sentences. This matter is certainly too complicated to be dealt with via mandatory or presumptive minimum sentencing.

I wholeheartedly agree that we have a significant problem with sexual violence and with how our criminal justice deals with it, including by means of sentencing. This Bill will not address any of that. It will not deter sexual offenders. This is the worst type of politics for which this Dáil has been responsible. The Government has done nothing about the real issues relating to sexual violence and has come up with a Bill which the Minister admits will not do anything but which makes a contribution in the context of people feeling good that we are doing something about this horrible problem. It flies in the face of evidence-based policy and legislation. For years, organisations such as the Law Reform Commission, the Irish Penal Reform Trust, IPRT, etc., have provided evidence which shows that presumptive or mandatory minimum sentences for any crime are not an effective deterrent. While it might feel like they are, the evidence says that they are not. They are particularly not a deterrent in cases of sexual violence. As Deputy Wallace indicated, the evidence in the context of repeat offending, which is all that this Bill deals with, is that there is even less of an impact.

Between 2011 and 2013, the Law Reform Commission compiled a consultation and a report comprising 457 pages between them and, ultimately, recommended that existing presumptive sentencing regimes should be repealed and that no new ones should be introduced, yet here we are. In 2014, the strategic review of penal policy also contained clear recommendations to the effect that no new presumptive sentencing schemes should be introduced. Its membership included the Department of Justice and Equality, the Garda Síochána, IPRT, victims and probation services. It is not exactly fringe politics. People at the coalface who deal with these issues recommended that no more presumptive minimum sentencing regimes should be introduced. However, the Minister is bringing in exactly that and he admitted on Committee Stage that it will have no impact because, as Deputy Wallace stated, judges can do what they like in any event.

While the Minister is ignoring that, the Judicial Council Bill is floundering in the Seanad. The latter could deal with the one or two individuals in our Judiciary who have shown themselves not to be up to the task with which they have been charged. That legislation is languishing in the Upper House. We know from our experience with the Coroners (Amendment) Bill how difficult it is to see legislation through. We are dealing with this nonsense, which will not have any impact, when we could have used the resources for the Bill to which I refer. This is the worst type of politics. We know that, sadly, Sinn Féin cut a deal with the Government regarding the Judicial Appointments Commission Bill in return for proper sentencing guidelines. Proper sentencing guidelines are something the Judiciary could do with and we could deal with them here but we are not doing so because we are playing a game to keep this Government on the road. It is a disgrace.

Apart from that general point, let us look at the actual text. Any Deputy who votes for this and does not support our amendment obviously has not read the text because we have an eye-

wateringly complicated formula for calculating minimum sentences and to whom they should apply. It is arbitrary. It states here that if someone commits a sexual offence that carries a sentence of five years and then commits another sexual offence within ten years of conviction, then a presumptive minimum applies. What if the offender rapes somebody ten years and five days after the first offence? Are we sending a signal to the victim that the violent assault on her is less serious than would be the case if it happened five days earlier? That is ridiculous. The Minister could not reply to any of the points about how he even came up with that mad logic. It is reprehensible. The blunt instrument of legislation cannot deal with the nuances. The irony is that, on Committee Stage, Deputy O'Callaghan provided a well-articulated analysis of how rubbish this Bill is but with the confidence and supply agreement dictates that he must go along with it anyway. As long as we continue this type of nonsense, we will go nowhere and victims will not get justice.

Deputy Catherine Connolly: I do not sit on the relevant committee but I have read the proposed legislation and I thank the Oireachtas Library and Research Service for its digest on it. I suggest that the Minister read the latter. If he does so, he will come across exactly what my colleagues have just said regarding the evidence on minimum sentences for repeat offenders. The jury is out. Like my colleagues and in view of my background, what upsets me most is the absolute failure to deal with sexual violence. Since I was elected to the Dáil, my colleagues and I have repeatedly asked for the Government to deal with sexual violence. We have asked for a basic updated sexual abuse and violence in Ireland, SAVI, report. We know domestic violence alone costs the economy €2.5 billion a year and that sexual crime goes unreported. Most women and men do not come forward. There is another Minister sitting beside the Minister for Justice and Equality who is very sensible and I recommend that she read the digest relating to the Bill.

One could not possibly go through with this. It is an illusion that something is being done about violence in Ireland when the complete opposite is being done. It reinforces stereotypes that packing somebody off to prison without treatment and saying that a minimum sentence with a further minimum sentence is the way to treat them. We know that is not the way and the Minister knows it. He has enough legal experts with him to tell him this is not true and the ordinary person in the street will tell him that. He is feeding into stereotypes. This Bill was ostensibly brought in following the dreadful case in Roscommon whereby children were neglected and abused. The latter was one of the rare occasions on which a woman was found guilty of incest. I understand that this legislation started out as a way to deal with the anomaly in law where a man is subject to a maximum of life imprisonment for such an offence whereas a much lesser sentence applied in the case of a woman. This is designed to get rid of that anomaly. We are ignoring that incest between consenting adults is a moral issue but we are criminalising it when it is unnecessary. I do not like it but it is in the guise of protecting children.

The Minister has repeatedly used Tom O'Malley as a recognised scholar of law and he has repeatedly asked whether what is proposed is necessary. Other countries have not criminalised incest between consenting adults. I find it repugnant but it is not necessarily something we should criminalise. Doing it in the guise of protecting children is appalling. I asked about this during Leaders' Questions on one occasion. I will ask again with regard to three children who were unprotected. I am addressing both the Minister for Justice and Equality and Minister for Employment Affairs and Social Protection in this regard. There was a recent case in the follow-up from Tuam where three young children under the protection of the HSE were repeatedly raped when they were in care. That is bad enough, but accountability for this is nowhere to be

seen. The matter has gone to an independent review panel. I and other Deputies have raised it in the House only to be told the panel is independent and we cannot put questions to it. We can ask the Charleton tribunal when it will report, we can ask the mother and baby tribunal what is happening with it and when it will report, but apparently we cannot ask the independent review panel why it has not reported on three young children who were systematically raped while under the protection of the HSE and in care. I will not go into the details. We all know them.

Those of us who are women sit here and ask if we are protecting children. We certainly are not. We are all party to that failure to a certain extent - some of us more than others. The Government has the power to do something about this, namely give Tusla proper resources and put in place proper management structures within that organisation. Later, we will debate legislation relating to the HSE. The latter lacks a board - the last one was disbanded in 2012 as a temporary measure - and has been seeking to provide care in the absence of accountability on the part of management. It is 2019 and there is still no board in place to hold management to account. The good work Tusla and HIQA are doing has been highlighted, but the lack of governance has also been highlighted. The Charleton report recently put the focus absolutely on Tusla and the HSE in the context of the absence of governance and the role of the Garda.

Why am I mentioning all this in the context of this legislation? It is because this is an illusion, and that is putting it mildly. I hope Sinn Féin will not support the legislation. If it does, it will be buying into the hypocrisy that is going on in the attempts to please one or two Independent Members. If we are seriously interested in protecting children, this is not the way to do it. I ask for sense to prevail. Let us work together because the protection of children is above and beyond politics. What is proposed here is certainly not the way to proceed. If Fianna Fáil supports this, it will be truly disgraceful on its part to buy into this kind of game.

Deputy Donnchadh Ó Laoghaire: There are a number of elements to this. First, I wish to draw a distinction between mandatory and presumptive minimum sentences. Sinn Féin is opposed to mandatory minimum sentences. They are an extremely blunt instrument and in many instances have increased incarceration rates enormously, particularly those relating to members of the African-American community. They were used by various American states to such an extent that it led to the mass incarceration of young black men. Mandatory minimum sentencing takes away any judicial discretion or ability to judge and ascertain. Presumptive minimum sentences are a different animal but they should be used advisedly. That said, what is outlined in this legislation is in close accordance with what one would imagine to be a sensible sentencing approach by a judge while also keeping in place what has been described by Tom O'Malley in *Sentencing Law and Practice* as a significant safety valve where it applies to the Criminal Justice Act 2007. It makes sense to have a similar provision here. It retains judicial discretion. I listened to the points that were made and I continue to take them on board. I will not support the amendments as currently proposed but I will engage with our Senators in this regard.

I am more than a little disappointed that the Minister, who was present, has absented himself because I had an issue I wanted him to address, namely, the concern I have about this Bill. With due respect to the Minister of State, Deputy Moran - perhaps he can attempt to address the matter again - I was not entirely satisfied with his response to the point I raised. I was anxious to hear the Minister's point of view on this. I hope he will attend and speak in the Seanad debate because it is important. This is a criminal justice Bill, and it is not right that he should not contribute to the debate. I appreciate that this is the Minister of State's initiative but the Minister has a responsibility to make his statement on it. My concern - and I hope the Minister of State will address this, but again I will ask the Minister to do so as well - is that this sentencing ap-

proach may create a disincentive for the accused to plead guilty, which is a fairly weighty issue. If this takes away the incentive for the accused to relieve the victim of the trauma and pressure and everything else involved in a sexual assault or rape case, that is a deficiency. Certainly, if that is not addressed, we may reconsider our position on these sections.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I am only here to lend my support to the Bill. I was not present for the debates on any of the other Stages of the Bill. I was interested to hear the comments that have been made. I am quite surprised by them because, with no disrespect to any of our esteemed judges intended, week in and week out cases are raised - either in this House or in the media - and shock, surprise and disgust are expressed at some of the sentences handed down, particularly in the context of their leniency in cases involving sexual violence. In the main, such cases involve women but, obviously, there are those who also relate to children.

This Bill may not be perfect and it may not address the various issues relating to sexual violence and the protection of our children, women and vulnerable men, but it is certainly a bloody good start. The key is to send a message out to the victims of these heinous crimes, including repeat crimes, that we hear them and will start to do something about them. On this basis, I applaud the Minister of State for having the gumption to address this issue in his own capacity and for having got the support not least of the Department of Justice and Equality, but also from the rest of the governing parties. Consequently, I support the Bill. I have read it and I very much welcome it as a start, but a good one, in addressing this issue. I believe - and very many women in this country share my views - that some of the sentences handed down for some of the most heinous crimes against women and children are far too lenient. In the first instance, the Bill will address this.

Deputy Jack Chambers: I am contributing to this debate on behalf of my colleague, Deputy O'Callaghan. Fianna Fáil supports the Bill. I respect what the Minister of State is trying to do, namely, create a more stringent sentencing regime for repeat offenders. There is a concern, as the Minister for Employment Affairs and Social Affairs, Deputy Doherty, indicated, regarding the leniency of sentences that have been handed down. However, we must also listen to some of the points that have been made. I will address them in a moment.

Members of the public are rightfully disgusted and angered by some of the headlines they see whereby victims are devastated by the lenient sentences we see. This Bill seeks to address this to some degree. As Deputy Wallace mentioned, however, in section 4 of the Bill a kind of complex scheme is proposed and then it is also stated that there is full judicial discretion which would cancel out the intent of the Bill. Will the Minister of State - or perhaps the Minister for Justice and Equality if he returns to the Chamber - indicate what else is the Government doing to address properly the sentencing issue? We obviously have an issue in this regard, but we would like to see the Government address its failure to establish a sentencing commission. This would address the huge inconsistencies we see handed down in many cases of this nature. In April 2018, Ms Justice Úna Ní Raifeartaigh described the lack of sentencing guidelines as somewhat bizarre. She specifically pointed to the fact that while there was a lot of authority as to general sentencing principles, there was very little in the way of actual figures to guide her in these decisions. In 2013, my party published a Bill to establish a judicial sentencing commission that would prepare proper sentencing guidelines. Other parties have, I believe, published similar Bills. Despite the Government paying lip-service in many instances, it has repeatedly failed to progress that legislation. I would like clarity from the Minister on the contradiction in section 4. We are supporting the Bill but I would like to hear more from Government regarding

what it plans to do about a sentencing commission and addressing this in a more wholehearted way because that would address some of the concerns the Judiciary has mentioned in its statements.

Deputy Kevin Boxer Moran: I thank the Deputies for their contributions. I acknowledge the presence of Debbie Cole in the Gallery. She has been campaigning for legislation on this for 20 years.

As they did on Committee Stage, Deputies Clare Daly and Wallace have opposed sections 4 and 5. The Government is not proposing any amendments to the Bill and is therefore opposing the proposed amendments. Sections 4 and 5 constitute the core of the Bill. They set out the presumptive minimum sentence to apply to repeat sex offenders under certain circumstances. The presumptive minimum sentence is three quarters of the maximum sentence applied to the offence. It will apply where a person has been convicted of a sexual offence and received a sentence of imprisonment of five years and goes on to commit another offence within ten years. The Judiciary is independent in its manner of sentencing. A trial judge can take into account all circumstances of a case and impose a sentence that is proportionate to the offence and the offender. The Oireachtas, however, is entitled to set out parameters for given offences to reflect what is considered to be a serious occurrence of that offence.

While, as the Deputies stated, concerns have been raised about the use of mandatory minimum sentences, they are nonetheless considered appropriate for serious crimes. We are all aware of the devastating impact serious sexual offences can have on victims and on society as a whole. That is why the Government is proposing to put these measures in place. These provisions have been carefully framed to ensure that they are proportionate. A presumptive mandatory sentence only applies where a person has received a sentence of five years or more. This ensures that the provision only applies to the most serious crimes. A judge may impose a sentence where imposing the minimum would be disproportionate in all the circumstances of the case. This is an important clause to consider and is incredibly valuable as it ensures that the introduction of such a sentence can be done only in a case where it is deemed necessary and proportionate to the crime committed and the risk the offender poses to the public. Given the relatively limited application of the Bill to a small cohort of offenders, that provision does not exclude judicial direction in sentencing. I suggest that it in no way minimises the principle of rehabilitation of offenders which is managed by the Irish Prison Service and the probation service pre and post release from imprisonment.

In addressing Deputy Wallace's concerns, I know that many sex offenders have become rehabilitated but that a small number of those go on to reoffend. I remind my Independent colleagues across the Chamber who have come out so strongly against this that they are purporting to be experts in the field. Some years ago, they had the opportunity to sit where I am and bring forward good legislation. They failed to do so. They went off to the sun and forgot what it is like to help people like Debbie Cole and all those like her who have been fighting for 20 years for this Bill. While they sit there and say they have everything right this Government is recognising the Debbie Coles of this country by putting forward this legislation.

Deputy Ó Laoghaire asked a question and I thank him for his support on Committee Stage. Some of his amendments were ruled out of order. He asked whether the provision might act as a disincentive for a defendant to plead guilty. The provisions do not provide for the sentence where the court is satisfied that it would be disproportionate in all circumstances to impose the minimum sentence. That the defendant has pleaded guilty might be taken into account

16 January 2019

Deputy Mick Wallace: I accept Deputy Jack Chambers' point on sentencing guidelines. They obviously constitute a rational approach. However, tying the hands of judges is not rational and is not the route the State should be taking. It is important that we get the selection of judges right. If we select them, we must trust them to do their work as they see fit, otherwise it will be a bit of a dog's dinner. We are told that this is about sending a message but that is the legislative equivalent of liking something on Facebook. It is an empty gesture.

I find this matter scandalous. If the Government really wanted to send a message about sexual violence would it not expedite a new SAVI report? Will it increase funding for women's groups, women's shelters and rape crisis organisations, which have been decimated since 2011? That would send a message. As Deputy Clare Daly said, Deputy O'Callaghan's Committee Stage contribution was absolutely excellent. He tore the Bill to bits. I find it interesting that he did not come to the House tonight. He will probably have to come in and vote for the Bill under the confidence and supply arrangement. He is a barrister and knows the legal system better than the rest of us. The manner in which he took the legislation apart was very interesting.

Deputy Clare Daly: I find this discussion utterly demoralising and one of the worst reflections on this House I have witnessed. There is a massive problem in how our society deals with sexual crime in our criminal justice system, from inconsistent sentencing to traumatising victims by putting them on trial, by the trial through the court process and our pathetic conviction rates for sexual crimes, not to mention the broader cultural issues regarding consent. Nothing in this Bill addresses any of those matters. I am sorry to inform the Minister for Employment Affairs and Social Protection that it is not a first step. The Bill is not going to achieve its aim. Even if we are generous and ignore the convoluted formula that applies in the Bill and state that it is sending a signal, we must ask what type of signal we are sending. When the suspended portion of a sentence - perhaps in instances which are the worst part of the initial sentence - is discounted for the calculation of the formula, the message being signalled is that if the offenders got away with it first time, they are not going to be subjected to this formula the second time around. That is an appalling message. The message being sent is that nothing is changing and that legislation in this House will be dealt with in a reactive, knee-jerk, emotional and tabloid-led way and not on the basis of the evidence available. That is really scary.

We commissioned a great deal of research on the Law Reform Commission's sentencing guidelines, etc. The experts in the relevant fields, including representatives of victims' groups, told us not to go down the road of introducing any more presumptive minimum sentencing regimes because they do not work and the evidence does not support them. Yet here we are doing exactly that. If the signal is to be so disrespectful to the victims of sexual crime by pretending to be doing something that will address their concerns, I do not want to be part of the pretence.

Deputy Donnchadh Ó Laoghaire: While I will vote in a different way from the proposers of the amendments, it is unfortunate there is almost an implication that their motivations are not fair or high-minded or that they are not people with a very strong track record of raising issues of sexual violence and fairness in our courts. It is the case and they are entirely entitled to bring forward amendments. Their motivations are just as right and honourable as those of the Minister of State. We should not be unfair. It is important to have an adult discussion about the implications of criminal justice legislation even in the context of such an emotive issue as this.

I am not entirely reassured by the Minister of State's response. I understand it but it would be still the case that if a lawyer is consulting with an accused, he or she would not know if the judge would take a guilty plea into account at the very end and lawyers might not, as they cur-

rently do, advise it is in the accused's interest to plead guilty. I am not sure the Minister of State has addressed that issue. I am anxious to hear what the Minister for Justice and Equality has to say on it and I hope he will speak on the debate.

Deputy Kevin Boxer Moran: Deputy Wallace spoke about this being a rubbish Bill. He is mumbling on and the only thing he keeps bringing up is Deputy Jim O'Callaghan. Deputy O'Callaghan supported the Bill on Committee Stage which is why it is here in the House today. I am mystified as to how Deputy Clare Daly, who has been a champion for women's causes all her political life, chooses to oppose a Bill that seeks to protect people, particularly women and children, from serious sex offenders.

Deputy Clare Daly: Because it does not.

Deputy Kevin Boxer Moran: I remind the Deputy that she criticised many Ministers on a local flooding issue in her area in Portrane, and when I told the Deputy-----

An Leas-Cheann Comhairle: The Minister of State should speak to the Bill.

Deputy Kevin Boxer Moran: The Deputies went off their amendments as well.

An Leas-Cheann Comhairle: I am listening. I will be the judge of that.

Deputy Kevin Boxer Moran: I went up to Portrane and sorted out people in the Deputy's constituency. I looked after ordinary people. That is what the Bill is about. It is about looking after the Debbie Coles of the world who have been campaigning for this legislation for 20 years. I am astounded by some of the Deputies who have spent so long in the House and have not brought forward any decent legislation.

An Leas-Cheann Comhairle: Deputy Wallace moved the amendment.

Deputy Clare Daly: Is this the last contribution? Are we finishing?

An Leas-Cheann Comhairle: The only person who has a third opportunity to contribute is the Member who moved the amendment and that is Deputy Wallace. If he does not wish to contribute, we will move on.

Deputy Clare Daly: I cannot speak.

An Leas-Cheann Comhairle: No.

Deputy Clare Daly: Deputy Wallace will speak.

Deputy Mick Wallace: We were very disappointed. We think this is a sham and we have said so. Obviously, we are not supposed to say those things in here. We get attacked for saying them but we are kind of used to that rubbish. We oppose what is going on here. It is ridiculous.

Amendment put:

| <i>The Dáil divided: Tá, 7; Níl, 93; Staon, 0.</i> | | |
|--|------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Stاون</i> |
| <i>Collins, Joan.</i> | <i>Aylward, Bobby.</i> | |
| <i>Connolly, Catherine.</i> | <i>Bailey, Maria.</i> | |

16 January 2019

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| <i>Daly, Clare.</i> | <i>Brady, John.</i> | |
| <i>Murphy, Catherine.</i> | <i>Brassil, John.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Breathnach, Declan.</i> | |
| <i>Pringle, Thomas.</i> | <i>Breen, Pat.</i> | |
| <i>Wallace, Mick.</i> | <i>Brophy, Colm.</i> | |
| | <i>Broughan, Thomas P.</i> | |
| | <i>Bruton, Richard.</i> | |
| | <i>Buckley, Pat.</i> | |
| | <i>Burke, Peter.</i> | |
| | <i>Byrne, Catherine.</i> | |
| | <i>Cahill, Jackie.</i> | |
| | <i>Calleary, Dara.</i> | |
| | <i>Canney, Seán.</i> | |
| | <i>Cannon, Ciarán.</i> | |
| | <i>Carey, Joe.</i> | |
| | <i>Chambers, Jack.</i> | |
| | <i>Chambers, Lisa.</i> | |
| | <i>Collins, Michael.</i> | |
| | <i>Collins, Niall.</i> | |
| | <i>Corcoran Kennedy, Marcella.</i> | |
| | <i>Cowen, Barry.</i> | |
| | <i>Creed, Michael.</i> | |
| | <i>Crowe, Seán.</i> | |
| | <i>Daly, Jim.</i> | |
| | <i>Deasy, John.</i> | |
| | <i>Deering, Pat.</i> | |
| | <i>Doherty, Pearse.</i> | |
| | <i>Doherty, Regina.</i> | |
| | <i>Donohoe, Paschal.</i> | |
| | <i>Doyle, Andrew.</i> | |
| | <i>Durkan, Bernard J.</i> | |
| | <i>Ellis, Dessie.</i> | |
| | <i>English, Damien.</i> | |
| | <i>Farrell, Alan.</i> | |
| | <i>Fitzgerald, Frances.</i> | |
| | <i>Flanagan, Charles.</i> | |
| | <i>Funchion, Kathleen.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Halligan, John.</i> | |
| | <i>Harty, Michael.</i> | |
| | <i>Haughey, Seán.</i> | |
| | <i>Healy-Rae, Danny.</i> | |

Dáil Éireann

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| | <i>Healy-Rae, Michael.</i> | |
| | <i>Heydon, Martin.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kehoe, Paul.</i> | |
| | <i>Kelleher, Billy.</i> | |
| | <i>Kenny, Martin.</i> | |
| | <i>Kyne, Seán.</i> | |
| | <i>MacSharry, Marc.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Finian.</i> | |
| | <i>McGrath, Mattie.</i> | |
| | <i>McGrath, Michael.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Mitchell O'Connor, Mary.</i> | |
| | <i>Mitchell, Denise.</i> | |
| | <i>Moran, Kevin Boxer.</i> | |
| | <i>Moynihan, Michael.</i> | |
| | <i>Munster, Imelda.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Eoghan.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Murphy, Paul.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Noonan, Michael.</i> | |
| | <i>O'Brien, Jonathan.</i> | |
| | <i>O'Connell, Kate.</i> | |
| | <i>O'Dea, Willie.</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>Ó Broin, Eoin.</i> | |
| | <i>Ó Caoláin, Caoimhghín.</i> | |
| | <i>Ó Laoghaire, Donnchadh.</i> | |
| | <i>Ó Snodaigh, Aengus.</i> | |
| | <i>Quinlivan, Maurice.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Rock, Noel.</i> | |

16 January 2019

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| | <i>Ross, Shane.</i> | |
| | <i>Scanlon, Eamon.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanley, Brian.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |
| | <i>Zappone, Katherine.</i> | |

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Deputy Clare Daly: I move amendment No. 2:

In page 7, to delete lines 10 to 37, and in page 8, to delete lines 1 to 31.

Amendment put:

| <i>The Dáil divided: Tá, 9; Níl, 90; Staon, 0.</i> | | |
|--|------------------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Staon</i> |
| <i>Collins, Joan.</i> | <i>Aylward, Bobby.</i> | |
| <i>Collins, Michael.</i> | <i>Bailey, Maria.</i> | |
| <i>Connolly, Catherine.</i> | <i>Brady, John.</i> | |
| <i>Daly, Clare.</i> | <i>Brassil, John.</i> | |
| <i>McGrath, Mattie.</i> | <i>Breathnach, Declan.</i> | |
| <i>Murphy, Catherine.</i> | <i>Breen, Pat.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Brophy, Colm.</i> | |
| <i>Pringle, Thomas.</i> | <i>Broughan, Thomas P.</i> | |
| <i>Wallace, Mick.</i> | <i>Bruton, Richard.</i> | |
| | <i>Buckley, Pat.</i> | |
| | <i>Burke, Peter.</i> | |
| | <i>Byrne, Catherine.</i> | |
| | <i>Cahill, Jackie.</i> | |
| | <i>Calleary, Dara.</i> | |
| | <i>Canney, Seán.</i> | |
| | <i>Cannon, Ciarán.</i> | |
| | <i>Carey, Joe.</i> | |
| | <i>Chambers, Jack.</i> | |
| | <i>Chambers, Lisa.</i> | |
| | <i>Collins, Niall.</i> | |
| | <i>Corcoran Kennedy, Marcella.</i> | |
| | <i>Creed, Michael.</i> | |
| | <i>Crowe, Seán.</i> | |
| | <i>Daly, Jim.</i> | |

Dáil Éireann

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| | <i>Deasy, John.</i> | |
| | <i>Deering, Pat.</i> | |
| | <i>Doherty, Pearse.</i> | |
| | <i>Doherty, Regina.</i> | |
| | <i>Donohoe, Paschal.</i> | |
| | <i>Doyle, Andrew.</i> | |
| | <i>Durkan, Bernard J.</i> | |
| | <i>Ellis, Dessie.</i> | |
| | <i>Farrell, Alan.</i> | |
| | <i>Fitzgerald, Frances.</i> | |
| | <i>Flanagan, Charles.</i> | |
| | <i>Funchion, Kathleen.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Halligan, John.</i> | |
| | <i>Harty, Michael.</i> | |
| | <i>Haughey, Seán.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Heydon, Martin.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kehoe, Paul.</i> | |
| | <i>Kelleher, Billy.</i> | |
| | <i>Kenny, Martin.</i> | |
| | <i>Kyne, Seán.</i> | |
| | <i>Lahart, John.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Finian.</i> | |
| | <i>McGrath, Michael.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Mitchell O'Connor, Mary.</i> | |
| | <i>Mitchell, Denise.</i> | |
| | <i>Moran, Kevin Boxer.</i> | |
| | <i>Moynihán, Michael.</i> | |
| | <i>Munster, Imelda.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Eoghan.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Murphy, Paul.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |

16 January 2019

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| | <i>Noonan, Michael.</i> | |
| | <i>O'Brien, Jonathan.</i> | |
| | <i>O'Connell, Kate.</i> | |
| | <i>O'Dea, Willie.</i> | |
| | <i>O'Donovan, Patrick.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keeffe, Kevin.</i> | |
| | <i>O'Loughlin, Fiona.</i> | |
| | <i>O'Reilly, Louise.</i> | |
| | <i>Ó Broin, Eoin.</i> | |
| | <i>Ó Caoláin, Caoimhghín.</i> | |
| | <i>Ó Laoghaire, Donnchadh.</i> | |
| | <i>Ó Snodaigh, Aengus.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Quinlivan, Maurice.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Rock, Noel.</i> | |
| | <i>Ross, Shane.</i> | |
| | <i>Scanlon, Eamon.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanley, Brian.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Troy, Robert.</i> | |
| | <i>Zappone, Katherine.</i> | |

Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

8 o'clock

Bill received for final consideration. Question put: "That the Bill do now pass."

Deputy Mick Wallace: Vótáil.

An Leas-Cheann Comhairle: Will the Deputies claiming a division please rise?

Deputies Michael Collins, Catherine Connolly, Clare Daly, Michael Harty, Danny Healy-Rae, Michael Healy-Rae, Mattie McGrath, Thomas Pringle and Mick Wallace rose.

An Leas-Cheann Comhairle: As fewer than ten Deputies have risen, I declare the question carried. The names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

An Leas-Cheann Comhairle: The Bill will now be sent to Seanad Éireann.

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

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

“That Report Stage be taken now.”

Question put and agreed to.

Personal Injuries Assessment Board (Amendment) (No. 2) Bill 2018: Report and Final Stages

Deputy Maurice Quinlivan: I move amendment No. 1:

In page 8, to delete lines 13 to 29.

As we discussed on Committee Stage just before Christmas, this Bill contains a number of welcome proposals, including provisions that will see an updated book of quantum published every three years, efforts to modernise the Personal Injuries Assessment Board’s system by using more electronic means of communication and changes to ensure better co-operation with the PIAB. Unfortunately, the cost of insurance for private individuals and businesses across Ireland continues to be a serious problem about which this Government is not doing enough. The Alliance for Insurance Reform recently said that while insurers and lawyers squabble over the blame game and the Government drags its feet on vital reforms, Ireland’s small businesses, charities and community groups pay the price with unnecessarily excessive insurance costs. This Bill will introduce some small changes but is nowhere near the scale of action needed to tackle the problem. I ask the Minister to outline the action she intends to take in this Dáil term to address the major problem of rising insurance costs for business.

While most provisions in the Bill are welcome, we have previously registered our concern with section 13 in particular. Therefore, I have tabled one amendment which seeks to remove section 13 in its entirety from the Bill. Section 13 aims to insert a new section into the 2003 Act which would force the PIAB to remit to the Minister for Business, Enterprise and Innovation 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 latest figures show that the reserves of the PIAB stood at €17,449,908 in 2017. PIAB is an independent State body which assesses personal injury compensation claims. Since its establishment, PIAB has been a successfully self-financing organisation. In 2011, it repaid the Exchequer the €6.9 million it cost to establish the organisation. The successful self-financing structure should be maintained to ensure the body remains fully independent from Government, which is particularly important given the quasi-judicial function PIAB provides.

In addition to protecting the independence of PIAB, these reserves could be re-invested by

16 January 2019

PIAB to improve the operation of the body, for example, through investments aimed at reducing the length of time it takes to assess a claim, which currently stands at 7.3 months. The Minister should also examine other areas where the funds could be used positively to extend the functions of PIAB. For example, PIAB could be given the powers to deal with Garda compensation claims. Currently, every Garda compensation claim, regardless of the value, must be heard in the High Court, resulting in considerable legal costs for the taxpayer. That is only one example of how the money could be used by PIAB to achieve overall savings for the Exchequer. Has the Minister examined any new avenues for PIAB such as this?

The reserves built up by PIAB have been through its diligent and conscientious work. We should encourage State agencies and bodies to follow this example by delivering their services on budget, and if reserves are saved they should be re-invested in the agencies to increase capacity further and improve services for citizens. The powers set out in section 13 will set a bad example for other State agencies and bodies because if they run a tight ship and deliver a valuable service for the State on budget with a surplus, they can expect their reserves to be stripped and their financial efficiency swallowed up for other projects with zero financial control.

I have a specific question on financial control that I hope the Minister will clarify. Is PIAB's €17 million in reserves, or a portion of it, intended to be used by the Government to part-finance the €50 million that needs to be found in the other Departments because of the spiralling cost of the national children's hospital? I would be concerned if that was the case. The Minister emptying the reserves of PIAB will not benefit PIAB or people using its services and, therefore, we oppose this part of the Bill. On Committee Stage, Deputy Kelleher expressed his concerns about the section and I hope he and his party will support the amendment.

I thank the Minister for bringing forward the Bill, which will bring some positive changes, and I stress the need for far greater action on premiums being charged by insurance companies as they have a detrimental impact on many businesses across the State.

Minister for Business, Enterprise and Innovation (Deputy Heather Humphreys): On the cost of insurance, the Government believes it is vitally important that consumers and businesses can obtain insurance cover at a reasonable and fair price. The average cost of motor insurance has fallen consistently since the middle of 2016, with the most recent CSO data for November 2018 indicating that private motor insurance premiums have decreased by almost 23% since peaking two years previously in July 2016, while private motor insurance premiums have decreased by 7.6% in the past 12 months. This follows the establishment of the cost of insurance working group, which published a report on the cost of motor insurance in January 2017 containing 33 recommendations and 71 associated actions. A key conclusion of the cost of insurance working group was that there was no single policy or legislative silver bullet to address immediately across the board the problem of rapidly rising insurance premiums. The measures contained in the Personal Injuries Assessment Board (Amendment) (No. 2) Bill, along with the implementation of the recommendations in the report of the cost of insurance working group and the reports of the Personal Injuries Commission will contribute to a better-functioning personal injuries claims environment and should help to deliver reduced premiums for consumers and businesses.

Section 13 implements a recommendation of the Comptroller and Auditor General, who provides independent assurance that public funds and resources are used in accordance with the law, managed to good effect and properly accounted for and that they contribute to improvement in public administration. As Minister for Business, Enterprise and Innovation, I cannot ignore a

recommendation of the Comptroller and Auditor General, who is a constitutional officer of the State, nominated and appointed by Dáil Éireann. I am confident that the wording of section 13 provides that the Minister will have regard to the operational, capital and contingency costs of PIAB when determining the sum to be retained and will ensure that PIAB will have sufficient funds to carry out its statutory functions.

There are other checks and balances in the system to ensure that PIAB will have sufficient funding to carry out its statutory functions, such as the oversight role of the Oireachtas Joint Committee on Business, Enterprise and Innovation, when the Minister is presenting on the Department's Estimates during the year and through the role of the board of PIAB. Section 13 inserts a new section, 74A, in the 2003 Act. The Comptroller and Auditor General recommended that the Department and PIAB agree an appropriate level of revenue reserves to be retained by PIAB and the basis for holding such a reserve. The Comptroller and Auditor General also recommended the introduction of appropriate legislation to address excess funds held by PIAB. Legal advice obtained by the Department and independently by PIAB is to the effect that legislative change is required to enable the board to remit excess moneys to the Exchequer. The board is anxious that the legislative change is made in order that moneys can be remitted to the Exchequer as soon as possible.

Section 13 provides for a reserves policy for PIAB, and that 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 Bill specifically provides that the Minister shall have regard to the operational, capital and contingency costs of PIAB when determining the sum to be retained. I assure the Deputy that PIAB will have sufficient funds to carry out its statutory functions. The amount to be retained will be agreed with PIAB, having regard to its operational, capital and contingency costs. We are all aware that PIAB fulfils an important role as it facilitates the objective assessment of damages at a much lower delivery cost and in a far shorter timeframe than through litigation. It is in all our interest, therefore, that it is properly resourced.

PIAB is self-funding by fees generated from claimants and respondents and it has sanction for a full complement of 80 staff. Its board, which is directly responsible for leading and directing PIAB's activities, approves the budget for PIAB each year. Detailed annual budgets are prepared and agreed internally by the executive management team of PIAB prior to being brought to the board for review, consideration and approval. The board has a duty to supervise the discharge of the delegative functions and in this regard it will ensure there is sufficient funding to do so. The PIAB financial accounts are audited by the Comptroller and Auditor General each year. When PIAB was established, it faced a number of legal cases challenging certain aspects of the legislation and the way in which PIAB operated. It was considered prudent that PIAB retain reserves to meet these challenges as the cost would be significant. The test cases and the numerous link cases were subsequently dismissed.

In 2011, PIAB refunded its establishment cost of €6.9 million to the Exchequer. Each year, PIAB decides on its budget, which has been in the region of €10 million to €11 million over the past number of years. As mentioned earlier, PIAB is self-funding. Its income budget is derived with the assistance of a forecast model which uses statistical regression analysis to project volumes. PIAB will continue to decide its budget.

The effect of the section is that the Minister for Business, Enterprise and Innovation, with the consent of the Minister for Public Expenditure and Reform, will agree with PIAB the ap-

16 January 2019

appropriate level of reserves that PIAB can retain, taking into account its operational, capital and contingency costs. When a reserves policy is in place, it is intended that PIAB will retain in its bank account an agreed amount of reserves over and above the budget it needs for its operational day-to-day activities. PIAB is independent in the exercise of its statutory functions, and the Minister is not permitted in his or her executive function to interfere in any way with the day-to-day operations and functions of PIAB. Section 74 of the Personal Injuries Assessment Board Act 2003 provides a role for the Minister in the provision of funds to PIAB.

For the reasons I have outlined, namely, that section 13 implements a recommendation of the Comptroller and Auditor General, who is a constitutional officer of the State, I ask the Deputy to withdraw his opposition to the section.

Deputy Maurice Quinlivan: We will not withdraw the amendment and will be pressing it.

In her response the Minister spoke about car insurance a lot but she did not speak about small businesses, the cost of doing business and the costs of premiums. All Members have met with business groups and community groups that are struggling. We need to address the issue of the costs of insurance for these groups also. I agree with the Minister that the Personal Injuries Assessment Board will have enough money to perform its statutory function - and nobody disagrees with that - but the current wait to assess a claim is at 7.3 months. If the PIAB has additional funding we believe it should be able to ring-fence that fund to deliver the best service it can possibly give.

Businesses are not seeing a reduction in their premiums. This is what they are telling us. We meet them all the time, and I am sure the Minister has met them also. These are the reasons we believe the PIAB should hold this money. It should be ring-fenced for the PIAB and it should decide if it can deliver a better service. We want to make sure the PIAB retains the money because we believe it will have an impact on insurance premiums. A better service could be delivered and legal costs reduced to insurance companies if that money is used by the PIAB in the way we want it to work. This is why we are going to press this amendment.

Acting Chairman (Deputy Declan Breathnach): Would other Members like to come in? I invite Deputy Kelleher.

Deputy Billy Kelleher: I expressed some reservations about this issue on Committee Stage on foot of Deputy Quinlivan's amendment. Having studied it and analysed it, and having read the recommendations in the context of the Comptroller and Auditor General's recommendation, I believe that we do not have to have a huge reserve for the PIAB to operate. Any excess moneys should be returned to the Exchequer. That is a reasonable point as long as the guarantees are given by the Minister to the House in terms of the operational and capital costs and the contingency reserve that would be required for the PIAB to function normally in its day-to-day business and in its further strategic planning.

There is no doubt that we do not need undue delays or for us to read in a PIAB annual report that waiting times for assessments have been further lengthened because not enough money has been allocated. We need assurances - and the commitment should be given - that this amendment is unnecessary, bearing in mind that it was put down for the reasons we all have, namely, to ensure that the PIAB is a functioning entity that can carry out its duties in a timely manner and with a strategic plan in front of it.

The PIAB has been around for some time and the broader issue is the continually escalating

award system in place for personal injury claims. It appears to be the case that one award sets a precedent and then it seems to continually creep up in personal injuries' assessments. Ireland is completely out of kilter with European norms and completely out of kilter with the UK in personal injuries' assessments and the awards made for similar injuries. I do not believe that the Irish neck is any stronger or weaker than the British or European neck but we have this continual increase in personal injury awards, which is causing alarm among businesses and among individuals who take out motor insurance. Those people are law abiding in that they have an obligation to have liability cover but if they have a claim it seems to be for inordinate amounts.

I have said previously that fraud is not a victimless crime. In the insurance context, insurance scams are not a victimless crime. They impact on businesses and on the ability of a business to employ people and to function. To put it mildly, we have been lethargic in our approach to addressing this issue. While I believe this amendment is unnecessary for making sure that the PIAB has enough resources available to it, the broader issue is the support from Government through policy and resources to ensure we do not have abuses carried out continually in the insurance business by fraudsters and chancers.

When one speaks with those who are insuring businesses and insuring motorists there is no doubt that fraud is no longer anecdotal; now there is empirical evidence that there is wholesale abuse and fraud in the system. It is resulting in increased costs to motor insurance cover and business public liability cover. For all of those reasons the PIAB is one particular area that we must address to ensure it can make timely assessments and awards. The PIAB can take out the costs that would be incurred if cases were taken through the courts where they are more robustly defended and have extra costs incurred. The broader issue of fraud and claims made off it must be addressed.

Two recommendations were made previously. One recommendation was that a Garda insurance fraud unit be established. I am still of the view that this should be done, and that the Minister is wringing her hands of this particular proposal. The insurance companies could make a contribution to the Exchequer, or directly to the Garda fund. I am not quite sure how it could be done but equally I believe that something must be done to investigate continual fraud by individuals who see it as just another money-making racket.

If a person walked into a shop, jumped over the counter and robbed a few euro from the till there would be a Garda investigation and probably a criminal sanction. However, a person can walk into the same shop, fall in the toilet area and make a fraudulent claim but nothing happens with regard to a sanction. The person goes to the court and if he or she is awarded compensation it is better again for the fraudster. If the person is not awarded compensation the case is just struck out and that is the end of it. There are no prosecutions for perjury or for fraudulent claims presented to the courts by chancers and criminals. I put it to the Minister that she and her Government have been very slow in accepting and recognising this fact, which is no longer based on anecdotal evidence and is supported by the empirical statistics to which the Minister and all of us have access. It is now time for us to send a very clear message to law-abiding people that the State, through the Garda Síochána, the courts and the prosecution services, will stand by people who are doing their duty in taking out motor, civil and public liability insurance. That is an obligation the Minister should take seriously and the Government should support her in that endeavour.

I will not support the amendment tabled by Deputy Quinlivan because a recommendation has already been made by the Comptroller and Auditor General as the constitutional officer.

16 January 2019

The issue of the broader supports required by insurance companies and the courts must be supported by the Minister and her Government.

Deputy Pearse Doherty: I wish to raise a few issues on this amendment, which I support. While the role of the Comptroller and Auditor General needs to be respected with regard to its audit function, as parliamentarians we need to look at how we establish bodies, how we resource those bodies and how we try to enhance the provisions, services and functions those bodies can provide. Therefore, while there are very clear distinctions between the roles of the Comptroller and Auditor General and others, I believe this is a worthwhile amendment that deserves the support of the House.

There has been much debate over the rising cost of insurance and claims. The previous speaker spoke about fraudulent claims, an issue which has got much prominence. There is no doubt that fraudulent claims are a reality. Deputy Kelleher described people who are involved in fraudulent claims as chancers and criminals. I know it was not the intention, but those who are involved in fraudulent claims should not be described as chancers in terms of people chancing their arm. The effect of such claims is to take from others through increased premiums.

I have two other points to make. It would be wrong to give the impression that fraudulent claims are rampant and everyone is making them because that is not the case. I made the point about motor insurance that people did not look badly on somebody increasing the cost of a claim if a car had to be fixed. It was not seen as something that was to be frowned upon. Far more awareness is being brought to the issue and in that regard it is important to signal the work of journalists such as Charlie Weston in terms of shining a light on some of the claims and how the courts are now dealing with them.

Another point is that many people simply do not claim. Far more people who have legitimate claims for insurance do not claim because they are afraid it will increase their motor insurance premiums in the future. In the event of their car being hit, they are afraid they will lose their no-claims bonus and they consider it better to pay the €1,000 themselves because they know the insurance company has them by the short and curlies. That is the reality. They are at the complete mercy of this cartel that is operating, one that has been raided by the European authorities. Nobody in government is standing up to it.

I experienced this personally when we, unfortunately, had an oil spill in my home. The first thing the insurance company said to me when I was making a claim was that we would lose the no-claims premium. It tried to dissuade me from making a claim and having it properly assessed. It is a racket. An oil spill in a garden cost €27,000 to rectify. We had to hand everything over to the insurance industry and use its specialist assessor and all of the rest. I built the house for only four times that amount. That said, my point is that the industry tries to maintain that everybody is trying to scam but far more people are afraid to claim because they are afraid that their home or car insurance will go through the roof. The reason is that the scales have been tipped in the wrong direction.

Those who are involved in dodgy claims should be called out. As I have said before, the Minister should have a word with her colleague, Deputy Farrell. What he did in the courts was despicable. He has spoken in this House about the high cost of insurance and the compensation culture, yet he was caught red handed. I criticised the then Minister of State, Deputy Eoghan Murphy, when he brought the measure forward as part of his recommendations. Likewise, I criticised the Minister of State, Deputy D'Arcy, when he did the same. Finally, the measure has

been put to bed as a terrible idea. I refer to the notion that the private sector, private business interests in this State, would fund a section of An Garda Síochána. Who in his or her right mind would ever think that was an appropriate idea, in particular when one considers that the private interest in question was the sector that was subject to a dawn raid by European authorities for operating cartel-like activities in the State? That idea was under active consideration for two years during which we lost time and opportunity. It needs to be made very clear to An Garda Síochána that the Government and this House will provide it with the resources to set up a fraud insurance squad that is publicly funded to pursue those who make fraudulent claims. No person, whether a Deputy or a scammer, should feel confident that he or she could go into court with a dodgy claim that is pushing up premiums for other individuals in the knowledge that if he or she gets caught, he or she will walk out of the Four Courts, the High Court or the Circuit Court and say nothing lost, nothing gained. Those who do this need to face the rigours of the law and to achieve that we need to resource the Garda in the required manner. The debate about who should fund the insurance fraud squad should never have taken place. What we need is an insurance fraud squad to be set up now.

My final point is one I raised with the Taoiseach this morning. A year and a half ago I raised a Topical Issue matter on insurance costs for businesses. Deputy Quinlivan has spoken about the Minister's failure to address the increase in insurance premiums for businesses. On that day 18 months ago, I focused in particular on the agriculture sector and marts, of which there are 80 in the State. Marts are crucial to the operation of agriculture. They are the lifeblood of rural communities and the farming sector. It was very clear at the time that they were under serious pressure as a result of increasing insurance costs. The Minister stood where the Minister, Deputy Humphreys, is sitting and he said he had spoken to Insurance Ireland which told him there had been no increase in insurance premiums in marts across the State. He went to the wolf and asked the wolf how it was looking after the chickens and the wolf told him it was looking after them well. However, that is not the reality because just last week a mart that was operating in the State for 51 years and providing a service in County Laois closed down because its premiums had increased for four consecutive years. That mart is not on its own. We need to take action and I have called for action. The Minister, Deputy Humphreys, should deal with the issue from a business point of view, along with her colleagues in the Departments of Agriculture, Food and the Marine and Finance.

Acting Chairman (Deputy Declan Breathnach): The Deputy's time is up.

Deputy Pearse Doherty: I will finish on this point. The Minister must meet with the mart operators because unless we deal with this issue and rein in FBD, which has a cartel in operation because it is the only company providing insurance in the sector, more marts will close down.

Deputy Heather Humphreys: I thank the Deputies for their interest and work on the Bill. I am satisfied the Personal Injuries Assessment Board will be sufficiently funded to carry out its duties. I addressed that issue in more detail earlier.

In terms of the length of time it takes for assessments, the Act provides that assessments are made in nine months. PIAB assesses cases on average in 7.3 months. Time is needed to obtain medical assessments and prognoses of claimants. As I said, I am satisfied that PIAB will have sufficient funding to carry out its duties. It is doing a very good job.

There have been calls for PIAB to recalibrate the book of quantum and revise the value of damages for the various injury types contained in the book. That is not possible as there is no

16 January 2019

legal basis or mechanism for PIAB to do that. Ultimately, levels of damage are set by the court and that influences the level of compensation paid throughout the system. Precedents set by the courts are followed by PIAB and the insurance sector.

The investigation of fraudulent or exaggerated claims is a matter for the insurance companies involved and An Garda Síochána. Insurance companies are now challenging more cases in the courts. Aside from the consideration of the feasibility of a fraud investigation unit, there has been significant progress in enhancing the level of engagement and collaboration generally between An Garda Síochána and the insurance industry. Part of that arose from the fraud round table which was hosted by the Department of Finance and involved wide stakeholder consultation. A key output from the process was the agreement of the document, Guidelines for the Reporting of Suspected Fraudulent Insurance Claims by Insurance Entities to An Garda Síochána, which was published on 1 October.

As Minister for Business, Enterprise and Innovation, I am very aware of the serious impact on consumers and businesses of high insurance costs. Many have suggested that the cost of personal injury claims is a contributory factor to the high cost of insurance premiums. This Bill, the recommendations from the cost of insurance working group and the recommendations from the Personal Injuries Commission are important measures in the Government's response to facilitate cost savings in the claims environment. I look forward to introducing the Bill in the Seanad and to enactment as soon as possible after that.

Deputy Maurice Quinlivan: The Minister referred to court cases in which people blatantly tell lies and there is evidence that what they are saying is not true. I am not talking about 50:50 decisions but about clear situations. The Minister should legislate so such cases are automatically referred to the Garda or, if it is the insurance company that would have the duty to do this, once the case finishes the company should have a duty to refer it to the Garda.

Deputy Pearse Doherty made an important point in regard to claims. People are worried that if they make a claim, their no-claims bonus will be affected, in particular that their insurance premium will increase by a considerable percentage when they go to renew it.

As we said, businesses are struggling. I appreciate the Minister's comments about PIAB and the good work it does, and I endorse those comments. However, my concern is there is no guarantee it will have the resources it needs. Obviously, it will be able to meet its statutory functions but we believe it needs to deliver a better service. The reason we put down this amendment is that we believe PIAB needs to be better funded than it is currently. It has proven itself to be an efficient organisation and it should benefit from the fact it runs efficiently, has made savings and has attempted to reduce some of the costs associated with cases, in particular by speeding them up. We need to deliver a better service and reduce the length of time people are waiting. In particular, we need to ring-fence the money. The Minister talked about taking the money out but it then goes into the black hole of the tax pot and we do not know where it ends up. Perhaps it could be given to the Garda for its insurance fraud squad because to have that funded by business is not acceptable to anyone and is a non-runner.

That is why we are going to press this amendment. I am disappointed Fianna Fáil has decided not to support that but that is its decision, although I accept it agrees there is an issue.

Deputy Pearse Doherty: I note the insurance companies are challenging more of these claims. Will the Minister put on record her position on whether she still believes a dedicated

insurance fraud squad should be established within the Garda Síochána?

Deputy Heather Humphreys: That would be a matter for the Garda Commissioner.

Amendment put:

| <i>The Dáil divided: Tá, 21; Níl, 71; Staon, 0.</i> | | |
|---|------------------------------------|--------------|
| <i>Tá</i> | <i>Níl</i> | <i>Stاون</i> |
| <i>Brady, John.</i> | <i>Aylward, Bobby.</i> | |
| <i>Broughan, Thomas P.</i> | <i>Bailey, Maria.</i> | |
| <i>Buckley, Pat.</i> | <i>Brassil, John.</i> | |
| <i>Burton, Joan.</i> | <i>Breathnach, Declan.</i> | |
| <i>Connolly, Catherine.</i> | <i>Breen, Pat.</i> | |
| <i>Crowe, Seán.</i> | <i>Brophy, Colm.</i> | |
| <i>Doherty, Pearse.</i> | <i>Browne, James.</i> | |
| <i>Funchion, Kathleen.</i> | <i>Bruton, Richard.</i> | |
| <i>Kenny, Martin.</i> | <i>Burke, Peter.</i> | |
| <i>Mitchell, Denise.</i> | <i>Byrne, Catherine.</i> | |
| <i>Murphy, Catherine.</i> | <i>Byrne, Thomas.</i> | |
| <i>O'Brien, Jonathan.</i> | <i>Cahill, Jackie.</i> | |
| <i>O'Reilly, Louise.</i> | <i>Calleary, Dara.</i> | |
| <i>O'Sullivan, Maureen.</i> | <i>Canney, Seán.</i> | |
| <i>Ó Broin, Eoin.</i> | <i>Cannon, Ciarán.</i> | |
| <i>Ó Caoláin, Caoimhghín.</i> | <i>Carey, Joe.</i> | |
| <i>Ó Laoghaire, Donnchadh.</i> | <i>Chambers, Jack.</i> | |
| <i>Ó Snodaigh, Aengus.</i> | <i>Chambers, Lisa.</i> | |
| <i>Quinlivan, Maurice.</i> | <i>Collins, Niall.</i> | |
| <i>Shortall, Róisín.</i> | <i>Corcoran Kennedy, Marcella.</i> | |
| <i>Stanley, Brian.</i> | <i>Coveney, Simon.</i> | |
| | <i>Creed, Michael.</i> | |
| | <i>Daly, Jim.</i> | |
| | <i>Deasy, John.</i> | |
| | <i>Deering, Pat.</i> | |
| | <i>Doherty, Regina.</i> | |
| | <i>Donohoe, Paschal.</i> | |
| | <i>Doyle, Andrew.</i> | |
| | <i>Durkan, Bernard J.</i> | |
| | <i>English, Damien.</i> | |
| | <i>Farrell, Alan.</i> | |
| | <i>Fitzgerald, Frances.</i> | |
| | <i>Flanagan, Charles.</i> | |
| | <i>Griffin, Brendan.</i> | |
| | <i>Halligan, John.</i> | |

16 January 2019

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| | <i>Harty, Michael.</i> | |
| | <i>Healy-Rae, Danny.</i> | |
| | <i>Healy-Rae, Michael.</i> | |
| | <i>Heydon, Martin.</i> | |
| | <i>Humphreys, Heather.</i> | |
| | <i>Kehoe, Paul.</i> | |
| | <i>Kelleher, Billy.</i> | |
| | <i>Kyne, Seán.</i> | |
| | <i>Madigan, Josepha.</i> | |
| | <i>McEntee, Helen.</i> | |
| | <i>McGrath, Mattie.</i> | |
| | <i>McGrath, Michael.</i> | |
| | <i>McHugh, Joe.</i> | |
| | <i>McLoughlin, Tony.</i> | |
| | <i>Mitchell O'Connor, Mary.</i> | |
| | <i>Moran, Kevin Boxer.</i> | |
| | <i>Moynihan, Michael.</i> | |
| | <i>Murphy O'Mahony, Margaret.</i> | |
| | <i>Murphy, Eoghan.</i> | |
| | <i>Murphy, Eugene.</i> | |
| | <i>Naughton, Hildegarde.</i> | |
| | <i>Neville, Tom.</i> | |
| | <i>Noonan, Michael.</i> | |
| | <i>O'Connell, Kate.</i> | |
| | <i>O'Donovan, Patrick.</i> | |
| | <i>O'Dowd, Fergus.</i> | |
| | <i>O'Keeffe, Kevin.</i> | |
| | <i>O'Rourke, Frank.</i> | |
| | <i>Phelan, John Paul.</i> | |
| | <i>Ring, Michael.</i> | |
| | <i>Rock, Noel.</i> | |
| | <i>Ross, Shane.</i> | |
| | <i>Smyth, Niamh.</i> | |
| | <i>Stanton, David.</i> | |
| | <i>Varadkar, Leo.</i> | |
| | <i>Zappone, Katherine.</i> | |

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

Amendment declared lost.

Bill received for final consideration and passed.

9 o'clock

Health Service Executive (Governance) Bill 2018 [Seanad]: Second Stage (Resumed)

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

Deputy Eugene Murphy: This House has spent a considerable period of time discussing health issues today. Many nurses were present for this afternoon’s debate on pay and conditions in the nursing profession. The number of staff nurses has decreased by more than 1,700 in the last ten years. This is symptomatic of the difficulties that have arisen under the HSE. Every day, we hear justified criticisms of aspects of work and things that are not being done. I want to state clearly that there are many good staff in the HSE. A great deal of good work is being done by the HSE. It would be wrong to paint everybody with a negative brush just because the system under which the HSE has operated has not been very successful. It is the system that is the problem, more or less. The board of the HSE was abolished in 2012. To be honest, we have had many difficulties and problems in the six years that have elapsed since then. We have spent a long time trying to fix this problem. According to the Sláintecare report:

Good leadership and governance are critical functions of any health system. The Committee strongly believes there is a requirement for clearer clinical and managerial accountability and governance throughout the system. This includes clarity at all levels, from the Minister for Health, the Department of Health, the HSE and healthcare providers.

It must be in everybody’s interest to ensure all the work that was done on Sláintecare is implemented as quickly as possible.

We have problem after problem within the system. It is bizarre that waiting lists seem to get worse and worse. When I looked at some figures as part of my research on this issue in advance of tonight’s debate, I learned that over 5,000 people are on outpatient waiting lists in the CHO 2 area, which covers counties Roscommon, Mayo and Galway. It is bizarre that waiting lists in virtually every area of healthcare are growing and growing. It emerged recently that inpatient and outpatient waiting lists have grown by approximately 50,000. That is a shocking indictment of any system. This problem is not confined to the CHO 2 area; it is found all over the country. We need to have change. We have to bring that change around as quickly as possible because people out there are frustrated and annoyed. Sláintecare proposes “that the HSE be reformed into a more strategic national centre, with an independent board and fewer directorates”. The Sláintecare report continues:

Recognising international evidence on the negative impact of system re-organisation or merger, the Committee believes structural change should be as simple as possible, and only what is needed to meet the requirements of integrated care. The HSE strategic national centre will be supported by regional care delivery through regional bodies, recognising the value of geographical alignment for population-based resource allocation and governance to enable integrated care.

It is vital that these changes are made and brought forward as quickly as possible.

I would like to refer to another indictment of the system. It was mentioned earlier today

that many people, particularly nurses, are leaving this country. They are finding themselves unable to work within our system, mainly for reasons of pressure and conditions. We must acknowledge the outstanding commitment of front-line staff who deal with unbearable situations every day. We have to remember that people in queues who have been waiting a long time for assistance sometimes complain. When people are in pain, they get into bad form. Nurses and front-line staff are required to deal with all of that. It can be seen right through the system that this particular problem has been getting worse year after year.

Sláintecare explicitly recommends that the Minister for Health should appoint “an independent board and Chair” to the HSE “at the earliest opportunity...following a selection process through the Public Appointments Service” and that the membership of the board should reflect “the skills required to provide oversight and governance to the largest public services in the State”. We should remember that over €15 billion, which is a lot of money, is spent on the health service each year. The director general of the health service will be accountable to the board. This Bill provides for the establishment of a nine-person board for the HSE. The board will be the governing body for the HSE and will have the authority to perform the HSE’s functions. The board will be accountable to the Minister for Health for the performance of its functions. If there is one word I have heard time and again in recent years, both during my time as a local councillor and since I was elected to Dáil Éireann in 2016, it is “accountability”. We all know that people regularly talk about the lack of accountability in the system.

I welcome this Bill, behind which Fianna Fáil will throw its support. As I have said, the abolition of the board by the former Minister, Senator Reilly, was a mistake. It was abolished and it was left there. We have moved on six years. Things have worsened over those six years. It is beyond time for the Members of this House and the Government to pursue this particular change. In my view, we should make the change happen as quickly as possible. We have enormous mountains to climb as we try to improve the health service. I stress that in no way am I making any derogatory reference to the many good people who work in our health service day and night, 24-7. As I said, they do a lot of good work within the health service. We owe it to the staff and the public to make the changes that are necessary. That is why Fianna Fáil is supporting this Bill.

Deputy Fergus O’Dowd: This important legislation attempts to change the face and the *modus operandi* of the HSE. I am speaking personally when I say that, regretfully, it is like changing the deckchairs on the *Titanic* at this stage. The good ship HSE will continue to sail on without accountability or transparency, both of which were mentioned by the previous speaker. I have many examples because my constituents have come to me with them. I have been told by people from outside my constituency that the HSE is not working and is not accountable. I will give a few examples.

In November 2012, a patient died after being brought in a very serious condition from Cherry Orchard Hospital to St. James’s Hospital, where he passed away. He should not have died. He was in such a disgraceful condition from a medical perspective when he arrived at the accident and emergency department at St. James’s Hospital that the receiving doctor who met him there expressed serious concern to the members of his family who accompanied him to the hospital. When he asked them why they had not looked after him in his home, they informed him that he had not been in his home, but had been in a HSE hospital for a long time. He was a victim of AIDS. When the AIDS ward in Cherry Orchard Hospital was closing because people were thankfully living longer, people within the health service recommended that he be sent to the St. Doolagh’s facility on the north side of Dublin city. That option was refused to him and

he was kept in Cherry Orchard Hospital in a geriatric ward to which he was not suited. They had no training, no knowledge, no concern and no care for this man because he had AIDS. That is an absolute tested fact. It is known. The facts are that the family was deeply concerned about that and they contacted management in the HSE and fought like hell to get an inquiry. The inquiry was set up. No doctor was put on the inquiry team to examine the medical issues which were of deep concern to the family. The family rejected the finding of the first inquiry. They came to me and we got a second inquiry set up. The second inquiry commenced into the death of this person and a doctor was put on the team but in the middle of the process the doctor left the inquiry and it collapsed because there was no medical person on it. We insisted on a third inquiry. The HSE tried and was unable to get a doctor anywhere in this country to sit on this board for almost a full year. It requested the medical association to nominate somebody to examine this situation, which is appalling and deeply concerning. No one stepped forward. Eventually, it had to get a private company to do it and then - this was almost four years later - the family got the truth of the death of their loved one and the reasons that person died. It had to do with a lack of management in Cherry Orchard Hospital, a lack of accountability and many other issues. The family has not left it at that because they are looking for a final relief of the burden on them because of the death of that man and the way he was treated by the HSE. I rang the family today and was told they are being challenged in the courts not by the HSE but by its legal advisers. That poor man died in 2012 and they still have no closure. There is no accountability within the HSE for this. It goes on and on. The only people who have suffered are the poor person who died and his family.

That is not the end of the story in Cherry Orchard Hospital. During the course of our inquiries, freedom of information requests and parliamentary questions, we discovered there were two other deaths at the same time in that hospital. Three people died in Cherry Orchard Hospital over a very short period of time in 2012. I do not know, I cannot get and I will not be given the details: I do not want to know their names but I want to know what the outcomes of those two other separate inquiries were. When we met the third inquiry team we were not told that it was looking into the other two deaths. I want to know what the hell was going on. What was happening in Cherry Orchard? Why did they not tell us what the outcomes of those two other inquiries were? We still do not know if anybody has been suspended. We do not know what has happened or what the outcomes were.

This goes to the heart of what this reform should be about. It should be about transparency of process and accountability. One of the issues concerns the medical profession. As a result of a discussion I had with people in the HSE, I believe we need an independent board - obviously there would have to be due process before a case would go to it - that will examine and investigate deaths and other medical issues that have arisen. We have heard of other people who have died tragically since, namely, Emma Mhic Mhathúna. Vicky Phelan is fighting very hard and she is shining light into the darkness of the HSE and its operation. We need now, and on Committee Stage, a better decision to be made other than to change the names of the people who sit around that board. Putting two people on it who have public knowledge all sounds very well and grandiose but it means nothing unless the HSE is accountable.

We need a body that will invigilate and examine what they are doing separately and that when people die tragically in hospitals or there is a significant medical misadventure that there would be an automatic referral to this body, which would have medical expertise provided by the medical professionals. They are remiss in not coming forward and doing their duty of care to people who were mistreated in our medical service. They are afraid to go forward. How in

16 January 2019

the name of God can they stand over their oath, if they, as an ethical body, will not say that they will nominate people who will investigate and examine the reason a person died or was badly mistreated by this system, which is unaccountable and rotten in many respects in this area? It is an outrage. It annoys me. When people come to me with cases like this one, I tell them I will do my best for them, but we are only voices here, we make our speeches and they waft off into the air. Nobody gives a damn, or do they care? I challenge them to do something about it now. I challenge my Government to step up to the plate and make sure there is a proper independent, scientific and medically based process in place, backed by the medical profession, that ensures that where these issues arise, they are dealt with clearly, openly, transparently and accountably and that people are fired for not doing their job. Nobody gets fired in the HSE. One cannot find out if there is even an investigation under way in some cases. It is not good enough.

The other issue that concerns me about the HSE is that of transparency and how can we improve it and accountability. I was sitting in my office one day and I got a telephone call from a person who told me that they found a medical record from a hospital somewhere in Dublin lying in a ditch on the side of the road. The medical records of patients were found on the side of the road in Baltray in County Louth, not once, not twice but on three separate occasions. I advised the person to bring them directly to the Garda station, which is the appropriate place to bring them. The person told me there was no hospital name on the documents but they did contain the names of the patients and their treatments. It is appalling those records were found on the side of the road.

The reply I got from Beaumont Hospital stated:

Dear Mr. O'Dowd,

A recent incident occurred whereby personal healthcare information on patients who attended our Emergency Department was found outside of Beaumont Hospital. [It was found on the side of the road in County Louth.]

On review ... the source of the information has been identified as an Emergency Department summary clinical handover report used by nursing/medical staff during shift change-over. [They were changing shift and suddenly a sheet of paper fell out, landed on a car or whatever and ends up on the side of the road.]

As a result of this incident all Emergency Department staff have been directed to use the confidential bins provided for such reports prior to leaving the hospital.

As well, I have written to all of the patients personally outlining the cause and details pertaining to the information breach and apologised on behalf of the hospital.

That happened three times on three separate dates over a period of time. That is not good enough. The way they treat serious significant confidential information in a cavalier way is unacceptable. Somebody should be held accountable for this. I do not know who they are and we will never find out because they are not going to do anything about it.

I welcome the interest of the Minister of State particularly in this matter because she has visited the town of Drogheda on three separate occasions at least to deal with the issue of drug abuse and the medical issues pertaining to that. The context of drug abuse in County Louth is clear with the appalling situation we have with the drug barons, the criminals, the violence on our streets, people being shot at in houses and people being intimidated. A woman who called

to my office this week told me that her son was told that if he did not pay his debt, this was the knife - which they showed him outside a supermarket - with which they were going to cut her. Would my colleagues believe that? That is the truth. That is what happened in my office last Monday morning. We have the proceeds of crime, the criminality and all of that is going on.

On the medical side of it, I have information on the number of significant drug users, the use of syringes and so on. It is a quarterly measure of the amount of heroin and other substances that are being injected in County Louth. The figure is shocking. It is 11,000, on average, over a three-month period in County Louth. The Minister of State, other people and I have tried to get a needle exchange programme and recognition for a top-class voluntary organisation, the Red Door Project in Drogheda. It does not have a proper outreach service because it cannot afford it. When Senator Nash, who is not in this House right now, and I made representations to the Minister, the official involved wrote a letter naming me and Senator Nash as using our political position with Red Door to get it funding and asking what she should do. Nothing happened. The project got no funding and has not got it to date. Almost €500,000 of health board money has gone into another location in Drogheda to additional services, which is very welcome. One of these services is drug outreach, which is welcome too. There was no consultation with Red Door, the Garda or anybody. The HSE is not accountable and it is not helping where it is critically needed to deal seriously with the drug problem in Drogheda by engaging, participating, sharing and working together with community groups. What better thing could be done than that?

Looking at the HSE and its CHO areas, the CHO area of Louth is different to the acute hospital area. There is one administrative area for community services and a different acute hospital area. They are not joined up in their thinking but they set up a group of counties which have nothing in common. Louth and Meath have a lot in common but we have nothing in common with Laois, Offaly, Westmeath and Longford but they are all in one area. It does not make sense. Louth, Meath, Cavan and Monaghan would make sense as an area. That is how it used to be. A lot of thinking needs to be done and on Committee Stage of this Bill, I hope to table some amendments to challenge the system, not the Minister, and the HSE to be accountable and to look again at making a better health service which would work with involvement, support, and more time for the community. I acknowledge all the good work, as the acting chairman has, of the tremendous nurses, doctors and staff. They are fantastic. There are some excellent top class administrators. The inquiry relating to Cherry Orchard Hospital would not have taken place if not for two very good HSE officials when we insisted at the end in getting full transparency.

How much does it cost to change the name of a hospital? The HSE, in its wisdom, has decided that Our Lady of Lourdes Hospital in Drogheda which was built in 1950 by the people of Drogheda and elsewhere in the country, when everybody bought a brick and supported it, should have a name change. The ethos of the hospital changed some years ago, rightly so, when the health board took it over. The order of nuns, the wonderful Medical Missionaries of Mary, no longer have any role to play in it but people like the name - the Lourdes hospital - which is what they know it as. I like where I live, a place called St. Mary's Villas. One of the main streets in the town is called St. Laurence Street. I like that and St. Laurence's Gate. I do not want to change the names. We like names such as Peter Street or St. Laurence Street. They are historic and part of what we are. The Lourdes hospital's name is being changed and there has been no consultation with the people, who are angry about that. Many of them protested it. One might ask what a name change is. It is a fundamental thing for people to show respect for

what is there. I am talking about the name, not the ethos, which has changed and I fully support a secular health service and complete separation of church and State. I do not think it is a good idea to change willy-nilly the names of institutions that have been there for a long time. Will the name of St. James's Hospital change? If it did change, what would it cost?

I believe there is a total lack of sensitivity and awareness on issues like this and of understanding of people who respect and like what the hospital means to them. Changing the name is rubbish. I would like to talk about many other things although I know my time is getting short. If a hospital in one's county closes, one is in trouble but one would have no say in that and there is no forum to complain about it. The only place to deal with health in this place is in the Chamber, with the Minister or in the Joint Committee on Health. I have a significant interest in health. I am not on the Joint Committee on Health and if I went in, I am sure 20 others would be ahead of me. We are talking about regional accountability. One thing the Minister should consider is that there should be a regional health forum that Members of the Oireachtas would attend. It should be quarterly, based on their acute hospital grouping or CHO. I do not mind which it is. There would be an agenda which would be made known in advance. One would ask for reports at it but not interfere with decision-making. One could ask why something was done, what is happening in a certain situation or how one could help. That debate and knowledge do not exist.

The HSE is a bit like the Kremlin. I will be visiting Russia fairly soon and it is probably the last place I would like to be. One cannot get answers, cannot find people and will be put through the hoops if one submits a freedom of information request. Moreover, one must request meetings. The problem with the HSE is that it is not interactive with the political system. The political system, in a way, is afraid of that responsibility. The Minister will face responsibility every day if anything goes wrong but he has no say in what is happening and this Oireachtas has no say. There is no real understanding or effort to get a better system to make it better for ordinary people. It is not good enough when people such as those I am dealing with lose loved ones in appalling, disgraceful, shameful and unacceptable circumstances and are still fighting for justice six years after a person died. This has to change.

Deputy Catherine Connolly: While some of what the previous speaker said echoes with me with regard to my personal experience, I totally disagree with him in certain respects. I agree about lack of accountability and reviews not being carried out properly. It merges with my own experience. I have raised some of those matters in the Dáil. When he extends that to say that politicians or the Government have no responsibility, I have to fundamentally disagree with him. We are here to re-establish an independent board as a monitoring mechanism over the Health Service Executive and I support that. One has to ask why there was no board and for how long has there been no board. The previous speaker, who has left the Chamber, was part of the Government that made the decision in 2012 to dissolve the independent board and to replace it with civil servants. I will address some of the consequences. Why are we re-establishing that board tonight, almost seven years from the time it was dissolved? There are three reasons, two of which are interconnected. One is the Scally report, which clearly outlined the consequences of bad governance, especially the lack of board representation. The second is the Sláintecare report which includes the input of members across parties, reflects a new Dáil and a new type of politics. I am still innocent enough to believe in new politics, even though my cynical side tells me that we are going nowhere. I will stay with my innocent side tonight and the Sláintecare report which clearly states we need an independent board. That is one of the reasons we are here. I would like to think we are here because the Government has learned something and will state

it made a terrible mistake at the time and that the then Minister, Senator James Reilly, thought he was doing the right thing but that it was not good. However, I do not hear that being said.

The third reason is the Scally report, from which I will quote because it is important. I contributed to the debate on it. It concerned cervical cancer screening, what had happened, the patronising attitude and the failure to give information. That is what it was about: the failure to give information to women to empower them and let them make decisions. The report which I have read closely is scathing, albeit in very moderate language, about the absence of governance. In fairness to the CervicalCheck programme, another point is noted, that within a few days of the launch of the cervical screening programme, there was the bank guarantee:

Staff recounted how the Irish bank guarantee occurred three days after CervicalCheck was launched nationally in September 2008. As the financial crisis contributed to an economic recession, public sector programmes and organisations saw a reduction in the level of resources afforded to them, with CervicalCheck no different. As its budget was reduced, CervicalCheck struggled to adequately replace departing staff.

That was the background. The reason I mention this in the context of this debate is that even with these difficulties, it struggled on gallantly until it was put back within the remit of the Health Service Executive in 2010. Dr. Scally states clearly, “Since 2010 ... CervicalCheck has not had a single, accountable senior person responsible for the delivery of the programme on a full-time basis.” At that point there was an independent board, but we were in trouble with CervicalCheck because there was no accountable person. On top of this, the then Minister, Senator James Reilly - I do not wish to personalise the matter but he happened to be the Minister at the time - walked in and dissolved the board in 2012. Therefore, the level of accountability that was supposedly there in theory was also taken away and civil servants were put in charge.

In 2013 a Fine Gael and Labour Party Government introduced legislation that copper-fastened the absence of monetary accountability and of a means of holding the system to account. What did they put in place? There was a director general going into a room to be answerable to other directors of services and when he came out of it, he was answerable to himself and, ultimately, the Minister. All of this was done in the context of debates in which it was said this was to bring more openness and greater accountability. The Minister of State is as aware as I am of the many mistakes made from 2013 to date. My own family has suffered. I will not go into it here, but I have alluded to it on a number of occasions and will come back to it when I speak about the failure to carry out an independent review when something happens. On this point alone I have asked a simple question of the hospital in Galway: how many reviews have been carried out independently within a certain period? By whom were they carried out and what was the cost involved? An answer has been given to the effect that it has no system in place for recording this information. That is the official reply to a Dáil question. Again, this will be relevant when I come back to the board we are going to re-establish. The first hurdle is the board; the second is ensuring it functions adequately, that it has adequate data, help and research facilities and so on.

I will quote Dr. Scally because balance is important and I want to balance some of the things I said at the time:

Changes to the overall governance of the HSE itself had a significant impact. In March 2012 the Board of the HSE, which had consisted of an external, non-executive Chair and Board members, was removed and replaced by a Board consisting of civil servants and HSE

officials. This change from the accepted good practice of having independent Board members in an oversight role, and involved in a committee structure beneath the Board, was a major move away from the established norms of good governance of public bodies. It is difficult to see who, under this configuration, was representing the patient and public interest.

Again, this is something to which I will return, if time permits. Talking about putting patient representatives on the board is not sufficient to represent the patient. Much more is necessary to have an independent board. I will continue with Dr. Scally what he said for the moment:

In the case of civil servants appointed as Board members, it raises the question of whether they are acting in their civil service capacity, supporting Ministers to carry out Government policy, or are there to administer a major public body in the interests of the public it serves. This was further compounded by senior civil servants at times fulfilling two roles, one in a senior executive position in the Department of Health and the other within the top-level governance structure of the HSE.

Again, Dr. Scally is clearly illustrating the difficulty at the time. It is something to which I will return when I speak about appointments and conflicts of interest on any new board. The report continues: “In 2013, legislation changed the nature of the governance of the HSE entirely, replacing the Board [as I said] with ... a Director General and [other] Directors”. This was supposed to be part of the beginning of the abolition of the Health Service Executive, which never happened. However, no politician or member of Government came back and said, “The Health Service Executive has not been abolished, so we need to put back in place an independent board to monitor it.” It has taken Sláintecare, Dr. Scally’s report and the loss of lives, including of someone close to me, to realise we need an independent review board, not for the purposes about which Deputy O’Dowd was talking because they are for independent reviews. That is an entirely separate matter and he confounded and conflated issues in his emotional address to the Dáil, which I fully understand. However, the independent board has a different function.

The net effect of removing the board by legislation, supported by a majority of the House and led by Fine Gael and the Labour Party, was to remove an external independent input into the running of the Health Service Executive at its highest level. There was absolutely no independent input or monitoring. That is the way we have progressed and I make my contribution in the context of a health service that is very much struggling. So far this year there have been 73 children on trolleys and we are barely two and a half weeks into 2019. I hope the time will never come when I accept this as collateral damage in a thriving economy. I certainly do not accept it now and do not think one can have 73 children on trolleys and at the same time talk about a thriving economy. We have thrown out all of the other figures. Last year, in Galway alone, there were 8,750 patients on trolleys, chairs and other contraptions in wards. The hospital in Galway distinguishes itself, despite the best efforts of staff, by having the most appalling record for the number of patients on trolleys. It should be borne in mind, as I said, that Dr. Hickey, the brave consultant that he is, has repeatedly pointed out that every year there are between 300 and 350 premature deaths as a direct consequence of the time spent on trolleys by patients. We are having this debate in the context of the Government’s appeal to nurses not to strike because of patient care issues, but we are missing the point - the very reason they are promising to go on strike is that they are concerned about patient safety and that patients are dying as a result of inadequate care because there are not enough staff and many mistakes are being made. For the second time tonight, I thank the Oireachtas Library and Research Service for its very detailed report. It is important to compliment staff when they do an excellent job. The service has given the history, with Dr. Scally. Thanks to its report, I now have the language

to address something that has always jumped out at me. The report refers to the characteristics or qualities essential for a good board. It examined international literature, simplified it for us and provided the key characteristics of a good board, namely, transparency, accountability, participation, integrity and capacity or TAPIC. Many boards are caught considering financial issues and key performance indicators given by government. The literature tells us that one of the better characteristics of a board is to have consideration of patient safety placed on the agenda of every board meeting.

The initial hurdle is to set up an independent board. The second is to make sure the board is representative, has gender equality and has members who have the capacity to absorb knowledge, ask questions and hold the system to account. That is the role of an independent directorate. I re-read with fascination the comments of the former director general of the HSE which were given great prominence in *The Sunday Business Post* and found myself agreeing with some of the things he said. I found others extraordinary, however, including his comment that shit only went one way, namely, uphill to him. He spoke about the abolition of the independent board but did not consider its consequences for himself. He also commented that on one day in 2012, the very year the former Minister for Health, now Senator Reilly, got rid of the board, the HSE lost 5% of its staff. It lost all that experience and wisdom because of cutbacks.

Those cutbacks were made before the Minister of State took office. I was on a health forum in Galway at the time. In 2007 and 2008, only the language used was different. When we asked why beds were empty or wards closed, the reasons given were cost-containment measures and bed refurbishment measures. During all that time the privatisation of the service was intensifying. Now Fine Gael repeatedly talks about how wonderful the National Treatment Purchase Fund is. The NTPF was to be a temporary measure, not a permanent one. The opposite happened and we ran down the public system.

I welcome the Bill and hope it is implemented as quickly as possible. The selection of board members will be extremely important, as will be the services provided to the board. Gan aon amhras, tá gá le daoine le Gaeilge. Tá dualgais reachtúla ar an Rialtas agus ar aon bhord an Ghaeilge a úsáid agus a chur chun cinn. Glacaim go mbeidh Gaeilge ann, ar aon nós. In addition, there has to be expertise and research available. There has to be clear evidence that the people appointed, men or women, have the ability to ask questions, are not afraid and that patients are first on the agenda.

In respect of conflicts of interest, the former director general of the HSE saw no problem in taking a position in a certain pharmaceutical company. This is public knowledge. In addition, apparently the Government did not see any difficulty in the fact that the chair of the pharmaceutical company in question was also chair of one of the hospital groups. I view that as a conflict of interest, although perhaps others disagree. That is the type of thing that in a small country we have to be particularly aware of.

The final point that emerged from the research done by the Library and Research Service was about oversight of the independent board. We know this on the Committee of Public Accounts, PAC, membership of which is both a prison sentence and a privilege. What comes out every week are the difficulties arising from lack of governance, and even when governance procedures are in place the failure to monitor those. We get tied up with all of these governance words but the consequence is that patients suffer and die. In respect of other groups that come before us, the whistleblowers and employees suffer, and the public purse suffers because of inquiry after inquiry. In my two years as a member of the committee, I have lost count of the

number of independent inquiries there have been - separate from health - on the vocational educational colleges, universities and technological colleges. They are costing us a fortune because we have not managed to implement good governance. Even when we do so in theory, we do not ensure it is implemented on the ground and that costs us more. I welcome the Bill and look forward to further discussion on Committee Stage.

Deputy Michael Harty: The Health Service Executive (Governance) Bill 2018 is extremely important and I welcome it because it is at last introducing real structural health reform. It reflects one of the main recommendations of the Sláintecare report which was published on 30 May 2017. It has taken 20 months to introduce legislation to reappoint the board. It is very disappointing that it has taken almost two years to bring the legislation forward. That is indicative of the slow pace of implementing Sláintecare reforms which is disappointing given that Sláintecare has cross-party support. Nevertheless, it is a welcome start.

The Bill is a significant reversal of Government policy which was initiated in 2012, as Deputy Connolly so clearly explained, by Senator Reilly, the then Minister for Health, who disbanded the HSE board on a whim. I think it was his intention to disband the board within 100 days of being appointed Minister for Health. This intention to replace the board was never realised and the structures put in place, the clinical directorates and the civil servants who replaced the board members, never really worked. That has contributed to the demise of our health service that we are experiencing today.

A Programme for Partnership Government published in May 2016 which underpinned this Government included a commitment to continue to dismantle the HSE and replace it with a new structure. Thankfully, that new structure has not appeared. In the Oireachtas Joint Committee on Health's deliberations on Sláintecare we were advised by many experts in change management that if we were to reform our health service, we should do so with the minimum structural change possible because once major structural changes are made, it takes years to implement them. The recommendation was to reconstitute the HSE board and work from within the HSE to reform the health service, rather than setting up a new body. The report made an important recommendation, which I hope the Minister will progress, to decentralise the HSE, not down to health board level but to regional bodies where the hospital groups and community health organisations would be merged. These merged entities would have one budget and the independence to deliver services in their respective region as the regions need these services. As such, we would not have the unwieldy centralisation that we have in the HSE at the moment. I hope the appointment of a HSE board is the start of that process.

We have seen how chopping and changing in our health management structures has inhibited real health reform. It has resulted in chaotic and fragmented health services. It allows for excellent and adequate care in some areas but unfortunately there are many areas in our health service that are extremely stressed and do not deliver optimum care. We have incoherent policies and a management structure that is almost impossible to navigate. We are all aware of the problems with our waiting lists and today we had 535 patients on trolleys, which in an average winter is now almost acceptable. Of course it is not acceptable. Trolleys are just a symptom of wider problems within our health service. We know trolley numbers will vary from one period of a year to another. If there is only one person on a trolley, it is an indication we have capacity issues with regard to staff and beds.

The present structure of the HSE is not fit for purpose. The management processes were put in place with 18 clinical directorates and a group of civil servants who must have had a conflict

of interest in being civil servants and members of the board. The system became completely unwieldy and not fit for purpose. It was intended to be a temporary arrangement initiated by the then Minister, now Senator James Reilly, while he put some other structure in place. We were never quite sure what that structure would be. The replacement structures, which are not fit for purpose, are still there seven years later. That system has inhibited health reform, integration and structural reform in our health services.

One of the main difficulties in our health services at present is the lack of integration. People are in silos. They are in separate offices, directorates and divisions. They have separate budgets and do not speak to each other. As a consequence, much inefficiency and unmet need build up in the system. The HSE has had three directors general in the past eight months. We have failed to fill the position. We are now engaging in another interview process to try to find a candidate who has the skills and expertise to lead an organisation which has 135,000 people working for it. The person with the skills and managerial experience to fill that post will be very difficult to find. I believe there will have to be an extremely attractive package to attract somebody who can run a service like that. It would be money well spent because we waste so much money in our health service. We waste millions of euro. Look at what happened with the budget for the children's hospital. It has now increased by a factor of two or three, depending on what figures one believes. If it is going over budget by up to €1 billion, we must pay somebody an attractive salary to run an organisation to stop that kind of waste. It is very important that, apart from appointing a new HSE board, we have a director general of the HSE as soon as possible who has the skills and expertise to manage it. That person will be responsible to the board. As Deputy Connolly stated, it is very important because Tony O'Brien admitted he was reporting to himself. For several years he was reporting to himself. He had responsibility to the Minister but it is important we have a proper managerial structure in place.

The Scally report resulting from the cervical screening controversy highlighted in stark terms the deficiencies in accountability and transparency that exist in the health service. Deputy Connolly was quite right that accountability and transparency are absolutely essential when we constitute this new board. It has to be independent but it has to be answerable. It has to explain its decisions. When a political decision is made that affects our health service and which is incorrect or wrong, it has profound implications for the delivery of health services. We talk about clinical responsibility. If a doctor, nurse or health professional makes a mistake they are accountable to their professional bodies and if they are found to be negligent they will suffer the consequences. We make political and corporate decisions willy-nilly in our health service which has profound negative effects on it, yet nobody is held responsible. Nobody puts their hand up and says it was a wrong decision and if it had gone a different way many millions of euro could have been saved, the health of our patients could have been improved and lives could have been saved. Corporate decisions are extremely important and should not be underestimated.

Ciarán Devane has been appointed chair designate of the yet-to-be-constituted HSE board. He will have a very important task. First he will be part of the interview panel to appoint a new director general to the HSE. He will also have influence on the people who are appointed to the HSE board. It is very important the board is a slimmed down board from the previous board and that it has particular skills in change management. It is very important. When we look at the Sláintecare report and how it has to be implemented, we must have experience on the HSE board of change management and implementing reform.

The new HSE board will have important functions. It will have to ensure the HSE engages

16 January 2019

with the Sláintecare reform programme and engages with Laura Magahy, the director of the Sláintecare implementation office, to ensure that Sláintecare reforms are deeply embedded in HSE service plans year on year for the next ten years and for many years after that so that reforms are put in place to improve patient services and outcomes. The essence of a health service is to improve patient outcomes and deliver a service. I was impressed with the HSE service plan delivered at the end of December 2018 because for the first time it has embraced reform. References to Sláintecare are widely scattered throughout that report. There is an intention and recognition in the HSE that Sláintecare has to be delivered. There is a greater recognition within the HSE than there is within the Department of Health of the importance of delivering on Sláintecare.

The board must also build on accountability and transparency in managing and making decisions. I have said bad corporate decisions have a profound effect on population health. Deputy Connolly referred to the retirement of very senior people in 2012. The HSE lost a raft of experience as a result of a change in pension arrangements. It was not intended but it was a consequence of those pension arrangements. We lost a significant amount of corporate knowledge as a result. Look at the corporate decision on the children's hospital, the length of time it has taken to deliver it, the controversy over its location, the cost of construction and eventually the cost of commissioning which we learnt in the health committee this morning will cost €300 million. That moves the cost from €1.4 billion to €1.7 billion and we are four or five years away from the first child gaining access to that hospital. There are many corporate decisions that have profound effects on patients and unless those corporate decisions are correct, we will not have proper delivery of services.

The new board must also build trust in the health system in patients. Unfortunately, there are many patients who do not trust the health service. They do not trust the HSE to deliver the service. Many patients are afraid to go into hospital now because of previous experiences or those of friends or family or because of listening to the news every day which reports there are 400, 500 or 600 people on trolleys. We have to build trust, not only in patients but also in staff. If we do not build trust in staff who feel fulfilled going to work and have job satisfaction, we will lose them and we are losing them. We are losing our graduate doctors, nurses and therapists who are going to other systems that function properly and give them job satisfaction. We must build trust. We should not underestimate the importance of morale. I remember when the Minister for Health took up the position, I told him in the Dáil that the first thing he could do which would not cost a penny was to try to improve the morale of the staff working in the health service.

10 o'clock

Unfortunately, I do not think he has been able to manage to do that yet.

The new board must also build a relationship with the Department of Health. Looking at the interactions between the Department of Health and the HSE in the Committee on Health over the past two and a half years, there is palpable tension between them. Perhaps that is a good tension but there is a lot of negativity while there is not a proper process of engagement between the Department and the HSE. There often tends to be a blame game. There needs to be an honest and forthright interaction between the two to support new and innovative models of care. The models of care we have at the moment are not working because there is a lack of integration and because our health system is built on models of care that were okay 40 or 50 years ago. Health technology and health management have moved on but the structures under-

pinning our health service are still the same. New, innovative models of care mean integration between primary and secondary care and vast improvements in communication between those looking after people in the community and those looking after people in our hospital services. They are in silos and separate and there is very little communication.

One of the major problems is that we do not have an IT system or ICT to manage a modern health service. We do not have a unique patient identifier or an electronic patient record. Those two things are the drivers of health reform. Not only will they deliver efficiencies but they will also give us data. We cannot manage a health system if we do not have data. Data are king. Data are money. If we do not have real-time data on what is happening within the health service, our planning will not be optimal. The new board will have to concentrate on all those things.

The board must drive integration of our hospital services between the community and consultant and hospital-led services. It must expand bed capacity. There is no point in denying that we have a huge deficit in bed capacity. The bed capacity review suggested that if we engage in full-bodied health reform where we change structures and change our models of care, we will still need 2,600 beds over the next ten years. If we do not engage in health reform and keep doing what we are doing while expecting to get a better result by magic, we are going to need 8,000 beds. What chance have we of getting 2,600 beds, let alone 8,000? One of the major reforms also recommended by Sláintecare is that we have elective-only hospitals where patients coming in for elective care are not continually being displaced by people coming up from casualty. There is a whole range of things that the HSE board needs to concentrate on and it is a huge task.

We must make Ireland a magnet for health staff. We are repelling our graduates, nurses, doctors and therapists. They are going away to health services that work, that can give them job satisfaction and job progression. It is not all about money. It is about being allowed to deliver a level of care to the maximum of their training. It is about their will to provide a health service, and there is great will in our graduates. They want to deliver a health service but they find, having trained in the service here, that they cannot see light at the end of the tunnel. They have low morale and they go elsewhere where they get better job satisfaction.

I hope this new board will achieve all of the items Deputy Connolly and I have mentioned. Unless we innovate, change and reform, this health service is going to continue to deteriorate.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank the Deputies for their contributions and for their overall support for the Health Service Executive (Governance) Bill 2018. I have listened carefully to the speakers and share some of their concerns and experiences. I do not agree with some of things that have been said. I believe we have a health service where there is transparency and accountability. We might need a little bit more of it, but every day I see people working through the HSE and many good people contributing widely across all the services throughout the country. I visit many of them. We cannot paint everybody with the one brush.

The central purpose of the Bill is to establish a board governance structure for the HSE and this is, of course, in line with the view of the Oireachtas Committee on the Future of Healthcare. By way of further background, the Minister for Health in fact raised the issue of current governance arrangements for the HSE during his appearance before the committee in March 2017 and indicated his intention to review arrangements, subject to the committee's final report.

16 January 2019

As Deputies know, an independent board for the HSE was subsequently recommended by the committee and is an action for delivery under the Sláintecare implementation plan. I am glad to hear Deputy Dr. Harty talk about Sláintecare. It is an amazing document which was put together by all Members of this House. I hope it will continue to be a document that everybody can support.

Yesterday, the Minister of State, Deputy Jim Daly, on behalf of the Minister for Health, underlined the importance Ministers place on the re-establishment of the HSE board and the opportunity it provides to strengthen governance and oversight of the HSE. To follow on from what Deputy Connolly said, at the time when I was a councillor and was on the boards of the Eastern Regional Health Authority, ERHA, and the Eastern Health Board before that, I was always in awe of the work done by the members of those committees, including public representatives and people working in the health service. In general there was real openness and transparency whereby we were able to go into a meeting and ask questions and come out with answers. I found great satisfaction in that. Maybe we need to look again at approaching it in a different manner like that.

I again underline the important role for the board in strengthening collective decision-making. As the Minister for Health has indicated, the establishment of a board for the HSE is the first step on a journey of reform in our health services towards a shared version of a health service that provides the right care at the right place to patients. Sláintecare gives the blueprint for this. Reflecting on what has been said in the debate, I emphasise the importance of this report around Sláintecare and the importance of the role of the new board. I look forward to our continued work together on the Health Service Executive (Governance) Bill 2018 as a crucial step on this journey of transformation of our health services. On behalf of the Minister, Deputy Harris, who cannot be here, I stress that we all have a duty of care to work on behalf of all our citizens. In some of the contributions it is very clear that the public representatives in this Chamber are singing from the same hymn sheet. A strong board can make a great difference to Sláintecare and to how we go forward with our health services. I thank Members, the Leas-Cheann Comhairle and the Ceann Comhairle for the work that has been done in allowing the Bill to be brought to the House.

Question put and agreed to.

Health Service Executive (Governance) Bill 2018 [Seanad]: Referral to Select Committee

Minister of State at the Department of Health (Deputy Catherine Byrne): I move:

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

Question put and agreed to.

National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018: Order for Second Stage

Bill entitled an Act to establish a fund to be known as the National Surplus (Exceptional Contingencies) Reserve Fund for the purpose of the assets and sums hereafter mentioned of the fund being available to be drawn upon only in defined circumstances, being circumstances that involve certain contingencies of an exceptional nature; to provide for the transfer of certain assets and sums to the fund; to provide for the management and control of the fund; to amend the National Treasury Management Agency (Amendment) Act 2014; and to provide for related matters.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I move: “That Second Stage be taken now”.

Question put and agreed to.

National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018: Second Stage

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I move: “That the Bill be now read a Second Time.”

I am very pleased to introduce the National Surplus (Reserve Fund for Exceptional Contingencies) Bill 2018. This Bill will provide the legislative underpinning for the rainy-day fund, the Government committed to creating in A Programme for a Partnership Government. It is an important plank of the policies pursued by the Government of putting our national finances on a sound and sustainable footing, and building our resilience to external shocks.

The Government has worked hard to achieve these key economic aims, while committing to investing in the infrastructure and housing that are so important to our people. We have achieved a balanced budget and a sustainable tax base. This puts us in a much improved position to plan for the medium and long term. This Bill is part of that medium and long-term planning.

We have seen the effects of a severe economic shock. The economic crisis that started in 2008 continues to resonate for many of our citizens. The effects of that crisis were gruelling and although we have made huge progress, there is no doubt that they are still being felt today. That is why so much of our focus is rightly on addressing the shortage of housing in particular, with the proposed creation of the Land Development Agency and the legislation and funding to establish Home Building Finance Ireland. These measures will help deliver new homes on the large scale now needed and alleviate the upward price pressures in the housing market.

Our economy is currently performing strongly. This gives us a valuable opportunity not just to address the remaining effects of the crisis, but to make prudent provision so we can alleviate the effects of a future crisis. The purpose of the Bill before the House is to do exactly that.

The rainy-day fund, which will now be known as the National Surplus (Exceptional Contingencies) Reserve Fund, will be an economic buffer available for drawdown in the event of a sharp economic downturn. This will allow the Government of the day to mitigate the effects of

16 January 2019

that downturn. In particular, it will allow capital investment to continue even if there is a sharp reduction in tax receipts. We have experience of a sudden crash where, because we had no available reserves, current expenditure was cut back severely and capital programmes came to a near complete halt. The result was severe in terms of the impact on Government programmes and also in terms of underinvestment for which we are now seeing the consequences.

Our aim in establishing the National Surplus (Exceptional Contingencies) Reserve Fund is that in the event of a future shock, we can maintain capital programmes in particular. Our capital investment programmes deliver the infrastructure that is required by society and the economy. Maintaining capital investment is also likely to support employment and help us escape the self-perpetuating recessionary cycle of a sudden economic shock.

We cannot predict with any great certainty what will trigger a future economic shock. There are external risks that are very obvious, for example the challenges of Brexit, but these are known risks for which we are undertaking extensive preparedness planning. We have worked hard at national and European level first to stabilise our banking system and then to build in prudence and resilience. We have also worked hard to balance our tax base. I am confident that we are in a far better position to weather the storm when a future crisis hits. Setting reserves aside now will further strengthen our position.

I will now give an outline of the Bill's provisions. I will explain some of them in detail because there is a substantial and important role for this House.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 10.30 a.m. on Thursday, 17 January 2019.