



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna ó Cheannairí - Leaders' Questions	612
Tributes on Retirement of Member of Staff	621
Regulation of Tenderers Bill 2019: First Stage	632
Credit Union (Amendment) Bill 2019: First Stage	633
Twenty-Third Report of Committee of Selection: Motion	634
Draft Order on the Central Fund: Referral to Select Committee	634
Ministerial Rota for Parliamentary Questions: Motion	635
Ceisteanna - Questions	635
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	635
Proposed Legislation	635
Domestic Homicide	638
Brexit Issues	640
Crime Prevention	643
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	645
Ceisteanna - Questions (Resumed)	646
Ceisteanna Eile - Other Questions	646
Brexit Issues	646
Direct Provision System	649
Garda Deployment	651
Garda Divisional Headquarters	653
Garda Training	655
Inquiry into the Death of Mr. Shane O'Farrell	657
Saincheisteanna Tráthúla - Topical Issue Debate	660
Insurance Costs	660
Medical Aids and Appliances Provision	664
Drug and Alcohol Task Forces	666
Hospital Accommodation Provision	668
An Ghaeilge: Ráitis	671
Civil Law (Presumption of Death) Bill 2016 [Seanad]: Second Stage	682
Civil Law (Presumption of Death) Bill 2016 [Seanad]: Referral to Select Committee	693
Credit Union Restructuring Board (Dissolution) Bill 2019: Order for Second Stage	693
Credit Union Restructuring Board (Dissolution) Bill 2019: Second Stage	694
National Children's Hospital: Motion [Private Members]	695

DÁIL ÉIREANN

Dé Máirt, 12 Márta 2019

Tuesday, 12 March 2019

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: I am sure the Tánaiste will agree that over the last two and a half years, since the British public took a decision to leave the European Union without any blueprint laid down as to what that meant, an inordinately long time has been spent on the intractable issue of the withdrawal agreement and its implications. We should always remind ourselves that the withdrawal treaty is the end of the beginning. It is no substitute for a full, mature relationship between the United Kingdom and the European Union. In the meantime, relationships on all fronts have been damaged as a result of Brexit - North-South relations and the UK-Ireland relationship and there has been polarisation in the North.

The incoherence of British politics has exacerbated the situation, with the failure of the British Parliament to lay out a coherent blueprint as to what it wants. I believe the British Prime Minister has demonstrated good faith in terms of upholding the Good Friday Agreement and avoiding a hard border. The documentation published last evening reflects that, as does the withdrawal agreement itself. It is important to point out, and I am sure the Tánaiste will agree, that a no-deal Brexit would be devastating for the United Kingdom, Ireland and the European Union and must be avoided. Its impact on livelihoods and businesses, particularly the agrifood industry, would be very damaging. Given the crisis in our beef industry, a no-deal Brexit, if it were to happen, would essentially wipe out the sector.

A no-deal Brexit would also represent a monumental failure of politics on all sides. That is why it was important to compromise and agree to some changes. Taken together, the documentation agreed yesterday, namely, the joint instrument and the unilateral declaration concerning the withdrawal agreement, represents movement on the European Union side. It potentially allows the UK to wriggle out of the withdrawal agreement, albeit in a convoluted and long legal journey. The legal opinion of the United Kingdom's Attorney General is worth reading in full. He makes the point that there is new material and new legal obligations on the EU in terms of the speed at which negotiations should be concluded and that the risk is reduced on the UK side. However, a legal opinion is one thing, a political decision is another. This is a fundamentally political issue, with which the British Parliament has to grapple. I will not speculate on that. The question I want to ask the Tánaiste is this. In the event of the agreement being rejected, what happens next in terms of developments? Does the Tánaiste agree that yesterday's agreement marks a significant development from December's agreement? In the event of a negative

vote in the House of Commons this evening, does the Government support an extension to facilitate further reflection? Is the Tánaiste of the view that every effort must be made to avoid a no-deal Brexit?

The Tánaiste: I thank the Deputy. As the House knows, Prime Minister May met with President Juncker in Strasbourg last night. They announced at a joint press conference that they had agreed on a number of things - an interpretive instrument on the withdrawal agreement that has legal effect, and a joint statement on the political declaration on the future relationship between the EU and the UK. Those documents were published last night. The documents are complementary to the withdrawal agreement and the political declaration, and aim to provide an additional layer of interpretation, clarification and reassurance to the United Kingdom ahead of the vote in Parliament this evening. We are also aware that the UK Government has published a unilateral declaration alongside the two joint documents that were agreed.

The UK asked for further legal clarity on how the backstop would effectively not be indefinite. We were very glad to support providing that clarity yesterday evening. The further texts that were agreed last night provide additional clarity, reassurance and guarantees that were sought by some in Westminster to eliminate doubts and fears, however unreal they may have been, that the goal of the EU, or of Ireland for that matter, was to trap the UK in a backstop indefinitely. This has never been the case and it is still not the case. The reason we were happy to support the wording last night was to try to provide more reassurance in a very real way that puts a legal obligation on the EU to put processes in place that are convincing and that we will work in good faith with the United Kingdom to ensure that the backstop is never used and that if it is ever triggered that it will be temporary. For the first time, there is a clear commitment in a legal document as to how that will be done and the timeframes for it. Also, if one side is not acting in good faith and if there are not best endeavours - in other words, if the EU decides to simply allow the backstop to be the only serious consideration - the UK can trigger a mechanism through arbitration that would have consequences that could potentially lead to the suspension of the use of the backstop.

What is being presented to Westminster this evening is different from the last meaningful vote. That being said, from an Irish perspective the text and content of the withdrawal agreement has not changed. What has changed is the extra language which commits the EU and the UK in a legal document to clear procedures ensuring they work together to try to avoid using the backstop and to ensure that it is temporary if it is ever required. We will have to wait and see, and give the British Parliament the time and space to consider the documents that were signed off on last night. Like others, I have been listening closely to the debate in London so far today.

Deputy Micheál Martin: The question I put to the Tánaiste is whether he agrees that yesterday's agreement marks a significant development on that reached in December. I think he used the phrase, "It is different". I am of the view that it is a significant development. Whether it is significant enough or goes far enough remains in question but it is a legal document in itself. I say that because sometimes we have to stand back. What has the argument been about recently? Essentially, people are arguing about how temporary is something that we all agree should be temporary. That is the essence of where matters stand. How can we respect good faith on both sides? It seems that there has been a fundamental absence of trust when we get down to arguing minute points like this in legal documentation. Trust must be restored. I have some sympathy with Kenneth Clarke's view that the real meat will be in the discussions relating to the full agreement and that this, ultimately, will or will not determine the nature of a border.

In essence, it is about the trading relationship between the United Kingdom and the European Union, which is so essential to Ireland and to livelihoods and jobs here, and ensuring that the east-west relationship is as close as possible. Ultimately, that has to be our desired outcome, and the avoidance of no deal. In the eventuality of a rejection this evening, does the Government favour acceding to an extension on behalf of the UK, if it applies for an extension, in order to give more time for reflection? It is very important that it is clear on all sides that no deal will be ruinous for everybody.

The Tánaiste: I agree with the Deputy that in a no-deal scenario, everybody loses. It would be hugely damaging to the United Kingdom on many levels but also it would be hugely challenging for us. We have spent many, many months putting contingency plans in place. We will be finalising the legislation, hopefully with the support of other parties, in the Seanad this week. We continue to work with the European Commission to plan for how Ireland can respond to a no-deal scenario should it happen but all of us need to do everything we can to prevent that happening. That is the reason the EU came forward with a package that is different last night and why I believe the Prime Minister and many others will recommend that the Westminster Parliament support the meaningful vote this evening.

I do not want to speculate on what will happen beyond that because I do not believe that is helpful. However, Ireland has always stated that if the UK looks for more time and if there is a plan to go with that request, it will not be the obstacle to granting more time, should it be necessary, and if there is a plan to try to finalise arrangements during that period.

Deputy David Cullinane: Since the Brexit referendum result became clear almost three years ago, Sinn Féin has been crystal clear in stating that the approach from the Government and the European Union has to be guided and underpinned by the very obvious fact that people in the North voted to stay in the European Union. That vote has to be recognised and, in our view, respected. My party's approach to Brexit has always been based on ensuring that there is no hard border on the island of Ireland, that the rights of citizens and people, North and South, are fully protected and that the Good Friday Agreement is upheld in all its parts.

The withdrawal agreement that has been negotiated - we would say very carefully and, at times, very painfully - between the European Union and the British Government could not be described by anybody in this House as a perfect deal. The Government would say the same because no Brexit is good for Ireland. Any Brexit will have disastrous consequences for people, North and South, socially, politically and economically. That needs to be made clear again today in the context of the withdrawal agreement. No right-thinking person on this island could argue that Brexit is good for the people who live on the island of Ireland. However, the withdrawal agreement and the backstop, or the Irish protocol, go some way towards ensuring that there will be no hardening of the Border, that the interests of citizens will be protected and that the Good Friday Agreement will be protected in all its parts. In fact, it is the bare bones of what is necessary to ensure we protect the Good Friday Agreement. In December, the British Government accepted that position and signed up to the agreement and the backstop and what is known as the Irish protocol, or the insurance policy. Despite what we would argue is the reckless and irresponsible position of some in the Tory Party and the DUP, the fact remains that the agreement must be honoured and a deal that recognises the unique circumstances for our island must be acted upon. The backstop, in our view, remains the only way to ensure that this is made a reality. It is our insurance policy and cannot be tweaked or nuanced. That is what is required and nothing less is acceptable.

Last night, following talks in Strasbourg, Britain secured additional legal assurances in respect of the withdrawal agreement and the backstop. It is the view of Sinn Féin that those assurances do not alter the terms of the withdrawal agreement and that the agreement agreed by this Dáil in November still stands. That is an important point. The Dáil voted for the withdrawal agreement alone. Is it the Tánaiste's view that there have been no legal changes to the withdrawal agreement? Is it his view that the backstop remains intact? Is it his view that the North cannot be unilaterally taken out of the customs union or Single Market by any British Government in the future?

The Tánaiste: I am grateful to the Deputy for the support of his party and, indeed, the support of other parties for the decisions the Government has had to make, working with the European Union to try to protect the interests of Irish people and Ireland, but also to protect the relationship we have with our closest neighbour, the United Kingdom.

It is clear from the text agreed last night that the withdrawal agreement itself is not being changed. That is understood. What we have is a new legal instrument which requires of the UK and the EU a series of processes that reassure everybody that there is good faith on both sides to work towards preventing the use of the backstop in the first place or, if it is ever triggered, that it is temporary.

There are, effectively, four ways of preventing the backstop being used. If the future relationship is comprehensive enough to mean we do not need border infrastructure between the EU and the UK, the backstop will be redundant and will never be triggered. If the alternative arrangements considered under the new mechanisms agreed last night result in an acceptance by both sides that an alternative arrangement can replace the backstop, in full or in part, that can happen. However, those alternative arrangements have to do the same job as the backstop. They do not have to look the same but they have to do the same job in terms of border infrastructure and commitments. There are also review mechanisms if the backstop is ever triggered. Those can be triggered by either side if alternative arrangements come to light that can replace, on a permanent basis, a temporary backstop. That would require to be agreed under the review mechanism in the withdrawal agreement. There is also an arbitration process which the document agreed last night considered in considerable detail. The UK can trigger this if it believes that the EU is not acting in good faith on its commitments around the temporary nature of the backstop or not triggering it in the first place. That arbitration process, which is consistent with the arbitration process in the withdrawal agreement, can be the basis of requiring the EU to either respond in good faith or, ultimately, for the backstop to be suspended should that happen.

There are, therefore, clear ways in which the backstop can be avoided or replaced by both sides working together or, if both sides are not working in good faith, one can challenge the other through the arbitration process to force that. That reinforces the case that the UK and the EU, working together, accept that the backstop is not to be a permanent arrangement but a temporary insurance mechanism that, should it be triggered, would be replaced by something more permanent over time.

Deputy David Cullinane: The Tánaiste quite rightly described the joint instrument as a legal instrument which has a legal effect and impact. People outside this Chamber want to know that the legal meaning of the backstop agreed last December and since, on which the Dáil voted and under which the North cannot be unilaterally taken out of the customs union and Single Market unless and until something of equivalence comes along, remains intact. This is a very clear question. If the answer is "Yes", then we have had no changes to the backstop.

There has been some scrutiny of the advice of the Attorney General in Britain. Are the assurances the Tánaiste is giving to the House underpinned by the Office of the Attorney General in this State? Is it the advice of the Attorney General in this State that there have been no legal changes to the backstop and that the backstop, as agreed in the Dáil, is intact and does what it was designed to do, namely, provide an insurance policy for the people of this island?

The Tánaiste: It is important to make a distinction between the legal changes made last night to the Brexit process by adding an extra layer in the legal instrument that was agreed and legal changes to the backstop in terms of what it looks like and how it delivers an outcome. On the second point, there are no changes to the text of the withdrawal agreement or the Irish protocol it contains and, therefore, there are no changes to the backstop in terms of how it would work should it be triggered. What is significant and different and has legal effect is the reassurance - and the processes which deliver that reassurance - on the temporary nature of the backstop. This is an insurance mechanism that nobody wants to use. If, however, it is ever used, both sides will use their best endeavours to ensure that it is temporary. On the first of those commitments, there is now a clear mechanism, with a timeline of one year, for both sides to use their best endeavours to consider alternative arrangements seriously in order to see whether they can replace the backstop. If they stack up, it will be agreed; if they do not, alternative arrangements will need to be continued to be worked on. The test in terms of the replacement of the backstop is still an actions-based test. It would still need to be there if it is ever triggered unless and until something that can do the same job can replace it. The commitment on the processes by which the EU and UK can consider those alternative arrangements were outlined in much clearer language yesterday that have legal effect.

Deputy Brendan Howlin: This morning, the Taoiseach made a statement on his understanding of the latest Brexit developments. He concluded by stating, “for the remains of the day we need to give MPs in Westminster the time and space to consider what is now on the table.” That could never be acceptable. We have to be able to scrutinise and debate the new legal documents in order that the Government does not sleepwalk into agreeing a text that could be in any way problematic. That is our job. Just as the British Parliament does its job, we have to do ours. The Labour Party has concerns about the documents agreed last night by the EU and UK negotiators and about the interpretation of the new legal text by the British Attorney General, Geoffrey Cox. In my judgment, and the Tánaiste will agree, it is certain that we will not have a comprehensive trade agreement by the end of next year. Even by the maximum end date of the December 2022, it is quite likely that a future relationship agreement will not have been concluded and that, legally, the backstop will have to be triggered.

I have a number of questions for the Tánaiste about the legal certainty and the guarantees on which we want to be really clear regarding an open border. Does the Government acknowledge that the legal text would require the EU to entertain a range of proposals from the UK Government, including alternative arrangements to replace the backstop, or else face the possibility that the UK might unilaterally break the withdrawal agreement? We have gone through all of these technological issues in the past but now we have a legal basis for the British to act if we do not accept them. Does the Government agree that the extent of the British Government’s legal commitment to ensure an open border in Ireland is only to the extent that is required in the text of the Good Friday Agreement and not the spirit of the peace process nor the existing unfettered trade on the island of Ireland? Does the Government accept the legal text allows for the implementation of alternative arrangements to the backstop on a piecemeal basis? The Tánaiste has said it can be done bit by bit. This would have the unintended consequence of ultimately

diluting the efficacy of the legal guarantee of an open border upon which we have relied? There is clear indication in the new documents that any new European law would not apply to the UK, including Northern Ireland. Does the Government accept that if a new area of European law were to be created which had, for example, implications for the labelling of goods, the UK would be under no obligation to adopt that law? Does it accept that could ultimately have an unintended consequence of requiring border controls on the island of Ireland?

The Tánaiste: There are a lot of questions there and I will try to address them. First, however, I wish to address the Taoiseach's comments this morning. He stated that for the remainder of the day the Houses should be conscious that another Parliament will vote on this deal this evening and Members should, therefore, be careful what we say. He is correct in that regard. I do not want to see debates in this House contributing negatively to the capacity for a fair deal to be ratified this evening in Westminster. That could easily happen if the debate in this House were to exaggerate or emphasise elements of the deal that may suit our political arguments but may make the political arguments in Westminster far more difficult. We need to deal with the facts rather than try to spin this in any direction. I am not saying that anybody has done so, but that was the context of the Taoiseach's statement this morning.

On whether the EU would give full consideration to alternative arrangements, we have always said we would. That the EU does not accept alternative arrangements does not mean that it is not acting in good faith; it just means that the alternative arrangements do not do the job or stand up to full scrutiny. It may be the case that convincing alternative arrangements will be developed and work. If that is the case and they are agreed between the two sides, they can replace the backstop as long as that gives us the desired outcome of protecting the Good Friday Agreement, avoiding a hard border and so on. We now have a clear structure and a timeline within which to consider those alternative arrangements during a transition period before a backstop would ever be triggered. In addition, of course, we have the good faith of both sides to continue to work on those alternative arrangements - potentially as technology changes in the future and so on - should the backstop ever be triggered and need to be replaced over time. Of course, the EU will act in good faith, work with the UK side and consider fully alternative arrangements. I suspect it may offer ideas, as it should. However, at the moment, after two years of negotiation, the only backstop, guarantee or insurance mechanism that really works to reassure people on this island that there will not be border infrastructure as an unintended consequence of Brexit is the backstop. That does not mean that alternative arrangements cannot necessarily be found.

On the Good Friday Agreement, the text and the backstop, Deputy Micheál Martin earlier referred to the Prime Minister's good faith towards the Good Friday Agreement. It is important to state that the UK's unilateral declaration is very clear in its final lines about the obligations of the UK under the 1998 agreement in all its dimensions and under all circumstances to avoid a hard border on the island of Ireland. That is in the context of trying to get out of a backstop through an arbitration process. It is important to recognise that because it is of great importance to this House.

On whether it is possible under the existing arrangements and the declarations made last night to replace parts or elements of the backstop, yes, it is. That is already catered for clearly in the withdrawal agreement whereby a backstop can be replaced in full or in part as long as the outcome of that change continues to deliver the desired effect, which is the avoidance of a hard border. That is already catered for in some detail in the existing text of the Irish protocol of the withdrawal agreement.

Deputy Brendan Howlin: By way of observation, I cannot imagine a British Prime Minister proposing to Westminster that debate there should be curtailed by considerations of what is happening in another parliament.

The Tánaiste: I did not use the word “curtailed”.

Deputy Micheál Martin: It is ridiculous that statements on Brexit will not take place until 7 p.m. tomorrow.

Deputy Brendan Howlin: As the Tánaiste stated last week, we need to accelerate our preparation for the profoundly unwelcome eventuality of a no-deal Brexit. That need is now even more acute. Will the Government undertake to move the €500 million from the so-called rainy day fund into a Brexit fund to support jobs and businesses that will be impacted in the event of a no-deal Brexit?

Deputy David Cullinane: Our proposal-----

Deputy Brendan Howlin: The trade union document this morning.

The Tánaiste: To be clear, I would never suggest we should be curtailing debate in this House on something of this import. We have statements tomorrow on this and we are happy-----

Deputy Lisa Chambers: Tomorrow night.

The Tánaiste: Yes, tomorrow. There is a reason we wanted statements tomorrow and not tonight. We will know a lot more tomorrow.

Deputy Lisa Chambers: There is a whole day tomorrow with nothing.

The Tánaiste: To be clear, this was decided by the Business Committee, not the Government.

Deputy Micheál Martin: I know that.

The Tánaiste: Let us be clear on that. We were open to suggestions from all sides.

On preparations for a no-deal Brexit, the Minister for Finance, Deputy Paschal Donohoe, outlined in some detail yesterday after the Cabinet meeting the financial challenges Ireland will face in the context of a no-deal Brexit and the need to support vulnerable sectors with significant financial support. We are in preparation for that. The Department of Finance is working very closely with the Minister for Agriculture, Food and the Marine, Deputy Creed, because this is a hugely vulnerable sector. The food and beef industries were mentioned earlier. We have intensified preparations in that area and will need to take account of that in the financial management of the Exchequer this year, but that is in train. If it comes to no deal, I suspect we will have many hours of debate in this House on how it will be managed.

Deputy Catherine Connolly: Tá a fhios agam gurb é scéal an lae inniú an Breatimeacht. Tá an chosúlacht ar an scéal go bhfuil éacht déanta ag an Rialtas agus ag na státseirbhísigh. Tá moladh tuillte acu ach ní mór dom a rá go bhfuil mé beagáinín buartha maidir le cé chomh scaoilte is atá an tearmaíocht atá in úsáid. Cuireann sé i gcuimhne dom réiteach eile ó 1979 - an Irish solution to an Irish problem a bhí ann - nuair a bhí cúrsaí frithghiniúna á bplé. Níos suimiúla fós, téann an frása siar go 1971 nuair a bhí an tAire, Patrick Hillery, i mbun plé faoinár mballraíocht den EEC. Tagann Tadhg an dá thaobh i gcuimhne dom. Is féidir le chuile pháirtí

a rogha féin de chiall a bhaint as an gcomhaontú. Neosfaidh an aimsir.

Maidir le mo cheist inniu, le linn díospóireachta maidir leis an mBreatimeacht bhain an Taoiseach úsáid as an meafar go bhfuil na scamaill dhorcha ag teannadh linn. Is maith an rud nach bhfuil siad anois, ach tá scamaill dhorcha eile amach os ár gcomhair go meafarach agus go réadúil. Tá am na cinniúna maidir le hathrú aeráide ag teannadh linn. Tá a fhios agam go bhfuil dul chun cinn déanta ó thaobh reachtaíochta agus ó thaobh spriocanna, ach níl muid ag baint na spriocanna sin amach. Ar ndóigh, tá na daltaí scoile ar na sráideanna an tseachtain seo ag impí orainn rud a dhéanamh. Sin anuas ar tuarascáil ón Tionól Saoránach a foilsíodh taca an ama seo bliain ó shin. Imní práinneach ó chosmhuintir na tíre beart a dhéanamh de réir ár mbriathar a bhí inti. I measc an 13 moladh sa tuarascáil sin tá moladh faoi leith ó thaobh caiteachais ar an gcóras iompair phoiblí. Moltar tús áite a thabhairt do leathnú amach a dhéanamh ar an tseirbhís seo in áit bóithre nua a thógáil. Moltar tús áite a thabhairt d'áiseanna “páirceáil agus taistil”, lánaí bus, agus lánaí rothair.

Sa chomhthéacs sin ba mhaith liom díriú isteach ar mo chathair agus mo chontae féin. Far-aor géar, in ainneoin áilleacht agus rathúlacht na cathrach, tá sí ag fulaingt agus ag tarraingt droch-cháile de bharr tranglam tráchta, cúrsaí tithíochta agus forbairt nach bhfuil bunaithe ar an leas coitianta. Anuas air sin, is í Gaillimh ceann de na cathracha atá luaite sa chreathlach pleanála náisiúnta le tuilleadh forbartha agus beidh méadú suntasach ar an daonra. Beidh formhór na forbartha seo laistigh den chathair. Is maith é sin agus tá se le moladh ach, gan plean cuimsitheach inmharthanach atá dírithe ar an leas coitianta agus a aithníonn go bhfuil dúshlán faoi leith againn ó thaobh athrú aeráide de, ní bheidh muid in ann ár ndualgais dlíthiúil a chomhlíonadh. Tá tascfórsa i gceist ó thaobh cúrsaí tithíochta, ach tá plean cuimsitheach a nascann na gnéithe éagsúla le chéile - cúrsaí taistil, cúrsaí fostaíochta agus cúrsaí tithíochta - atá bunaithe ar na freagrachtaí tromchúiseacha atá orainn maidir le hathrú aeráide de dhíth. Tá cosmhuintir na tíre chun tosaigh orainn agus is í mo cheist dhíreach, simplí don Tánaiste ná an féidir leis an Tánaiste agus an Rialtas Gaillimh a phiocadh, agus a thógáil mar thogra faoi leith mar chathair ghlas a bheidh ina heiseamláir agus ina threoirphlean do chathracha eile sa tír? Is éard atá i gceist agam deireadh a chur leis an gcur i gcéill agus díriú isteach ar phlean inmharthana do Ghaillimh agus go mbeidh córas iompair poiblí curtha ag croílár an phlean sin, a léireoidh go bhfuilimid i ndáiríre faoi spriocanna atá leagtha síos maidir le athrú aeráide a bhaint amach.

The Tánaiste: I thank the Deputy for her comments on the management of the Brexit process by the Government. I agree with what she said about climate change. Many people are ahead of the Government and this House on climate change, in particular young people. It does not surprise me that many of them will want to ensure their voices are heard on the need for the prioritisation of a more urgent response to the challenge of climate. We hear that, from a Government perspective, and that is the reason the Minister for Communications, Climate Action and Environment, Deputy Bruton, is working on an all-of-Government plan to set out the actions that must be taken by every Department and body. The plan should be ready before Easter. For the first time, we will have a climate change plan with real targets that apply to every sector. The Minister is working with colleagues across Government to develop new initiatives in electricity generation, transport, heating and a range of other sectors. That will build on initiatives that have already been introduced.

As the Deputy is aware, €116 billion of expenditure has been committed over the next ten years. Of the money we have committed to spend on capital infrastructure, one in every five euro relates to climate mitigation. We have also launched a €500 million climate action fund for the best projects that generate significant CO2 reductions. The all-party Oireachtas commit-

tee on climate change will report next week. The Government will study the recommendations closely and try to factor them into Government planning and try to get agreement on a cross-party level on many of those recommendations, which will be challenging and will pose some difficult choices for this House. We will then be tested on whether the people are ahead of us on some of the difficult choices around the value of carbon and related issues in the future.

I know Galway well, having been Minister for Housing, Planning, Community and Local Government, and traffic is a significant issue for the city. We are planning to grow the population of the city by another 50% in the next two decades. It is clear that we need to invest heavily in public transport to be able to replace the need for cars with sustainable public transport infrastructure. That is the reason we have committed a significant amount of money to the BusConnects programme for Galway, which will rationalise five high-performing cross-city routes and prioritise bus lanes as well as providing for segregated cycle lanes, which are badly needed in Galway. I will follow up on Deputy Connolly's final question when I get a chance to respond for a second time.

Deputy Catherine Connolly: Gabhaim buíochas leis an Tánaiste ach is í mo cheist ná an féidir leis an Rialtas Gaillimh a phiocadh mar eiseamláir chun a thaispeáint cad is féidir a dhéanamh le cathair atá sáite i dtranglam tráchta. Tá tranglam tráchta, cúrsaí tithíochta, agus cúrsaí fostaíochta fite fuaite le chéile. Táim ag rá leat agus d'aontaigh an Tánaiste liom go bhfuil forbairt i nGaillimh ag leanúint na forbróirí arís. Níl plean cuimsitheach i gceist. Tá neart talaimh againn i gceantair na nduganna, i lár na cathrach, i Stáisiún Ceannt, sa seanaerphort, agus níl aon ghá le fadhbanna i nGaillimh. Is drochphleanáil, easpa físe, agus easpa phlean cuimsithigh atá i gceist chun dul i ngleic leis na fadhbanna. Ba chóir dúinn plean cuimsitheach a réiteach go práinneach. Is é seo an Dáil dheireanach chun dul i ngleic le athrú aeráide. Níl an dara rogha againn. Tá na gasúir óga ar na sráideanna ag impí orainn rud a dhéanamh. Shínigh 22,000 duine i nGaillimh feachtas agus píosa páipéir ag impí ar an Rialtas breathnú ar thuarascáil féidearthachta le light rail a chur ar fáil mar chuid den réiteach. Bhí 22,000 duine ag seasamh sa sneachta ag iarraidh tacaíochta a thabhairt don fheachtas. Mar cheist, an féidir leis an Rialtas Gaillimh a phiocadh mar eiseamláir, an rud ceart a dhéanamh agus a thaispeáint go bhfuil an Rialtas i ndáiríre do na gasúir a bheidh ar na sráideanna an tseachtain seo. Mar chuid d'fheachtas, shínigh 22,000 duine i nGaillimh píosa páipéir ag impí ar an Rialtas breathnú ar tuarascail féidearthachta maidir le light rail a chur ar fáil mar chuid den réiteach. Bhí an 22,000 duine sin ag seasamh sa sneachta ag iarraidh tacaíocht a thabhairt don achainí. An féidir an Rialtas Gaillimh a phiocadh mar eiseamláir agus an rud ceart a dhéanamh? An féidir leis taispeáint go bhfuil sé i ndáiríre do na gasúir a mbeidh ar na sráideanna an tseachtain seo?

The Tánaiste: We can show those students who will be on the streets in a few days' time that we are serious. For the remainder of this Dáil's lifetime, one area in which the Government certainly wants to see significant change, in the context of policy and delivery, is climate change. We have a new Minister in this area who is preparing to bring recommendations to the Government. We have an all-party Oireachtas committee which will bring recommendations to the House. Accordingly, we will have an obligation to give leadership to both of these initiatives. I expect that we will seek cross-party support on many of the new initiatives.

Galway can become an exemplar. Many of the towns and cities throughout Ireland are thinking ahead in terms of how they plan for sustainability. A transport strategy for Galway city was prepared by the National Transport Authority, in partnership with Galway City Council and Galway County Council, and was signed off in 2016. My concern is that we keep adding new plans but are not actually delivering on previous ones. The Deputy and I know of the frustra-

12 March 2019

tions in Galway with regard to housing in particular. That is why we have set up a task force to look specifically at why housing is not being delivered at the required pace in Galway. In the context of climate change, Galway has a natural competitive advantage that it should seek to use. If leadership came from Galway, I am sure the Government would respond.

Tributes on Retirement of Member of Staff

An Ceann Comhairle: Before proceeding to the Order of Business, I draw Members' attention to the fact that Patricia Doran, sitting here in front of me, is with us on her final day of service in Leinster House. Patricia has served in the Oireachtas for 28 years and today is embarking on early retirement. I know most, if not all, Members present have benefited from her wise counsel, her good humour, her straight-talking ability and her commitment to working well and efficiently, particularly under pressure. All of us are fortunate with the calibre of staff supporting us in our work. Patricia typifies all that is good, decent and honourable about the Civil Service.

For my own part, after three years in this particular job, Patricia has been a rich source of procedural knowledge and expert advice. She has an encyclopaedic knowledge of Standing Orders, salient rulings of the Chair and general procedural matters. She has many interests, thank God, outside this Chamber. I know she has many plans once she escapes from us. She leaves with sincere thanks from all of us on a job extremely well done. She should be proud of her exemplary service to the Houses of the Oireachtas, to Members and, through us in the House, to the country as a whole.

Tánaiste and Minister for Foreign Affairs and Trade(Deputy Simon Coveney): I also take the opportunity to thank Patricia. I have been here for over 20 years and Patricia has been a permanent fixture in different parts of this system for nearly a decade longer. I am sure she is a little uncomfortable with us talking about her as the focus of attention today. Normally, she is facilitating the other egos in this House to be the centre of attention. I thank her because, without people like Patricia Doran, democracy as we know it today would not function. She has been extraordinarily professional, patient at times, as well as firm at times. She has worked in the Journal Office, the Bills Office, various committees and the IT section. She has been involved in House services and more recently, has assisted the Ceann Comhairle in his office, in more ways than one. At the end of a very significant and successful career here, on behalf of this House I wish to thank Patricia for all the work that she has done and wish her well for the future. I am sure that she will not miss us perhaps as much as she says. She will have the chance to focus on and explore so many opportunities when she leaves this House. I thank her for her many, many years of service. It is deeply appreciated.

Deputy Micheál Martin: I dtús báire ba mhaith liom ar mo shon féin agus ar son ár bpáirtí ár mbuíochas a ghabháil le Patricia as ucht an mhéid oibre a chuir sí isteach i rith na mblianta as son na Dála agus an Oireachtais i gcoitinne. Ba mhaith linn comhghairdeas a dhéanamh léi as ucht an mhéid atá bainte amach aici agus as an tslí a oibríonn sí lá i ndiaidh lae.

I thank Patricia sincerely for her outstanding work on behalf of our Parliament and of Members of the Dáil. The Ceann Comhairle said that she has an encyclopaedic knowledge of procedures, of that I have no doubt, but she probably has an equally encyclopaedic knowledge of all the attempts and tricks of the trade which Members of Parliament may attempt from time to time to circumnavigate procedures. To discharge her duties, she had to display incredible pa-

tience, tolerance and indulgence of the most appalling attempts by Members of the House to get around procedures. Sometimes when we would see her looking back at the Ceann Comhairle to give a bit of an instruction, one would have a sinking feeling that one's attempt was going to be dashed without a doubt, and that would turn out to be the case. To manage to keep some degree of order and a framework over this House is an enormous challenge. It is because of Patricia and her colleagues that that has been achieved with such regularity so often. She went beyond the call of duty to ensure that the House ran as smoothly as possible. On behalf of the party and myself, I thank her sincerely. I understand that life outside Dáil Éireann is extraordinary indeed and she really will develop new experiences as she escapes from Leinster House, as the Ceann Comhairle put it. I wish her the best of luck.

Deputy David Cullinane: I am not a party leader just yet -----

An Ceann Comhairle: The Deputy's performance today would bode well for him.

Deputy David Cullinane: I have not had the same level of engagement that party leaders would have had with Patricia but I recognise, and we in this House all know, that she has been a very professional and committed public servant for a long number of years. The Ceann Comhairle and others have outlined the different roles that she has held in the Oireachtas. She has been a very honourable and decent public servant. I wish her well in her retirement and all the good things that she seeks to do when she leaves here. On behalf of Sinn Féin I wish her the very best.

Deputy Brendan Howlin: I have the privilege in various guises of working with Patricia over many years, including during a stint as Leas-Cheann Comhairle. I am very much aware of the depth of knowledge but also the clarity of opinion that Patricia possesses. At moments of crisis in this House when there are disputes about issues, one needs somebody who can say with clarity what the rule is and to be firm in its interpretation. Patricia has always been that fantastic public servant.

We are very well served by the officers of this House. Our democracy is sustained by that level of expertise and commitment. On my behalf and that of the Labour Party, I wish Patricia many, many years of retirement, when no doubt she will take on many new careers. Her extraordinary contribution to the workings of democracy are greatly appreciated by us all.

Deputy Mattie McGrath: Ba mhaith liom mo chomhghairdeas a ghabháil ar son na Rural Independents do Patricia. Thirty years or more is a great service, which was done so unassumingly and effectively. No matter what the issue, she was always so friendly. I recall one occasion. I was a buachaill dána and I had to leave the House. Patricia was advising the Ceann Comhairle, but she does it always in a very nice way.

Deputy John Curran: Never.

Deputy Mattie McGrath: Yes, I did. Tharla sé sin lá amháin.

I want especially to thank Patricia for her kindness, courtesy and indeed sound advice at the different committees at which I have worked with her. On behalf of the Rural Independents, I wish Patricia many happy years of - I will not say retirement - enjoyment in the rest of her life and that she will enjoy the many things that she could not when she was often long hours here. We kept her late, and early, indeed. I wish Patricia good health and happiness. Go n-éirí go geal leat, Patricia.

12 March 2019

Deputy Ruth Coppinger: I just wanted to wish Patricia well. My main dealings with Patricia have been when she has come up to check whether I have ten Members to take a vote, which has often been our wont. I hope she really enjoys her retirement. I thank her for her very fair dealings at all times.

Deputy Clare Daly: I will not prolong Patricia's agony. I am sure she is not exactly loving any of this. On behalf of Independents 4 Change, and certainly as a member of the Business Committee, it has been my privilege to work alongside her. She embodies a quintessential lady with the heart of a tiger which I think is what we need. She is firm and effective. The world's gain is our loss in here. I wish her all the very best.

An Ceann Comhairle: Hear, hear.

Deputy Catherine Murphy: I too would like to wish Patricia well. There are people in this House who one always expects to be there and Patricia is one of those. Obviously, Patricia is someone on whom one can rely. If she went and checked something, the advice she gave on her return was absolutely right. That is because of years of being consistent. That is to her credit. I wish Patricia well for the future. She will add her name to the list of those who describe themselves as Oireachtas survivors. I hope she survives for a very long time and has a very fruitful retirement.

Deputy Eamon Ryan: There is a tradition I like where we, on entering or leaving this Chamber, nod, bow or whatever - various versions thereof - to the Chair. I think it is not only to the Chair. It is to the civil servants in front of the Ceann Comhairle as well. We do not have a mace in this House. Our mace is those screens, that rule book and those Standing Orders on the desk in front of Patricia and Peter. We respect them because of the quality of the work that they, and Patricia, exemplify. Thank you very much, Patricia.

^ An tOrd Gnó - Order of Business ^

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): Mar Príomh-Aoire agus mar bhall den Choiste Gnó, déanaim comhghairdeas le Patricia as ucht an sárjab a rinne sí ar ár son. Go n-éirí an t-adh léi sa todchaí.

Is mar seo a leanas a bheidh an gnó Dé Máirt: Uimh.15, tairiscint maidir leis an 23ú tuarascáil ón gCoiste Roghnoireachta; Uimh. 16, tairiscint maidir leis an ordú um ghéilleadh a iarchur, iarchur chuig coiste; Uimh. 16a, tairiscint maidir le ceisteanna parlaiminte, malartú róta; Uimh. 34, ráitis maidir leis an nGaeilge; Uimh 1, An Bille um an Dlí Sibhialta (Toimhde Báis) 2016 [Seanad], arna athrú ón Bille um an Dlí Sibhialta (Daoine atá ar Iarraidh) 2016 - an Dara Céim; agus Uimh. 8, An Bille um an mBord um Athstruchtúrú Comhar Creidmheasa (Díscaoileadh) 2019 - Ordú don Dara Céim agus an Dara Céim. Is é a bheidh i nGnó Comhaltaí Príobháideacha Uimh 215, tairiscint maidir le hospidéal náisiúnta na leanaí, arna roghnú ag an nGrúpa Neamhspleách Tuaithe.

Is mar seo a leanas a bheidh an gnó Dé Céadaoin: Uimh 217, tairiscint maidir le bochtaineacht cúrsaí, arna roghnú ag cácas parlaiminte na mban de chuid an Oireachtais; Uimh. 34a, ráitis maidir le forbairtí le déanaí i dtaobh Brexit; Uimh. 35, ráitis maidir le hathbheithniú cliniúil neamhspleách seachtrach ar na seirbhísí máithreachais in Ospidéal Portiuncula, Béal Átha na Sluaighe (atógáil); agus Uimh. 8. Is é a bheidh i nGnó Comhaltaí Príobháideacha Uimh. 216, tairiscint maidir le hárachas, arna roghnú ag Fianna Fáil.

Maidir leis an ngnó Dé Máirt, beartaítear: (1) go dtógfár Uimh. 15, 16 agus 16a gan díospóireacht agus go ndéanfar aon vótáil a éilítear maidir le Uimh 16 agus 16a a thógáil láithreach; (2) go ndéanfar aon vótálacha a thógfáí tráth na vótála seachtainiúla Déardaoin, an 14 Márta, a thógáil tráth na vótála seachtainiúla Déardaoin, an 28 Márta 2019; agus (3) go gcríochnófar Uimh. 34 laistigh de 85 nóiméad agus go ndéanfar na ráitis a theorannú d'aon bhabhta amháin le haghaidh Aire nó Aire Stáit agus phríomhurlabhraithe na bpáirtithe agus na ngrúpaí, nó le haghaidh comhalta a bheidh ainmnithe ina n-ionad, nach rachaidh thar deich nóiméad i ngach cás, agus tabharfaidh Aire nó Aire Stáit freagra cúig nóiméad, agus féadfaidh gach comhalta am a roinnt. Maidir leis an ngnó Dé Céadaoin, beartaítear: (1) go dtógfár Uimh 217 in am Rialtais agus go gcríochnófar í laistigh de dhá uair an chloig, tabharfaidh tairgtheoir óráid tosaigh nach rachaidh thar 20 nóiméad agus, ina dhiaidh sin, beidh aon bhabhta amháin óráidí ann ó Aire nó Aire Stáit agus ó phríomhurlabhraithe na bpáirtithe agus na ngrúpaí, nó ó chomhalta a bheidh ainmnithe ina n-ionad, nach rachaidh thar deich nóiméad i ngach cás, agus cúig nóiméad le haghaidh gach comhalta eile agus tabharfaidh Aire nó Aire Stáit freagra cúig nóiméad agus féadfaidh gach comhalta am a roinnt; (2) go gcríochnófar ráitis maidir le Uimh. 34a laistigh de 110 nóiméad agus déanfar na ráitis sa bhabhta tosaigh a theorannú le haghaidh Aire nó Aire Stáit agus phríomhurlabhraithe na bpáirtithe agus na ngrúpaí, nó le haghaidh comhalta a bheidh ainmnithe ina n-ionad, nach rachaidh thar deich nóiméad i ngach cás, beidh an dara babhta de ráitis ann nach faide iad ná 25 nóiméad san iomlán le haghaidh chomhaltaí an Rialtais, Fhianna Fáil agus Shinn Féin a roinnfear i gcomhréir ar bhonn 40-40-20 faoi seach, agus tabharfaidh Aire nó Aire Stáit freagra cúig nóiméad agus féadfaidh gach comhalta am a roinnt; agus (3) go rachaidh an Dáil, ar éirí di, ar athló go dtí 2 p.m., Dé Máirt, an 26 Márta 2019.

An Ceann Comhairle: There are two proposals to put to the House. Is the proposal for dealing with Tuesday's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed.

Deputy Micheál Martin: The programme for Government indicates that the Government will ensure there are at least 9,500 Permanent Defence Force personnel and a full-strength Reserve, while also implementing the White Paper on Defence. There are currently 8,921 members of the Permanent Defence Force, of whom 440 are in training and cannot be deployed. The turnover rate is 8.1%, which means that we will not get to 9,500 personnel for well over 20 years. Did the Tánaiste see the report published yesterday by the Representative Association of Commissioned Officers, RACO, which indicates that almost 80% of recently inducted Defence Forces officers are planning to leave early due to the lack of a viable career path as a consequence of Government policy? In short, morale in our Defence Forces is on the floor and the Government is non-responsive. I have raised this matter with the Taoiseach and the Minister of State at the Department of Defence, Deputy Kehoe. It is appalling that members of the Defence Forces and officers who have pursued a vocation and spent years in training and education, making substantial personal and professional sacrifices to honourably serve our State, are so desperate to get out of our Defence Forces. What does the Government intend to do to fulfil its programme for Government commitments?

The Tánaiste: As the Deputy knows, we have asked the Public Service Pay Commission to have a look at the Defence Forces specifically and to return with recommendations to the Government on areas where we may be able to respond to some of the concerns relating to pay and working conditions. When we get that report, we will be able to make informed choices.

Deputy David Cullinane: It has been reported that the Minister for Finance met officials from KBC Bank Ireland in January to reassure them of his and the Government's support in the

wake of the forced eviction of a Roscommon family last year and the controversy that followed. A document released by *thejournal.ie* suggests that the Minister would “fully accept that repossessions are part of the normal financial services landscape and that it must be possible to enforce security as a final resort when all else has failed”. I wonder if the Minister has met the victims of evictions. I would say that he did not. This demonstrates again that Fine Gael sides with banks and it will always side with the cosseted privileged class in this State. Time would have been better spent by the Minister and the Government if they had amended the Private Security Services Act 2004 to ensure proper regulation and oversight in the area. Of course, Fine Gael does not do this but instead it sends cosy letters and has cosy meetings with bank officials to reassure them that everything is okay as they try to brutally evict families from homes. It is wrong and the meeting should not have taken place in the way it did. Is the Government minded to amend the Private Security Services Act 2004?

Minister for Justice and Equality (Deputy Charles Flanagan): Yes.

Deputy Brendan Howlin: On Friday, to mark International Women’s Day, the Cabinet ratified the Istanbul Convention. A key requirement of that convention on sexual violence and domestic abuse is to have one refuge place for every 10,000 people.

3 o’clock

The 2016 figures show that 16 women and children were being turned away from refuges every day. Ireland has fewer than one third of the places required. Tusla, which is the statutory agency responsible for the provision of domestic violence services, is claiming there is one place for every 10,000 women, which is not the same as one for every 10,000 members of the population. We have called for a dedicated capital fund to provide additional refuge places. Ten counties have no such places. In Dublin, there are no places in Dún Laoghaire-Rathdown where Labour Party councillor, Deirdre Kingston, has been seeking funding for a refuge for a considerable period. Will the Tánaiste or Minister for Justice and Equality commit to providing a dedicated capital fund to ensure that all local authorities provide this vital service?

Deputy Charles Flanagan: I acknowledge the support of all parties here in facilitating the ratification of the Istanbul Convention that involved four pieces of distinct legislation. Having regard to the fact that this Dáil has been dubbed the “do nothing Dáil”, this is progress that is not only welcome but enduring.

I acknowledge what Deputy Howlin said about refuges. This is a challenge. I have been speaking to the Minister for Housing, Planning and Local Government on the issue. He faces challenges in this area as well. I hope to be in a position to report progress on the matter. I would like an opportunity to interrogate further the proposal made by Deputy Howlin and I would be happy to report on this issue in a few months’ time.

Deputy Ruth Coppinger: I want to ask the Tánaiste about the new nursing contract the Government is negotiating with the INMO. News has broken in the past 24 hours that not only is nursing one of the toughest jobs in society but now the Government wants to make it one of the most insecure. It is unbelievable. As it was, this was a modest pay offer to nurses but the Government seems to want to extract a pound of flesh to get them to vote for it. If the nurses and midwives decide to return to the picket line, which is a much more likely prospect thanks to the Government’s shenanigans over the past while, they will get even support from members of the public when they see that what the Government tried to do to the nurses was introduce

a Trojan horse of a contract to make their lives even more difficult than they were before the strike. We heard about International Women's Day. If the Government wants equality for women, it should pay the nurses. It should not just talk about education and so on. If it paid the nurses and closed the gender pay gap, that would be the best service it could do for women.

The Tánaiste: I think the industrial relations infrastructure of the State will be called upon again here. There is likely to be a Labour Court hearing on this matter next week. From the perspective of management, the Government and the nursing union, we want to get this issue resolved in a way that is consistent with the agreement that was the basis for the ending of industrial action by nurses. Everybody wants to work to that end. I suspect that the Workplace Relations Commission and the Labour Court will help us to get there.

Deputy Mattie McGrath: An independent commission was set up to examine boundaries for local electoral areas. The commission reported and we all accepted it apart from the Minister for Housing, Planning and Local Government. Cahir has been put into the electoral area of Cashel-Tipperary. The Galtee Mountains are in between. The Tánaiste must travel past these mountains on his way home to Cork. There is no road through them. A person must go into counties Cork and Limerick to get into Tipperary or back into Bansha. The council recently voted by an overwhelming majority against what has happened. It is totally dissatisfied. Aside from the council, the public is being discommoded. This decision is blatant interference with the report of an independent commission. Is this what this Government will be proud of - going back to the heavy days of Jim Tully gerrymandering, messing and trying to organise things to suit the Government? It is outrageous. The Government interfered with an independent commission. Can the Tánaiste tell me that the Government will reverse this decision as soon as possible?

The Tánaiste: I will have to ask the line Minister to come back to me with that detail because I do not have it here.

Deputy Catherine Murphy: I understand that the Government approved the appointment of a judge for the independent assessment for the CervicalCheck non-disclosure *ex gratia* payment last week and that the decision was to be finalised at the Cabinet meeting this week. Did this happen? When will the details be made known to the women in question? Furthermore, what are the timelines for the assessment and for the tribunal to deal with CervicalCheck claims in the event that women wants to opt for this process rather than the court option?

The Tánaiste: I thank the Deputy for asking that question because it allows me to put on the record that the Government approved yesterday the terms of the CervicalCheck non-disclosure *ex gratia* scheme, including an independent assessment panel comprising a retired High Court judge, who will act as chair, an independent clinician and a person of good standing. The chair of the independent assessment panel is retired High Court judge Aindrias Ó Caoimh, and the Minister, Deputy Harris, will appoint the other two members of the panel shortly. The scheme will be open to all women in the cohort of 221 identified from the retrospective clinical audit as having been involved in the smear test controversies or to their next of kin. The decision was made yesterday.

Deputy Michael Fitzmaurice: Under the Water Framework Directive, Ireland has obligations to follow. Throughout the past few years, small towns and communities have been able to get together to source funding for community sewerage schemes. In recent days directors of services have received letters from the Department of Housing, Planning and Local Govern-

ment stating that it cannot give funding to community groups unless there is an Irish Water scheme in the town which can be tapped into. They are not let to be stand alone. A three-year contract or programme has been put in place. What will it mean if small rural towns throughout the country, where people want to carry out works themselves voluntarily and where the allocation they got per house was about €6,500, will no longer be able to carry out these works? It will leave small villages around Ireland that have sewage going into rivers not able to do the works. The closing date for this is 14 March. Will the Tánaiste ask the Minister, Deputy Eoghan Murphy, to put it back by two weeks?

An Ceann Comhairle: The time is up, Deputy.

Deputy Michael Fitzmaurice: Directors of services have refused the people in various towns putting in their applications.

The Tánaiste: I am slow to give the Deputy a detailed response on the hoof. If he could send me the details of the matter, I will ensure that the Department is made aware of the concern he outlines.

Deputy Bernard J. Durkan: The courts (establishment and constitution) (amendment) Bill is promised legislation. The Bill proposes to increase the number of Appeal Court judges from nine to 15. It is scheduled for pre-legislative scrutiny. When is it likely to be referred and when is it likely to come before the House?

The Tánaiste: It has been approved by Government and is shortly expected before the House.

Deputy Michael Healy-Rae: Following on from commitments in the programme for Government, I have raised here for a long time the issue of University Hospital Kerry with the Minister. I was concerned that our hospital was being downgraded by stealth. We have a serious problem with recruitment and retention of staff. Recently we have had the resignation of a consultant oncologist. Other senior staff are resigning at alarming rates. I want an assurance from this Government and from the Minister for Health that our university hospital in County Kerry will receive every assistance possible from the HSE, that we will not play second fiddle to County Cork or anywhere else and that our hospital will retain the services it has and have adequate budgets made available to the hospital, its management team and the workers in the accident and emergency department, including the nurses. We need support, we need backup and we need this hospital to continue to provide the invaluable service it provides in our county.

Minister of State at the Department of Health (Deputy Jim Daly): Gabhaim buíochas leis an Teachta as an cheist. I assure the Deputy that the smaller, more rural hospitals will have an increasing role to play in the future delivery of healthcare under the Sláintecare plan as it is rolled out and implemented over the coming years and that there is no threat to the future of Kerry hospital. We are well aware that recruitment is a challenge in Kerry hospital, as it is in Bantry General Hospital and many other similar hospitals. We are undertaking a number of measures at present to try to address this, but I can assure the Deputy that there is no threat to the future of the hospital. It will play a very central role in the delivery of healthcare to his constituents for many years to come.

Deputy Fiona O'Loughlin: The Government made a number of announcements on International Women's Day on ratifying the Istanbul Convention and related issues. That is welcome and we need delivery on those announcements. My question concerns the six sexual

assault treatment units, which treat men and women, aged 14 and over, who have been raped or sexually assaulted. Despite a 20% increase in the number of people seeking treatment in recent years, all of the units are understaffed. We have heard stories of men and women having to go to units elsewhere in the country because the unit closest to them has closed or cannot deal with them. At a minimum, the only such unit in Dublin, at the Rotunda Hospital, should be open 24-7. Are there any plans to improve the badly needed services in these units?

The Tánaiste: Yes, is the direct answer to that question. The Government has committed to a 25% increase in funding. We are also examining the possibility of making some of those units mobile so they can be taken to areas where they are needed rather than expecting people to travel long distances to attend them.

Deputy Willie O’Dea: In response to many queries from constituents, and further afield, I ask the Tánaiste to indicate when the new tenant purchase scheme will be introduced or the current scheme changed. I have asked this question six times already. I was told initially this would happen in the second half of 2017. It then moved to the first half of 2018 and subsequently to the second half of 2018. The most recent promise I was given was that this would happen in the first quarter of 2019, which is rapidly expiring. Will this be a case of fourth time lucky?

The Tánaiste: All I can say is that a review process was being finalised the last time I checked. I will ask the Minister to respond directly to Deputy O’Dea. I presume he has tabled parliamentary questions on the issue.

Deputy Danny Healy-Rae: It is now clear the debacle of the national children’s hospital spending overrun is having a devastating affect on many projects around the country. Kerry has already been hit. A sewerage scheme requested and promised for 15 years has again been put back until next year. The problem is that the scheme is to be laid along the road from Kilcummin to Killarney and the road cannot be reinstated until that has been done. Thousands of cars use this road daily. Does the Government have any shame for blackguarding the people of Kilcummin? This is clearly happening because the Government was asleep at the wheel in controlling spending at the national children’s hospital.

An Ceann Comhairle: Deputy Danny Healy-Rae’s time is up. We will get an answer for him.

Deputy Danny Healy-Rae: As a result, the people of Kilcummin are being adversely affected.

The Tánaiste: Whatever about the needs of the people of Kilcummin in respect of a new sewerage scheme, it is a bit of a stretch to try to connect that with the building of the national children’s hospital.

Deputy Danny Healy-Rae: That is what has happened.

The Tánaiste: The Minister for Public Expenditure and Reform has outlined on many occasions how the increased spending planned for next year will be accommodated. I do not think it has anything to do with a sewerage scheme in County Kerry.

Deputy Danny Healy-Rae: The Tánaiste is wrong.

Deputy Robert Troy: The Government established the Land Development Agency six or

more months ago. According to a recent reply to a parliamentary question I submitted, not one property identified has been transferred to the new agency. That is generating great uncertainty in respect of Columb Barracks in Mullingar. Community groups utilising the barracks do not know what will happen or if they will be able to use the facility in the long term. They have made inquiries of the Department of Defence, which then refers them to the Land Development Agency. The agency, in turn, refers them back to the Department of Defence because the property has not yet been transferred. I do not expect the Tánaiste to be able to give a reply today but will he ask the relevant Minister to respond to me on the timeframe for the transfer of Columb Barracks in Mullingar to the Land Development Agency and the long-term plans for that property?

The Tánaiste: I will happily do that.

Deputy Bobby Aylward: My question is on the old chestnut of the roll-out of the national broadband plan, NBP. I am constantly asked by people in my constituency when broadband will come. Farmers, small businesses and residential houses are waiting for broadband. We were promised broadband would be rolled out by 2020, yet the plan is still not being implemented. We are being told it will commence in a month or before Easter. What is the status of that plan? It is of great importance to the people of rural Ireland and will allow them catch up with urban areas such as Dublin, Cork and Galway. We badly need the national broadband plan.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): We have seen a large increase in the number of homes getting access to broadband under the NBP. There has been an increase from about 50% to 75%. There are a number of ways of dealing with this issue. There is a remaining issue, as the Deputy knows, with what is called the intervention area. That is the area where it is not commercially viable to provide a service. A tender has been received and is under intense examination in my Department and the Department of Public Expenditure and Reform. As the Taoiseach indicated to the House, he hopes that we can bring forward proposals for consideration before Easter.

Deputy Michael Moynihan: When the Government was formed three years ago, it made a major budgetary commitment on the provision of respite care. A sum of €10 million was allocated in the first budget. Now, in the early stages of 2019, respite care is in a serious crisis, with parents of people with intellectual disabilities unable to access respite care. They have been told, through their service providers, that funding is not coming through from the Health Service Executive. The HSE seems to be centralising power and making decisions concerning all parts of the country, rather than having decisions made by the service providers as was the case previously. This is a major crisis. Already, in the early months of 2019, parents are being told there is no money for respite care this year.

Deputy Jim Daly: I am aware of the issue the Deputy raises. I spoke yesterday with Mr. Ger Reaney, the CEO of the community healthcare organisation, CHO, in the area Deputy Michael Moynihan and I represent. This matter falls within the direct remit of the Minister of State, Deputy Finian McGrath. This is a challenge and a large budget will be needed to meet existing demand in full. There has been some progress and some significant successes in the area. The €10 million provided has resulted in the opening of a number of new respite facilities. While we cannot take from the progress that has been made, we are certainly not yet close to where we would like to be. That will remain a challenge for some years.

An Ceann Comhairle: Five Deputies remain. We will get everyone in, if they are brief. I

call Deputy Ó Broin.

Deputy Eoin Ó Broin: Page 28 of A Programme for a Partnership Government features a commitment to a State-wide review of building standards and improving fire safety standards. It was worrying to read in a report by Barry Whyte in *The Sunday Business Post* this weekend that 75% of Dublin Fire Brigade planning conditions have been overturned or significantly changed on appeal to An Bord Pleanála. Equally worrying was an article by Jack Horgan-Jones in *The Irish Times* yesterday highlighting a report which shows that approximately 60 apartment developments owned by one management company in Dublin have inadequate fire alarm systems and a lack of fire stopping. Will the Minister commit to conducting this review and updating the fire safety regulations as a matter of urgency? Will he also seriously consider a latent defects redress scheme and a risk audit of Celtic tiger-era developments?

The Tánaiste: I have a long note on this matter that I will not have time to read into the record. I will ask the Minister to respond directly to Deputy Ó Broin. There are many technical issues linked to this matter.

Deputy James Lawless: We all acknowledge the importance of forensics and evidence in crime detection and solving and prosecuting crime. I recognise the work of the Garda National Technical Bureau in this area. It has won a number of awards over many decades. Investment was planned to advance work on a new forensic science laboratory to be located in Celbridge. I attended the turning of the sod for the project about a year ago. I understand, however, that it is now in jeopardy and that it is a casualty of the overrun at the national children's hospital. Reports suggest it is part of the reprofiling exercise arising from the overspending. Will the Tánaiste clarify what investment will continue in the forensic science laboratory? Will it go ahead? If not, what is the plan? Where does the Garda National Technical Bureau fit into the new structure? I understand there are also some questions concerning that alignment as well.

Deputy Charles Flanagan: It is absolutely not the case that there has been any delay in the forensic science laboratory due to overruns at the national children's hospital, as the Deputy alleged. I assure him and the House that the forensic science laboratory is one of the major capital priorities of the Government. It is proceeding in accordance with the funds available.

Deputy Tom Neville: Page 19 of the programme for Government concerns housing and increasing the supply thereof. I have learned through my own research with Limerick City Council and Limerick County Council that when councils go to draw moneys from the Department for particular housing voids they must do so under various sections and headings. So much of the money is allocated under different headings. These headings provide for insulation, cavity blocks or whatever. In practice, however, the moneys a council actually requires for a specific house may supersede the amount of money given under a certain heading. It is becoming an increasingly bureaucratic process, as opposed to one that determines €20,000 is required to fix a house and enables a council to draw down €20,000. Eradicating that would be a simple solution to get voids back into our housing stock. I ask the Government to take this on board or investigate this issue and come back to me on it.

The Tánaiste: I will happily pass that on. We have made huge progress in bringing voids back into use, including in Limerick. However, this is clearly an issue if the Deputy is raising it so I will pass it on and make sure it gets a response.

Deputy Catherine Martin: Ar an 11 Feabhra seo caite, dúirt an Coimisinéir Teanga, Rónán

Ó Domhnaill, go bhfuil sé “go hiomlán míshásúil” go bhfuil pobal na Gaeilge fós ag brath ar Acht teanga nach bhfuil “sách láidir”. Tá breis is seacht mbliana caite ó cuireadh tús leis an bpróiseas leasú a dhéanamh ar Acht na dTeangacha Oifigiúla 2003. Tá sár-obair déanta ag Conradh na Gaeilge, ach go háirithe, moltaí a chur le chéile ar scéim ghinearálta agus ar cheannteidil Bille na dteangacha 2019. Cén uair a bheidh an Bille sin críochnaithe agus curtha chun cinn? An mbuailfidh an tAire le pobal na Gaeilge chun an Bhille a fheabhsú? Is í seo Seachtain na Gaeilge 2019 agus fós tá ríomhairí ag an Státseirbhís nach bhfuil in ann síneadh fada a chur ar ainm duine, fiú i liostaí de chuid an CSO. Tuigim an brú atá ar an Rialtas mar gheall ar an mBreathimeacht. Dúradh leis an Dáil seo nach raibh aon ghá ann Roinn na Gaeilge nó Údarás na Gaeltachta a lua sa reachtaíocht atá á tabhairt isteach chun déileáil leis an mBreathimeacht. Is beag an t-iontas go bhfuil inní ar an gCoimisinéir Teanga go gcaillfidh lucht labhartha na Gaeilge muinín as an bpróiseas reachtaíochta.

Deputy Seán Kyne: Gabhaim buíochas leis an Teachta as ucht na ceiste tábhachtaí seo a ardú, go mórmhór i rith Seachtain na Gaeilge. Tá mé ar an eolas faoi na smaointí atá ag an gCoimisinéir Teanga sa chomhthéacs seo. Aontaím leis go bhfuil frustrachas ar lucht na Gaeilge maidir leis an moill atá ar an mBille atá luaite ag an Teachta. Tá sé ar bharr an liosta sa Roinn Cultúir, Oidhreacht agus Gaeltachta. Mar is eol don Teachta, bhí a lán oibre le déanamh ag na dréachtóirí in Oifig an Ard-Aighne ar an reachtaíocht atá curtha le chéile i dtaobh na Breathimeachta. Cé go bhfuil an próiseas reachtaíochta sin beagnach críochnaithe anois, tá na dréachtóirí ag obair ar na hionstraimí reachtúla faoi láthair. Ina dhiaidh sin, sílim go mbeidh siad ag obair ar a lán Billí cosúil leis an mBille maidir le hAcht na dTeangacha Oifigiúla. Tá sé ar bharr mo liosta agus ar bharr liosta na Roinne.

Deputy Niall Collins: This is a query for the Minister for Communications, Climate Action and Environment on the expansion of the usage of electric vehicles. It is a big issue on the agenda for tackling climate change. In my constituency in County Limerick there are only four charging stations, in Adare, Newcastle West, Abbeyfeale and Foynes. Looking at a map one sees that the entire rest of the county, its south and east, is bereft of them. What are the Government’s plans to roll out significantly more charging stations? If we are to promote the use of these vehicles for good reasons, we need more charging stations.

Has the Minister consulted with his colleague, the Minister for Housing, Planning and Local Government on this issue? A parking requirement is attached to applications for commercial planning permission. Making sure we have more chargers is something we are going to have to look at in this country. If we do not have charging stations, people will not use these vehicles.

Deputy Richard Bruton: I thank the Deputy for raising the issue. Just a couple of months ago I allocated €10 million to ESB, which will be 50% of the cost of extending the electric vehicle charger network. The network the ESB proposes to put in place will support 40,000 vehicles. We currently have about 10,000. We are planning to have headroom, and in the plan I will be looking beyond that.

There is a planning requirement to the effect that by 2025 all employers with more than 20 parking spaces will have to have an electric vehicle charging facility. There are also planning requirements for new builds. I will check the details on that point.

Committee on Procedure: Appointment of Members

An Ceann Comhairle: I wish to announce for the information of the House that Deputy Willie Penrose has been appointed to the Committee on Procedure in substitution for Deputy Brendan Ryan.

Regulation of Tenderers Bill 2019: First Stage

Deputy Jonathan O'Brien: I move:

That leave be granted to introduce a Bill entitled an Act to provide that abnormally low tender bids for construction works with a contract equal to or above the EU threshold for public works are regulated, and disqualified if their low level is not adequately explained to the relevant authority, and that performance in prior public contracts be grounds for exclusion from participation in a procurement procedure.

I seek leave to introduce the Regulation of Tenderers Bill 2019. This Bill would regulate for the issue of abnormally low bids for capital projects. Members will be aware of the recent controversy around the national children's hospital. Sinn Féin has looked at low bids which have been submitted for several capital projects. We submitted parliamentary questions to all of the Departments about overruns in their respective areas. In the Department of Justice and Equality, two particular projects had cost overruns of 47% and 39%. In the Department of Education and Skills there is an average overrun of 6% across all capital projects. That may not seem like much, but the combined figures show a significant cost overrun for capital projects. These overruns arise for various reasons. I am not saying it is due to any one particular reason. There were changes to some of the contracts as they were rolled out. However, there is no doubt that there is a growing concern here. There are more and more instances where abnormally low contract bids are an issue.

This Bill seeks to rectify that. It is based on EU regulations which are already in existence. It identifies what an abnormally low bid would be by providing that where four or more tenders for a public capital works contract are submitted, an abnormally low bid is one that falls 15% below the adjusted average. Whatever the average of the four bids is, if a bid is 15% below that it is considered an abnormally low contract bid.

There is no onus on the contracting authority to reject that bid automatically. That is not what we are suggesting. We are putting in place a mechanism by which the contracting authority can discuss the tender and examine all of the issues. If there is a valid reason for the bid to be so low, the contracting authority can accept it. We are only proposing that if this is done the bid must be registered with the Office of Government Procurement and the contracting party must state its reasons for accepting an abnormally low bid. In recent weeks a Secretary General actually stated in one of the Oireachtas committees that there is a difficulty around not accepting the lowest bid for fear of litigation and ending up in the Four Courts. By putting this into primary legislation we are providing a mechanism by which we can reject abnormally low contract bids.

The Bill's other proposal, in section 3, is to introduce a mechanism to examine the past performances of companies which have successfully bid for public works contracts. If a company has consistently been unable to meet the tender price it has originally submitted for capital projects, this can be taken into consideration when the bids are adjudicated.

This is a system which works in other jurisdictions. It is currently in place in the North. The

12 March 2019

provisions for abnormally low contracts work very well up there. This primary legislation is based on the European regulations which currently exist to deal with abnormally low contracts. I recognise that the European regulations were transposed into Irish law through a statutory instrument. I believe Deputy Howlin was the Minister in charge when we brought that in but it is clear that the current European regulations are not being implemented. There is a major fear on the part of contracting authorities not to accept the lowest bid under any circumstances for fear of litigation. We have seen where some companies have taken contracting authorities to court and have been successful, therefore, we are seeking leave to introduce this Bill.

An Ceann Comhairle: Is the Bill opposed?

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

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

Deputy Jonathan O'Brien: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Credit Union (Amendment) Bill 2019: First Stage

Deputy Michael McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Credit Union and Co-operation with Overseas Regulators Act 2012 to make provision for the establishment of an independent appeals mechanism to enable Credit Unions to appeal decisions of the Central Bank on regulatory decisions and to provide for related matters.

I am pleased to have the opportunity of introducing the Credit Union (Amendment) Bill 2019. As all Members of the House will know, credit unions have existed in Ireland and served communities for over 50 years offering a crucial service in towns and villages throughout the country. They offer a viable and local alternative to the main retail banks. Credit unions are owned by their members, are supported by volunteers and are underpinned by the common bond.

Over the past number of years credit unions have faced very significant challenges. The other credit union Bill we will be discussing later today or tomorrow seeks to dissolve the Credit Union Restructuring Board or ReBo. Over its lifetime there have been 82 restructuring projects involving 156 credit unions across 24 counties. As a result, the number of credit unions has dropped by one third in its lifetime. This trend, if it continues, will result in credit unions playing a diminished role in local communities. We cannot allow this to happen.

It is simply too difficult for many credit unions, either by themselves or collectively, to lend money on longer and more viable terms.

It is estimated that credit unions collectively have over €8 billion held in investments and the return on these investments is insignificant. Some credit unions are now refusing deposits because it is costing them too much to hold those deposits.

Fianna Fáil has long been calling for the credit union movement to be used to assist in the

building of social and affordable housing. While the Central Bank has changed the rules to permit that the Government has not made any move to make this a reality in practice.

Fianna Fáil has been calling for the credit union movement to be allowed to enter the mortgage market in a more substantial way. This would increase the revenue for credit unions and it would add much needed competition in the mortgage market and potentially push down mortgage rates which are among the highest in Europe.

The purpose of this Bill is to provide an appeal mechanism for credit unions or groups of credit unions against regulatory decisions. This would better enable credit unions to appeal decisions made by their regulator in the Central Bank, known as the registrar for credit unions. This Bill proposes to establish a credit union appeals committee. This committee would direct the registrar of the Irish Financial Services Appeals Tribunal in cases where the complainant was a credit union or group of credit unions.

This Bill will remove the restrictions and state that any decision made by the Central Bank is an appealable one when it relates to credit unions. I look forward in due course to introducing the detail of the Bill.

An Ceann Comhairle: Is the Bill opposed?

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

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

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

Question put and agreed to.

Twenty-Third Report of Committee of Selection: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That Dáil Éireann approves the Twenty-Third Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 7th March, 2019, and discharges a member and appoints a member to a Committee accordingly.

Question put and agreed to.

Draft Order on the Central Fund: Referral to Select Committee

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That the proposal that Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2019,

12 March 2019

copies of which have been laid in draft form before Dáil Éireann on 11th March, 2019, be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach, in accordance with Standing Order 84A(3)(b), which, not later than 28th March, 2019, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I move:

That, notwithstanding anything in the Order of the Dáil of 12th December, 2017, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Communications, Climate Action and Environment, shall be set down to Ministers in the following temporary sequence:

Minister for Children and Youth Affairs

Minister for Transport, Tourism and Sport

whereupon the sequence established by the Order of 12th December, 2017, shall continue with Questions to the Minister for Rural and Community Development.

Question put and agreed to.

An Ceann Comhairle: Rachaimid ar aghaidh do cheisteanna don Aire Dlí agus Cirt agus Comhionannais, an Teachta Charlie Flanagan.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Proposed Legislation

1. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality his plans to amend the Succession Act 1965 to ensure that perpetrators or their families cannot benefit in cases of familicide; and if he will make a statement on the matter. [12314/19]

Deputy Niall Collins: The Minister will be aware of the bravery of Mary Coll and Jacqueline Connolly in speaking out about the tragedy which befell their family. The testament to their bravery is truly remarkable. I think he will agree it demands a comprehensive response on the part of the State. As Alan Hawe was the last to die, the laws of succession currently mean that Clodagh Hawe’s family faces a number of potential claims against the family’s estate. What action has the Minister taken to address this issue?

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Deputy for his question on this sensitive and important issue. Regrettably, we have become all too aware of issues connected with familicide as a result of appalling and tragic events recently which have been discussed in the public domain. I would like, at the outset, to take this opportunity once again to express my sincere condolences to the Coll family on the tragic loss of Clodagh, Liam, Niall and Ryan. I extend those condolences to other families who have been affected in such devastating circumstances.

As Deputy Collins will be aware, my Department is working with the Office of the Attorney General to finalise amendments to Deputy O’Callaghan’s Private Members’ Bill on the prevention of benefit from homicide. As the Deputy will appreciate, there are a number of complex legal issues to be addressed in the amendments which require thorough examination by experts in this field of law. I am also aware that the Joint Committee on Justice and Equality will engage in pre-legislative scrutiny on that Bill on 27 March. I look forward to receiving the committee’s draft report, and any recommendations it may have, in due course.

As Deputy Collins has acknowledged, the provisions of Deputy O’Callaghan’s Bill do not extend to the circumstances which have arisen in the murder of Clodagh Hawe and her family. As I have already announced, following my engagement with the Coll family, I am putting in place arrangements for a study to be conducted in relation to such cases. The study will be carried out to determine the most appropriate multi-agency protocols and supports, as well as any legislative or other changes that may assist in cases of familicide. The study will also examine the experience of domestic homicide reviews in other jurisdictions and make any recommendations that may be deemed appropriate. The terms of reference for the study will be finalised shortly. I hope to proceed with the appointment of the person to lead the study as soon as possible.

I have also asked officials in my Department to examine options in relation to the succession-related aspects in the context of amendments to Deputy O’Callaghan’s Private Members’ Bill in consultation with the Attorney General’s office.

Additional information not given on the floor of the House.

This is a complex area of the law and I want to ensure that we avoid any unintended or unforeseen consequences. Nonetheless, if the matter can be addressed through an amendment to that Bill it is my intention to bring any necessary proposals to Government as a matter of priority.

As I mentioned, my Department is already engaged in consultations with the Attorney General’s office on possible reform options. In this context, I would of course welcome any input from the joint committee as part of its pre-legislative scrutiny of Deputy O’Callaghan’s Private Members Bill and I look forward to co-operation from colleagues across both Houses in progressing this matter.

Deputy Niall Collins: The Minister will be aware that the Coll family has specifically requested that the Succession Act of 1965 be updated to address the lacuna that exists with regard to murder-suicide. He referenced the Bill my colleague, Deputy O’Callaghan, has put forward, the Civil Liability (Amendment)(Prevention of Benefits from Homicide) Bill 2017 which is currently on Committee Stage. As the Minister knows, the Bill is a recommendation of the Law Reform Commission and it predates the peculiarities of the case we have been discussing. This

has been a high profile yet extremely sensitive case, which has been discussed on a number of occasions on the Claire Byrne programme and by the family members on live television, which people should not have to do. Can we get a categorical assurance from the Minister that every effort will be made to ensure that the passage of this Bill will not be delayed unduly for any reason whatsoever?

Deputy Charles Flanagan: I wish to assure Deputy Collins, the House and the public that I share his concern but this is a most complex area of law. I am very anxious to ensure that there are no unintended or unforeseen consequences. It is important to consider the matter in the wider context than just the recent case which has been discussed in this House. For example, one could possibly imagine a similar case arising in the circumstances of long-term domestic violence where natural justice and public sympathies might lie with the perpetrator rather than the victim. Another example worthy of consideration is where a perpetrator had a child from a previous relationship and the rights of that child need to be considered. I merely give these examples to illustrate the need for careful legal analysis before we pass any law. Notwithstanding that, I assure Deputy Collins that a number of options are under consideration. One possible course of action might be to amend the 1965 Succession Act to provide that, in cases such as these, the joint tenants of property would be deemed to have held the property immediately prior to their deaths as tenants in common. I assure the House that there is no stalling of legislation here, there is no undue delay, rather there are complex issues. I am sure Deputy O'Callaghan will acknowledge that.

Deputy Niall Collins: The Minister will also be aware that the family of Clodagh Hawe made a number of other requests. They have requested amendments to the Coroners Act and that a special investigation unit for familicide and family annihilation be set up. They have also asked that information gathered in the course of an investigation be shared with the next of kin as expeditiously as possible. They have also proposed that, at the conclusion of an inquest in a case of familicide, the book of evidence be published. Have these requests been given careful consideration? They are complex requests, as we know, and the whole area is quite detailed, as the Minister said. This is against the backdrop of the fact that, since 2000, there have been 27 cases similar to this and involving murder-suicide. Could the Minister give a comment about the other requests the Hawe family have made?

Deputy Charles Flanagan: I assure the Deputy, bearing in mind those 27 cases he refers to, that this is an issue which will be the subject matter of research and I hope to appoint a chair and committee of experts shortly. Many of the issues that were raised in the course of a meeting with the Coll family in my office centred around changes to the legislation. I have already assured the House that I am acting on Deputy O'Callaghan's Bill and the Succession Act. I wish to acknowledge the Deputy's drafting of that Bill. I assure the House that we must tread very carefully having regard to unforeseen or unintended consequences. One of the issues which the family raised with me was the need to have a meeting with Garda Commissioner Drew Harris. That meeting took place last week and I believe the family found the meeting useful and constructive. It provided some clarity on aspects of the case. We are also looking at coroners' legislation.

I am not sure if the specific requests of the family require extensive legal change other than the Bill under discussion. Changes may be required in case management, practice, procedure and protocols. I am keen that all the issues that were put to me in that meeting are addressed.

Domestic Homicide

2. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality if legislation will be introduced to provide for domestic homicide reviews as have been introduced in the UK (details supplied). [12167/19]

Deputy Donnchadh Ó Laoghaire: Tá an dá cheist ceangailte i slite. Tá go leor cainte agus díospóireachta le cúpla seachtain anuas faoi chás uafásach Clodagh Hawe agus a teaghlach. Roinnt de na rudaí a bhíodas ag iarraidh ná an Bille Cróinéirí (Leasú) 2018, a bhfuil an Teachta Collins tar éis déileáil leis, aistriú reachtaíochta, agus maoiniú. Bhí ceisteanna ann faoi cé a fhaigheann maoiniú fresin. Ceann de na rudaí a bhí á bplé ná go bhfuil gá le hathbheithniú maidir le dúnmharaithe a tharlaíonn sa bhaile. Táimid láidir den tuairim go bhfuil gá leis sin. Táim ag súil go dtógfaidh an Rialtas sin ar bord agus go gcuirfidh sé reachtaíocht ar bun cosúil leis an reachtaíocht atá ann i Sasana.

Deputy Charles Flanagan: I thank the Deputy for his question and I assure him that I am giving careful consideration to the issue. I have been advised by the Garda Commissioner that the Garda National Protective Services Bureau is currently developing new policies and procedures to inform its approach to domestic homicide reviews in An Garda Síochána. It is envisaged that these reviews will examine the sufficiency of Garda policies in this area, their interactions with other external agencies and with the individuals and family concerned.

The reviews will be a separate exercise to the investigation of the domestic homicide and their purpose is to serve as a lessons learned review to facilitate better practice in the approach to domestic abuse. This is a useful and necessary practice and will assist An Garda Síochána in seeking to continuously improve their approach to domestic abuse.

As the Deputy is aware, a range of other agencies may be involved in such cases in addition to An Garda Síochána. As I announced following my recent meeting with the Coll family, my Department is currently preparing terms of reference for a study on the support needs of family members where a murder-suicide has occurred. As I have said, I envisage this study also examining the process of domestic homicide reviews and experience to date in other jurisdictions, with a view to making recommendations in relation to their application in this jurisdiction. One such recommendation may include proposed legislative changes. I look forward to engaging further with the House in relation to the recommendations arising from this study which will be carried out by a person with appropriate experience and expertise.

Deputy Donnchadh Ó Laoghaire: Tá an-suim agam sa mhéid atá ráite ag an Aire. Tá sé cuibhseach nua i gcomhthéacs an mhéid atá ráite aige cheana.

Deputy McDonald had two asks when she raised this case in the Dáil a number of weeks ago. The first was that the Minister meet the family of Clodagh Hawe and I acknowledge he has done that. The second was about the need for legislation governing domestic homicide reviews. That is provided for under British legislation which will be extended to the North after public consultation. It is vitally important. The Minister has made reference to the processes that An Garda Síochána has put in place. That is not based in statute and is not automatically multi-agency.

I am interested to hear what the Minister has to say. It sounds to me that he has an open mind to legislative change that would put in place something similar to what exists in Britain.

12 March 2019

If that is the case, and the Minister confirms that, it would be welcome. What is the timescale for this study on support needs that might give rise to such a recommendation?

Deputy Charles Flanagan: As I said in reply to Deputy Collins, I was very pleased to have the opportunity to engage face to face with members of the Coll family and listen to them outline their experience and their suggestions arising therefrom. I am anxious to broaden that and involve research that includes other families and their experiences over the past number of years.

It could well be that legislative change will be required here. That is why my Department and I are closely monitoring developments in other jurisdictions, particularly in England and Wales. In those jurisdictions, a domestic homicide review is a locally conducted, multi-agency review of the circumstances in which the death of a person aged 16 years or over has, or appears to have, resulted from violence, neglect or abuse. These reviews were introduced in legislation in Britain which came into force in April 2011. The purpose is not to reinvestigate the death, or indeed to apportion blame, but to establish what lessons are to be learned from the domestic homicide about the way in which the local professionals and organisations work.

I agree that there are lessons we can learn from other jurisdictions and we are doing that.

Deputy Donnchadh Ó Laoghaire: Tá sé ceart go mbeadh muid ag féachaint ar dlínsí eile. The need for domestic homicide review is a long-standing demand of Sinn Féin and other organisations such as Women's Aid. The 27 cases of familicide that the Minister and Deputy Collins referred to are to the fore of our minds but they cannot be separated from a wider picture of serious issues of domestic violence and murders. Nine of ten murdered women are killed by someone who knows them. Half of them are killed by a current or former partner. Some 61% are killed in their homes and there have been 225 of those cases since 1996 as of November last.

This is a serious issue and I hope the Minister recognises there is a need for legislation in this area. There is also a need for this to be based on a multi-agency basis. Organisations such as Tusla have a central role to play in any such legislation. Can the Minister give us a timeline as to when all this will be completed? He indicated that he saw value in other legislative provisions. When can we expect the recommendations to that effect to be made, if indeed they will be made?

Deputy Charles Flanagan: I ask the Deputy to accept that this is obviously complex and, therefore, time-consuming. What An Garda Síochána is doing in terms of its review of homicides involves experts on the force and in the Central Statistics Office, CSO, ensuring that the information and data acquired is accurate and robust. I acknowledge that there is evidence of improvement in the recording process and in data quality. I agree with Deputy Ó Laoghaire that more work needs to be done to ensure a consistent statistical product. An Garda Síochána continues to work with the CSO.

With regard to outside agencies, it is important that we look at international best practice in this regard. The Northern Ireland Department of Justice recently concluded a public consultation on a proposed model for the introduction of domestic homicide reviews. Here, we will have the advantage of looking at this alongside experiences and developments in England and Wales. I am very keen that we act on this without delay.

Dáil Éireann
Brexit Issues

3. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality the position regarding the need to update the regulations that govern the jurisdiction of courts in civil and commercial matters following the departure of the United Kingdom from the European Union; and if he will make a statement on the matter. [12315/19]

Deputy Niall Collins: This issue relates to the Brussels Convention on civil jurisdiction. The Brussels regulation provides for jurisdiction and enforcement of judgments in civil and commercial matters. After 29 March, there will be considerable uncertainty as to how civil jurisdiction will operate. As a result, we need clarity in respect of the issues. What is the current position regarding the continuity of jurisdiction for civil and commercial matters after 29 March?

Deputy Charles Flanagan: The question is based on consideration on the part of Deputy Niall Collins of a no-deal Brexit. The Government remains firmly of the view that the best and only way to ensure an orderly UK withdrawal from the EU is for the withdrawal agreement to be ratified. Debates in this regard are under way in other jurisdictions as we speak. Nonetheless, in view of the ongoing uncertainty in the UK, my Department has been planning for every scenario, but particularly for a no-deal or worst-case scenario of the type to which the Deputy refers.

By way of background, there are a number of EU regulations that set down the jurisdiction rules which apply in the civil and commercial area. The Deputy will appreciate these matters are quite legally technical and persons who consider they may be impacted will likely require legal advice. The key instrument here is the Brussels I regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. However, there are regulations, not falling within the justice sphere, that also deal with jurisdiction, for example, Council Regulation (EC) No 207/2009 on the Community trademark. These instruments are couched in broad terms and, depending on content, it is for individual member states to make them work within their legal system.

On the rules that will apply to the UK in the event that EU regulations no longer apply, the Deputy is aware that since the late 1980s international jurisdiction in cases concerning Ireland and the UK in civil and commercial matters has been governed by the 1968 convention on jurisdiction and the enforcement of judgments in civil and commercial matters, which is generally known as the Brussels Convention. In the event of a disorderly Brexit, the Brussels I rules would no longer apply as between the EU 27 and the UK. The governing legal framework would then be a mix of domestic law and international agreements.

Deputy Niall Collins: I thank the Minister. We all know and accept that Ireland did not vote for Brexit but we must deal with the consequences. If the UK is no longer a party to the recast Brussels regulation or is not a signatory to similar conventions, such as the Lugano Convention, it will be more difficult for judgments in Ireland to be enforced in the UK or vice versa. There is also potential for conflict regarding which court will have jurisdiction on cross-border UK-EU disputes. Brexit will mean an additional court process will be required to be undertaken before suing defendants who reside in the UK, as leave of the Irish High Court will have to be obtained. The Minister stated that this is complex, and we all know and appreciate this, and that the entire situation is fluid given that Westminster is debating it today and there will be a number of votes on it this week. Have the Minister or his colleagues in government

engaged with their UK colleagues regarding the intended available courses of action that may have to be taken?

Deputy Charles Flanagan: I assure the Deputy that, at official and ministerial level, these issues have been the subject matter of discussion. I met the Secretary of State for Justice, David Gauke, on a number of occasions and we have discussed how best to deal with these issues. However, I need to make clear that the general enforcement of UK judgments in Ireland will be governed by the rules that apply to third countries because the UK will be out of the European Union. In practice, therefore, application of these common law rules will mean that UK parties seeking enforcement of judgments will have to issue proceedings seeking an Irish judgment in the terms of the foreign judgment before being able to obtain any enforcing measure. This is technically challenging. While many Government agencies have been most active in ensuring that our large and small commercial entities are Brexit ready, it is an inevitable consequence of a disorderly Brexit that litigation in the civil area may become more difficult for such entities. This is a matter over which the Government has very little control because Ireland is not free to enter bilateral arrangements with the UK on jurisdiction rules that will apply between ourselves in civil and commercial matters. As stated, it would be prudent for anybody contemplating litigation against a UK defendant to seek legal advice on the options available to him or her in the event there is a disorderly Brexit on 29 March.

Deputy Niall Collins: As Ireland has a land border between the UK and the EU, this will create problems unique to the island, which the Minister will appreciate. The issue will be particularly acute in the Border region. Areas such as intellectual property, data protection, competition law, employment law and other regulated sectors that are subject to EU-wide legislation are much more likely to be impacted by Brexit. As a result, these issues are likely to be prioritised following the UK's departure. However, the uniqueness of the Border will likely generate unique issues to be resolved and it will be up to Irish officials to bring them to the fore at EU level. Will the Minister and the Government commit to the development of an early-warning system, particularly in the area of cross-border litigation?

Deputy Charles Flanagan: It is absolutely essential that we continue the work being done by a number of agencies and business organisations under the banner of ensuring that people are Brexit ready. In the area of rules of jurisdiction and, as specifically mentioned by the Deputy, civil and commercial issues, there are a number of challenges. It will be necessary, for example, to seek leave of the High Court or Circuit Court, as appropriate, to have proceedings served in another jurisdiction. Such cases would include those where the action relates perhaps to land in Ireland, in the Border area or any area, and the action is founded on a tort committed in Ireland or the action affects a contract made in Ireland and, of course, governed by Irish law. In other cases it may be necessary to bring the action before a court in the United Kingdom, including in Northern Ireland. This is not an area in which the EU has exclusive competence and it is not possible to enter into a bilateral agreement with the UK as regards arrangements for jurisdiction. My advice is to ensure that there is a proper and adequate information campaign, that the Government has a role to play in this regard and that persons contemplating legal action after 29 March do so on the basis of legal advice available to them.

Taxi Licences

4. **Deputy Sean Sherlock** asked the Minister for Justice and Equality if his attention has

been drawn to reports of a so-called scam to obtain taxi licences by persons who are alleged to have no legal status here. [12011/19]

Deputy Sean Sherlock: I merely wish to raise an issue that was articulated by the journalist Paul Williams on 6 March. He stated in the article that gardaí uncovered evidence of a major scam in which 180 non-EU nationals obtained taxi licences using fraudulent public service vehicles applications despite having no legal status in this country.

4 o'clock

He further stated that the Garda National Immigration Bureau, GNIB, searched several residential addresses across Dublin in which it was suspected false documentation including SPSV applications were being produced as part of a massive immigration fraud. What is the Minister's perspective on this matter? Is he satisfied that measures are being taken to adequately deal with issues of this nature?

Deputy Charles Flanagan: I am advised by the Irish Naturalisation and Immigration Service, INIS, of my Department that on 5 March 2019 the Garda National Immigration Bureau conducted searches of ten residential properties in the Lucan and north inner city areas as part of an ongoing investigation into immigration fraud related to taxi licensing. Officials from the Garda carriage office, the National Transport Authority, INIS and the Department of Employment Affairs and Social Protection are also involved in this ongoing investigation and participated in the multi-agency day of action.

This was the latest phase of an investigation entitled Operation Vantage in which GNIB has, to date, uncovered a total of 134 cases where a PSV licenceholder or PSV applicant is the subject of ongoing investigation and the immigration status of the individual is of concern. Of those cases, 64 investigations have been finalised by the GNIB and forwarded to INIS for consideration of revocation of the immigration permission of the persons concerned. Of those investigations, 55 have been examined by INIS and 25 deportation proceedings have commenced to date. Several arrests have been made and a number of persons have been or are in the process of being deported.

I am advised that as a result of the searches conducted on 5 March a further 15 people have been identified for investigation where marriages of convenience and fraud are suspected. Seven people were found to be in the State without immigration permission and are now subject to immigration controls. The immigration status of these persons is being reviewed by INIS. In addition, I am advised that a number of PSV licences are now being considered for revocation and that following last week's operation a number of taxi plates and vehicle permissions have been seized.

Transport for Ireland operates a mobile phone app devised by the National Transport Authority which enables the public to check that a vehicle or person is registered and to report irregularities, acting as an assurance to users of taxi services. I encourage people to use the app, which is free of charge.

Deputy Sean Sherlock: I thank the Minister for his reply. He outlined that there are 64 cases in which revocation is a possibility or probability and that 35 deportations are pending. Although the operation is geographically aligned to the Dublin metropolitan area, is there a concern regarding more widespread potential immigration fraud and usage of false licences? Is there any intelligence to suggest that such practices may also be taking place in other parts of

the country?

Deputy Charles Flanagan: The investigation is ongoing. As I stated, 134 cases have been identified to date and, of these, 64 investigations have been finalised and forwarded to INIS for consideration. In some cases, licences or immigration permission have been revoked. I do not currently have information for the Deputy as to the extent of the investigation and whether it is specific to the capital city. However, I am mindful that these matters are still under Garda investigation and I will not speculate further. I am happy to inquire as to whether there are grounds for the investigation being placed on a broader footing than currently appears to be the case.

Deputy Sean Sherlock: I welcome the response of the Minister. My understanding from that response is that INIS is recommending deportation in the 64 cases that have been sent to it. People who come to this country must abide by the law. There are taxi drivers who ply their trade day in, day out and obey the rules. I welcome the success of Operation Vantage so far. A good job of work has been done by the Garda. It would be very helpful and useful for the Minister to provide any insight he may have as to whether this problem is more widespread than currently seems to be the case.

Deputy Charles Flanagan: It is reasonable to assume that the investigation will continue. If there is a requirement for the Garda to further extend or develop it, that undoubtedly will be done. Of the 64 cases, 55 have been examined by INIS and, to date, 25 deportation proceedings have commenced from these cases. Having regard to the number of cases identified to date, it can reasonably be expected that there will be further developments and possible initiation of further deportation proceedings. As these matters are still under Garda investigation, it would be premature and unwise of me to speculate. On the deportation process, all persons subject to deportation are entitled to due process under Irish law, including recourse to the courts if they deem it appropriate. However, I am keen to ensure that any investigations under way will take their course and that any fraud or illegal activity will be dealt with in accordance with the criminal law.

Crime Prevention

5. **Deputy Margaret Murphy O'Mahony** asked the Minister for Justice and Equality the specific measures he is taking to tackle crimes against persons with disabilities; and if he will make a statement on the matter. [12316/19]

Deputy Margaret Murphy O'Mahony: What specific measures are being taken by the Minister to tackle crimes against persons with a disability? I ask him to make a statement on the matter.

Deputy Charles Flanagan: I thank the Deputy for raising this question. I was very pleased to see her actively engaged on justice issues in her constituency at a recent meeting in County Cork. I was pleased with the progress initiated on the issue raised by her and I assure her my efforts are ongoing in that regard.

On the issue of crimes against persons with a disability, I assure the Deputy that the Government, including my colleague, the Minister of State with special responsibility for disability issues, Deputy Finian McGrath, is committed to working with all stakeholders to help improve the lives of all persons with disabilities in Ireland. The Garda Síochána strategy statement

identifies the prevention of crime as the organisation's top priority. The objective is to prevent crime before it occurs, as well as supporting and vindicating the rights of victims when a crime occurs.

In the context of people with disabilities, there are tailored responses to how such crimes are addressed. For example, the Criminal Justice (Victims of Crime) Act 2017 includes specific provisions requiring gardaí to carry out special measures in their assessment of victims, including victims with a disability. The Act also provides that any communication with a victim must be in simple and accessible language and take into account the personal characteristics of the victim, such as, for example, disability, which may affect his or her ability to understand or be understood. There is also provision for persons with an intellectual disability to give evidence to the court through an intermediary.

In general, criminal offences such as assault committed against any person, including a person with a disability, are prosecuted as generic offences under the Non-Fatal Offences Against the Person Act 1997. However, in sentencing a person for the offence, a judge may take any aggravating factors into account. Such factors may include the vulnerability of the victim, encompassing matters such as disability.

Deputy Margaret Murphy O'Mahony: The National Disability Authority states that research from other countries suggests that people with disabilities are more likely than other people to be the victim of general crime, including theft or break-ins at the person's home, or, indeed, physical or sexual abuse. Unfortunately, very little such research has been carried out in Ireland. The authority states that research carried out in London found that in several cases harassment was specifically related to the person's disability. Clearly, there is a need for urgent research in this area in Ireland. It should be funded by the Departments of Justice and Equality and Health. Will the Minister commit to facilitating a project similar to the SAVI report on sexual abuse and violence? Can the Minister commit to that?

Five years ago, the Irish Council for Civil Liberties published research in this area which indicated that victims of crime with disabilities were not strategically identified as a specific victim group with particular needs and concerns. Will the Minister ensure people with disabilities are seen as such?

Deputy Charles Flanagan: I assure the Deputy that the Minister of State, Deputy Finian McGrath, and I consult on an ongoing basis to ensure that every effort is made to assist people with disabilities. I mentioned earlier a number of practices in order to ensure that victims who have disabilities are treated in a more sensitive manner. For example, I am informed that improvements were made to the Garda PULSE system a number of years ago that included the introduction of a victim assessment screen. This requires mandatory recording of data relating to the apparent motive for a crime incident, such as whether that crime was motivated by discrimination on specific grounds, including age, disability, race, religion, gender or sexual orientation. As part of the Garda policing plan for 2019, work is well under way within An Garda Síochána on the development of a definition and procedures to record hate crimes. Once this is agreed, the Garda intends to run a nationwide campaign to encourage the reporting of such crimes to An Garda.

I am mindful that there has been much discussion recently on whether legislation specifically addressing crimes of this nature should be introduced. I would be happy to give careful consideration to the research from other jurisdictions but I assure the Deputy that these issues

12 March 2019

are taken seriously by An Garda Síochána and are prosecuted through the courts. A judge often takes into consideration when arriving at an appropriate sentence or sanction the fact that a victim may well be a person with a disability.

Deputy Margaret Murphy O'Mahony: I thank the Minister. I also wish to raise the issue of hate crime legislation. Disability hate crimes may be once-off incidents or part of systematic abuse that may continue over weeks, months or years. Hate crime can happen between strangers who have never met, between friends or within the family unit. In October 2016, in conjunction with my colleague Deputy O'Loughlin, I introduced hate crime legislation. I understand that the Government played the money message card in respect of that Bill. I acknowledge that this was before the current Minister's time. In the Bill, we sought to make hate crime relating to disability an offence. Is the Minister committed to this same goal? Is he supporting hate crime legislation? If so, when will his Department move on it?

Deputy Charles Flanagan: I assure the Deputy that my Department and I are currently reviewing the law on this issue. We are relying on the 1989 prohibition on incitement to hatred legislation. It is appropriate and timely that it be subject to review. In addition, it is important that we carry out appropriate research and examine legislation and best practice in other countries. We should examine the effectiveness of such legislation. This will inform the Government's approach to this issue. In the meantime, I assure the Deputy that where criminal offences, such as assault, criminal damage and public order offences, are committed with bias or a prejudice motivation, they are prosecuted under the wider criminal law. Trial judges in these circumstances, as in the circumstances I mentioned earlier, can take aggravating factors into account, including whether the offence may be described as a hate crime, whether there is a prejudice motivation or whether there is bias. The forthcoming Judicial Council Bill, which is currently passing through the Seanad, will include provisions on sentencing guidelines. Clearly, hate crimes could be considered in that context.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Bernard J. Durkan): 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 Peadar Tóibín — to discuss the impact of the insurance industry on Irish business; (2) Deputy Michael Fitzmaurice — to discuss delays in the distribution of personal hygiene products from the HSE; (3) Deputy Niamh Smyth — to discuss the need for a women's refuge in Cavan-Monaghan; (4) Deputy Aengus Ó Snodaigh — to discuss funding for the Donore community drug teams and their youth programme; (5) Deputies Eoin Ó Broin, Thomas P. Broughan and Gino Kenny — to discuss developments in regard to the proposed cannabis access programme; (6) Deputy Eamon Scanlon — to discuss the provision of the emergency ambulance service in the north west; (7) Deputy Fergus O'Dowd — to discuss the allocation of home care hours from the HSE for persons in CHO area 8; (8) Deputy James Browne — the need for the Minister for Jobs, Enterprise and Innovation to liaise with IDA Ireland to provide additional jobs and further investment in County Wexford; (9) Deputies Seamus Healy and Mattie McGrath — the urgent need to reverse recently announced changes to municipal districts in County Tipperary and the need to re-establish borough and town councils; (10) Deputy Aindrias Moynihan — to discuss extending Macroom hospital to meet HIQA requirements; (11) Deputy Thomas Pringle — supports for alcohol and gambling addiction in County Donegal after the closure of the Bill W Club; (12) Deputy Shane Cassells — the devel-

opment of the new St. Mary's special school in Navan; (13) Deputy John Curran — the lack of primary school places for children in Rathcoole; (14) Deputy Frank O'Rourke — to discuss the need for public transport improvements in north Kildare, specifically BusConnects for the Celbridge area; (15) Deputy Robert Troy — to address the potential impact of Brexit on Ireland's tourism industry, in particular the impact on Ireland's strong cruise ship tourism and associated activities; (16) Deputy Pat Buckley — to discuss closure of respite beds at Midleton hospital; (17) Deputy Brian Stanley — to discuss with the Minister for Education and Skills the plans his Department has for a new site and premises for Coláiste Dhún Másc, Portlaoise; (18) Deputies Fiona O'Loughlin, Thomas Byrne, Barry Cowen and Sean Fleming — the current position on the new school building for St. Paul's, Monasterevin; (19) Deputy Mick Wallace — to discuss the need for the EU to call for an end of the US sanctions in Venezuela; (20) Deputy Martin Ferris — to discuss adult disability services in Kerry; (21) Deputy John Brassil — to ask the Minister for Health his views on the amount of money being allocated to the HSE for residential services for people with disabilities and on the statement by Cork-Kerry Community Healthcare, a local HSE service that criticised the level of funding for these services at national level; and if he will make a statement on the matter; (22) Deputy Martin Kenny — the matter of wheelchair-accessible bus transport on Bus Éireann route 480 between Donegal town and Sligo, including access to Sligo IT; and (23) Deputy Joan Collins — to raise serious concern that an analysis of fire safety documents from the last three years shows that nearly 75% of the appeals against conditions applied by Dublin Fire Brigade have been either overturned or had their key conditions modified significantly and the need for fresh guidelines.

The matters raised by Deputies Tóibín, Fitzmaurice, Ó Snodaigh and Aindrias Moynihan have been selected for discussion.

Ceisteanna - Questions (Resumed)

Ceisteanna Eile - Other Questions

Brexit Issues

6. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality his plans to ensure that the threats posed by Brexit to the rights and equality of persons resident in Northern Ireland with Irish citizenship, particularly such as they relate to nationality, are addressed; and his plans to bring forward legislation to address this matter. [11875/19]

Deputy Donnchadh Ó Laoghaire: Ba mhaith liom fáilte a chur roimh an mhéid a bhí le rá ag an Aire, an Teachta Flanagan, agus é ag freagairt an cheist dheireanach. Nuair a bhí an Bille um Tharraingt Siar na Ríochta Aontaithe as an Aontas Eorpach (Forálacha Iarmhartacha), 2019 á phlé sa Teach seo, bhí díospóireacht fhada againn ar impleachtaí na Breatimeachta ar chearta saoránaigh an Tuaiscirt. Is léir go bhfuil folús agus faillí ann ó thaobh náisiúntacht agus saoránacht de, agus go bhfuil gá le reachtaíocht. Céard atá i gceist ag an Aire a dhéanamh faoin cheist seo?

Minister for Justice and Equality (Deputy Charles Flanagan): Under any scenario for

12 March 2019

the UK's exit from the European Union, the obligations and commitments of the Irish and UK Governments under the Good Friday Agreement remain. The Government will continue to work with the UK Government as co-guarantor to secure the full implementation of the agreement.

Eligibility for Irish citizenship is based on the nationality of either of a person's parents. Alternatively, a request for naturalisation is based on fulfilling certain residence requirements along with other criteria. The granting of citizenship carries with it, for both of the applicant and the State, a number of obligations, and the criteria for the granting of Irish citizenship are set down in the Irish Nationality and Citizenship Act 1956.

In the event of a no-deal Brexit, the UK will leave the European Union on 29 March 2019. Under EU law, Irish citizens resident in Northern Ireland will remain EU citizens. As Union citizens, they will continue to enjoy the right to move and reside freely throughout the EU, benefiting from the important right not to be discriminated against on the grounds of nationality while doing so. It is important to re-emphasise that both the Irish and British Governments have committed to the maintenance of the common travel area in all circumstances, which means that Irish and British nationals will continue to enjoy the rights currently in operation under this arrangement, including a right of residence and associated rights and privileges.

The provisions within the Irish Nationality and Citizenship Act 1956, as amended, take account of the Good Friday Agreement and, therefore, recognise the birth right of "all of the people of Northern Ireland" to identify themselves and be recognised as Irish or British, or both, as a matter of individual choice. This will continue to be the case after 29 March, or post Brexit, irrespective of whether the withdrawal agreement is ratified. Both this Government and our British counterparts have repeatedly and unequivocally committed to upholding the terms of the Good Friday Agreement in all its parts and to the continued existence of the common travel area.

Deputy Donnchadh Ó Laoghaire: Mar atá ráite agam cheana, d'fhéadfadh dha fhadhb a bheith ann - na hathruithe ar cearta a tharlódh i gcás Breatimeacht gan beart a aistriú, agus an easpa cearta atá ann faoi láthair. There are already some deficits, even in the context of pre-Brexit or pre-hard-Brexit scenarios, and even as things stand. I have quoted on a number of occasions the hearings of the justice committee in January on rights and equality in the context of Brexit. We heard from the Committee on the Administration of Justice, which I have quoted previously, and also from Professor Colin Harvey. Professor Harvey stated:

[T]here is a rights and equality deficit in the North. I would put it as strongly as saying that there is a crisis in the North relating to rights and equality.

That is obviously of significant concern. It speaks to the lack of action by both Governments, as co-guarantors of the Good Friday Agreement, in holding up the commitments that relate to this specific area.

Dr. Maurice Manning, in his capacity as president of the Irish Human Rights Commission, stated the following a number of years ago:

We have advised that a Charter would not need to create any new protections. It could restate the fundamental human rights that already exist in both jurisdictions, thereby helping to underpin the peace process and providing a basis from which political parties could demonstrate their continued commitment to human rights.

This lays the onus on both Governments to establish a charter of rights.

I ask the Minister once again what plans he has to legislate for this area.

Deputy Charles Flanagan: Irrespective of the withdrawal of the UK from the European Union on 29 March or at some time thereafter, this is an issue that needs to be addressed. We all acknowledge the importance of the Good Friday Agreement in all of its parts. However, some of those parts need to be strengthened and that will involve legislation, in particular legislation in the United Kingdom. I refer specifically to the need for a bill of rights. This is an issue that has been continuously raised in the context of our relationship with the United Kingdom, and one that I know features prominently in the context of the Northern Ireland talks, which are not now taking place.

It is important that we acknowledge the continued existence of the common travel area. In its current format it has served Ireland well now for almost 100 years, and that will continue. As co-guarantor of the Good Friday Agreement, we need to continue to engage to ensure that citizenship and identity provisions, as outlined in the agreement, are fully respected and upheld in all the appropriate and relevant policy areas.

Deputy Donnchadh Ó Laoghaire: We have debated this matter back and forth and, as of yet, I do not believe the Minister has given any firm commitment to legislative change in this jurisdiction, even though it has been clearly outlined that that is needed. Perhaps he could clarify that. One case relates to Derry-born Emma DeSouza. Based on her Irish citizenship, her US husband has residency rights in the European Union but Ms DeSouza has been told that she must first renounce her British citizenship, which was automatically acquired at birth but never desired, sought or claimed. It is a default citizenship that appears to trump her second class Irish citizenship. There are numerous other cases of citizens who have not been able to obtain a visa through the Irish system because they are resident in the North, despite being Irish citizens. Issues also arise in relation to naturalisation. I have met in Belfast some of the numerous people who, despite having children who are full Irish citizens, cannot claim a right to naturalisation in this State because their child is not resident in this jurisdiction and they themselves are not Irish citizens. In several respects there is a clearly a legislative deficit that the Government has not as yet addressed. Does the Minister intend to deal with it and legislate to provide for such issues, Brexit or no Brexit?

Deputy Charles Flanagan: A number of points have been raised by Deputy Ó Laoghaire. In response to his point about children, in the first instance it is important to draw a distinction between the rights of the child and the rights and expectations of the parents with regard to citizenship. Birth on the island of Ireland may result in Irish citizenship when the child was born without entitlement to citizenship of another country; the child was born to an Irish citizen or a UK citizen; the child was born to a person with unrestricted Irish residence; the child was born to a person with unrestricted residence in Northern Ireland; or the child was born to a parent with lawful residence. These issues are technical and complex but I accept that what we need is clarity in relation to persons who are born on the island of Ireland and in respect of persons who may be non-EEA parents resident in Ireland having to apply for Irish citizenship through our naturalisation process.

I acknowledge the importance of the issue and refer to editorial comment in today's edition of *The Irish Times*, which makes specific reference to the issues surrounding what Deputy Ó Laoghaire has said. There is an onus on the UK Government in this regard to protect the Good

12 March 2019

Friday Agreement and to recall commitments made in respect of these issues, with particular reference to the citizenship entitlement of people who are currently in residence in Northern Ireland, born in Northern Ireland but, in effect, Irish citizens. There are a number of issues that still require clarification but I assure the House of the efforts of the Government in this regard.

Direct Provision System

7. **Deputy Jim O’Callaghan** asked the Minister for Justice and Equality if he is satisfied with the level of security provided at current and future direct provision centres; and if he will make a statement on the matter. [11964/19]

Deputy Niall Collins: This question relates to the recent fires at the Shannon Key West Hotel and the potential for events which could come to pass. Both these events were serious and represent a real and pressing danger for both the people working in the hotel and those in the wider community. If the hotel had been in use at the time, we would be dealing with a different set of circumstances and potentially a major tragedy. What security is in place at that and other direct provision centres around the country?

Deputy Charles Flanagan: The accommodation and ancillary needs of persons seeking international protection, who request such services, are currently provided through 39 accommodation centres located throughout the State. Since the introduction of this system, all of the centres have been operated by commercial bodies regardless of whether the sites are in State ownership or private ownership. The commercial operators are responsible for the provision of security at these sites.

Contractors must work to achieve balance between addressing any possible security concerns, while also recognising that these accommodation centres provide a home to protection applicants. All centres operate a common visitor policy where all visitors must sign in upon arrival and are not permitted to go into private living quarters of residents. For safety and security reasons, most centres operate CCTV systems in accordance with general data protection regulations.

In general, the Reception and Integration Agency advises that where there is CCTV in operation, it should cover the following areas of an accommodation centre: the entrance gate and car park, if any, the main door and reception area, and all public areas. In respect of future accommodation centres, contractors offering the premises are obliged to ensure that appropriate security is in place before it becomes operable as a centre accommodating persons seeking international protection. The recent fires at Rooskey and Merville were distressing and potentially tragic events. In both cases, security was present at the time of the fire. Following the recent fires, officials from the Reception and Integration Agency have been liaising with all current centre managers asking them to review their security arrangements. It is important to note that where accommodation centres operate, there are quite good relations with local communities and local community groups and, historically, the security risk to these centres is minimal. This only serves to reinforce that scaremongering about such centres is baseless. However, the RIA is also liaising directly with An Garda Síochána at a national level to discuss potential security risks to accommodation centres and how these risks should be addressed.

Deputy Niall Collins: We know that the individuals who live in the centres face serious difficulties in their day-to-day lives in terms of access to education and work. Security provided

to those people is the responsibility of the State. There is no alternative provider, nor do those within the direct provision system have recourse to addressing those security concerns through other measures so the responsibility falls on the State. Is the Minister putting any additional security in place at the centres to prevent further attacks? What is the required level of visible security at those locations to dissuade people who might be minded to attack the centres?

The message must go out that by attacking the centres one will not defer them opening as a reception centre for people who are seeking asylum or refugee status in this country. One cannot allow the people who are attacking the centres to win and get their way. I think we would all agree on that point.

Deputy Donnchadh Ó Laoghaire: I thank Deputy Niall Collins for tabling this important question. I condemn the attacks on the direct provision centres in Rooskey and Merville, which happened on multiple occasions in the case of the centre in Rooskey. There seems to be a clear intent to ensure the centres do not open. That is very likely motivated by a racist intent. I do not believe it is in any way reflective of the local community. It is very likely that those involved are from outside those communities. Is the Minister concerned about the possibility that those involved could in any way be linked to extremist or far-right activists of any kind, and that they might have any responsibility for the attacks?

Deputy Charles Flanagan: Such attacks on potential centres for direct provision are abhorrent and condemned by all right-thinking members of society. I do not have the specific information requested by the Deputy. However, these issues are the subject of Garda investigations and it is following certain lines of inquiry.

The provision of security in these areas is, in the main, the responsibility of the owners or the contractors. It is important in this regard that the contractors work to achieve a balance between ensuring security concerns are adequately met but also recognising the fact that these accommodation centres are homes for applicants seeking protection and will remain so as their applications are processed.

As well as the private security arrangements, the obligations in terms of the protection of communities and people on the part of the Garda Síochána in Merville and Rooskey should be noted. There is a Garda station located 1 km from the Caiseal Mara hotel in Merville. There are two Garda stations in the vicinity of the Shannon Key West Hotel in Rooskey, one in Rooskey, County Roscommon, and one in Mohill, County Leitrim. I am sure the Garda in terms of protection and prevention is actively engaged in accordance with local needs.

Deputy Niall Collins: The Minister stated these centres are run by contractors and operators. They are commercial bodies contracted to the State to carry out a service. He also stated they have to achieve a balance because the centres act as a home for the people who live in them.

The Minister will recall the case just before Christmas in the Knockalisheen accommodation centre on the outskirts of Limerick city when a lady, Donnah Vuma, was denied a slice of bread and a glass of milk for a sick child in the middle of the night. The operator-contractor ultimately apologised for how she was treated. Several days before the incident, the lady in question was asked to share a platform with the President, Michael D. Higgins, at an event to promote good relations with the immigrant community and integration. There is the dichotomy of her sharing a platform with the President on one particular day and then, at the reception

12 March 2019

centre, being denied a slice of bread and a glass of milk for a sick child because it was late at night. As well as having to provide security for people living in reception centres, is the Minister satisfied these contractors are treating people humanely and decently? This case highlighted a real fall in standards. Is the Minister happy it was just an isolated case or were there other cases of which we have not heard? We heard of this particular case because the lady in question communicated it to the public at large through Facebook and the media picked it up. Are there other cases like this that we need to be concerned about?

Deputy Charles Flanagan: Every effort is made to ensure proper and adequate standards are in place in the centres. In this regard, I acknowledge the work in particular of retired judge, Bryan McMahon, and a small group of people who regularly engage in ensuring adequate and proper standards are met on all occasions at these centres and, similarly, in respect of the Reception and Integration Agency.

I understand in the particular case in question due contact was made. In all circumstances, every effort must be made to ensure standards do not lapse in these centres.

I acknowledge the challenge of direct provision and the combination for those seeking international protection and asylum seekers. The Department is again seeking expressions of interest to ensure we have appropriate centres at which standards are fully complied with.

Garda Deployment

8. **Deputy Brendan Smith** asked the Minister for Justice and Equality further to Parliamentary Questions Nos. 261 and 262 of 22 January 2019, if consideration will be given to the provision of additional staffing and financial resources to the Border region in 2019 in view of concerns about Brexit and ongoing cross-Border criminality; and if he will make a statement on the matter. [11996/19]

Deputy Niall Collins: I am taking this question on behalf of my colleague, Deputy Brendan Smith, who is unable to attend the Chamber.

Will consideration be given to the provision of additional staffing and financial resources to the Border region in 2019 in view of concerns about Brexit and ongoing cross-Border criminality?

(Deputy Charles Flanagan): In common with all Departments and State agencies, An Garda Síochána has been preparing for Brexit. There is ongoing engagement between senior Garda management and my Department in this regard. Preparation has had a wide-ranging focus on operational requirements, including personnel, infrastructure and technology. The Garda Commissioner, Drew Harris, is committed to ensuring the organisation can deal with any policing challenges arising from Brexit. Clearly, however, the circumstances which may arise are dependent on the ultimate political settlement.

The Government's policy is that there will be no hard border on the island and there are no plans for such. However, policing in the Border region has always presented particular challenges. This can be expected to increase in the context of the withdrawal of the UK from the European Union. It is also the case that violent dissident republican groups continue to seek to frustrate counter-terrorism efforts while organised criminals seek to exploit the two jurisdic-

tions to try to evade detection.

The 2018 cross-Border threat assessment, prepared jointly by An Garda Síochána and the PSNI, estimated 43% of organised crime gangs in Northern Ireland have a cross-Border dimension. Likewise, mobile organised crime groups, responsible for multiple instances of domestic burglary, operate on an all-island basis. There are increasing instances of borderless crimes such as cyberfraud and international terrorism.

The success of cross-Border policing actions is grounded in the recognition that the best means of combating the threat to our communities is to maintain and enhance the excellent levels of co-operation between law enforcement agencies north and south of the Border. The Garda and the PSNI, along with other agencies, have worked together closely for many years and enjoy an excellent working relationship and co-operation at all levels. The Fresh Start agreement recognised this and led to the establishment of joint agency investigation teams which have had considerable success in combating this type of crime. This is also the context for the Garda Commissioner's operational decision to establish an additional armed support unit in Cavan.

Deputy Peadar Tóibín: It is interesting the Minister discussed the efforts by the Government to put in place resources to militate against cross-Border crime. Has the Minister considered allowing the PSNI or the Garda to follow criminals across the Border? There are European Union member states which allow national police forces to cross borders when they are in pursuit of individuals. Does the Minister think it is logical that a criminal can whizz across the Border with ease, yet the law enforcement agencies in Ireland have to stop on an imaginary line? Would it be logical to progress to some level of co-operation at that depth to ensure we can challenge the existence of criminality on the Border?

Deputy Charles Flanagan: While I acknowledge the close level of co-operation between the Garda in the South and the PSNI in the North, the establishment of the joint agency investigation teams is important. However, it does not allow for the type of hot pursuit that Deputy Tóibín envisages. Garda armed support units provide a rapid armed response capacity and capability on a regional basis. Members of the armed support units in Border areas are highly trained and equipped with a variety of non-lethal and lethal weapons and perform high-visibility armed checkpoints and patrols throughout their respective regions. In the northern region armed support units are currently based in Ballyshannon, County Donegal, and Dundalk, County Louth, both of which are in close proximity to the Border, as well as the recently announced unit in Cavan.

Deputy Peadar Tóibín: The processes and tools being used by the Government seem, to an extent, to be frozen in time. While everyone in this Chamber supports the Good Friday Agreement, evolution in cross-Border integration and co-operation is necessary.

On cross-Border hot pursuits, which different jurisdictions in Europe already allow for, would the Government not at least consider this and enter negotiations with its counterpart in London to see if it is possible to achieve?

Deputy Charles Flanagan: I acknowledge the importance of ensuring that this jurisdiction fully monitors international best practice and developments. We should note exchanges and the open recruitment policy of An Garda Síochána in order to facilitate persons who may have experience in other police services applying to An Garda Síochána. I once again record

12 March 2019

the importance of the appointment of Garda Commissioner, Drew Harris, having regard to his extensive experience and expertise in a neighbouring police service.

An Garda Síochána continues to work closely with the Revenue Commissioners and the joint agencies, North and South, on excise fraud, including illicit trade in fuel, tobacco and alcohol, which is an area of serious concern, as well as gangland and organised crime along the Border areas. These are not peculiar to Northern Ireland or the Irish Border but are a feature of all international borders.

On the operational duty issues, to which Deputy Tóibín referred, these are largely a matter for the Commissioner. I assure the House that the Garda Commissioner, Drew Harris, is engaged at the highest level in ensuring that the best possible measures are taken in order to protect communities and prevent crime.

Garda Divisional Headquarters

9. **Deputy Tony McLoughlin** asked the Minister for Justice and Equality the status of the development of the new regional Garda headquarters in County Sligo; and if he will make a statement on the matter. [11984/19]

Deputy Tony McLoughlin: I have raised the matter of the new regional Garda headquarters in Caltragh in Sligo with the Minister several times. There may have been some difficulties, not with the Department of Justice and Equality, but perhaps the Office of Public Works in acquiring three of the sites as public private partnerships are being used in the cases of Clonmel, Macroom and Sligo. An announcement was made in relation to Macroom and Sligo. Has there been a hold up in Clonmel? The local Garda Representative Association has expressed concern about the delay since the announcement.

Deputy Charles Flanagan: The Garda building and refurbishment programme 2016-2021 is an ambitious five-year programme based on agreed Garda priorities, which continues to benefit over 30 locations around the country, underpinned by significant Exchequer funding across the Garda and Office of Public Works Votes. In addition to that programme, other major works to the Garda estate which are ongoing include the pilot Garda station reopening project, the development of a new facility at Military Road and the major refurbishment of Fitzgibbon Street station, both in Dublin.

I emphasise that the clear goal of this investment is to address deficiencies in the Garda estate and provide fit-for-purpose facilities for Garda members and staff, as well as the public interacting with them. There has been some good progress in relation to the Garda estate in recent times, including in particular the completion and entry into operational use in 2018 of three new divisional and regional headquarters in Wexford, Galway and Kevin Street, Dublin, which collectively required funding of over €100 million.

In relation to Sligo, I can inform the Deputy that the public private partnership arrangement included in the building and refurbishment programme is intended to deliver new stations in Sligo, Macroom and Clonmel, as well as a new custody suite at the Garda station located on Anglesea Street in Cork city.

Site acquisition for this public private partnership bundle has been complex and has taken

longer than originally envisaged. I have been informed by the Office of Public Works and the Garda authorities that the Office of Public Works acquired sites for the development of the new stations in Macroom and Sligo in 2015 and 2018, respectively. I am pleased to say that I am informed by the Office of Public Works that all difficulties in relation to completion of the acquisition of the site in Clonmel were recently resolved and that that transfer is now also agreed. It was necessary to secure all three sites before the public private partnership could proceed to the next stage.

The development of public private partnership projects is progressed under the auspices of the National Development Finance Agency. My Department and the Garda authorities are working to progress this matter, with the input and assistance of the National Development Finance Agency. My Department is also engaging with the Office of Public Works in relation to the assistance that it may be able to provide to the process, including direct engagement on the matter between the Secretary General of my Department and the Chair of the Office of Public Works.

Deputy Tony McLoughlin: I thank the Minister for his update. I was concerned, as were many others in Sligo and in the Garda Representative Association, at the delay at the Clonmel site which may have caused other difficulties. Recently, the Minister visited the Sligo station at my request, where he met with the powers that be. He saw first-hand the need for the regional Garda headquarters. The site in Sligo is very fine and acceptable to all in the area. Now that the Office of Public Works has acquired the three sites which it will proceed with using public private partnership, I hope we will see progress in the not too distant future.

Deputy Charles Flanagan: I acknowledge the interest of Deputy McLoughlin in the acquisition of the site for the Garda station in Sligo and in ensuring that the legal, technical and design issues can be dealt with as expeditiously as possible in order to ensure that the Garda in Sligo have every modern resource available to them in the course of their duties. That includes a modern and fit-for-purpose Garda station.

I am sure Deputy McLoughlin will acknowledge that public private partnership projects are complex. The details are technical. It is vital to get the details of the projects right at planning and design stage. I assure Deputy McLoughlin that the delivery of the new Garda station in Sligo, along with those in Clonmel and Macroom, which are being done through the public private partnership arrangement, is being pursued as a priority and that I will keep him fully informed of developments.

Deputy Tony McLoughlin: I welcome the Minister's comments. I must record that he has been very supportive to me and to Sligo in relation to the new regional Garda headquarters. We are making progress. It is only a matter of time. Hopefully, in the not too distant future, we will see progress with the start of the three projects, which constitute a unit under the public private partnership bundle. I welcome this, as do the people of Sligo and the surrounding areas. I acknowledge the wonderful work being done everyday by An Garda Síochána in my area, which the Minister acknowledged when he visited the station and met with the chief superintendent as well as others based in Garda units in Sligo and its surrounding areas, including Leitrim. I welcome the Minister's comments that the project will continue and that he will keep me informed about its progress.

Deputy Charles Flanagan: I assure the Deputy of a desire on the part of Government to proceed with these projects as quickly as possible. Deputy McLoughlin may wish to know that

12 March 2019

as well as advancing the Garda station in Sligo, I am informed that a total of 52 vehicles will be allocated to the Sligo-Leitrim division as of March 2019. This includes a total of 28 vehicles allocated to Sligo district, eight in Ballymote and 16 in the Leitrim area.

I assure Deputy McLoughlin that as far as the Garda Commissioner and his team is concerned, Sligo and the north west are very much a priority. Indeed, from a Government perspective, both myself and the Minister of State, Deputy Moran, the Department of Justice and Equality, other Departments and the National Development Finance Agency are anxious to ensure that the technical details surrounding the further advancing of the PPP bundle can be progressed at the earliest possible date.

Garda Training

10. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Justice and Equality his views on the recent comments by a union (details supplied) in addition to other bodies in relation to the new domestic violence legislation and the lack of training provided to members of An Garda Síochána to carry out the duties required of them by this legislation; and if he will make a statement on the matter. [11876/19]

Deputy Donnchadh Ó Laoghaire: Mar is eol don Aire, bhí eagraíocht na sáirsintí de chuid An Gharda ag léiriú a cuid inní faoi thraenáil agus oiliúint na ngardaí chun déileáil leis an reachtaíocht a cuireadh sa dlí ag tosach na bliana maidir leis an domestic violence Act agus an gá go mbeidh níos mó oiliúna agus traenála acu chun a gcuid dualgas a chomhlíonadh.

Deputy Charles Flanagan: The Domestic Violence Act 2018 is landmark legislation which significantly enhanced the legal protections available to victims of this appalling form of violence. I was pleased to commence all the provisions of the Act, including the provision which created a new offence of coercive control, on 1 January last. This offence recognises the psychological abuse aspect of domestic violence.

As the Deputy will appreciate, the Garda Commissioner is responsible for carrying on, managing and controlling generally the administration and business of An Garda Síochána, including arranging for the training of its members and Garda staff and I, as Minister, have no direct role in the matter. There can be no doubt, however, about the Commissioner's commitment to tackling this deplorable crime.

It is clearly very important that gardaí understand the legislation in order to intervene effectively and training is crucial in this regard. I am advised by Garda management that a number of training initiative measures have already been taken and further measures are planned to ensure that members of An Garda Síochána have a solid understanding of the new legislation, including the new offence of coercive control.

I am informed that the measures taken to date include the following. Training has been provided at Templemore Garda College to members of the divisional protective services unit and inspectors nationwide with the domestic abuse portfolio by an international expert from the UK, in relation to domestic homicides and their link to coercive control. The UK was one of the first countries to introduce the offence of coercive control. This was part of a three day domestic abuse modular training programme that took place in the Garda College in February of this year. Train-the-trainer training for members of An Garda Síochána in the area of coercive

control, developed in conjunction with the Garda National Protected Services Bureau, will aid in the creation and delivery of organisation-wide training. Domestic abuse response, including the Domestic Violence Act 2018, is included in the continuous professional development training programmes for this year in An Garda Síochána. There are training lectures for probationer gardaí at the Garda College in Templemore.

Deputy Donnchadh Ó Laoghaire: Tá an-chosúlacht idir an méid atá ráite ag an Aire anseo agus an méid atá ráite aige cheana.

The response the Minister gave is similar to the one given to me in writing on 30 January informing me that the Garda Commissioner had undertaken a number of measures and that further measures are under way to ensure front-line gardaí have a solid understanding of the new legislation. This, however, was not the contention of the AGSI in the first place. No one questions their ability to understand or comprehend the legislation which was passed by these Houses. The question related to their ability and training to use this legislation to the best of their ability given the lack of training.

Guidance documents that are not complemented by training are not training in and of themselves. In its press release on 9 January, the AGSI stated:

The Domestic Violence Act 2018 came into force on 2nd January. AGSI who represent over 2,000 middle-ranking Gardaí, say that none of their members have received formal training on this new legislation.

“Victims of domestic violence deserve the best protection and support possible. We are calling on the [Garda] Commissioner [Drew Harris] to prioritise training in this area as a matter of urgency.

The Minister has stated that there is, in fact, some training taking place. My question is, how many gardaí have undergone this training and when will all gardaí, or at a minimum all gardaí in the protective services units, be fully trained in the provisions of the Domestic Violence Act?

Deputy Charles Flanagan: As I outlined in my reply, it is the Garda Commissioner who is responsible for ensuring that members of An Garda Síochána are trained. As Minister, I do not have a direct role in that regard.

As I already outlined, I have been advised by the Garda authorities that a number of training measures continue to be taken to ensure that gardaí have a solid understanding of this new legislation. Of course, I acknowledge the importance of training and that a sufficient level of resources are applied for the training, including bi-monthly training of all serving members in the area of domestic violence and training directed at those Garda inspectors nationwide who hold domestic violence portfolios. I was recently in Cork acknowledging the progress made there on what will be a new Garda national protective services unit. In fact, by the end of this year, every Garda division will have its unit.

It is important that we proceed at the earliest opportunity to ensure there are sufficient resources, training, expertise and experience available to An Garda Síochána in our new legislation. I assure the Deputy there will be training available for all serving members of An Garda Síochána in the area of domestic violence.

Deputy Donnchadh Ó Laoghaire: I accept what the Minister said in terms of who is re-

sponsible but I would think the Department is entitled to and should have information. I ask the Minister, if he does not have it to hand, to provide me with information on how many gardaí have undergone this training and when all gardaí, at least those in protective services units, will have undergone training. If the Minister does not have that to hand, I would ask him to provide it subsequently.

On a related issue, I welcome that the Government finally ratified the Istanbul Convention on Friday last. It is something for which Sinn Féin and many Deputies in this House have been calling for some time. However, it appears that the Government will already be in breach of one of its central requirements, namely, the need to have one refuge place for every 10,000 persons. Tusla claims that it is, in fact, in line with the convention but that seems a willful misinterpretation of what is required. The State currently has 21 women's shelters with 141 beds. This means that the State is 300 beds short of where it needs to be under the convention. Tusla states it will continue with its own measurements regarding the requirements of the convention despite not having any data require of it published since 2015. Does the Minister intend to work with the Minister, Deputy Zappone, to ensure that Ireland is in compliance with the Istanbul Convention by providing the required one refuge place for every 10,000 persons?

Deputy Charles Flanagan: I assure the Deputy, having regard to the importance of Ireland's ratification of the Istanbul Convention from 8 March last, that every effort will be made to ensure that there is full compliance. In that regard, the House might note that the State will be subject to ongoing international monitoring by the Group of Experts on Action against Violence against Women and Domestic Violence, GREVIO, an independent expert body responsible for monitoring the implementation of the Istanbul Convention. I would be happy to engage actively and positively with the Minister, Deputy Zappone, on this issue and ensure that all of the agencies are fully aware of their obligations and operations under the convention. I would be happy to engage with all appropriate Ministers and Departments.

Inquiry into the Death of Mr. Shane O'Farrell

11. **Deputy Bríd Smith** asked the Minister for Justice and Equality if there will be an independent inquiry into the death of a person (details supplied). [12009/19]

Deputy Bríd Smith: Last June, the Dáil voted by a majority of two to one that a commission of investigation be set up to investigate the death of Mr. Shane O'Farrell. The Minister chose instead, however, to have a scoping inquiry and that was to be conducted by the District Court judge, Judge Gerard Haughton. I believe Judge Haughton should provide an interim report soon. Will the Minister allow for an independent inquiry into the death of Mr. Shane O'Farrell?

5 o'clock

Deputy Charles Flanagan: As Deputy Smith will be aware, this matter has been addressed on a number of occasions in the recent weeks and months by me in the Dáil and Seanad and in public statements, as well as in other fora. However, I welcome the opportunity to update the House on matters relating to the circumstances of the tragic death of the late Mr. Shane O'Farrell.

Following the Dáil motion last summer, I considered how best to give effect to that motion

while at the same time respecting the fact that the Garda Síochána Ombudsman Commission, GSOC, was still investigating certain matters arising from the same incident. I sought the advice of the Attorney General on how best to proceed in the circumstances. At the end of January this year, I was notified by GSOC that its investigation had concluded and the report and recommendations had been sent to the Garda Commissioner. The family received a similar notification.

Following this notification and having informed the Government of the approach I had decided to take, I appointed recently retired District Court Judge Gerard Haughton to conduct a scoping exercise and to advise me on the case. I met members of the family to inform them of the decision. I subsequently provided the O'Farrell family with a copy of the terms of reference for Judge Haughton's scoping exercise and invited them to give their views on those terms of reference directly to Judge Haughton. The terms of reference, which I have published on my Department's website, require Judge Haughton to provide me with an interim report within eight weeks of the commencement of the scoping exercise. Judge Haughton has met the O'Farrell family to discuss the terms of reference and to seek their input into any amendments that might be required. I am now awaiting a report from Judge Haughton following his engagement with the family and when I receive that, I will be in a position to finalise the terms of reference for the scoping exercise.

As it stands, Judge Haughton is free to make any recommendation he deems fit, including the freedom to recommend the establishment of any of the various forms of statutory and non-statutory inquiry. If he recommends an inquiry, of whatever type, I have asked him to provide me with draft terms of reference. I look forward to receiving Judge Haughton's report in due course.

Deputy Bríd Smith: I thank the Minister for his reply but he has basically said the decision of Judge Haughton supersedes the will of this House. Two thirds of this House voted to have a commission of inquiry into the death of Mr. Shane O'Farrell but the Minister has just told me the judge will make up his own mind on what will happen before reporting to the Minister on that decision. I find this totally unsatisfactory and I have no doubt the O'Farrell family will also find it totally unsatisfactory. The Minister could have ordered a commission of investigation into this very tragic case, as this House wished for last year. The Minister in July last year approved a commission of investigation into the crimes of Mr. Bill Kenneally, the former sports coach, with no scoping exercise, and in June 2015 a commission of investigation was approved into the Irish Bank Resolution Corporation with no scoping exercise. In March 2014, there was approval for a commission of investigation into the recording of phone conversations in Garda stations with no scoping exercise beforehand either. Why is Mr. O'Farrell's death being treated so differently despite a two thirds majority in this House clearly indicating a wish for such a commission of investigation? They have appealed to and lobbied the Minister for years now to order a commission of investigation into the very tragic and strange circumstances of this young man's death.

Deputy Charles Flanagan: The Deputy should not misrepresent the role of Judge Haughton in this important and sensitive issue, and he is engaging directly with the O'Farrell family. Of course, it is open to Judge Haughton to propose changes to the terms of reference to me and following his review I expect he will advise me on any remaining unanswered questions that should be the subject of further inquiry or investigation and, if so, the most appropriate manner in which that investigation might take place. I will not pre-empt any advice or guidance that Judge Haughton considers appropriate in the circumstances following the scoping exercise but

12 March 2019

I state in clear terms that the Government is by no means opposed to the possibility of a further inquiry into the case if that is what Judge Haughton recommends. I have not placed any restriction on Judge Haughton, who is independent and will remain independent in the course of his inquiries, investigations, observations, deliberations and submissions. Like my Government colleagues and everyone else in this House, I wish to see questions answered to the satisfaction of the O'Farrell family.

Deputy Bríd Smith: Unfortunately, I am still not satisfied with the Minister's answer and he has just repeated what he said to me the first time. My question is how the instructions to Judge Haughton override the will of this House, which voted with a majority of two to one that there should be a commission of investigation into the events surrounding the death of Shane O'Farrell but the Minister still has not answered me on why he chose that path and if, at the end of the path, there will be consideration of the clear will of this House. Does Judge Haughton's independence go beyond the scope of the Dáil and does it mean he can ignore the will of Deputies?

The events in the lead-up to Shane O'Farrell's death are well known. The culprit was given a level of freedom by various courts, whether in Monaghan, Ardee, Dundalk or Newry. He was allowed scope to carry out reckless driving, probably after having taken drugs and drink, resulting in the death of this young man. That happened without anybody being able to take him into custody or conducting an inquiry. It is a real tragedy and the words of this Dáil should be heard.

An Leas-Cheann Comhairle: I will allow a brief supplementary question from Deputy Ó Laoghaire.

Deputy Donnchadh Ó Laoghaire: I outlined previously how there are a number of difficulties with the announcement made by the Minister on Judge Haughton's approach. First, with the idea that it was not required in any event, the evidence clearly stacked up in favour of a public inquiry and the Minister could have proceeded directly to it. Second, the terms of reference were such that it steered Judge Haughton in the direction of only examining those matters which had not already been examined, despite the fact there were serious flaws with the investigations that had already taken place. I hope Judge Haughton listens to the family and comes back to the Minister seeking much broader terms of reference. The Minister could have avoided all of this by simply proceeding directly to a public inquiry.

Deputy Charles Flanagan: I am intent on ensuring that everything possible is done to ensure the failings identified in any investigation are not repeated. The motion passed by the Dáil last year referred to the need to examine the actions of the Garda, the Director Public Prosecutions and the courts but I remind Deputies of the constitutional independence of the courts and the statutory independence of the Garda Síochána, the Director of Public Prosecutions and GSOC. These are matters of importance that must be taken into consideration.

I assure the Deputies that the scoping exercise under the auspices and guidance of Judge Haughton will be an important part of ensuring that outstanding questions are answered. It is open to the judge to recommend any course of action following the scoping inquiry but I cannot envisage any circumstances where I would not be guided by the advices and findings of the judge.

Written Answers are published on the Oireachtas website.

Saincheisteanna Tráthúla - Topical Issue Debate

Insurance Costs

Deputy Peadar Tóibín: Small to medium-sized enterprise, SME, is critical to the health of the Irish economy. Foreign direct investment is important but it is seen by this Government as the glamorous side of enterprise policy while small to medium-sized businesses are worthy but are treated like the poor relation. Plenty of lipservice is given to them but all it really amounts to is platitudes with no real support or help. Indigenous SMEs are represented by a junior Minister without the necessary supports or policy initiatives. Ireland has made very little effort to create a Mittelstand-type of enterprise that is indigenous but is able to compete with international firms. SMEs in this country are struggling for a number of reasons. They are struggling because of creaky or non-existent infrastructure, because business rates do not take the profits of a business into consideration and because retail is migrating to the Internet and they are not getting the proper supports with regard to it.

One of the reasons most businesses tell me they are struggling is that input costs are going through the roof. One of those input costs is insurance. Frustration is building up in the SME sector because the Government has given up on insurance reform. I have some experience of this. I was involved in a car accident about two years ago. After the accident, a solicitor said to me “Why not put in a claim as I can you ten grand for everybody who was in the car?” That worked out at €60,000 and I would not even have had to turn up at whatever decision-making process was involved. That would be very tempting for any family in the country but that money does not come from thin air. It comes from somebody’s pocket. It is the process that is putting drivers, particularly young drivers in rural areas, off the road and putting businesses out of business on a regular basis.

The Government has spent the past two years doing sweet damn all on this issue. Reform has stopped dead. It is not just me saying that. ISME, which is the representative organisation for SMEs, has stated that Government reform of insurance has stopped dead. I have been told by a number of representatives that businesses simply will not last to the end of the year and that thousands of jobs are in danger of being lost. The Minister of State has met one business owner, Linda Murray, a number of times. She is involved in the Alliance for Insurance Reform and owns a small business - a play centre - in County Meath. Her insurance costs have spiralled from €2,500 to about €16,000. She represents about 60 such play areas in the country, three of which have gone bust this year. She has stated that small businesses are simply being crucified by insurance costs. Many small businesses are not having their insurance renewed even though they have made no claims while equivalent companies in Great Britain see no difference in their insurance costs. Linda Murray has told me that she knows of a play centre that is paying €50,000 for insurance. One such business in this city is paying €135,000 per year. One insurance company has stated that any business that caters for children of a certain age will soon be obsolete. Another large insurance firm has stated that it will no longer insure dance classes and outdoor playgrounds and is considering not insuring sports. Why is the Minister of State not dealing with this crisis? Why is the Government sitting on its hands and not holding vested interests in this area to account?

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I will say this as respectfully as possible but if the Deputy is telling me that this Government has given up

12 March 2019

on insurance reform, he does not know what he is talking about.

Deputy Peadar Tóibín: It is not me who is saying it.

Deputy Michael D'Arcy: The Deputy said it.

Deputy Peadar Tóibín: It is the industry saying it.

Deputy Michael D'Arcy: The Deputy said it. He does not know what he is talking about. I thank Members of the House who have facilitated me in terms of insurance legislation passed last year. It includes the Insurance (Amendment) Act to give effect to the Supreme Court decision regarding Setanta and the Central Bank (National Claims Information Database) Act. The Minister for Jobs, Enterprise and Innovation is responsible for the Personal Injuries Assessment Board (Amendment) Act, which was also passed. I compliment and thank all Deputies and Senators for getting that through.

Regarding the Deputy's comments about the hospitality sector and, in particular, play zones, I have met with many people in those sectors and there are issues. The issue is the levels of award. It is as simple as that. A bang, scratch or cut can get €10,000 or €15,000, which is outrageous. The companies are paying these sums rather than presenting in court because it is a good commercial decision on their part. If they go to court, they present in front of a judge, the case involves a child and the award is paid at that level plus costs. The insurance company has the commercial decision to make. Does it pay this, get it over with, take the pain early and get out the door? What does it then do? It passes on the increased premium to its customers. This is what it comes back to.

Two issues arise here. If the Deputy wants to be helpful and facilitate me, we must pass the Judicial Council Bill as soon as it is presented. I was not to know that this Bill would get stuck behind the Judicial Appointments Commission Bill in Seanad Éireann with a filibuster. I had hoped and anticipated that this legislation would be concluded in 2018 along with the Insurance (Amendment) Act, the Central Bank (National Claims Information Database) Act and the Personal Injuries Assessment Board (Amendment) Act. If the Deputy wants to be positive, he should come on board and support that Bill. What that Bill will do is present, in line with the Personal Injuries Commission, the opportunity for members of the Judiciary to put in place new guidelines for levels of awards. I am challenging the Deputy to come on board and facilitate that legislation.

Another Bill I want to get through the House as soon as possible is the Consumer Insurance Contracts Bill, which is a Sinn Féin Bill. The Deputy may be aware of it. I am not satisfied with the interaction between insurance companies and their customers. The customers of insurance companies buy their product and subsequently are being badly treated because, as I said earlier, there is nothing easier than to pay the award and upload the premium on the person buying insurance.

Insurance companies cannot have it every way. We have worked hard to put a better structure in place to ensure that companies are profitable and that we have a sustainable insurance sector but we are not getting fair play from the companies. They are increasing premiums and are now very profitable. Aviva had profits €113 million, FBD had profits of €15 million while RSA had profits of €35 million - over €200 million between them. That is not fair play at all when it comes to the customers of these companies.

Deputy Peadar Tóibín: For the record, it is not just me who is saying the Government is sitting on its hands with regard to insurance reform and that insurance reform is dead in this country. It is the representative organisations of small businesses which are paying these massive premiums and which are being put out of business that are saying this. It always interests me that Fine Gael likes to give the impression that it is the party of small business yet it stands over the distorted market that exists. It is interesting that the Minister of State said that it is not his fault but the fault of the insurance companies. The insurance companies operate under the legislative environment the Minister of State creates. He is unwilling to take on the vested interests, and I will give him one example of this. He is unwilling the deal with the legal lobbies. One way in which he could do so would be to deal with the caps on damages. He mentioned how shocking it is that people with soft tissue injuries can get massive payouts on claims. In his own words, however, when talking to some of these representative groups, his view was that the average payout for soft tissue injuries should perhaps be reduced from €30,000 to €20,000. This is outrageous.

Deputy Michael D'Arcy: No. I never said that. That is wrong.

Deputy Peadar Tóibín: This shows that this is clearly not even in the right ballpark. It is incredible. I know of a situation in which a family with a young child who had a small cut, not a serious cut, in 2014 made a claim again in 2019. We know of situations in which claims for about €6,000 are going to court but are resulting in legal costs of €26,000. How can the Minister of State stand over a system such as this? How can he stand over a system in which the legal costs are so high that only about 6% of claims make it to court and in which the insurance company just settles in 94% of the cases because of the legal costs involved? What about regulating claims management companies? What about setting up a Garda insurance fraud squad? The Minister of State promised a Garda insurance fraud squad. Where is it?

Deputy Michael D'Arcy: I want something clarified very quickly. I ask Deputy Tóibín to withdraw the statement he made, that I said a claim for €30,000 should be reduced to €20,000.

Deputy Peadar Tóibín: Where should the cap be?

Deputy Michael D'Arcy: Excuse me. That is what the Deputy said I said. I would like to have that clarified, a Leas-Cheann Comhairle. I ask Deputy Tóibín to withdraw that statement, please.

Deputy Peadar Tóibín: The Minister of State would like me to clarify something.

Deputy Michael D'Arcy: I ask him to withdraw the statement, please.

An Leas-Cheann Comhairle: I cannot clarify the matter. We will have to check the record.

Deputy Michael D'Arcy: I ask him-----

Deputy Peadar Tóibín: I can clarify if I am-----

Deputy Michael D'Arcy: No-----

An Leas-Cheann Comhairle: I call the Minister of State, without interruption.

Deputy Michael D'Arcy: I ask the Deputy to withdraw the statement he made, please.

Deputy Peadar Tóibín: How can I if the Leas-Cheann Comhairle will not let me-----

12 March 2019

Deputy Michael D'Arcy: Withdraw it now.

Deputy Peadar Tóibín: What I am saying is-----

An Leas-Cheann Comhairle: Hold on. We will have to check the blacks.

Deputy Peadar Tóibín: It is my understanding that the Minister of State's policy is that-----

An Leas-Cheann Comhairle: Listen.

Deputy Peadar Tóibín: -----payouts for soft tissue injuries should be reduced from €30,000-----

Deputy Michael D'Arcy: My policy-----

An Leas-Cheann Comhairle: I ask Deputy Tóibín to let the Minister of State to conclude. Let me make it clear: I am chairing this debate. I am not aware of who said what or whether or not it is correct, but both the Minister of State and Deputy Tóibín are long-term parliamentarians and I am sure we can check the record and resolve the matter.

Deputy Michael D'Arcy: I would like my time back as well, please, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: No.

Deputy Michael D'Arcy: It is only fair.

An Leas-Cheann Comhairle: I will give the Minister of State a little leeway.

Deputy Michael D'Arcy: I thank the Leas-Cheann Comhairle.

I wish to be very clear about the award levels. There are three pieces of work concerning award levels for soft tissue claims: one by the Department of Finance, which found that awards here were five times those awarded in the UK; one by PIAB, which states they were five times higher; and one by the Personal Injuries Commission, which states that award levels in the Irish jurisdiction are 4.4 times what they are in the UK. I want to see the awards reduced in line with the PIAB report, the Department of Finance report and the Personal Injuries Commission report. Those are the levels. This is not about 10%, 20% or 30%. This is to bring the award levels down in line with other jurisdictions, namely, England and Wales.

Deputy Peadar Tóibín: I asked about the Garda insurance fraud squad.

An Leas-Cheann Comhairle: Deputy, please. The Minister of State, without interruption.

Deputy Michael D'Arcy: The Garda insurance fraud squad is a matter for the Garda Commissioner. I presented what was presented to me prior to my coming into this position. The Garda Commissioner will not accept the establishment of payment to An Garda Síochána from outside of the national Exchequer.

Deputy Peadar Tóibín: Internally.

Deputy Michael D'Arcy: That is done. What I have asked the Garda Commissioner to do is to establish within the Garda national economic crime bureau an insurance section to deal with these matters directly. However, Deputy Tóibín gives no credit to anyone, including

people who are working particularly hard to bring down the cost of insurance for companies. I have one objective in this, that is, that the customers of the insurance companies are able to continue trading in order that they can provide services and have a vibrant sector. The Deputy can come on board and facilitate me in this with the two Bills that are required to be passed very quickly through this House and then he will be able to say he has done this State some service.

Medical Aids and Appliances Provision

Deputy Michael Fitzmaurice: I thank the Minister of State for coming to the House. Over a long number of years the delivery of incontinence wear has been hugely important to people in various parts of this country, including in very remote areas, where this service has been made available by the HSE. It has been invaluable, especially for families that are vulnerable or may have a vulnerable person in their house who needs the service.

Unfortunately, I and other politicians have been made aware of the service required not being as good in its delivery of incontinence wear to people in various parts of the country. One cannot just say one will come today or some other day with this service. Unfortunately, from what I understand, the satisfaction rate, which the HSE examined, is low at present. The Minister of State may be able to confirm this. I believe - and the Minister of State can also confirm whether or not this is the case - that two HSE management people have looked at the situation in recent days. There has been a kind of cloud over this for a while, with temporary contracts rolling over and over. With these temporary contracts, my understanding is that there is a large amount of money due from the HSE to a company. I also believe that under the contract, the manufacturer and the supplier were not to be paid directly but that payment was to be made to the person who got the contract. My understanding is that this has all changed now. Unfortunately, with all that is going on in this situation, it appears that the most vulnerable person, that is, the person who needs the incontinence wear, is the person losing out. I know from some communities and some people who telephone me that they do not know what is going on. Is there a fear in the HSE that there is a problem that needs to be sorted? I believe that the contract, even though it is a temporary one, has been changed twice in recent months. I do not know how this can be done, but that is what appears to have been done to try to solve problems. Where is the HSE in all this? Will this situation be sorted out? Regardless of who manufactures or delivers a product, it is the people at the end who need the product who are of the utmost importance, and it needs to be delivered on time. My understanding is that something like 18 boxes were to be delivered. It has been pointed out that the previous contract was wide open to interpretation. Where is the HSE in all this? Will the matter be sorted out shortly? As I said, down through the years this has been a very good service. We must ensure this matter is resolved once and for all.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Deputy Fitzmaurice for the opportunity to address this issue in the House. The community funded schemes are a collective name for the many products, supports, supplies and aids and appliances provided through the HSE community services for eligible persons. The schemes' main purpose is to assist and support service users to live at home and to facilitate hospital avoidance and assist with early discharge from hospital. The products are prescribed by consultants, GPs, public health nurses, continence advisers, physiotherapists, occupational therapists, speech and language therapists and dieticians. The products include incontinence wear which is delivered to healthcare settings, such as long-stay residential services, and to persons in their own homes.

12 March 2019

The HSE has a national contract for the supply of incontinence products. In addition to providing incontinence wear products to healthcare settings such as long-stay residential services, the HSE provides home deliveries to eligible persons in their own homes.

Following a tendering process, the HSE selected a new product supplier and a new product distributor in 2018. I understand from the HSE that the new contracts have involved a lot of changes in the range of products and their distribution. There have been some issues with the timely delivery of products under the new contract.

In 2018 the HSE put measures in place, including additional staff, an electronic management system and training of drivers to address initial difficulties. The HSE has informed my colleague, the Minister for Health, that it is continuing to work closely with the contracted delivery partners to ensure that the problems experienced by some service users in the community healthcare west region and other community healthcare organisation areas are addressed as a matter of priority.

A governance structure has been put in place to oversee the national contract for the supply and delivery of incontinence products in order to ensure the timely delivery of these products to eligible persons across all CHOs. This involves additional controls and monitoring measures in respect of the ordering and distribution of these products in each CHO. To support this process, additional administration staff have been put in place to carry out this work. The HSE is committed to ensuring these service improvements result in an enhanced and more efficient service for all.

Deputy Michael Fitzmaurice: I thank the Minister of State for his reply but we know that there is a new contract. The problem is that one long-term contract was being issued. Let us be clear that there has been a very good service for many years. We, as public representatives, did not hear anything to the contrary. In recent months, however, most Deputies have been getting phone calls on this issue. Will the Minister of State confirm that HSE personnel have been put in place in recent days to monitor the situation? Will he also confirm that the previous contract, under which one company was paid, has been split and that the company manufacturing the product must be paid directly? In addition, will he confirm that this matter will be resolved for those vulnerable people in the very near future? Will there be a long-term contract or what is going to happen? This short-term contract does not seem to be resolving matters. Is the Minister of State concerned that if a contract is changed twice, even a short-term one, there may be difficulties down the road?

Deputy Jim Daly: I cannot give Deputy Fitzmaurice any further details on the contract or on the subdivision to which he referred. The HSE acknowledges that this is an issue and that there have been challenges in the context of delivery. As is our obligation, a number of public representative have brought these issues to the House and to other fora to have it addressed. When the HSE was asked to respond, it acknowledged that there has been an issue and outlined the steps taken to address it. These include electronic control management and putting additional administrative staff in place to try to deal with the logistical issues that have arisen.

I have been assured by the HSE that it is confident it can manage this problem and resolve the issues that have arisen. The HSE wants the service to be of the standard expected and is working towards reaching that goal. It has promised to keep my Department informed of progress. I am happy to share that information with the Deputy. If he has any further concerns, he should feel free to come back to me. I would be more than happy to help. At this stage, how-

ever, I have to take the word of the HSE that it is doing everything it can to address these issues and I have to give it the opportunity to do so.

Drug and Alcohol Task Forces

Deputy Aengus Ó Snodaigh: I wish to raise the issue of the Government examining and ensuring proper funding for the Targeting Resources at Youth, TRY, programme at St. Teresa's Gardens. The funding is needed to ensure work undertaken to date, as well as work to come in future, is placed on a sustainable footing. A funding proposal from the TRY programme has been sent to the relevant Minister. TRY is a very specific programme aimed at some of those directly involved in drug taking, drug dealing, in many instances, drug-related anti-social behaviour and violence in the area of St. Teresa's Gardens in Dublin's south inner city. The area in question is currently the subject of a regeneration programme. It has suffered greatly over decades because of the scourge of drugs. Many of the solutions now commonplace across the city came from this community in the south-west inner city. That happened because the community understood how to address issues it faced. It knew how to address the needs of some of the young people caught up in the drugs culture present in the past 20 years in many local authority housing complexes and in many of our cities. The programme determined how to address those needs and ensure that young people are not involved.

The TRY programme, and the Donore community drugs team, ran a pilot scheme that was very successful. This was proven by the evaluation of the programme. The problem is that funding for the programme has ended. Dublin City Council, in fairness, understood that what is needed is not just a regeneration of houses and apartments. Sometimes part of the community also has to be regenerated. It funded the programme on a once-off basis. The understanding was that the Department of Health, the Department of Education and Skills or the Government would address the need to fund this organisation. What is being proposed is an outreach programme. It deals with young people and their families. Those young people are sometimes in a situation where other drugs workers would not engage with them.

The outcome of the programme to date has been very encouraging. Of the last 18 young people who were part of the programme, nine have gone on to mainstream services. They were not engaging with those services previously. Those young people can now be further stabilised and encouraged to go back to education or into some type of employment. One young person on the programme previously has gone on to college. Another was engaged with one of the larger contractors in the area. There have, therefore, been successes and those are measurable because the people in question are identified. What is being sought, as far as I know, is €150,000 to allow the continuing employment of staff. There are only two part-time youth workers holding the fort at present. It is being requested that there be three full-time staff and that funding continue for two years. That would give some consistency to the programme and address one of the pockets of major anti-social behaviour and violence identified, not just by the community, but also by youth workers and An Garda Síochána.

Deputy Jim Daly: Last week, my colleague, the Minister of State, Deputy Catherine Byrne, announced additional funding of €1 million for the implementation of the national drugs strategy. The funding will be provided on a recurring multi-annual basis will address the priorities set out in the strategy. Those will include early harm reduction responses, emerging trends in substance misuse, including polydrug use and crack cocaine and improving services for at-

12 March 2019

risk groups. Government policy in relation to drug and alcohol addiction services is set out in the national drugs strategy, Reducing Harm, Supporting Recovery: A Health-led Response to Drug and Alcohol Use in Ireland 2017-2025.

Drug and alcohol task forces play a key role in assessing the extent and nature of substance misuse in their areas, and in supporting community responses, as part of a co-ordinated approach involving all sectors at local and regional levels. A total of €27.645 million was allocated to the drug and alcohol task forces by the Department and the HSE in 2018. This level of funding has been maintained for the past number of years. This funding is used to support community drug projects to deliver services which meet local priorities. The Minister of State, Deputy Catherine Byrne, is very familiar with and greatly appreciates this valuable work in local communities.

The Department and the HSE allocate over €2 million to the south inner city local drug and alcohol task force each year to fund 23 projects in the area. The Donore community drug team receives in the region of €178,000 from the allocation to the south inner city's local drug and alcohol task force, LDTF. The HSE has monitoring and oversight responsibilities of drug and alcohol task forces under its section 39 governance framework. This is to ensure that service provision is meeting identified needs and there is accountability and transparency for public monies provided by the Department of Health. The HSE has advised that the task force coordinator for the south inner city task force, the LDTF, has had several meetings with the Donore community drug team in respect of the TRY programme. It is working with it on structural development and financial issues.

I also understand that the youth programme will be the subject of discussion at a meeting of HSE senior management next week. Measuring the overall effectiveness of the response to the drug problem is an important objective of drug policy. Resources are best directed towards interventions and strategies which are most likely to lead to a reduction in problem substance use and an improvement in public health, safety and well-being. The Minister of State, Deputy Byrne, is committed to developing a performance measurement system by 2020 which will improve accountability and strengthen the task force model. The funding will complement enhancements in drug and alcohol treatment services related to mental health and homelessness under the 2019 HSE national service plan. The Minister of State will be consulting with the drug and alcohol task forces, including that of the south inner city, and the HSE on how best to target this new funding. The Minister of State has invited the task forces to a meeting in the Department of Health at the end of March to begin this process.

Deputy Aengus Ó Snodaigh: I was aware of the Minister's announcement last week of funding for several local drug and alcohol task forces. I raise this because the current funding runs out in July, which is in the middle of the summer. This urgently needs to be presented to the Minister of State and to those who are engaging with the Donore community drug and alcohol team. They must look properly at the previous pilot, the evaluation of that pilot and the work that has been done on a shoestring budget since then. If that does not happen, the community and the Donore community drug and alcohol team are afraid that some of the individuals the team has managed to identify in its outreach work will revert to type without intervention. The intervention is not always based on age. Sometimes people are slightly older than these youth workers would normally deal with. It is not based on vicinity. If some of the characters the team deals with move out of the vicinity, the team tracks them and tries to keep them engaged. It attempts to ensure that their behaviours and challenges are addressed and tries to guide them towards a more positive role. The team has been successful despite the fact that

some questioned this initiative when it was first introduced. Those of us who were sceptical in the first place have been proved wrong, which is a great thing. That is why I champion it. In its own small way, it has managed to address some of the major anti-social behaviour problems in the vicinity. It is not a panacea for all the problems, but this is a regeneration area. Plans for houses have just gone ahead. We do not want this behaviour to reappear in the future.

Deputy Jim Daly: I thank the Deputy for his contribution and for refocusing attention on this issue, which is always very welcome. This is an issue that affects many different communities and areas, and the Deputy is right to ensure that his area is at the centre of attention in the distribution of supports. I also recognise his acknowledgement of where his position was and where it is now, which was very gracious. I assure the Deputy I will convey his concerns directly to the Minister of State and the HSE to ensure the Donore community drug and alcohol team gets the support and funding it requires to continue the work it is doing, which I have no doubt is very good.

Deputy Aengus Ó Snodaigh: I thank the Minister of State.

Hospital Accommodation Provision

Deputy Aindrias Moynihan: I raise the issue of Macroom Community Hospital in the interests of the 38 residents, their families, the staff and the wider community. I would like to see if we can progress things. The hospital offers great care. It is well recognised by the Health Information and Quality Authority, HIQA, the HSE and the locals. One can see that by the demand for places. However, there are issues with the building. They have been identified for many years now. There has been a repeated cycle of plans and commitments and non-delivery and of further plans and commitments and non-delivery, and this goes on. We need to see progress on this. We have seen other community hospitals in similar positions make progress but Macroom Community Hospital has slipped behind.

There is concern among residents, staff and the wider community. People are asking if the national children's hospital's demand for additional funding is going to have some impact on Macroom. As far back as 2008 and 2009, there were plans to carry out development. The HIQA report highlighted the great care, but it also pointed out issues with the building concerning privacy, storage space for residents and the need to move away from the open-ward model to more private rooms. The subsequent HIQA licences were granted on the condition of works being carried out or plans being advanced. That was in 2017 and 2018. I am delighted the Minister of State, Deputy Daly, is taking this Topical Issue matter because I know he has been there and has seen the situation on the ground and the wonderful care provided. He has also seen the need. According to media reports, the Minister of State said that planning permission would be advanced by October of last year.

October came and went, as did November, December, January and February. It is now March and there is still no plan. Members should bear in mind that there was planning permission as long ago as 2008 and 2009. That was allowed to lapse in 2013. We need to get to the stage where there planning application is secured, funding is committed, works are under way and real commitment is shown to Macroom Community Hospital. I discovered when talking with the HSE late last year that €5.8 million was needed for it. Even at that stage, the HSE was expecting planning permission in the first quarter of this year, that is, about March. We have reached that point and there has still been no planning application. We need something definite.

12 March 2019

We need works on the ground so that residents, their families and the wider community know there is a commitment to Macroom Community Hospital and that the residents are to have the greatest possible comfort. These are basic and fundamental issues, namely, storage space for residents' clothes, privacy and closing off the current open wards. These are practical matters of day-to-day dignity.

In 2016, when there was a demand for the commercial outfits to deliver, they had to deliver within a deadline. However, the hospitals were given an extra five years. That deadline is approaching and the work does not seem to have been done for Macroom Community Hospital, although it was in other cases.

Deputy Jim Daly: Gabhaim buíochas leis an Teachta as ucht deis a thabhairt dom labhairt ar an ábhar seo sa Teach inniu.

The Government's core stated objective is to promote care in the community so that people can continue to live with confidence, security and dignity in their own homes and communities for as long as possible. This is clearly what older people want and what everybody in this House wants. We also have patients who are in genuine need of residential care, either on a long-stay or a short-stay basis, and their safety and well-being is of paramount concern. Residential care is provided through a mix of public, voluntary and private provision. It is worth highlighting that the budget for long-term residential care in 2019 is €985 million, and at any one time an average of more than 23,000 clients will be in receipt of financial support.

The HSE is responsible for the delivery of health and personal social services, including those at facilities such as Macroom Community Hospital. Operating a 24-hour care service seven days a week, the hospital provides support to the elderly population of Macroom town and neighbouring parishes in North Lee West. There is a multidisciplinary team which looks after the needs of the residents, providing long-stay care, convalescence, respite and palliative care. The maximum number of residents which can be accommodated is 38. The existing residential care setting provides multi-occupancy shared bedroom accommodation, where highly dependent residents who are in need of 24-hour high-support nursing care or are in transition from hospital to nursing home care are accommodated together.

As the Deputy is aware, community hospitals like Macroom are an essential part of our national infrastructure and we are determined to maintain our public stock. The standard of care delivered to residents in these units is generally very high, but we recognise that many public units are housed in buildings that are less than ideal in the modern context. Without these units, however, many older people would not have access to the care that they need. On that basis, we need to upgrade our public bed stock and this is the aim of the five-year capital investment programme for community nursing units announced in 2016. The programme provides the framework to replace, upgrade and refurbish these care facilities, as appropriate.

Significant work was undertaken to determine the most optimum scheduling of projects within the phased provision of funding to achieve compliance and registration with the Health Information and Quality Authority, HIQA. This programme includes a number of facilities in Cork, including Macroom Community Hospital. The Deputy will appreciate that all healthcare infrastructure developments require a lead-in time to complete the various stages. These stages include appraisal, project brief, design feasibility, a review of costing estimates and finalisation of financing.

I have visited Macroom hospital and updated the staff and management to the effect that the project was at design stage and planning permission is due to be lodged shortly with a view to completion by 2021. There was considerable change in the project scope which required recommencing the approval process. The project will proceed under the capital investment programme, which is part of Project Ireland 2040. Further progress will be subject to the granting of planning permission and the availability of funding for capital projects.

The HSE capital plan for 2019 is being finalised and will be submitted for approval to the Minister for Health very shortly. This will propose the projects that can progress in 2019 and beyond, having regard to the total available capital funding. All health capital projects currently at various stages of development are considered as part of this process.

Deputy Aindrias Moynihan: I thank the Minister of State for the update. While I appreciate that there is a long lead-in time for capital projects, Macroom Community Hospital has been identified as a need and planning permission was granted for the project almost ten years ago. How long is a long lead-in time for an extension to a hospital? Two and possibly three generations of people have moved through the hospital in that time. It is in the interests of the dignity and privacy of those who will next use the hospital that these essential works are carried out. I note the Minister of State visited the hospital and indicated that works would be carried out shortly. It was stated at that time that planning permission would be granted in October 2018. As such, there has been further slippage, even in the past year.

I note what the Minister of State said on funding. We understand that funding of some €5.8 million was allocated previously but staff and families are concerned that the demand for money for the national children's hospital will challenge that in some way. We need to address that issue as well. Those involved in Macroom Community Hospital do not feel the project is a priority. If it is a priority, however, the Minister of State should not be under pressure for funding. He should have first call on the money if it is a priority project.

In the interests of Macroom Community Hospital, we need the Minister of State to set out a roadmap for the project. What are the steps and timelines involved and when will it be delivered? We have heard many commitments and seen many slippages. We now need delivery.

Deputy Jim Daly: Go raibh maith agat arís, a Theachta. I visited the hospital some time ago at the invitation of my colleague, the Minister for Agriculture, Food and the Marine, Deputy Creed, who asked me to meet the staff and management. I was accompanied by HSE management and we gave the assurances that were required on the day. My office remains in regular contact with the management in Macroom Community Hospital and I understand managers often speak to my office. The Minister, Deputy Creed, asks me almost every fortnight for an update on the project.

Deputy Aindrias Moynihan: It still does not have planning permission.

Deputy Jim Daly: I cannot grant planning permission. The Deputy is referring to-----

Deputy Aindrias Moynihan: I refer to the planning application.

Deputy Jim Daly: I have the floor. The Deputy has made charges and I am now allowed to respond. He referred to having planning permission in 2008. I have no control over what happened in 2008 or the reason the building project did not progress. We can make a good guess as to why it did not happen. Obviously, it was for reasons of finance. We are where we are and

12 March 2019

we want to get the project back on track. I have given a commitment that I will do that for the local community. I have assured the Minister, Deputy Creed, that the project will be delivered and it will be delivered. However, as I said, significant change was made to the scope of the project which required that it be resubmitted for approval.

The Deputy is referring to a delay of two or three months, which is not earth shattering for a capital project of the size of the one we are delivering for the people in Macroom. We are under a commitment nationally to have this delivered by 2021. We have an agreement with HIQA to have community hospitals in place across the length and breadth of the country. They are in the Leas-Cheann Comhairle's constituency and my constituency. All Deputies have community hospitals in their constituencies on which they want to see progress but there are steps that we have to take. I cannot click a finger and make it happen. Projects must go through a planning process as well as design, project brief and financing stages. That is part and parcel of the process. I cannot give an absolute commitment to a deadline of one day, one week or one month because if the deadline were then to move, the Deputy would be the first to start jumping up and down. I do not control the planning process and must await its outcome. I have given the Deputy a commitment that the project will go to planning shortly. The planning process is independent but I assume it will be successful.

Deputy Aindrias Moynihan: He may not be able to control the granting of planning permission but the Minister of State can control the making of the application.

An Ghaeilge: Ráitis

An Leas-Cheann Comhairle: Tá sé tráthúil go bhfuil an díospóireacht seo sa Dáil tráthnóna i rith Seachtain na Gaeilge. Beidh deich bomaite ag an Aire Stáit agus deich bomaite ag na páirtithe agus grúpaí éagsúla. Ag an deireadh, beidh cúig bomaite ag an Aire Stáit.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Mar Aire Stáit na Gaeilge, na Gaeltachta agus na hoileáin, cuirim fáilte roimh an deis seo labhairt leis an Teach faoi chúrsaí Gaeilge agus Gaeltachta, go háirithe agus muid i lár Seachtain na Gaeilge na bliana seo.

Ba mhaith liom cúpla focal a rá faoin straitéis 20 bliain don Ghaeilge, agus go háirithe faoin bplean gníomhaíochta don tréimhse 2018-22 a foilsíodh anuraidh. I mbeagán focail, is ionann an straitéis 20 bliain don Ghaeilge agus polasaí an Stáit i leith na Gaeilge, agus is ionann an plean gníomhaíochta agus mapa bóthair ina ndéantar rianú cruinn ann faoin mhéid a dhéanfaidh an Stát go ceann cúig bliana don Ghaeilge agus don Ghaeltacht. Leagtar amach sa phlean gníomhaíochta an méid atá beartaithe a dhéanamh sa tréimhse go 2022 chun tuilleadh cúraim a dhéanamh den Ghaeilge agus den Ghaeltacht mar a bhaineann sé leis an naoi réimse gnímh faoi leith atá sa straitéis. Ag croilár an phlean gníomhaíochta, tá na bearta comhaontaithe a leagtar amach ann. Tá breis agus 180 díobh ann, a chuirfear i bhfeidhm i gcomhar le os cionn 60 páirtí leasmhar. Leagtar an bhéim is mó ar an méid a dhéanfar go sonrach ar bhonn comhpháirtíochta thar cúig bliana. Tá tráthchlár ama luaite le gach beart. Ar ndóigh, luaitear chomh maith na páirtithe a bheidh freagrach as na bearta a chur i bhfeidhm.

Cé nach bhfuil an plean ar an saol ach bhí mhí an Mheithimh anuraidh ann, tá dul chun cinn suntasach déanta cheana chun tús a chur lena chur i bhfeidhm. Tá an coiste stiúrtha atá freagrach as monatóireacht a dhéanamh ar chur i bhfeidhm an phlean bunaithe anois. Bhí dhá chru-

inniú ag an gcoiste cheana féin. Beidh ciste caipitil €15.56 milliún san iomlán ar fáil d'Údarás na Gaeltachta in 2019 le caitheamh ar thograí fostaíochta, i gcomparáid le €5.687 milliún in 2016. Tá €980,000 breise curtha ar fáil don chlár tacaíochtaí pobail agus teanga de chuid mo Roinne do 2019. Fágann sé seo go mbeidh soláthair iomlán de €9.692 milliún ar fáil i mbliana. Tá soláthar breise de €550,000 ar fáil don phleanáil teanga do 2019, rud a fhágann go mbeidh €3.2 milliún in iomlán ar fáil i mbliana. Tá soláthair breise de €700,000 ar fáil faoi scéimeanna tacaíochta Gaeilge mo Roinne i mbliana do réimse eagraíochtaí agus gníomhaíochtaí a bhaineann leis an nGaeilge taobh amuigh den Ghaeltacht.

Leanann ullmhúchán pleananna teanga ar aghaidh ar fud na Gaeltachta, sna bailte seirbhíse Gaeltachta agus sna líonraí. Baintear úsáid as an gciste suntasach atá ar fáil le maoiniú bliantúil idir €100,000 agus €150,000 a chur ar fáil i ngach limistéir pleanála teanga Gaeltachta chun tacú le cur i bhfeidhm na bpleananna aontaithe. Ag an bpointe seo, den 26 limistéar pleanála teanga Gaeltachta, tá 13 phlean ceadaithe cheana féin. Tá súil agam go mbeidh suas le 23 plean in iomlán ceadaithe faoin bpróiseas faoi dheireadh na bliana. Tá naonúr oifigeach pleanála teanga agus beirt oifigeach cúnata pleanála teanga fostaithe ag na ceannagraíochtaí go dáta. Tá gníomhaíochtaí na bpleananna teanga ábhartha tosaithe dá réir. Chun tuilleadh tacaíochta a chur ar fáil don phróiseas pleanála teanga sa Ghaeltacht, tacaítear go lárnach le réimse gníomhaíochtaí éagsúla - na luathbhlianta, an teaghlach, na hóige agus na healaíona traidisiúnta.

6 o'clock

Chuir sin ceadaíodh maoiniú de €1.26 milliún don tréimhse ó 2018-19 go 2020-21 chun deis a thabhairt do Chomhar Naíonraí na Gaeltachta a ngníomhaíochtaí a thacaíonn le seirbhísí luathbhlianta sa Ghaeltacht a leathnú; ceadaíodh maoiniú de €1,027,613 don tréimhse trí bliana ó 2018-19 go 2020-21 do Thuismitheoirí na Gaeltachta chun dlús a chur leis an raon tacaíochtaí a chuireann sé ar fáil do theaghlaigh atá ag tógáil clainne le Gaeilge nó a dteastaíonn uathu é sin a dhéanamh; agus ceadaíodh maoiniú de €325,000 d'Ealaín na Gaeltachta in 2018 chun gníomhaíochtaí traidisiúnta teanga-bhunaithe a chur chun cinn sna healaíona traidisiúnta sa Ghaeltacht.

Ós rud é go bhfuil cuspóirí comónta idir an próiseas pleanála teanga agus an polasaí don oideachas Gaeltachta, tá mo Roinn ag obair as lámh a chéile leis an Roinn Oideachais agus Scileanna chun tacú le feidhmiú an pholasaí sin. Díol suntais agus dóchais is ea é go deimhin go bhfuil 83% den 161 scoil atá lonnaithe sa Ghaeltacht pháirteach sa pholasaí. Chun tuilleadh rannpháirtíocht a spreagadh, d'eagraigh mo Roinn, i gcomhar le hÚdarás na Gaeltachta, an Roinn Oideachais agus Scileanna agus páirtithe leasmhara eile, sraith cruinnithe le gairid a bhí dírithe ar na tacaíochtaí éagsúla atá ar fáil do scoileanna Gaeltachta a chur ar shúile phobal na scoileanna sin nár chláraigh faoin bpolasaí go dtí seo.

Nuair a luaitear an straitéis, an próiseas pleanála teanga agus an chaoi a bhfuil an Roinn ag déanamh cúram dóibh, tá an baol ann go ndéanfar dearmad uaireanta ar an geistíocht shuntasach atá ar fáil do sheirbhísí, bliain i ndiaidh bliana, mar a bhaineann sé le clár caipitil agus reatha mo Roinn ó thaobh na Gaeltachta de. De thoradh an chúnamh seo, ar fiú breis agus €9.7 milliún é i mbliana, tá an Roinn ag leanúint ar aghaidh i gcomhar le páirtithe leasmhara eile chun bonneagar na Gaeilge a threisiú tuilleadh. Leis an infheistíocht seo, táimid in ann raon leathan eagraíochtaí Gaeltachta a chumasú chun a gcláir oibre a fheidhmiú chun leasa na Gaeilge agus na Gaeltachta trí chéile. Ní call dom a rá go bhfuil sé seo uile ag tacú le fíorú chuspóirí na straitéise agus an plean gníomhaíochta.

Agus muid ag caint ar an nGaeilge agus ar an nGaeltacht ní bheadh sé ceart gan aitheantas a thabhairt don ról fíorthábhachtach atá ag Údarás na Gaeltachta. Tá sé ráite agam roimhe seo, ach measaim gur fiú é a rá arís nach bhfuil aon amhras orm ach go bhfuil obair thábhachtach déanta ag an údarás anuas trí na blianta ar mhaithe le saol teangeolaíoch, eacnamaíochta, cultúrtha agus sóisialta phobal na Gaeltachta a chur chun cinn. Is ábhar sásaimh é gur éirigh leis an údarás 589 post a chruthú in 2018 agus go raibh 122 duine breise fostaithe i gcuideachtaí Údaráis sa Ghaeltacht ag deireadh na bliana 2018 i gcomparáid leis an mbliain roimhe sin.

Sin ráite, ní féidir a shéanadh gurb é an Breatimeacht ceann de na dúshláin is mó a bheidh le sárú ag comhlachtaí Gaeltachta sna blianta atá romhainn. De ghnáth, is é margadh na Ríochta Aontaithe an chéad chéim easpórtála d'aon chomhlacht a bheadh ag dul i mbun easpórtála den chéad uair. Sa chomhthéacs sin, tá Údarás na Gaeltachta ag comhoibriú le gníomhaireachtaí Stáit eile i ndáil le cur chuige comhordaithe maidir leis an mBreatimeacht. Tá an t-údarás ag obair as lámh a chéile le Fiontraíocht Éireann chun a chinntiú go bhfuil na tacaíochtaí atá ar fáil do chomhlachtaí a thagann faoi scáth na heagraíochta sin ar fáil chomh maith do chliaintchomhlachtaí de chuid an údaráis.

Nuair a chuirtear san áireamh an buiséad caipitil de €9.7 milliún a bheidh á chur ar fáil ag mo Roinn féin, an ciste €3.86 milliún atá curtha ar fáil don údarás faoin gciste um athghiniúint agus forbairt tuaithe, chomh maith leis an gciste faoi leith ar fiú €2 milliún do Pháirc na Mara, Cill Chiaráin atá curtha ar fáil don údarás faoin gciste um fhorbairt fiontraíochta réigiúnaí, fágann sé seo go mbeidh ciste caipitil €15.56 milliún ar fáil don eagraíocht in 2019. Táim cinnte go gcabhróidh an méadú suntasach ar a bhuiséad caipitil leis an údarás tacaíocht a thabhairt do na gnólachtaí atá lonnaithe sa Ghaeltacht chun cabhrú leo a ngnó a chosaint mar thoradh ar an mBreatimeacht.

Tá sáróbair ar bun chun úsáid na teanga a chaomhnú agus a threisiú, agus eagraíochtaí ag obair go dian dícheallach ó Thuaidh, ó Dheas agus go hidirnáisiúnta chun an aidhm seo a bhaint amach. Tá maoiniú á chur ar fáil ag Foras na Gaeilge trí scéimeanna éagsúla chun úsáid na Gaeilge a fhorbairt. Tugann tograí ar nós an scéime Gaelbhrtach, atá dírithe ar scoileanna, araon le scéimeanna eile atá á gcur i bhfeidhm ag an bhForas tacaíocht d'úsáid na teanga sna meáin, sna hilmheáin agus sna healaíona.

Agus muid ag iarraidh tuiscint a bheith againn ar oidhreacht agus stair na tíre, feictear go bhfuil luach ar leith le heolas a bheith againn ar logainmneacha na tíre. Mar is eol don Teach, tá forbairt leanúnach á déanamh ar an suíomh *logainm.ie* ag an mBrainse Logainmneacha, ar chuid de mo Roinn é, i gcomhar le Fiontar agus scoil na Gaeilge in Ollscoil Chathair Bhaile Átha Cliath agus le tacaíocht airgid ón Rialtas, agus suim ar leith á léiriú ag pobal na tíre ar atá curtha ar fáil ar líne go dtí seo.

Tá soláthar breise ar fáil faoi scéimeanna tacaíochta Gaeilge mo Roinne do 2019 do réimse eagraíochtaí agus gníomhaíochtaí a bhaineann leis an nGaeilge taobh amuigh den Ghaeltacht. Fágann sé seo go mbeidh soláthar iomlán de €4.8 milliún ar fáil do 2019. I measc na ngníomhartha den phlean, tá sé i gceist an plean digiteach don Ghaeilge, comhfhiontar de chuid na Roinne, Cathair Ollscoil Bhaile Átha Cliath agus Coláiste na Tríonóide, a fhoilsiú go luath. Tugann an plean seo tacaíocht do réimse leathan tionscadal teicneolaíochta ar nós *abair.ie*, *logainm.ie* agus *dúchas.ie*.

Tá réimse eile tionscadal digiteacha agus teicneolaíochta á mhaoiniú faoin scéim seo agus beidh obair leanúnach ag dul ar bun in 2019. San áireamh sa réimse seo tá clár TechSpace,

GaelTech, agus Fáilte ar Líne. Tá tacaíocht á tabhairt ag mo Roinn d'Acadamh Ríoga na hÉireann chomh maith chun foclóir stairiúil na Gaeilge a chur i dtoll a chéile.

Táthar ag dréachtú Bille na dteangacha oifigiúla (leasú) faoi láthair. Beidh sé mar ollchuspóir sa Bhille go mbeidh 20% de na daoine nua a earcaítear don tseirbhís phoiblí ina gcainteoirí Gaeilge agus go mbeidh gach oifig phoiblí atá lonnaithe sa Ghaeltacht ag feidhmiú as Gaeilge agus, ag eascairt as seo, go mbeidh níos mó daoine le Gaeilge ar fáil sna comhlachtaí Stáit.

Ba mhaith liom tiomantas agus dáiríreacht an Rialtais i leith chur i bhfeidhm na straitéise 20 bliain don Ghaeilge a threisiú uair amháin eile anseo inniu.

An Ceann Comhairle: Tá an Teachta Calleary ag roinnt a chuid ama leis an Teachta Aindrias Moynihan.

Deputy Dara Calleary: Gach bliain, ceapaim go bhfuil an tseachtain seo cosúil leis na fógraí a fheictear gach Nollaig faoi cheannach madra. Ní don Nollaig madra ach do gach lá. Níl an Ghaeilge do Sheachtain na Gaeilge amháin, ach do gach seachtain agus gach lá. Ba cheart go nglacaimid níos mó seansanna chun an Ghaeilge a spreagadh agus a úsáid sa Teach seo, ní hamháin sa choicís seo ach le gach duine, gach Teachta agus gach Seanadóir a d'fhoghlaim an Ghaeilge. Bhí seans beag agam óráid an Aire Stáit a léamh. Níl aon dabht ach go bhfuil sé gnóthach ach caithfidh mé an cheist a chur, an bhfuil 20 bliain againn? Tá an straitéis 20 bliain ann ach an bhfuil an 20 bliain sin againn? Tá a fhios agam go bhfuil an tAire Stáit ag déanamh iarracht airgead breise a fháil do gach gníomhaireacht a fhaigheann maoiniú ón Roinn - an t-údarás, an foras, an Conradh, na Gaelscoileanna - ach an bhfuil an t-airgead breise sin agus na hathruithe atá déanta le brath sna ceantair Ghaeltacht ná ag na daoine a úsáideann an Ghaeilge? B'fhéidir nach mbeidh 20 bliain againn. Caithfidh a lán athruithe a dhéanamh. Caithfidh a lán níos mó urgency a bheith orainn faoi cad atá ar siúl agus faoin mbagairt i leith na Gaeilge agus na Gaeltachta faoi láthair.

Bhí cruinniú againn faoi Bhille na dteangacha oifigiúla (leasú) cúpla seachtain ó shin. Tá Seachtain na Gaeilge linn arís agus níl an tAcht sin againn. Tá a fhios agam gurb é an Breatimeacht an leithscéal faoi láthair ach díreach nuair atá na fadhbanna sin réitithe caithfidh an tAire Stáit brú a chur ar a Roinn féin agus ar an Ard-Aighne an Bille sin agus na fadhbanna atá ann a réiteach. Bhí cruinniú suimiúil againn leis an Aire Stáit. Tuigim go bhfuil suim mhór aige i réiteach na bhfadhbanna seo ach caithfidh an Bille a bheith linn roimh an samhradh seo chugainn, seachas roimh an gcéad samhradh eile. Sula mbeimid críochnaithe sa Teach seo le haghaidh an tsamhraidh, ba cheart go mbeidh an Bille sin déanta agus go mbeidh a fhios ag daoine cá seasann siad maidir leis an nGaeilge a úsáid i leith na seirbhísí poiblí go léir.

Maidir le cúrsaí oideachais, bhí announcement mór ag an Rialtas faoi scoileanna neamhspleách le patrúin nua cúpla seachtain ó shin. Ní raibh ach 5% de na scoileanna sin ina nGaelscoileanna, áfach. Tá sé ráite ag an ESRI go mbeadh suim ag níos mó ná 20% de thuismitheoirí a bpáistí a sheoladh chuig Gaelscoil dá mbeadh Gaelscoil ann. Bhí rogha ag an Aire Stáit agus bhí seans ag an Rialtas rud éigin a dhéanamh faoin mhéid sin, ach níor tógadh an seans. Tá a fhios agam go mbaineann sé seo le Roinn eile. Mura fuil gach Roinn ag obair ar son na Gaeilge agus ar son na Gaeltachta, ní bheidh 20 bliain againn, mar a dúirt mé ag an tús. Creidim go mór go bhfuil gach gné den Rialtas ag obair laistigh de shadhlann. Níl mé ag caint faoi pholaiteoirí ach faoin Rialtas ina iomláine thar na Ranna éagsúla. Ba cheart go mbeadh an Roinn Oideachais agus Scileanna agus an Roinn Sláinte ag cuidiú chun an Ghaeilge agus an Ghaeltacht a spreagadh i ngach réimse. Caithfidh i bhfad níos mó a dhéanamh chun Gael-

scoileanna a spreagadh, go háirithe ag leibhéal na meánscolaíochta, ionas go mbeidh bóthar ar fáil do dhaoine oideachas díreach a fháil trí Ghaeilge agus iad ag déanamh a mbealach ón mbunscoil go dtí an meánscoil agus ar aghaidh go dtí an coláiste tríú leibhéal. Luaigh an tAire Stáit na hollscoileanna, agus tá sé tábhachtach go dtabharfaimid deiseanna do na hollscoileanna cúrsaí Gaeilge a dhéanamh agus cúrsaí eile a dhéanamh trí mheán na Gaeilge.

Tá a fhios agam go bhfuil an plean náisiúnta leathanbhanda á chur i bhfeidhm. Táimid i bhfabhar an phlean atá an-tábhachtach do na ceantair Ghaeltachta. Ba cheart go mbainfimid i bhfad níos mó úsáide as Gteic agus na hionaid teicneolaíochta le daoine a mhealladh ar ais go dtí na ceantair Ghaeltachta chun obair sna ceantair sin, b'fhéidir le haghaidh comhlachtaí atá bunaithe nó ag obair anseo i mBaile Átha Cliath. Gan nasc Idirlín leathanbhanda, ní bheidh siad in ann é sin a dhéanamh. Tá sé tábhachtach go leanfaimid ar aghaidh leis an bplean. B'fhéidir gur cheart don Aire Stáit agus do Roinn na Gaeltachta leanúint ina aonar, agus gan fanacht le haghaidh scéim mar gheall nach bhfuil scéim ag teacht. Chabhródh sé sin le daoine an rogha a dhéanamh teacht abhaile chun obair sna ceantair Ghaeltachta.

Deputy Aindrias Moynihan: Tá mé an-bhuíoch as an deis seo labhairt ar chúrsaí Gaolainne arís inniu. Táim chun díriú ar cúpla ábhar faoi leith san am atá agam. Níos luaithe inniu, tháinig slua maith déagóirí ó cheithre mheánscoil os comhair cruinniú de Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán. Tá sé soiléir ó bheith ag éisteacht leis na tuairimí atá curtha chun cinn i rith na díospóireachta seo go bhfuil an Ghaolainn láidir, go bhfuil suim agus dea-thoil ann don teanga agus go bhfuil glúin nua Gaolainne a chothú agus a chur chun cinn. Tá sé sin le feiceáil againn i ngach ceantar ar fud na tíre, ní hamháin inniu sa choiste. I mo cheantar féin, mar shampla, tá an dara Gaelscoil tar éis oscailt i mbaile Bhaile an Chollaigh. Is baolach nach bhfuil ansin ach eisceacht, áfach. Tá dúshlán ag na Gaelscoileanna.

Is féidir leis an Rialtas cabhrú linn i dtaobh an ábhair faoi leith seo. Nuair a bhíonn duine nó grúpa ag iarraidh Gaelscoil nua a bhunú mar go bhfuil éileamh ann don tseirbhís seo i measc an phobail, ba chóir go mbeadh an Rialtas á éascú. Nuair a théann lucht an fheachtais chuig an Roinn, bíonn orthu a thaispeáint go bhfuil éileamh i measc 50% den phobal chun Gaelscoil nua a oscailt. Caithfear an sprioc sin a bhaint amach nuair atá an Roinn ag déanamh cinneadh an scoil lán-Ghaeilge nó scoil lán-Bhéarla a bheidh ann. Tá sé sin an-ard mar sprioc i gcomhair pobal istigh i gceartlár cathair, baile nó aon áit eile. Tá sé deacair a léiriú go bhfuil an méid sin éilimh ann. Tá sé i bhfad difriúil i gcás scoil Educate Together, ETB nó aon eagraíocht eile a bheadh ag déanamh a chuid gnó trí Bhéarla. Nuair atá cúpla scoil den chineál sin san áireamh, tá an sprioc laghdaithe agus ní gá dóibh ach a thaispeáint go bhfuil 30% nó 40% den phobal ag lorg oideachas trí Bhéarla. Tá sprioc an-ard i gcomhair Gaelscoil a chur chun cinn toisc nach bhfuil ach grúpa amháin ag freastal ar mhuintir na Gaolainne. Chabhródh sé go mór linn dá mbeimid in ann a leithéid a phlé leis an Aire Oideachais agus Scileanna thar ceann an chúpla mí atá romhainn.

Tá na dúshlán sa chóras oideachais maidir le soláthar múinteoirí le Gaolainn luaite go mion minic againn. Ba cheart dúinn deiseanna a thabhairt do mhúinteoirí feabhas a chur ar an gcaighdeán Gaolainne atá acu. Ba chóir dúinn aitheantas, b'fhéidir i bhfoirm liúntas nó áiseanna breise, a thabhairt go bhfuil obair bhreise i gceist do mhúinteoirí a dhéanann a gcuid gnó trí Ghaolainn. Is beag an tairbhe a bhí ann nuair a tógadh amach an liúntas a bhíodh ann roimhe seo. Sábháil de €1 milliún nó mar sin a bhí i gceist. Is fiú smaoineamh ar an dea-thoil a múchadh i measc na múinteoirí nuair a rinneadh an cinneadh sin. Tá deis againn an botún sin a cheartú. Iarraim ar an Aire Stáit dul i dtreo an Aire Airgeadais chun an liúntas sin a fháil ar ais ar son na múinteoirí. Ba cheart an liúntas a úsáid chun aitheantas a thabhairt do na múin-

teoirí. B'fhéidir go mealladh sé cúpla duine breise isteach i ngairm na múinteoireachta. Níos tábhachtaí, léiriú a bheadh ann go n-aithnímid an jab iontach atá ar siúl ag múinteoirí agus iad ag tabhairt an Ghaolainn ar aghaidh go dtí an chéad ghlúin eile.

Tá dúshlán breise i gceist maidir leis an nGaolainn sa Ghaeltacht. Tá a lán ceantair tuaithe faoi bhrú agus iad ag lorg áiseanna ar nós bóithre agus seirbhísí leathanbhanda. Tá na deacrachtaí céanna sna ceantair Ghaeltachta, ach tá brú breise ar an nGaeltacht. Gach uair a fhágann duine le Gaolainn an Ghaeltacht, sleamhnaíonn an Ghaeltacht sin agus tagann teip níos mó ar an teanga. Mar sin, caithfidimid díriú ar an riachtanas breise atá i gceist sa Ghaeltacht. Tá an tAire Stáit ar an eolas maidir leis na deontais bóithre a bhíodh ann uair amháin. Ba cheart dúinn smaoineamh go bhfuil an-chuid den Ghaeltacht - beagnach an Ghaeltacht ar fad - sa cheantar oráiste i gcomhair an phlean náisiúnta leathanbhanda. B'fhéidir go mbeadh an tAire Stáit in ann rud éigin a dhéanamh mar gheall air sin.

Tá mé tar éis Bille na Gaolainne a tharraingt aníos arís is arís eile. Tá gá leis. Níor cuireadh an reachtaíocht sin ar fáil le linn Bliain na Gaolainne, in ainneoin is go raibh Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán tar éis an ábhair seo a scrúdú agus tuairisc a sheoladh ar aghaidh. Tuigim go bhfuil an tAire Stáit, an tArd-Aighne agus na hoifigigh sa Roinn Cultúir, Oidhreacht agus Gaeltachta á chioradh go cúramach. Ceapaim gur seoladh teachtaireacht dhiúltach nuair nár cuireadh an Bille seo ar fáil le linn Bliain na Gaolainne. Tá deis ag an Aire Stáit anois an Bille a bhrostú ar aghaidh. Iarraim air a chinntiú go mbeidh an reachtaíocht seo curtha ar fáil gan a thuilleadh moille.

Deputy Aengus Ó Snodaigh: Is maith an rud é go mbíonn ceist na Gaeilge á plé againn anseo uair sa bhliain, ar a laghad. Bíonn mé ag lorg díospóireacht den chineál seo gach uile bhliain ionas go dtabharfar aitheantas cuí do Sheachtain na Gaeilge. Tá i bhfad níos mó ag tarlú anseo le haghaidh Seachtain na Gaeilge le cúpla bliain anuas ná mar a bhí nuair a thoghadh mé don chéad uair. Is rud maith é sin. In ainneoin sin, níl an oiread sin Gaeilge in úsáid i rith díospóireachtaí na Dála is a bhíodh roimhe seo. Cuirim mé féin san áireamh nuair a deirim nach bhfuilimid ag úsáid na Gaeilge chomh minic agus is cóir dúinn. B'fhéidir go mbeimid in ann díriú isteach ar cén fáth nach bhfuil níos mó Teachtaí agus Seanadóirí ag úsáid na Gaeilge. Is fíor nach mbíonn na meáin chumarsáide ag éisteach linn nuair atá an Ghaeilge á labhairt againn. Is seanfhadhb í sin. Aon uair a labhraím i nGaeilge, ní fheicim focal ar bith faoi sna meáin, fiú sna meáin Gaeilge. Nílimid ag úsáid na Gaeilge díreach chun a bheith sna meáin, ach is tubaiste é i gcomhthéacs na srianta ama a bhíonn orainn go mbíonn orainn an Béarla a labhairt chun aird na meáin a tharraingt nó a mhealladh inár dtreo. B'fhéidir go bhfuil sé níos éasca anois, leis na meáin nua atá ar fáil, an méid atá le rá againn a scaipeadh ar bhealaí difriúla. Tá éacht á dhéanamh ós rud é go bhfuilimid in ann teacht ar video clips den mhéid atá ráite againn i bhfad níos tapúla anois.

Is cuimhin liom mar pháiste - fadó fadó ó shin - ag bailiú pingíní i mboscaí do Chonradh na Gaeilge le linn Seachtain na Gaeilge. Ní raibh ach seachtain i gceist nuair a thosaigh Seachtain na Gaeilge, ach maireann sé coicís anois. Bhí Bliain na Gaeilge againn anuraidh. Tá dream áirithe sa tír atá gafa le cur chun cinn na Gaeilge. Is í an fhadhb atá againn ná nach bhfuilimid in ann an bá do Ghaeilge atá i measc ghnáthphobail na tíre a chasadh isteach i ngníomhaíocht na teanga.

Ag an staid seo, tá plean ann, rud nach raibh ann cheana. Tá bogadh ar aghaidh ann. Níl mé chun an deich nóiméad atá agam a chaitheamh ag déanamh caitheamh anuas ar an bplean. Is é an fhadhb atá agamsa nach bhfuil nó ní fheicim an fuadar atá de dhíth chun an Ghaeilge agus

an Ghaeltacht a tharrháil. B'fhéidir go gcruthófaí mícheart mé i gceann deich mbliana nó 15 bliana, agus tá súil agam go mbeidh mé mícheart.

Ó thaobh na Gaelscolaíochta de, níl an dul chun cinn le tamall de bhlianta anuas chomh mór is a d'fhéadfaí a bheith ann agus nár thapaigh an córas Stáit an deis a bhí ann nuair a bhí an bogadh ag tarlú maidir lena lán scoileanna nua a bheith á dtógáil nó maidir le hathrú pátrúnachta agus nár thapaigh an Stát an deis iad sin ar fad a aistriú isteach sa Ghaelscolaíocht. Ní gá féachaint ar an méid a bhí ann mí ó shin nuair a fógraíodh nach raibh ach dhá Ghaelscoil, as an 13 scoil déag, a bhfuair aitheantas. Is tubaiste é sin amach is amach agus tá na rialacha maidir le Gaelscoil nua a bhunú ag cur bac orthu siúd atá ag iarraidh iad a bhunú.

Dúirt mé go minic gur chóir go mbeadh dualgas ar an Roinn Oideachais agus Scileanna, ní hamháin an t-éileamh ar Ghaelscolaíocht a shásamh, ach gur gá don Roinn an t-éileamh sin a chruthú chomh maith céanna. Is é sin gur gá don Roinn dul amach agus stocaireacht a dhéanamh agus cuidiú a thabhairt dá réir. Is é sin athrú iomlán a bheadh ar an meon atá ag an Roinn Oideachais agus Scileanna go dtí seo. Is é sin go mbeadh dualgas uirthi céad teanga na tíre seo a chur chun cinn, ní hamháin tríd an aitheantas a thabhairt, ach dul amach agus cuidiú le tuismitheoirí teacht le chéile, agus cuidiú leo siúd nach bhfuil Gaeilge acu, agus a aithint go bhfuil an Ghaelscolaíocht ar chomhchaighdeán nó níos fearr ná iad siúd sin a bheadh ar fáil ag an Roinn as Béarla.

Ó thaobh na Gaeilge féin, tá brú níos mó ar an teanga, toisc na meán nua agus an saol a bheith athraithe go suntasach. Nílimid chomh hiargúlta is a bhíomar 20 nó 30 nó fiú 100 bliain ó shin agus gur gá dúinn féachaint ar an gcaoi is féidir linn na deiseanna nua atá ann a thapú chun a dhéanamh cinnte de nach mbeidh an Ghaeilge thíos leis, toisc go bhfuil na meáin shóisialta ann agus go bhfuil Béarla i mbarr a réime anois, tráth, nach raibh, b'fhéidir, céad bliain ó shin, an tráth a raibh an Fhraincis agus teangacha eile i mbarr a réime. Le 30 nó 40 bliain anuas, tá athrú suntasach tar éis teacht ar sheasamh an Bhéarla. Is í an teanga is mó a bhfuil an dainséar ann maidir le hÉirinn. Conas is féidir linn a dhéanamh cinnte de nach mbeimid thíos leis sin?

Ceist mhór agus ceist atá ag tarlú beagáinín is ea an chaoi is féidir linn tacú le hÚdarás na Gaeltachta, agus a dhéanamh cinnte de go bhfuil cosaint ag cosmhuintir na nGaeltachtaí ar na slite beatha atá acu sna ceantair sin, mar is ceantair iargúlta iad agus go bhfuil an infreastruchtúr ann ag an am céanna: na bóithre, an séarachas, an t-uisce agus fiú, an leathanbhanda, a luadh níos luaithe. Anuas air sin, ba chóir go mbeidh na tionscail ann ionas go mbeidh gnáthdhaoine agus an chosmhuintir ag fanacht sa cheantair toisc go bhfuil na poist ann agus gur féidir leo na poist sin a bheith acu le linn dóibh an Ghaeilge a labhairt. Is é sin, nár ghá dóibh athrú do theanga eile.

Measaim gur gá dúinn aitheantas a thabhairt, nuair atáimid bailithe anseo inniu, do laochra na hathbheochana, dóibh siúd a choimeád an Ghaeilge beo le breis is céad bliain, go háirithe, mar go rabhamar ag ceiliúradh an Chéad Dáil Éireann ní ba luaithe i mbliana. B'eiseamláir an chaoi ar chaith an Chéad Dáil Éireann leis an nGaeilge. B'fhéidir go raibh siad ag caint faoi Bhreathimeacht chomh maith céanna mar bhí siad ag caint faoina bheith ag labhairt i nGaeilge, i bhFraincis agus i mBéarla. "Sasamach", measaim, a bhí i gceist acu, agus tá sé sin fós i gceist agamsa.

Ní ceart dearmad a dhéanamh ar an jab a rinne na laochra ó shin chun cosaint a dhéanamh ar na bailte agus ar na sráidbhailte beaga: a leithéidí Conradh na Gaeilge, Comhdháil Náisiúnta na Gaeilge, Gaeltaca, Teaghlaigh Ghaelacha a bhí ann nuair a bhí mé féin óg - d'athraigh an grúpa

sin go dtí Comhluadar -, Gael Linn agus na comharchumainn sna Gaeltachtaí. B'fhéidir gurbh é sin rud arbh fhéidir linn féachaint air amach anseo, is é sin an chaoi ar féidir linn aitheantas breise a thabhairt dóibh agus buíochas a ghabháil leo as an obair a rinne siad le céad bliain nó le breis is céad bliain i roinnt cásanna.

Tá a lán rudaí gur féidir linn díriú isteach air. Is ceann de na rudaí móra, ó thaobh an Tuaiscirt de, an tAcht Teanga agus an grúpa Dearg le Fearg atá ag coimeád na saincheiste sin chun tosaigh. I ndeireadh thiar thall is ceist cearta teanga agus daonna í. Má smaoiníonn duine ar na hathruithe a tharla le daichead bliain anuas sa tír seo, is toisc feachtasaíocht ar na sráideanna go minic a tharla iad siúd. Is toisc Chumann Cearta Sibhialta na Gaeltachta a tháinig Raidió na Gaeltachta ar an saol ar an gcéad dul síos agus toisc iad siúd nach raibh sásta ceadúnais teilifíse a íoc a thosaigh an t-éileamh mór, agus i ndeireadh thiar thall, gur sásaíodh an Rialtas an t-éileamh seo le Teilifís na Gaeilge, ar dtús, agus ansin TG4 anois a bhunú. Tá an rud céanna i gceist sa Tuaisceart. Ní cóir go mbeadh sé sin amhlaidh de bharr go raibh an gealltanas tugtha ag Comhaontú Chill Rímhinn agus ba chóir go mbeadh an tAcht sin ann. Tuigim an fhadhb faoi láthair toisc go bhfuilimid ag brath ar theacht ar ais an Chomhthionóil. Ní cóir go mbeimis ag brath air sin agus ba chóir go mbeimis in ann bogadh ar aghaidh. Tá an fhadhb sin ag srian ar a lán nithe maidir leis san teanga, ní hamháin sa Tuaisceart, ach thíos anseo chomh maith.

Cuirfidh mé críoch leis ansin ag moladh go mbeimis ag díriú isteach agus ag déanamh cinnte de, ní hamháin go mbeadh an brú orainne, ach go mbeadh an brú ar an gcóras Stáit i gcoitinne, ar chomhlachtaí príobháideacha, agus ag an am céanna go mbeimis ag mealladh an phobail an Ghaeilge atá acu a labhairt, agus an Ghaeilge nach bhfuil acu a fhoghlaim agus a chur chun cinn.

Deputy Brendan Howlin: Gabhaim buíochas leis an an gCeann Comhairle agus tá áthas ormsa deis labhartha a bheith agam sa díospóireacht seo i rith Sheachtain na Gaeilge nó coicís na Gaeilge, i ndáiríre, atá ann. Bhí mé ag éisteacht, mar is gnách dom, leis an méid a bhí á rá ag an Teachta Ó Snodaigh. Dúirt sé nach mbaineann Teachtaí Dála sa Teach seo deis go minic an Ghaeilge a úsáid agus dúirt sé chomh maith gur ina thuairim gurbh é an príomhchúis atá ann an scéal a bheith amhlaidh nach bhfuil mórán suim ag na meáin chumarsáide, go háirithe na nuachtáin, as óráidí as Gaeilge a chlúdach. Is dóigh liom go bhfuil an ceart aige. Caithfidh a bheith cinnte nach mbeidh mórán scríofa ar an méid a bheidh le rá againn inniu.

Aithníonn Páirtí an Lucht Oibre an áit lárnach atá ag teanga na Gaeilge i gcomhthéacs oidhreacht agus stair na hÉireann agus gur áis shaibhir bheo na linne seo í. Fáiltímid roimh an ardú suntasach atá tagtha ar líon na ndaoine atá ag labhairt na Gaeilge go laethúil. Tá sé ar chumas mórán daoine sa tír seo an Ghaeilge a úsáid, más mian leo.

Ó thaobh oideachais, áfach, theip orainne, chun an fhírinne a rá, an Ghaeilge a chur chun cinn. Is féidir pointí a scóráil ó thaobh polaitíocht na bpáirtithe de, ach mar thír agus mar Stát, theip orainn maidir le múineadh na Gaeilge agus foghlaim na Gaeilge ó thráth bhunú an Stáit. Tá an fhadhb sin ann. Dúirt mé le linn an phlé ar an ábhar seo an bhliain seo caite gur ait an rud go gcaitheann páistí sna scoileanna anseo níos mó na deich mbliana ag foghlaim teanga ach níl ar a gcumas, tar éis na ndeich mbliana sin a chaitheamh i mbun foghlama na Gaeilge, an teanga a labhairt go flúirseach agus go líofa ina dhiaidh sin. Níl sé mar sin in aon tír eile. Caithfidh é sin a adhmháil. Tá sé dochreidte. Níl a fhios agam cén fáth go bhfuil an scéal mar sin. Cén fáth nach bhfuil páistí in ann an teanga a úsáid tar éis deich mbliana a chaitheamh ag foghlaim Gaeilge sa scoil? Tá sé deacair a rá cén fáth go bhfuil sé mar sin, ach tá sé mar sin. Tá dualgas orainn an méid sin a adhmháil agus rud a dhéanamh faoi. Más fíor go bhfuil sé mar aidhm againn

12 March 2019

an Ghaeilge a athbheochan, caithfidimid a bheith macánta faoi staid na Gaeilge sna scoileanna. Seasann Páirtí an Lucht Oibre do chosaint agus d'fhorbairt na Gaeltachta. Spreagfar iad siúd atá ina gcónaí sna ceantair Ghaeltachta an Ghaeilge a fhoghlaim agus a úsáid sna ceantair sin.

Cúpla seachtain ó shin d'fhoilsigh ár bpáirtí Eorpach, the Party of European Socialists, PES, a fhorógra i nGaeilge, “Conradh Sóisialta Nua don Eoraip”. Tá an deis againn an Aontas a athrú agus Eoraip níos cothroime a thógáil sna toghcháin Eorpacha atá le teacht. I bhforógra Pháirtí na Sóisialaithe Eorpacha molaimid “folláine na saoránach a ráthú agus a chinntiú go ndéanfar dul chun cinn sóisialta”. Tá sé sin ag teastáil ag muintir na hEorpa i gcoitinne.

I welcome the opportunity, as we do annually, to speak on the Irish language. Others have said it is a shame there is a certain tokenism about the fact that we speak in a specific debate for an hour or two during St. Patrick's week annually. Many, including me, had greater proficiency in Irish years ago than now. In my judgment, this is because of the lack of use. We lose vocabulary and then the confidence to use the language, particularly in technical debates or interviews on technical issues, because we are afraid of making mistakes. This is something we need to address. We need to make a conscious effort to promote the use of Irish. Most of us have a reasonable vocabulary that is sometimes suppressed but we are not confident about stringing together coherent and clear sentences, particularly on technical issues.

We are aware that there is a hunger among all people to use Irish again. There is a hunger to learn it, embrace it and use it properly. To realise this, one need only consider some of the current initiatives, such as the pop-up Gaeltacht. This takes place across the country right now. Hundreds of people try to use the Irish they have and are encouraged to do so without being in any way disparaged for inaccuracies and failures. Giving people confidence to use the Irish vocabulary they have without fear of ridicule or adverse comment is a really important contribution to growing the language, a language that has endured on this island for centuries and that I have no doubt will endure for many centuries to come. We need, however, to go beyond talking annually about the failings of the education system in this regard. I cannot think of any other country where children have such prolonged exposure to a language but come out of the education system without being proficient in it. We need to think again to ensure that, whatever proper analysis we do - there has been a considerable amount - we can give people the capacity to use the Irish language and provide an atmosphere, infrastructure or environment in which all of us can use the Irish we have more frequently and, hopefully over time, with greater fluency. Go raibh maith agat.

Deputy Bríd Smith: Ba mhaith liom “Hear, hear” a rá do Theachta Howlin, rud nach déanaim go minic. Aontaím leis an Teachta mar gheall ar úsáid na Gaeilge. Tá sé deacair domsa freisin. Is é mo náire é sin i spás amháin ach táim ag déanamh mo dhícheall. Tá sé riachtanach go bhfoilsíodh an Rialtas Bille na dteangacha oifigiúla (leasú) le linn téarma na Dála sin agus go rachaidh sé i ngleic leis na fadhbanna atá os comhair na gceantar Gaeltachta chun cinnteacht agus tacaíocht leanúnach a thabhairt ó thaobh neartú agus forbairt na teanga. Caithfidh go mbeidh 20% d'earcaíocht na Státseirbhíse cumasach ó thaobh na Gaeilge. Caithfidh go mbeidh dualgas ar an Stát gach seirbhís a cuirtear ar fáil sa Ghaeltacht a chur ar fáil trí mheán na Gaeilge, mar shampla foirmeacha chosaint shóisialta agus aon agallaimh a reachtáltar chomh maith le seirbhísí leighis agus dlí. Tá fadhb i bhfad níos mó againn i dTuaisceart na tíre ó thaobh Acht na Gaeilge.

Unfortunately, in promoting the Irish language in the North, there are sections of the political elite who have deliberately set out to block its development. I refer specifically to the role

of the DUP in blocking the development of the language, which is no threat to anybody and, indeed, has the support of Protestant communities that are endeavouring to learn it and speak it in areas such as west Belfast. It is a clear denial of basic rights. Members of People Before Profit believe it should be the role of the Irish Government and those of us in the House who wish to see the development of Irish to condemn the DUP for blocking a basic civil right. Too often we hear demands to drop the call for an Irish language Act on the basis that it is sectarian or divisive, but if Stormont ever gets back up and running it cannot be on the basis of ditching the rights of Irish language speakers or watering them down.

Tá gá le hAcht teanga ar fud na tíre. Ó thaobh stair Bhéal Feirste agus Tuaisceart na hÉireann, tá muid ag céiliúradh 50 bliain ó bhunaíodh the Shaws Road Gaeltacht. Is as seo a d'fhás agus a d'fhorbair athbheochan na Gaeilge i mBéal Feirste agus ar fud an Tuaiscirt. Caoga bliain ar aghaidh agus tá éacht ollmhór bainte amach ag na ceannródaí úd. Tá an Ghaeilge forleathan i gceathair Bhéal Feirste le neart bunscoileanna Gaeilge, fás Coláiste Feirste, agus forbairt ar an oideachas meánscoile trí Ghaeilge.

Tá éileamh ollmhór ar an Gaelscolaíocht i gceantair uirbeacha i mBaile Átha Cliath freisin agus is mó duine a theastaigh uathu scoileanna Gaeilge a fháil. Mar shampla, san áit ina bhfuil cónaí orm i mBaile Formaid, is dúshlán mór é do thuithmitheoirí a bpáistí a sheoladh chuig bunscoileanna Gaeilge. Níl ann ach Gaelscoil Inse Chór. De ghnáth bíonn sé lán agus ní bhíonn spás ann. Ar leibhéal meánscoile, níl meánscoil lán-Ghaeilge laistigh de mhórchéantair Baile Átha Cliath 10 nó Baile Átha Cliath 20 agus níl an dara rogha ag daoine ach taistil laismuigh dá gceantair féin go ceantair ar nós Leamhchán nó Cluain Dolcáin. Tá tuismitheoirí agus muintir an phobail i mBaile Átha Cliath 10 i mbun feachtais faoi láthair na huair chun seanfhoirgneamh De La Salle a úsáid mar ionad scolaíocht nua ina mbeidh Gaelscoil idirchreidmheach agus Gaelscoil. Léiríonn foirleithne choincheap an pop-up Gaeltacht, ní hamháin in Éirinn ach ar fud an domhain, go bhfuil an-todhchaí i ndán don Ghaeilge, go háirithe don Ghaeilge labhartha. Léiríonn sé an bród agus an spéis atá againn inár dteanga dhúchais nuair a fhaigheann muid deis í a labhairt.

Tá fás as cuimse tar éis teacht ar spéis an phobail i bhfilíocht agus amhránaíocht na Gaeilge. Tá ar an Aire Cultúir, Oidhreacht agus Gaeltachta tacaíocht breise a thabhairt ó thaobh chur chun cinn agus úsáid na Gaeilge i ndrámáíocht, i gceol, i bhfilíocht agus san bhfocal scríofa.

Thar aon rud eile, tá sé de dhualgas orainn oideachas d'ardchaighdeán a chur ar fáil do pháistí na tíre ó thaobh úsáid agus labhairt na Gaeilge. Tá orainn léiriú dóibh gurb í croílár ár n-oidhreacht agus go bhfuil todhchaí ag an nGaeilge. Ach ní tharlóidh sé seo muna ndéanann muid infheistiú sa teanga chun na háiseanna cuí a chur ar fáil trí Ghaeilge.

An Ceann Comhairle: Tá an Teachta Maureen O'Sullivan agus an Teachta Catherine Conolly ag roinnt ama.

Deputy Maureen O'Sullivan: Is deis iontach í Seachtain na Gaeilge chun solas a chur ar thábhacht ár dteanga dhúchais. Is cuid lárnach í dár stair, dár traidisiún, dár gcultúr, agus dár bhféiniúlacht. Ach, an bhfuilimid ag déanamh ár ndóthain ar son na Gaeilge? An bhfuil gach iarracht á dhéanamh chun í a chosaint, a chaomhnú, a fhás, agus a fhorbairt? Ní dóigh liom é. Tá sé de dhíth agus de dhualgas ar Rialtas na tíre seo gach iarracht a dhéanamh chun tacú lenár dteanga náisiúnta agus leis na ceantair Ghaeltachta ar fud na tíre, go háirithe ár n-oileáin Ghaeltachta. Tá dúshlán ag na hoileáin nach bhfuil ag áiteanna eile sa Ghaeltacht. Is seoid luachmhar iad na hoileáin Ghaeltachta seo dár gcultúr agus ní mór dúinn níos mó tacaíocht a

thabhairt dóibh chun a chinntiú nach mbeadh an todhchaí chéanna i ndán dóibh agus a bhí i ndán don Bhlascaod Mór.

Táim lánchinnte go bhfuil daoine anseo a chaith samhradh éigin ar cheann de na hoileáin seo, nó in áit eile Gaeltachta, ag foghlaim Gaeilge. Tuigfidh na daoine sin cé chomh hiontach atá sé do dhaoine óga. Nach mbeadh sé go hiontach dá mba rud é go mbeadh an deis sin ag gach uile dhéagóir sa tír seo? Samhlaigh an difríocht a dhéanfadh sé do na pobail bheaga seo dá mbeadh breis scoláirí Gaeilge ag teacht chucu gach samhradh. Ní gá ualach airgid a chaitheamh chun é seo a dhéanamh. Ní gá ach a bheith níos cruthaitheach lenár gcuid smaoinimh. Is léir go bhfuil an suim sin ann. Ní gá dúinn ach féachaint ar an éileamh atá ar Ghaelscoileanna agus ar Ghaelcholáistí timpeall na tíre nó ar an méid pop-up Gaeltachtaí a chímid gach lá.

Fuair ár sinsir bás ar ár son ionas go mbeadh sé de cheart againn ár dteanga dhúchais a labhairt. Ní mór dúinn féin, mar chinnirí na tíre, urraim a thabhairt dár sinsir agus dea-shampla a léiriú don phobal tríd ár ndícheall a dhéanamh an Ghaeilge a chur chun cinn ní amháin do Sheachtain na Gaeilge, ach do gach uile sheachtain. Mar a deirtear, beatha teanga í a labhairt.

Cinnte, is cúis náire é nach bhfuil Gaeilge á labhairt againn 100 bliain tar éis tosach an Stáit, go háirithe nuair a smaoinimid ar an méid Gaeilge agus suim sa Ghaeilge a bhí ag laochra an ama sin. Bheadh sé uafásach dá mbeadh daoine óga sa tír seo gan eolas agus gan léargas ar shaibhreas na Gaeilge, agus go háirithe ar fhilíocht na Gaeilge.

Deputy Catherine Connolly: Fáiltím roimh an deis páirt a ghlacadh sa seisiún seo trí Ghaeilge, ach is mór an trua é go bhfuil gá le seisiún mar seo chun aird a tharraingt ar ár dteanga dhúchais. Léiríonn an gá seo go bhfuil dúshlán mór os ár gcomhair chun labhairt na Gaeilge sa tír seo a normalú, in ainneoin gurb é normalú na teanga croílár na straitéise 20 bliain. Mar a dúirt mo chomhghleacaí, beatha teanga í a labhairt. Faraor, tá an Teachta Howlin imithe. Tá neart Gaeilge aige. Ní mór dom an cheist a chur, cén fáth nach bhfuil sé ag baint níos mó úsáide as an saibhreas Gaeilge atá léirithe aige anseo?

Le Breatimeacht i lár an aonaigh, cuireadh Bille na dteangacha oifigiúla (leasú) ar an mhéar fhada. Ní raibh mé ró-shásta leis sin mar Chathaoirleach Chomhchoiste na Gaeilge, na Gaeltachta agus na nOileán. Níl an leithscéal sin ag an Rialtas níos mó. Tá an reachtaíocht phráinneach curtha tríd an Dáil aige. Tá sé thar am anois dáta a thabhairt dúinn. Cén uair a bheidh an Bille foilsithe? Táimid ag caint faoi chearta teanga, faoi phobal na Gaeilge, agus faoi chearta daonna. Níl aon leithscéal eile. Tá sé rithábhachtach an Bille sin a fhoilsiú. Tá a fhios againn gurb é easpa daoine le Gaeilge agus cúrsaí earcaíochta cuid mhór den fhadhb. Bhí moltaí laidir ag an gcoiste. Ba mhaith liom an Bille sin a bheith foilsithe.

Tá sé tábhachtach freisin an Acht Gaeilge sa Tuaisceart a lua. Impím ar an Rialtas tuilleadh a dhéanamh chun dul i bhfeidhm ar Rialtas na Breataine agus ar an DUP maidir leis an gceist seo. Chuaigh mé ar chuairt go dtí Charn Tóchair i nDoire i mí Iúil. Chuaigh mé ar cuairt go Béal Feirste freisin. Chuaigh sé go mór i bhfeidhm orm. Eiseamláir iad na grúpaí agus na dreamanna ar an talamh. Tá obair na gcapall á déanamh acu. Is eiseamláir iad dúinne sa tír seo.

Ní mór dom a rá freisin go dtugann sé ardú meanman dom Gaeilge a chloisteáil i halla na Dála. Tá an fhoireann an-bháúil, go háirithe na maoir, ach ní leor bá ón bhfoireann chun an teanga a chur chun cinn agus í a shabháil. Tá tábhacht faoi leith ag baint le húsáid na Gaeilge san fhoirgneamh seo don chuid eile den tír. Tá freagracht orainn dea-shampla a léiriú do mhuintir na hÉireann. Sa chomhthéacs sin feictear dom go bhfuil géarghá tógáil ar an dea-thoil atá sa

Teach agus, mar shampla, ranganna Gaeilge a chur ar fáil don fhoireann uilig, ag amanna atá feiliúnach dóibh agus ar leibhéal éagsúla cuí, mar chuid den lá oibre. Tá sin ag teastáil.

Ó thaobh na Gaeltachta de, tá a fhios againn go bhfuil staid reatha na Gaeilge sna Gaeltachtaí uilig thar a bheith leochaileach. Níor tháinig an t-eolas sin aniar aduaidh orainn; tá sé le cloisteáil, le feiceáil, agus le léamh le fada an lá. Léiríonn figiúirí an daonáirimh go raibh laghdú suntasach maidir le líon na gcainteoirí laethúla Gaeilge sa Ghaeltacht taobh amuigh den chóras oideachais ó 24% in 2011 go 21.4% in 2016. Chomh maith leis sin, agus roimh an daonáireamh sin, léirigh an staidéar cuimsitheach teangeolaíoch ar úsáid na Gaeilge sa Ghaeltacht, a foilsíodh in 2007 agus a nuashonraíodh in 2015, go raibh an Ghaeltacht go mór i mbaol. Tá a fhios agam go bhfuil an t-uafás oibre déanta ag an Aire Stáit ach tá rudaí ag dul in olcas go ginearálta. Tiocfaidh mé ar ais go dtí na pointí dearfacha.

Tá inmharthanacht na Gaeltachtaí fite fuaite le cúrsaí fostaíochta agus eacnamaíochta. Aontaím leis an Aire Stáit go bhfuil Údarás na Gaeltachta thar a bheith tábhachtach. Gan Údarás na Gaeltachta, bheadh an drochscéal i bhfad níos measa. Sa chomhthéacs sin, ba drochscéal amach agus amach an cinneadh a rinne HID Global athlonnú a dhéanamh ó chroílár na Gaeltachta go cathair na Gaillimhe. Tá súil agam go mbeidh sé ag dul siar ar an gcinneadh sin. Is é an rud gur mhaith liom aird a tharraingt air ná an chumacht a bhí ag an IDA agus atá ag an IDA an comhlacht sin a mhealladh ó chroílár na Gaeltachta go Gaillimh. Ba mhaith liom teacht ar ais go dtí an scéal sin am éigin eile, ach léiríonn sé an easpa cothromaíochta atá idir Údarás na Gaeltachta agus an IDA.

Chomh maith leis sin, tá pleananna teanga faofa ag an Aire Stáit agus tá pleanálaithe teanga ceaptha i gcuid mhór de na Gaeltachtaí. Is rud maith é sin ach ní leor an maoiniú atá á chur ar fáil chun na pleananna sin a chur i bhfeidhm. Tá a fhios agam go bhfuil €100,000 in aghaidh na bliana i gceist ach i ndáiríre is pingíní é sin nuair is é an aidhm atá againn ná an teanga phobail a athbheochan agus a chothú. Tá i bhfad níos mó ag teastáil chun an próiseas pleanála teanga a chur i bhfeidhm. Tá an iomarca freagrachta ar an phobal rudaí a dhéanamh go deonach.

7 o'clock

Additional debate to follow.

Civil Law (Presumption of Death) Bill 2016 [Seanad]: Second Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: “That the Bill be now read a Second Time.”

The Bill before the House is the Civil Law (Presumption of Death) Bill 2018 which started life as a Private Member’s Bill in Seanad Éireann and which passed all Stages in that House in June of last year. I hope it can be enacted speedily given the overwhelmingly positive support which it has attracted to date.

Prior to outlining the content of the Bill, I would like to put on record my acknowledgement of the work of Senators Colm Burke, Marie Louise O’Donnell and Lynn Ruane in championing the need for reform in this area and in seeking to advance the proposals which were first put forward by the Law Reform Commission in 2013. The Government decided not to oppose the Bill, initially presented as the Civil Law (Missing Persons) Bill 2016, when it was introduced

12 March 2019

in the Seanad but, rather, to work with Senator Colm Burke and his fellow Senators to bring forward a number of amendments to the Bill which were acknowledged as being necessary and to which I will return later.

I am of course aware that Deputies Jonathan O'Brien and Pearse Doherty have also tabled a Bill dealing with these matters and I also commend them for their work.

The situation which the Bill seeks to address is, fortunately, not one which the vast majority of people will ever have to encounter. As a society, we can do little to lessen the sense of loss which occurs when a loved one goes missing. However, as legislators, we have the capacity to intervene in order to ease some of the more practical problems which confront those who are left behind. The Government is very conscious of the fact that the current provisions in Irish law which relate to missing persons are of limited use to those who are left behind. The rebuttable presumption at common law that enables a missing person to be presumed dead if missing for more than seven years is clearly inadequate given the need to deal in a more immediate way with the myriad consequences which may arise when a person goes missing and is in all likelihood dead. It is true that the High Court may make a declaration of presumed death prior to the passage of seven years if there is sufficient circumstantial evidence to justify such a finding. However, such a finding will not result in the missing person's death being registered on the Register of Deaths, and consequently no death certificate can be issued. Furthermore, any marriage or civil partnership involving the missing person is not ended as a consequence of the declaration of presumed death.

The provisions of the Coroner's Act 1962 which allow the Minister for Justice and Equality to direct a coroner to hold an inquest where a death has occurred and the body has been destroyed or is irrecoverable are also insufficient in this context, given that there is a geographic restriction that requires the belief of the coroner that a death has occurred in or near his or her district for the section to be effective.

Notwithstanding current limitations, the Government is also conscious that, in reforming this area of the law, there is a need for careful balancing between the need, on the one hand, to address the practical problems which face those left behind when a person goes missing and the need, on the other, to acknowledge the significant legal implications of declaring a missing person dead.

The Bill, as originally presented, had a dual focus. It proposed to deal with the civil law status of missing persons by putting in place a statutory framework to provide for the making of a presumption of death order in respect of two categories of missing persons. The first category was where the circumstances of the disappearance indicated that death was virtually certain. The second category was where both the circumstances and the length of the disappearance indicated that it was highly probable that the missing person had died and would not return, for example, where the disappearance occurred in dangerous circumstances in which loss of life might be presumed. It also had the objective of establishing a regime to allow an interim manager to be appointed to manage the missing person's estate.

In considering the Bill as presented the Government found that there were difficulties attendant on this dual focus in that it gave rise to a certain blurring of the boundaries between those who are missing and who are, in all probability dead, and those who are missing but still alive. The legal issues attaching to the resolution of the difficulties presented by these two scenarios are not identical and, ideally, should not be conflated. It was in that context that the Govern-

ment proposed a number of amendments to the Bill which were endorsed by Seanad Éireann, and which I will now outline.

The most significant amendments related to the scope of the Bill. As I already said, the Bill as presented had a dual focus relating to status matters on the one hand and to the interim management of the missing person's property on the other. The view was taken that the interim management issues were far more complex than those associated with the presumption of death issue in isolation and would require a regime more onerous in terms of oversight than originally proposed. In particular, the proposal that an application for an interim management order might be made once a person had been missing for 90 days gave rise to real concern that a person who had merely gone missing, for whatever reason, but who was not dead, could return to find that their interests had been severely and adversely affected. It was considered that, in the interests of granting some relief to the relatives of those who go missing, the focus of the Bill should, at least for now, be on the issues relating to status. In consequence, all references to matters connected with the interim management of property were deleted. Both the Long Title and the Short Title reflect these changes.

A further substantive amendment in the scope area concerned the definition of "missing person" which is set out in section 2. As presented, the very broad definition encompassed all missing persons, including those stepping out of their lives for whatever reason but who subsequently return to that life. The revised definition focuses on a narrower target group of persons whose death is either virtually certain or is highly probable. The distinction between a death which is virtually certain and one which is highly probable allows for a differentiation in the time period after which an application can be made for a presumption of death order and gives the courts a degree of certainty that the person concerned is actually dead. Given the profound legal consequences of such an order, I consider the distinction to be both necessary and appropriate. The Bill in its current form - section 5 - reflects the recommendations of the Council of Europe in this regard. There is no minimum waiting period where the missing person's death can be taken as certain but the body cannot be recovered. For those whose death is likely, a minimum waiting period of a year is specified.

Another significant issue, which was addressed during the debate in the Seanad, concerned the effect of a presumption of death order on a marriage or civil partnership involving a missing, presumed dead, person. The policy of the Government is that a presumption of death order should be conclusive insofar as the end of a marriage or civil partnership is concerned. This policy is reflected in section 6 of the Bill. However, it is necessary to address unlikely or even improbable scenarios, which in this case are the implications of the return of a formerly missing person in respect of whom a presumption of death order had been made and who was married or in a civil partnership at the time of the making of that order. The Bill, in section 8, now provides that either the formerly missing person or the person who was left behind can apply to the High Court for a declaration which, if granted, would have the effect of treating the marriage or partnership with a formerly missing person as one where a decree of divorce or a decree of dissolution had been granted. The court is given a broad discretion in relation to modifying or restricting the effect of its order. I must emphasise that any court order would not have the effect of reviving the marriage or partnership, nor would it have any impact on the status of any new marriage or partnership which might exist. However, the provision will allow the parties to effectively plug into existing family law arrangements concerning matters such as maintenance and access. Legal advice received was to the effect that a provision of this nature would make a successful constitutional challenge less likely than the more absolute approach

of simply bringing the marriage or partnership to an end without any provision being made to address the consequences of that ending.

Section 4 of the Bill lists those persons who may apply for an order under its provisions. The same list of persons may also apply for a variation order under section 8 along with the missing person in respect of whom a presumption of death order was made. Specific provision is made for a half-brother or a half-sister to be an applicant. This coheres with the provision in the Northern Ireland legislation in relation to applicants who are close relatives in the context of the disappeared, and seems sensible in any event.

Explicit reference to a “creditor” as an applicant has been deleted. By way of background, in none of the legislation in comparable jurisdictions, including England and Wales, Northern Ireland and New Zealand, is there an explicit reference to a “creditor” as an applicant and I have formed the view that such a reference might be misinterpreted. Deletion of the reference to creditor does not, of course, preclude a creditor who feels he or she can demonstrate a sufficient interest in the matter from making an application for an order if the creditor can demonstrate that he or she has a sufficient interest. Provision has also now been made in section 9 for all affected parties to be put on notice as to the making of applications for presumption of death orders or variation orders in order to avoid any injustice which might ensue if an application were to be made and a presumption of death order or a variation order granted in the absence of such parties.

A number of amendments were also made to ensure coherence with the existing arrangements which apply in respect of the registration of life cycle events in accordance with the Civil Registration Act 2004. These amendments were developed in close co-operation with the Department of Employment Affairs and Social Protection and will facilitate registration of a presumed death in a new register of presumed deaths which is to be established under Part 3 of the Bill. The new register will be part of the suite of civil registers maintained by the Registrar General.

As part of these amendments, an obligation is placed on the court in section 5 to include, in the presumption of death order, the particulars available to it which are necessary for the registration of a presumed death in the new register. Provision is also made for an entry in the register of presumed deaths to be removed or deleted in accordance with the terms of any variation order which may be granted. The amendment also provides for the removal of an entry from the new register where the body of a person for whom an entry has been made on the register has been recovered and an entry has been made in the register of deaths or the record of deaths abroad in respect of that person.

Deputies will have noted that the Bill, as presented, gave a role to both coroners and courts in relation to matters covered by it. The Bill in its current form reflects the view that presumption of death orders should only be made by a court and that other, associated matters should also be dealt with by a court. This is consistent with the position which has been taken in other jurisdictions. Accordingly, I do not envisage any role for coroners in relation to the granting of presumption of death orders and all references to the Coroners Act 1962 or to coroners have been deleted from the Bill.

The final substantive series of amendments which were accepted in Seanad Éireann concern jurisdiction and are set out in section 10. As I said, I am of the view that presumption of death orders should only be made by a court and that other, associated matters should also be dealt

with by a court. The Circuit Court will have concurrent jurisdiction with the High Court to deal with applications for presumption of death orders. Once such an order has been made, and the time allowed for appeal has expired, the order has the same effect in law as arises from the registration of a death under section 13 of the Civil Registration Act 2004. This means that a death certificate can be issued which, in turn, will allow for the distribution of the estate and the payment of any life assurance policy which may exist. However, it is proposed that an application for an order varying a presumption of death order can be made to the High Court only. The reason for this is that such cases are likely to be extremely rare and if they occur, they may well give rise to difficult and novel legal issues. The High Court will also have jurisdiction where the Attorney General or a person acting on behalf of the State is the applicant, again because of the likely rarity and complexity of such cases.

The jurisdiction provisions now also take account of the fact that, where land is concerned, the jurisdiction of the Circuit Court is determined by market value rather than rateable valuation. The monetary threshold of that market value is currently set at €3 million. The jurisdiction of the Circuit Court has also been expanded to allow for its exercise by a judge of the circuit in which the applicant ordinarily resides. Previously, jurisdiction was confined to the circuit in which the missing person ordinarily resides. This revised approach is consistent with that taken in other jurisdictions. Finally as regards this matter, a residual jurisdiction criterion based on domicile is also provided to allow the High Court to take jurisdiction in an appropriate case when no other jurisdiction criteria exist. There is also a jurisdictional rule to cater for the disappeared when no other rule is available to the applicant. This might arise where the applicant had no connecting factor, whether by way of residence or domicile, with the State.

I stated at the outset that I hoped to see the Bill enacted by the end of the year. This is a sensitive topic which, fortunately, only affects a very small number of people. However, the size of the affected group does not diminish in any way the pain and emotional distress for those who have to live with the disappearance of a loved one. Their turmoil may well be compounded by the many practical difficulties which have to be faced in the aftermath of the person's disappearance. The Seanad Stages of the Bill have demonstrated that there is a significant degree of support for legislation in this area. We owe it to the small group of people who are affected by the disappearance of a loved one to advance this Bill as quickly as possible to do what we can to alleviate their pain, suffering and distress.

At the core of the Bill is the ability to apply for a presumption of death order when a person goes missing. The protection offered to a missing person who subsequently reappears is the ability to apply for a variation order. The Bill is both balanced and compassionate. I look forward to hearing the views of Deputies on its provisions and commend it to the House.

Deputy Fiona O'Loughlin: Before I speak about the provisions of the Bill, I am mindful of the plight of those whose loved ones have gone missing over the years. I think especially of the families of Deirdre Jacob and Trevor Deely in County Kildare, my home county, and the pain, heartbreak and emotional stress they go through every day. Every time we see a poster in a city or town here or abroad featuring photographs of people who are missing and pleas from families seeking information, we think of the hell the family is going through and how difficult it is to maintain some type of normal life. It is important that families who find themselves in this position have a legal opportunity to get certain affairs in order. That is where the Bill comes in.

Fianna Fáil will support the Bill, as we supported a similar Bill in the Seanad in 2013. The Law Reform Commission has highlighted the need for legislation in this area and we certainly

should act on that. I certainly support the Minister's comments in trying to bring this Bill into law before the end of the year.

The purpose of the Civil Law (Presumption of Death) Bill 2016 is to make specific provision in law where a person who is observed to be missing from his or her normal patterns of life, where those who are likely to have heard from a missing person are unaware of his or her whereabouts and where the circumstances of the person missing raise concerns for the person's safety and well-being. It puts in place a statutory framework providing for the making of a presumption of death order in respect of two categories of missing persons. The first is where the circumstances of the disappearance indicate death is virtually certain and the second is where both the circumstances and the length of the disappearance indicate it is highly probable that the missing person has died and will not return.

In 2013, the Law Reform Commission's report on Civil Law Aspects of Missing Persons made 19 recommendations for reform of the law. It also contained a draft civil law (missing persons) Bill to implement the recommendations, so the commission did really good work. In launching the report, the Law Reform Commission pointed out that between 7,000 and 8,000 people are reported missing every year in Ireland, or almost 20 every day, which is almost inconceivable. We know most people turn up within a very short period and less than 1% remain missing for a long time. In the recent years from 2014 to 2017, there was an increase to over 9,000 people per year being reported missing. According to the most recent figures from the Garda missing persons bureau, between 2003 and 2018, there were 125,698 missing person reports and of those, 431 people remain missing. This means 431 families are absolutely devastated, along with neighbours, extended families and communities.

In the context of the violence in Northern Ireland from the 1970s to the late 1990s, there is the inclusion of the "disappeared", a group of 17 people presumed to have been killed but where bodies have not been found. The Independent Commission for the Location of Victims' Remains established after the 1998 Good Friday Agreement has to date located ten bodies so seven of the disappeared remain missing. We certainly think of their families today. Against this background, in 2009 the Northern Ireland Assembly passed the Presumption of Death Act (Northern Ireland) 2009, which allows relatives to apply to court for a presumption of death order. The Law Reform Commission recommended that as far as possible, the law in this State should mirror the provisions of the 2009 Northern Ireland legislation so that any cases involving the disappeared that might be dealt with in the State could be based on a similar legal framework.

Our current law is primarily based on a long-established rule that there is a presumption that a missing person is alive for up to seven years, with a presumption of death applying after seven years. The current law is limited in that family members may apply to the High Court to have the estate of the missing person administered but this does not allow them to obtain a death certificate. In some cases, an inquest can be held involving a missing person and if it is almost certain a missing person has died, a coroner may make a declaration of death under the Coroners Act 1962, which allows the family to obtain a death certificate.

The commission's report recommends reform of the law on presumed death in particular to ensure families can deal as far as possible in the least expensive way with the emotional trauma of a loved one going missing. When a person goes missing, more often than not it is completely unexpected and affairs are not usually in order. Issues such as paying bills, access to bank accounts and renewing insurance fall to families, with many facing considerable difficulties as a

result. We are all too aware of those who remain missing in communities across this country. The impact of these disappearances continues long beyond the initial occurrence. This Bill can form a small but important role in easing the burden on a family when a relative goes missing. On behalf of Fianna Fáil, I commend the Bill and we fully support it.

Deputy Donnchadh Ó Laoghaire: Beidh Sinn Féin ag tacú leis an reachtaíocht seo. Tá an reachtaíocht ciallmhar agus luachmhar agus tá tábhacht ag baint leis. Ba mhaith liom tréaslú leis an Seanadóir Colm Burke a thosaigh an obair air seo agus tugaim aitheantas don Aire as a chuid obair ar an reachtaíocht. Mar an gcéanna tugaim aitheantas dár Teachtaí féin, na Teachtaí Jonathan O'Brien agus Pearse Doherty a thug píosa reachtaíochta chun cinn 3 bliana ó shin. Sinn Féin will support this Bill, which is valuable legislation, and we have long been of the view that there was a need for this type of legislation. The Minister acknowledged Senator Colm Burke for bringing forward this legislation but two of my colleagues, Deputies Jonathan O'Brien and Pearse Doherty, have proposed similar legislation. We have long supported a move of this kind.

The Bill is designed to provide arrangements for the management of a missing person's property but also for processes where the circumstances of the person's absence leads to presumption of death. This presumption would apply to persons where the death is virtually certain and where both the circumstances and the length of the disappearance indicate it is highly probable that the missing person has died. For example, it might be where the disappearance occurred in dangerous circumstances or other circumstances where the loss of life might be presumed. The law currently allows for the assumption that a person is alive for up to seven years after he or she goes missing but it is not conclusive. Under the Coroners Act 1962, an inquest can be held where the body of a missing person has not been found. If the inquest concludes that the missing person has died, the death may be registered as it would under normal circumstances. This is a key matter for the families of many missing persons in Ireland today.

Tá sé tábhacht go dtugaimid aitheantas do na clanna, an pian atá á fhulaingt ag cuid maith daoine agus cé chomh deacair is atá sé do na teaglaigh sin go léir. Mar an gcéanna leis na daoine atá ceangailte le duine a cailleadh agus a shíleann go bhfuil an duine sin caillte. Is rud an-dian é sin, go mórmhór nuair a bíonn ualach mór obair le déanamh in éineacht leis an bpian agus na fulaingt tar éis duine a bheith ar iarraidh. Ba chóir dúinn, nuair is féidir linn, an t-ualach a dhéanamh níos lú. While we are debating this legislation, we should reflect on and remember the significant loss suffered by many people throughout this State. There are hundreds of families across the country missing family members or friends. Between 7,000 and 8,000 people are reported missing every year. In 2018 alone, the number of reports of missing persons to An Garda Síochána was 8,215, with 45 of these people remaining missing at the end of the year. Most missing people turn up within a very short time and less than 1% remain missing for a long time. For the families and friends of those 1% who never return home, there is pain and drawn-out grief and uncertainty. All the while these people fear the worst but cannot get closure, so it must amount to unimaginable torture. For those people, the Bill can provide some practical and moral help. It will bring this jurisdiction into line with the North and Scotland, as well as other jurisdictions, in allowing for an application to be made to a register of presumed deaths. A presumed death will only be registered if it meets the strict criteria laid out in the Bill. This Bill from a hope that when the worst must be presumed, family members of the missing person do not have to suffer more difficulty than necessary. There is a gap in legislation that benefits nobody and compounds the tragedy of missing persons cases for families even further. I note that proposals along these lines were proposed not only by this Bill and previous Bills but

also by the Law Reform Commission on the issue of how our legal system deals with missing persons.

Ba mhaith liom aitheantas a thabhairt dó sin agus an tuarascáil a bhí aige i mí Eanáir, 2013 faoin dlí sibhialta, agus gnéithe a bhaineann le daoine atá ar iarraidh, a thugann anailís agus práinn oibre do na fadhbanna atá ann ó thaobh ár reachtaíochta faoi láthair agus déanann sé 19 moladh ar na feabhsuithe a d'fhéadfaí a dhéanamh ar an reachtaíocht agus an tslí a dhéileáil an Stát leis na gnéithe go léir a bhaineann leis na staideanna nuair atá duine ar iarraidh.

In particular, I acknowledge the Law Reform Commission's report dated January 2013 entitled Civil Law Aspects of Missing Persons, which provides a comprehensive analysis of the drawbacks of our current legislative framework and makes 19 recommendations on the improvements that can be made in how the State responds to the many issues that arise from circumstances where a person is missing. The Law Reform Commission's 2013 paper details how one of the greatest challenges to families having to cope with these situations is one of "ambiguous loss" where much of the emotional impact on those left behind can be attributed to the lack of information when a person goes missing.

Is iad seo daoine atá faoi bhrú agus a d'fhéadfaí an-tionchar a bheith aige seo ar a saol. Taoibh amuigh den tionchar maidir lena gcuid mothúchán agus a gcuid meabhrach, tá impleachtaí praiticiúla agus airgeadúla do na teaghlaigh ann freisin i dtaca le fáil a bheith acu ar chuntais bhainc, ar mhorgáistí, ar airgead agus ar mhaoín, ar gach rud a bhaineann leis sin. Téann sé sin sách dian orthu, go mór mór nuair atá na ceisteanna fós ann go pointe áirithe ina gcuid cearn.

These are people who are often in a vulnerable situation and these circumstances can have a significant impact hugely on their lives. Beyond the emotional impact, there are immediate practical and financial implications that families have to deal with such as accessing bank accounts, making mortgage repayments, settling affairs in other ways and other issues relating to property. All these matters can make life more complicated. If we can assist and lessen the burden in any way, that is an endeavour worth pursuing. The fact that, under our current arrangements, families can be caught in this limbo for seven years is unacceptable and shows just how much we need to reform the system.

Mar sin, mar a dúirt mé, is dóigh liom go dtéann an Bille seo cuid mhaith sa tslí ba chóir dó a bheith ag dul chun feabhas a chur ar an bhfaillí agus an t-easnamh atá ann ó thaobh na reachtaíochta faoi láthair agus atá tar éis a bheith aitheanta ag an mBille seo agus an Bille cheana ag an gCoimisiún um Athchóiriú Dlí. Ba mhaith liom a rá arís go mbeidh Sinn Féin ag tacú leis an mBille seo agus tá súil agam gur féidir linn cabhrú leis tríd na Tithe chomh luath agus gur féidir linn agus go bhféadfaí an Bille a bheith ina dhlí seo againne ag deireadh na bliana.

Deputy Mattie McGrath: I am also pleased to be able to speak on the Civil Law (Missing Persons) Bill 2016, which is important legislation. I have just heard about the result from Westminster, which is a sad and bleak place at the moment. At the outset, I commend the work that took place on this Bill in Seanad last year where the Bill originated and was debated. I specifically note the work of Senator Colm Burke in this regard. I was shocked to learn from the Seanad debates that the number of missing persons reported in Ireland increased from 5,000 in 2004 to 9,000 in 2014. It is simply unimaginable to think about what these families and their loved ones suffer when a person goes missing. As we know, the Law Reform Commission published a report on civil law aspects of missing persons in 2013. It made a number of recommendations that have found their way into this Bill.

Some of the aspects of this legislation are highly complex and require careful management and scrutiny. As the Law Reform Commission has noted, the need to deal with the return of a missing person also arises because some adults who go missing do so voluntarily. We must never forget that. The commission's report noted that they may simply wish to break contact with family or friends, which can sometimes be connected with personal or emotional reasons. In such an instance, the missing person may be unaware that the disappearance has resulted in the appointment of an interim manager or a declaration of presumed death. It could also arise where fraud is involved, as in the case of John Darwin, the English man who faked his own death while out canoeing. Is mór an trua an rud sin. There is also the matter of when an Irish citizen disappears abroad. As far as the commission is concerned, if a person goes missing abroad in circumstances that indicate that death is virtually certain, a presumption of death order may be obtained in the courts immediately. The current law is, however, unclear as to the position where a foreign court issues a declaration of death or presumed death for an Irish citizen who disappears while abroad. The commission was of the view that in such a case, those left behind should not be at a disadvantage by virtue of the location of the disappearance. This is a very interesting and fair comment. The commission, therefore, concluded that where an Irish citizen disappears while abroad, an application may be made to the Circuit Court for any of the orders already provided for in this report. The commission also recommends that any such application should be subject to the same criteria as apply where the court grants such orders in respect of a person who has gone missing in Ireland.

The primary purpose of the Bill before us, however, is to deal with the civil law status of missing persons. As the explanatory memorandum makes clear, it puts a statutory framework in place that would provide for the making of a presumption of death order in respect of two categories of missing persons. The first category is where the circumstances of the disappearance indicate that death is virtually certain while the second category is where both the circumstances and the length of the disappearance indicate that it is highly probable that the missing person has died and will not return, which is where the disappearance occurred in dangerous circumstances or in other circumstances in which loss of life may be presumed. In that regard, I certainly welcome the fact that the Bill is intended to clarify the legal position when a person is missing, who is entitled to apply to the court for an interim manager to be appointed to manage the missing person's estate and what procedures must be complied with before the courts will issue a presumption of death order.

What is vital here is that we get the balance and that we do not enact legislation that will allow any unreasonable determinations to be made with regard to what has happened to the missing person. Getting the right balance is vital with all legislation. Often times we do not, which is why it is important that we have proper perusal and pre-legislative scrutiny and debate. The very good debate in the Seanad pointed out a lot of issues for which I thank the Senators. It is particularly vital in this area because the trauma visited on a family, loved ones or, in cases where the person is single and has no siblings and where his or her parents have died, friends, neighbourhood and community is significant. On many occasions, voluntary groups such as the Irish Red Cross and Civil Defence Ireland assist An Garda Síochána in searching for the person. It is vital that we explore all these issues and have an exhaustive search but it is also vital that we have a proper legal framework afterwards. If it happens in a different jurisdiction, we must be sure we have robust legislation that can overrule that or have a second look at that so families and loved ones are satisfied that all eventualities are covered and are catered for in this legislation. I look forward to seeing this legislation progress through the House. I offer the Minister my assistance and that of the rest of the Rural Independent Group. Losing a friend, a colleague

12 March 2019

or even a parishioner puts us in a lonely place. The Minister knows this as he represents rural Ireland, but the same applies to urban Ireland. A community of people will always be affected and impacted. It is important they get solace and satisfaction and that, first, an exhaustive search is carried out and, second, there is robust legislation in place that can and will determine that all proper processes and steps have been gone through, rather than something over which there are question marks. We have many missing persons. I refer to Jo Jo Dullard and many others and the trauma these families go through. I support this legislation.

Deputy Michael Collins: Losing a loved one is one of the hardest things we have to cope with during our lives, but losing a loved one whose body is not recovered is a harrowing situation for anyone to be in and an extremely painful time. Sadly, this situation is more common than people realise. The records of the missing persons bureau of An Garda Síochána show that almost 26 people are reported missing every day and more than 9,000 people are typically reported as missing to the Garda every year. With God's help, some of these people will be found well. Sadly, however, for many more families, some people are never found. This Bill will help families of missing persons who are presumed dead to settle their affairs sooner than they could have in the past.

I come from a rural part of west Cork where we have a huge fishing community. Sadly, in the fishing community many lives have been lost at sea over the years, and in many cases it can be some time before a body is recovered. The grave reality is that some bodies are never recovered. For the families this is an awful time in their lives. Not only have they lost a loved one, but it is also very difficult for these families to find closure. The emotional strain and stress these families endure is heartbreaking. Not only do they have to deal with the emotional trauma, but they are also left trying to deal with the financial and legal situation.

Families of missing persons currently face a long battle to settle the estate of a loved one who is presumed dead but whose body has not been found. These families cannot obtain a death certificate when the loved one is missing, even if he or she is presumed dead - for example, when a person is lost at sea - and even though the family may have accepted that the loved one will never come home. Under the current system, these heartbroken families cannot obtain death certificates for their loved ones. The inability to obtain a death certificate creates huge legal obstacles for the families. For example, they cannot claim on the life insurance policy of the holder, claim a pension or wind up a business.

We must bear in mind that some of these families will find themselves in serious financial difficulty when a loved one is missing and presumed dead if they cannot access money from a life insurance policy, access a pension fund or wind down a business, etc. This leaves these families struggling to survive financially. In reality, it leaves them in limbo, unable to take any action in respect of their loved one's affairs. It is important to me, especially coming as I do from a fishing community, as I said, where, sadly, I have seen first-hand so many families suffer the trauma of losing a loved one at sea, knowing in their hearts of hearts that their loved one will not return home, that these families are treated with compassion and understanding. We need to do all in our power to help these heartbroken families and not to add in any way to their suffering.

I welcome this Bill as it puts in place a statutory framework which will provide for the making of a presumption of death order when someone is missing and presumed dead. The Bill is designed to assist the families of missing persons in dealing with the management of the missing person's estate and seeks to provide a clear pathway for families to overcome these

challenges at what is already a very difficult time. The Bill will bring a degree of certainty to the lives of the families of missing persons who are presumed dead by allowing these families to make legal and financial decisions in order for them to continue to survive after such a tragic event.

It is important we mention death benefit, which helped many people with their funeral costs. This benefit was once open to everyone who had lost a loved one to apply for but it is now gone and has been replaced by the occupational injuries benefit scheme. However, this scheme is only available if someone dies due to a workplace accident. I call for the death benefit to be made available again to everyone who wishes to apply for it, not only people who have lost their loved ones through workplace accidents. When a person loses a loved one, it is an extremely difficult time, and we should be looking at ways to make this period of someone's life as stress-free as humanly possible. Quite a lot of people in my constituency have come to me down through the years pleading for the death benefit grant to be brought back to the people. The same is probably true of every other constituency. This is a cruel cut at a very difficult time in people's lives. The loss or death of a loved one can be a deeply distressing time. It has been brought to my attention that when Irish people die abroad, their deaths cannot be registered in Ireland if their bodies are not found. This is most heartbreaking for the family and the loved ones of the deceased. As far as I know, a Bill dealing with this issue has been in the Dáil for a number of years and needs to be passed but has not been passed. I empathise with any family left in this situation. This is such a difficult time for a family, and we need to look at ways of supporting bereaved families and allowing these deaths to be registered in Ireland.

Deputy Danny Healy-Rae: I am glad to get the opportunity to say a few words in support of the Bill. As we all know, for as long as we can remember, sadly, people have gone missing and at a certain stage can be deemed definitely dead or presumed dead. I refer especially to those girls in the midlands and indeed the young child in the Leas-Cheann Comhairle's county, Mary Boyle. We all remember them and the people left behind. Their loved ones suffer while they live with the suddenness of these people going missing and never returning home.

Then there are people who go missing for various reasons and disappear practically off the face of the earth, and the figures in this regard have been given. Their families are hurt and have been left behind, suffering anguish and pain daily. We cannot imagine what these people go through. When a partner in a marriage or a civil partnership goes missing, the person left behind needs at some stage to be allowed carry on his or her life and live it in some normal fashion. I hope the Bill will give these people some rights and provide some light in terms of the way they will be allowed to go forward. I refer to property rights, the determining of ownership of homes and land and dealing with mortgages, bank accounts and all the daily, mundane things families must go through, whether it be a man or a woman left behind. If they have children, these children must be looked after, given the same chances as every other child, get schooling and go to college or whatever. If the deceased had land, the children should have the chance at a later stage to operate it, put it in their names and work it like every other person of their age and in the same position.

It is very important we get this right. Examples have been given. If an Irish person, let it be a man or a woman, perhaps goes missing abroad for a year and may have left for very good reasons, we cannot have the scenario that that person would come back to deal with their ownership of and rights in respect of whatever property, whether a house, a farm or land, and perhaps find some other head in the bed, whether a man or a woman, instead of the person they left. We could not have that after a short period such as a year or so because people leave their

12 March 2019

homes and the places where they live and have been working for many reasons we may not understand. However, the Law Reform Commission's draft civil law (missing persons) Bill 2013, states that "the fact that for a period of 7 years or more the other party to the marriage has been continually absent from the applicant and the applicant has no reason to believe that the other party has been living within that time shall be evidence that the other party is dead until the contrary is proved". What is important for us, as Members, is that we get the balance right in cases where a person does not seem to be returning. As Deputy Michael Collins said, we have to differentiate between cases. For instance, there are cases where fishermen are lost at sea and their bodies are never found. There is no question whatsoever of that person not being dead. In those cases, people need to be allowed to carry on with their lives and should not have to wait a long time to get a death certificate. They should be allowed deal with issues of property rights and benefits they may hope to receive from State. Such a situation has to be treated differently from a person who may disappear in another fashion. I refer to a case where a person goes missing for a number of years and there is no sign that he or she will be returning. There are no sightings of that person in the jurisdiction or, indeed, beyond it.

I am glad to support this Bill. However, we have to be careful to strike the right balance. We must ensure what is intended does not hurt people who may actually not be dead.

Minister for Justice and Equality (Deputy Charles Flanagan): I acknowledge what I perceive to be all-party support as well as support from the Independent benches for this important and sensitive legislation. I thank all the Deputies for their comments and I look forward to working together to ensure we pass this legislation in due course.

Question put and agreed to.

Civil Law (Presumption of Death) Bill 2016 [Seanad]: Referral to Select Committee

Minister for Justice and Equality (Deputy Charles Flanagan): I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 149(1).

Question put and agreed to.

Credit Union Restructuring Board (Dissolution) Bill 2019: Order for Second Stage

Bill entitled an Act to provide for the dissolution of the Credit Union Restructuring Board; to transfer certain functions of the Credit Union Restructuring Board to the Minister for Finance; to amend the Credit Union and Co-operation with Overseas Regulators Act 2012; to provide for the consequential amendment of other enactments; and to provide for matters connected therewith.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): I move: "That Second Stage be taken now."

Question put and agreed to.

Credit Union Restructuring Board (Dissolution) Bill 2019: Second Stage

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

I am pleased to present the Credit Union Restructuring Board (Dissolution) Bill 2019 to the House which gives effect to the dissolution of the Credit Union Restructuring Board. In summary, the Bill provides for the dissolution of the Credit Union Restructuring Board, transfer of certain functions of the Credit Union Restructuring Board to the Minister of Finance and makes the relevant amendments to the Credit Union and Co-operation with Overseas Regulators Act 2012. I will give some background on the establishment of the Credit Union Restructuring Board. The 2011 to 2016 programme for Government set out the Government's position regarding the credit union sector at that time. It recognised the important role of the sector as a co-operative movement and the distinction between credit unions and other financial institutions.

The Government agreed to establish a Commission on Credit Unions to bring forward recommendations on the future of the sector, recognising that credit unions have played, and can continue to play, an important role in the Irish financial sector. In its March 2012 report, a co-recommendation of the Commission on Credit Unions was that the sector should be restructured on a voluntary, incentivised and time-bound basis. It was further recommended that a new body, the Credit Union Restructuring Board, or ReBo, should be established on a short-term basis. This body was intended to engage with credit unions on the ground and to oversee, facilitate and support the restructuring of credit unions to support their financial stability and long-term sustainability. ReBo was established on an administrative basis in August 2012 and was put on a statutory footing on enactment of section 32 of the Credit Union and Co-operation with Overseas Regulators Act 2012 on 1 January 2013. As recommended by the commission, restructuring was carried out on a voluntary, incentivised and time-bound basis. It was widely flagged to the sector that the Credit Union Restructuring Board was established on a temporary basis and would be wound down when the Minister for Finance was satisfied its work was completed.

Part 3 of the Credit Union and Co-operation with Overseas Regulators Act 2012 provides the legal foundation for the restructuring process, including the establishment of ReBo on a time-bound basis and the dissolution of ReBo on completion of its work under section 43 of the 2012 Act. When the Minister is satisfied ReBo has completed the performance of its functions under Part 3 of the 2012 Act, he can dissolve ReBo. Before dissolving it, however, section 43(2) requires the Minister to conduct a review of the operation of Part 3 of the 2012 Act no later than January 2012. The review is to determine whether ReBo, in the Minister's opinion, has completed the performance of its functions. On this basis, the Minister carried out two sets of interim reviews. The first was in October 2015 and the second was in October 2016. There was also a final section 43 review in June 2017. Both interim reviews noted ReBo's functions had been fulfilled insofar as they could be, given that at each point in time ReBo's work was still ongoing. The second interim review, in October 2016, recommended ReBo be given until 31 March 2017 to complete any outstanding restructuring projects. Following that, it was recommended ReBo be wound down in an orderly fashion. The purpose of the final section 43 review in June 2017 was to assess the work of ReBo over its lifetime. That was to determine whether its work was complete as well as to assist the Minister in making an informed decision regarding the restructuring process and on the term of ReBo. The final report clearly demonstrates

12 March 2019

that ReBo worked methodically and diligently throughout its time-bound lifetime to maximise its potential in facilitating and overseeing restructuring of the credit union sector in Ireland. In addition, ReBo completed its restructuring work with minimal call on Exchequer resources compared to original expectations.

Taking account of each aspect of ReBo's functions, and following due consideration, examination and detailed analysis of its work, the final review in June 2017, under section 43(2) (b) of the 2012 Act, concluded that ReBo had completed the performance of its functions to the highest standards. The orderly wind down of ReBo's operations was, therefore, recommended. I will briefly outline the extent of ReBo's work during its short lifetime. After its establishment on a statutory basis under section 42 of the Credit Union and Co-operation with Overseas Regulators Act 2012, ReBo appointed a chief executive officer and relevant staff in the second half of 2013. ReBo staff were employed on fixed-term contracts which expired on or before 31 July 2017. Restructuring under ReBo was a once-off opportunity for credit unions in Ireland to avail of the significant experience of the staff and board of ReBo, led by its chair, Mr. Bobby McVeigh.

ReBo board members included representatives from credit union representative bodies, including the Irish League of Credit Unions, the Credit Union Development Association and the Credit Union Management Association, a Central Bank non-voting member, a Department representative and independent members of the board appointed by the Minister of Finance. When initially established, ReBo engaged extensively with individual credit unions and with the sector as a whole. Such engagement helped raise its profile within the sector and provided a platform for the commencement of its restructuring work in order to carry out its main work in an effective manner. ReBo also put a number of measures in place.

It developed a user-friendly website where credit unions could find information regarding all aspects of the restructuring process. That included a merger process handbook, forms and templates with information on the process itself and updates on completed mergers. In March 2014, ReBo published its strategic plan detailing its overarching vision for vibrant, sustainable credit unions which are credible and trustworthy providers of financial services to their members. It also published its mission statement reaffirming that ReBo shall facilitate and oversee the restructuring of our credit unions on a voluntary, incentivised and time-bound basis to support the financial stability and long-term sustainability of credit unions generally.

Debate adjourned.

8 o'clock

National Children's Hospital: Motion [Private Members]

Deputy Michael Healy-Rae: I move:

“That Dáil Éireann:

notes:

— the desire of all political parties, groups and members to improve and prioritise medical outcomes for the nation's sick children;

— the current cost of the construction of the National Children’s Hospital stands at €1.433 billion and rising;

— that this represents the most dramatic, fluid and unprecedented cost escalation level for any single health related project in the history of the State;

— that this escalation in costs is likely to be ongoing and represents significant challenges in the capacity to deliver urgently needed local health related or capital spending projects;

— that the urgent clinical necessity of co-locating a maternity hospital with the National Children’s Hospital is now seriously compromised if not fatally undermined due to site capacity issues;

— that fire safety and structural viability related concerns have been flagged around the decision to construct approximately 1,000 underground car parking spaces directly under the National Children’s Hospital;

— that the independent review of National Children’s Hospital project (2011) and the Review Group on the National Children’s Hospital (2012) stated that it would be 25 per cent less expensive to build on a greenfield site than on an urban site; and

— the decision by Government and the Health Service Executive (HSE) to commission a review by PricewaterhouseCoopers to establish the sequence of events in relation to the cost increases experienced by the project, establish what was known, when and by whom, and the reporting of relevant information from the project team to the relevant oversight and governance bodies including the National Paediatric Hospital Development Board and also its committees, the HSE and the Department of Health; and

calls on the Government to:

— immediately suspend construction of the National Children’s Hospital at the St James’s Hospital site pending the outcome of a time-limited independent investigation to assess the viability, cost and efficacy of re-tendering the project and transferring its location to a greenfield site with the capacity to include the co-location of a maternity hospital; and

— utilise any site preparation work already started at St. James’s Hospital to develop a satellite children’s urgent care centre, further adult services or any other services deemed most appropriate in the event that a recommendation for relocation is made following the outcome of the independent investigation.”

I would like to acknowledge the work of our Whip, Deputy Mattie McGrath, and the staff in his office in preparing this motion. This is not our first time coming before this House to speak about the national children’s hospital and our concerns about it. Our views are very heartfelt, sincere and factual. We were bitterly disappointed in March 2017, a month before the Government signed the dreaded contract that led to the situation in which we now find ourselves, with a massive overrun that has the potential to detrimentally affect many health projects throughout the country. I will make no apology for saying that in County Kerry we want a new community hospital to be built in Killarney. I am sincerely very worried that this massive overrun

12 March 2019

will affect the budget for that project. I am very concerned to ensure that more beds are made available in University Hospital Kerry in Tralee. We want to keep that hospital open. We do not want it to be made into a second-class hospital or downgraded to a glorified community hospital. I was dealing with situations there today. They are absolutely crying out for more beds in University Hospital Kerry.

This massive budgetary overrun was caused by the Government's mistake in locating the national children's hospital in the wrong place. It is costing multiples of what it would if it was located in the right place. We told the Government that it was wrong in March 2017. It was wrong then, and it is wrong now. If the Government starts out wrong, it finishes wrong.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: That is exactly what the Department of Health and the Government have done. It is a shame, at a time when we want to nourish and protect. It is very wrong to have this debate without talking about the children. This is a children's hospital. We want a hospital for our sick children. This could help the children of today or our grandchildren tomorrow. We want a proper hospital for them, but we want it to be in an accessible place. We want it to be in a place where gardaí will not be brought to their knees by trying to provide escorts for ambulances bringing patients to essential services. We want it to be in a place where helicopters can bring sick children and their families in urgent situations. The Government has made an unmitigated mess of it.

As a result of this massive mistake, the Government has endangered other projects. I am only outlining the needs of County Kerry. I refer to other hospitals, such as Dingle Community Hospital, Kenmare Community Hospital and Caherciveen Community Hospital. There is a massive need for capital infrastructure investment in those hospitals. Instead, we are going to have Ministers and Department officials coming before us week in, week out. When we make the case for these projects we will be told that funds are not available because of the massive overrun in the national children's hospital, caused by the Minister of State and the Government putting it in the wrong place.

I hate personalising this, but the Minister of State, Deputy Daly, is the only one here. Looking around, the Government is a fairly sad-looking crowd tonight. This is a very important Private Members' motion into which an awful lot of work was put. Look at this pitiful sight. No man or woman would sit alongside the Minister of State to support him. That is wrong. Where is the Minister himself? Where is the Minister for Health, the man who is overseeing this shambles? Deputy Daly knows that I mean no disrespect whatsoever to him. They are hanging him out tonight, leaving him sitting there on his own to take this motion. That is deeply wrong and unfair. If I was in the Minister of State's shoes I would ask the Chief Whip, the Taoiseach and the Minister for Health where the hell they were on the night a Private Members' motion on this very important subject came before the Dáil. They have all abandoned him, like rats jumping off a ship. They would not sit there with Deputy Daly and at least support him.

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: God damn it, that is a disgrace in this day and age. The Irish public, looking at this debate tonight, sees that a Minister of State has been left sitting on his own with no-one in the world to support him. Not one person is here to support him in this Chamber. That is wrong. If I was in Deputy Daly's shoes they would not do it to me, because I

would not let them get away with it. I certainly would not take that cheek from them. It shows total disregard and disrespect to our Whip, Deputy Mattie McGrath, and to us as a group of elected representatives who brought this to the floor of the House. It is wrong and it is a disgrace. Deputy Daly should have words with them about it.

Deputy Michael Collins: It saddens me greatly to be standing up here tonight and that the Rural Independent Group and I have again had to put forward a motion on the national children's hospital. The knowledge of the enormous cost overruns of the national children's hospital, and that people up and down the country will suffer in order to make up the €100 million funding gap, saddens me for sure. What saddens me more is that all this could have been avoided.

The Rural Independent Group and I stood in this very Chamber almost two years ago on 29 March 2017 and put forward a motion on the national children's hospital. Two years ago we could see that the national children's hospital should not go ahead on the proposed site. As part of the statement that I made two years ago I quoted an email from a parent:

St. James's is wrong for children. St. James's is wrong for families. St. James's is utterly wrong.

It looks to me as if the Government agrees, because the senior Minister is not here tonight to discuss this. As Deputy Michael Healy-Rae said, the Government benches are empty. This is the most shocking scandal in recent years and bar the Minister of State, the members of the Government do not have the dignity or respect to turn up here and discuss it.

I want answers from this Government. When the Rural Independent Group and I raised our concerns two years ago, why did it not listen to us? Why were we ignored? What is going on in this State? What kind of pathology does this show? The way the Government is treating the people is appalling. Scandalously, projects will be destroyed by this. Why did the Government refuse to listen to parents who opposed placing the hospital on this site from the very beginning? This Government also ignored a petition of 60,000 signatures opposing St. James's Hospital campus as the site for the national children's hospital. I want to know why this Government thought it was above everyone else. I need to understand how a Government could completely ignore the valid concerns of Members like the Rural Independent Group and myself, the parents of the children who will be using the hospital and the views of the public.

It galls me that until recently the Minister of Health, Deputy Simon Harris, was still insisting that the hospital represented value for money. Where in the name of God is the value for money for the people throughout the country who will have to suffer the budget cuts caused by these hospital overruns? Many projects are gone. We know they are, but that is being hidden. We are being coddled. One example is the Sandycove primary school project. Parents are waiting for a primary school down there. They have been promised it several times. Now they have been given another cod of a promise and it has been put off until 2022. This is a joke. All these projects are being delayed and it will cost this country seriously. The incompetence of this Government is frightening. One only has to look at the recklessness of infrastructure spending reflected in budget overruns on previous projects. I refer to the Luas, the early days of the road programme, the maternity and children's hospital and the likely final cost of the national broadband plan. Now we do not even know if that project will happen. This is probably going to result in the Government pulling the national rural broadband plan.

12 March 2019

These have all seen major overruns. On top of this, we know that 15 of the major school building projects completed since 2010 ended up costing more than the agreed tender price. This is not acceptable. Our health service is on its knees. It shocked me to the core to find out that each year, 370 people in Cork alone unnecessarily go permanently and irreversibly blind due to lack of treatment. The South Infirmity Victoria University Hospital in Cork was promised a new ophthalmology unit in 2007. Can this Government give me assurances that this unit will go ahead? Where will the money for it be found now? Alternatively, will we Independent Members continue to clean up the Government's mess and take patients to the North of Ireland to be looked after?

We have a health service with very frustrated staff. The nurses have criticised the unreasonable contract offered by the Government after the recent strike. I fully support the nurses and I am appalled that this Government could treat its nurses in such a shocking manner. Ambulance personnel who are members of the Psychiatric Nurses Association of Ireland, PNA, are still protesting for their rights and I stand strong beside them. The PNA will be protesting outside Dáil Éireann on Wednesday, 27 March. It is time this Government listened to the request of the PNA and gave its members a resolution.

Members should consider Vera Twomey's battle. I am trying to point out the utter incompetence on the part of the Minister for Health. It is time for the Government to listen but as we have said time and again already this evening, there is no one there to listen. To get medicinal cannabis, Vera Twomey's family and other families must fly regularly to Holland to bring home the medicine to save their children, while this Government lies idly by. It does not care. It does not worry about the people who are seeking that. There is a mechanism through which people can find some resolution. This Government has a Bill before it. It will not pass the Bill or allow this medication to be brought home and administered through pharmacies to save the parents distress.

The incompetence of the Government is nothing short of appalling. We only have to look across the floor of the House. We are faced with an appalling situation and nobody cares. That is the bottom line. That is what the people throughout west Cork and the rest of the country believe; nobody cares.

Deputy Noel Greally: I am delighted to speak on this motion. Two years ago, I spoke on another motion calling on the Government to change its mind on the decision to locate the national children's hospital on the St. James's Hospital site. At that time, there were dark mutterings about the soaring costs, which at that stage were predicted to pass the €1 billion mark in total. Today, that seems like a bargain price.

I wish to lend my full support to this motion calling for the halting of construction pending an investigation into the possibility of retendering the project and moving it to a more suitable greenfield site. The main reason is that I am firmly of the belief that the Connolly Hospital site in Blanchardstown is the best place for a national children's hospital, but it could also make financial sense. It has been suggested by people who are experts in the building and running of healthcare facilities, including the likes of Dr. Jimmy Sheehan, that switching to a greenfield site such as that at Connolly Hospital would be hundreds of millions of euro cheaper than sticking with the St. James's Hospital site.

We have available two major reports, going back years, which stated that building this much-needed facility on a greenfield site would be 25% less expensive than building it on a

brownfield site in a built-up urban area. The costs of the current project seem to be rising every day and I note, too, that the final bill for the external review of the cost overruns on the national children's hospital looks likely to exceed more than €500,000.

I am deeply concerned about how the cost overruns will not only cost the taxpayer more but also threaten to have a serious impact on other developments within our health system and elsewhere in State spending. They have cast a long shadow of uncertainty over the timely development of other services and capital projects such as the building of a new emergency department at University Hospital Galway, a facility that is badly needed and already long overdue. Any delay would be a shocking disappointment to the more than 60,000 people who come to the existing unit every week seeking treatment in a cramped and outdated emergency department that is universally accepted as being not fit for purpose. It would be a kick in the teeth for the doctors, nurses and all the other staff who have put up with working in those unacceptable conditions for far too long. Those are the kind of conditions that are leading to nursing staff shortages because they are leaving in their droves to work in far superior conditions abroad.

Apart from the potential cost savings, which are considerable, I have long been of the view that the St. James's site is the wrong location for a new national children's hospital. It is important to remember that it is a national children's hospital and not just for Dublin. Some of the sickest children in the country will be treated in the hospital and we have to think of the accessibility for them and their families. The Connolly Hospital site is located just off the M50, which makes it much more accessible for everyone coming from outside Dublin, allowing for faster access without running the risk of getting stuck in city centre traffic. In an emergency situation, the difference could be crucial for a seriously ill child being brought by ambulance or by car. Families under enormous stress could do without the hassle of extra traffic when they are coming to and from visiting their sick child.

Another drawback of the current development is the fact that the larger Coast Guard helicopters cannot land there. The Sikorsky S-92 search and rescue fleet is not licensed to land on rooftop helipads, which is what is proposed now. They would have to land in the Royal Hospital Kilmainham and transfer by ambulance from there, which is hardly an ideal situation with a very sick child and potentially heavy traffic on the roads.

The work already done on the current development will not have gone to waste. St. James's Hospital will make good use of the underground car parking, which will prove inadequate to meet demand. The site should become the location for a satellite children's urgent care centre, switching the current idea of the main hospital being at St. James's with a satellite at Connolly Hospital. The extra space would also allow for the expansion of adult facilities at St. James's Hospital.

Once this project is built, there will be little room for further outward expansion at the St. James's location, which is a much more cramped site than the 145 acres available at Connolly Hospital, and the potential that offers for more pleasing surroundings for the young patients to look out on.

I urge the Government to see the sense in this argument and call a halt to building work while a speedy and time-limited independent investigation is carried out into the viability of moving the project to a more suitable location.

Deputy Mick Wallace: I thank the Rural Independent Group for giving me time. This is

12 March 2019

the fifth time I have raised the national children's hospital in this House. I have asked many questions. I have got very few answers. I have put down many written questions to which I got a couple of answers, not many. It is a bit like trying to unravel the secret of Fatima. It is absolute nonsense that there is no transparency around what happened.

I have concentrated mostly on the form of contract, which was a joke and is the reason the Government has the overruns, but no one seemed to be interested in the contract. Moreover, the Government does not seem to be interested in giving answers on it. In one of the replies I received, I was told that stage 1, the below-ground stage, was a detailed design, and so it should have been. That was fine. In the second one we were told it was based on a remeasurable bill of quantities priced at the preliminary design tender rates. That is nonsense. One cannot do that. Who was responsible for that? Who made that decision? Will anyone be held to account for it? Did McCann FitzGerald advise the Government on it? Was it somebody else on the board who decided it? That question has to be answered by somebody.

Why was phase 1 not a stand-alone construct in order that BAM would not have the Government over a barrel for the second phase? Why will no one answer that question? I do not understand it. Doing the bill of quantities for phase 2, which is all the work above ground - the main work - and not doing it on a detailed design was madness. There is no logic to it and no one is telling me the reason.

The reply referred to a preliminary design. Was that initial design and feasibility or the developed design? It certainly was not a detailed design but there are no answers on that either. The numbers keep going up so the Government has no control over them. That is because of the format it has invented and come along with and no one has been held to account for it. It is absolute nonsense.

The Secretary General of the Department of Public Expenditure and Reform appeared before the Committee of Public Accounts last week. He said the bill of quantities was 95% sorted. It was not 95% sorted. He actually said in response to Deputy Jonathan O'Brien that "the complexity of the project meant that it was not possible to set out a detailed design". That is rubbish. He also stated: "The second issue is that we were given commitments relating to the approximate bill of quantities". By whom were the commitments given and what kind of commitments were they? Will anyone be held accountable for that? Was there a public benchmarking analysis prior to the tenders going out? I have asked that question a couple of times and no one has answered it. I do not understand why no one is answering any questions.

I would like to have 20 minutes to contribute. I have asked whether PwC was independent. How did it get the job? How was it procured? One should see the answers I received on this point. One answer, and one could not make this up, stated that prior to commencement - this is the Government talking - of the review, assurances were sought and received from PwC in relation to potential conflicts of interest. That is like asking the fox if the chickens will be all right with him tonight. If PwC was asked about a potential conflict of interest, there should have been a conflicts procedure process internally in PwC. How did it determine that it did not have a conflict of interest? Did it tell the Government? Can we see the minutes of that meeting? How did PwC give assurances to the State that it did not have a conflict of interest because it had a conflict of interest? It partially designed the contract we are debating.

Another response I got on the lack of independence of PwC stated that in January 2017, following a competitive tendering process, PwC was awarded a contract for external consultancy

services in support of the HSE's programme for health service improvements. It further stated that the contract provides recounting for expertise to be drawn on as required. This is a construction project. What, in God's name, do accountants know about construction? They did not have to be given this work. This was done on a framework agreement. PricewaterhouseCoopers, PwC, was drawn out of a framework agreement which had been put in place in 2017 and was not fit for purpose in this case. This is about construction and what BAM got up to with the increase in prices. It is about how the contract was done and how it was not done. It is about construction. PwC are accountants. It is a different area. It was providing money for friends that saw PwC get the job. This is nonsense.

There are many points I want to cover. Can we please get some answers? Why does the Government not have a go at being transparent about what really happened? Nobody is telling us what happened or answering the questions I put to them over the past three weeks. I am getting no answers. It is all being hidden under the covers. We are talking about half a billion euro of taxpayers' money being wasted. The Government does not have a clue where this will end up because of the form of contract it used. It has done it all wrong. Are McCann FitzGerald going to be held to account?

An Leas-Cheann Comhairle: I understand the Minister of State, Deputy Jim Daly, may be moving an amendment. There is no issue if he is not. The Minister of State has ten minutes.

Minister of State at the Department of Health (Deputy Jim Daly): I welcome the opportunity today to address the House on the new children's hospital project. I cannot accept the Deputy's motion and I am moving the Government's countermotion on the development of the new children's hospital.

An Leas-Cheann Comhairle: The Minister of State is moving an amendment.

Deputy Jim Daly: I apologise.

Deputy Mattie McGrath: He does not know what he is doing and nor does the Government. It is shameful, a farce.

Deputy Jim Daly: I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

"notes:

— the need to develop an appropriately sited, world class facility to care for children and young people from all over Ireland who are in need of specialist and complex care;

— that clinical considerations were paramount in the decision by the Government in 2012 to co-locate the new children's hospital with St. James's hospital in line with independent reviews affirming the importance of co-location with a major adult academic teaching hospital;

— the Government's decision to re-develop the Coombe Women and Infants Hospital on the St. James's campus in the context of achieving tri-location of adult, paediatric and maternity services on that campus as the optimum configuration to best support paediatrics, highly complex foetal and high-risk maternal medicine and chronic disease management in young people;

12 March 2019

— the capacity of the site at St. James’s Hospital to accommodate the new children’s hospital and maternity hospital, and the incorporation into the design of the children’s hospital of the required operational links with both maternity and adult hospitals on the St. James’s Hospital campus;

— that St. James’s is the hospital best served by public transport in the country, including easy access to the M50 and Heuston Station and that safe underground car parking, part of the Fire Safety Certificate granted by Dublin City Council for the hospital, will

be provided for 1,000 cars, including 675 dedicated to patients and families and 31 drop-off emergency spaces;

— the Government’s decision to develop satellite centres on the campuses of Tallaght University Hospital and Connolly Hospital, and that they will be easily accessible to local populations for the management of minor illness and injuries and attendance at outpatient and chronic disease clinics;

— that planning permission, unanimously granted by An Bord Pleanála in April 2016, supported the development of the hospital on the St. James’s site and the satellite centres at Tallaght and Connolly Hospitals;

— the vision of the new children’s hospital as a research-intensive academic health-care institution and the potential to attract and retain specialised nursing and medical staff and health and social care professionals;

— the enactment of the Children’s Health Bill in 2018, and the establishment of Children’s Health Ireland as a statutory body to take over the services provided by the three existing Dublin paediatric hospitals, and run the new children’s hospital, outpatient and urgent care centres; and

— the link between the hospital and local and regional paediatric units through an integrated national clinical network aimed at delivering services to children as close to home as possible;

acknowledges:

— the desire of all political parties, groups and members to improve and prioritise medical outcomes for the nation’s sick children;

— the considerable increase in capital project costs over and above that notified to the Government in 2017, to a capital cost of €1.433 billion;

— the decision taken by the Government to proceed with the project, and the significant financial commitments given by the Government to complete the construction of the hospital and associated outpatient and urgent care centres;

— the commissioning of an independent review of the escalation in cost to identify the contributory factors and associated responsibilities so that any potential weaknesses are identified and comprehensively and speedily resolved in the interests of the successful completion of the project and the effective management of public funds, and to develop recommendations, if possible, which may identify any areas of potential cost

savings or reductions;

— the significant progress made in the development of the new hospital at the St. James's Hospital campus, and works relating to the Tallaght University Hospital and Connolly Hospital outpatient and urgent care centres, with the latter scheduled to

open in July 2019; and

— the Government's investment plans as outlined in Project Ireland 2040 and the National Development Plan 2018-2027, which provides for a substantially increased capital funding commitment of €10.9 billion for the public health service, which includes the substantial capital investment in 2019 of €642 million which will, in addition to the new children's hospital, and the urgent care centres at Connolly and Tallaght Hospitals, continue significant capital investment in the health services;

and supports:

— the Government's priority to develop and deliver the new hospital on the St. James's campus and centres at Connolly and Tallaght Hospitals to support best clinical outcomes for children and young people in Ireland; and

— the proposals recently announced by the Minister for Public Expenditure and Reform on a revised approach to major capital projects.”

In recent weeks, there has been much debate and discussion on the development of the new children's hospital and the increase in the cost of the project. When Government approved the construction investment decision in April 2017, the capital cost for the delivery of the hospital build project, following the evaluation of main construction tenders and selection of preferred contractors, was €983 million, of which €916 million was to be met by the Exchequer. In December 2018, my colleague, the Minister for Health, Deputy Harris, advised Government that the overall cost to complete the project was €1,433 million, €450 million more than advised to Government in April 2017. Some €319 million of the additional cost relates to construction costs, and the balance of €131 million, which includes €50 million in VAT, relates to costs associated with staff, consultants, planning, design team fees, risk, contingency and equipment.

Both as a member of Government and as an individual, I find the cost escalation of this project from what the Government originally committed to in 2017 deeply disappointing. The Government wants to get to the bottom of the major and sudden cost escalation associated with the finalisation of the guaranteed maximum price, GMP, in November 2018 and the lack of timely warning that the capital budget was under such pressure. That is why, on 18 December, at the same time as the Government approved the construction investment to allow the phase B above ground works of the hospital to be instructed, it also approved the commissioning of an independent review of the escalation in cost. This independent comprehensive review process is under way and will examine the contributory factors and associated responsibilities so that any potential weaknesses are identified and comprehensively and speedily resolved in the interests of the successful completion of the project and the effective management of public funds.

The review's terms of reference also require the development of recommendations which may identify any areas of potential cost savings or reductions which are consistent with the applicable contractual undertakings and the delivery of the project. It is also required to address major residual risks, control and oversight issues and bring greater oversight of performance

12 March 2019

and value for money. The Department of Health, the HSE and the National Paediatric Hospital Development Board are fully committed to collaborating with the review and implementing any recommendations arising. The report from this review process is expected to be completed by the end of March.

The Government's investment plans, as outlined in Project Ireland 2040 and the National Development Plan 2018-2027, which provides for a substantially increased capital funding commitment of €10.9 billion for the public health service, includes a substantial capital investment of €642 million in 2019. This will continue significant capital investment in the health services, in addition to the new children's hospital and urgent care centres at Connolly and Tallaght hospitals. The Revised Estimates adopted by Government for 2019 provide for the costs arising this year in this priority project. The costs in future years will inform future capital expenditure plans.

The location of the hospital has been the source of much commentary for many years. Let me be clear that we are building the main children's hospital on the St. James's Hospital campus. The hospital is under construction, as anybody who visits the site can see. A fully aligned, 57-month programme has been agreed with the main hospital construction to be completed by July 2022 followed by a period of commissioning and staff familiarisation before services transfer. We are also building an outpatient and urgent care centre on the grounds of Tallaght Hospital and an outpatient and urgent care centre on the grounds of Connolly Hospital. Works at Connolly Hospital are on target for practical completion of the building in the spring, with the opening scheduled for July. The outpatient and urgent care centre at Connolly Hospital will start delivering improvements to healthcare for children this year, under the responsibility of Children's Health Ireland. Works at Tallaght Hospital are under way, with a target handover date of July 2020.

The Government decision in 2012 to locate the hospital on St. James's Hospital campus was clinically led and made in the best interests of children. Dáil Éireann endorsed this decision in November 2012 on foot of a Government motion. The site at St. James's Hospital campus was chosen due to the co-location benefits which ensure access to adult specialists for children and young people with conditions that are more common in adults. The joint management of these conditions by adult specialists and paediatricians can provide better quality clinical care, for example, in cancer care for adolescents and young adults. Practising clinicians have expressed their full support for the St. James's site, recognising the clinical benefits of co-location. By bringing together the full spectrum of subspecialties in paediatrics and neonatology on a single campus, supported by adult services subspecialties, a degree of scale and critical mass can be attained that will support better outcomes from the most complex treatment and care for the sickest children and young people of Ireland.

I also want to be very clear, and assuage any concerns there may be in this regard, that there is capacity on the site to accommodate a maternity hospital. This was recognised in the planning application and subsequent planning approval given for the site. A site for the proposed maternity hospital is identified in the site master plan for the St. James's campus and the new children's hospital design has incorporated the required operational links with both maternity and adult hospitals. Indeed, it was announced in June 2015 that the Coombe Women and Infants University Hospital will relocate in time to the St. James's campus, achieving trilocation of adult, paediatric and maternity services. The national maternity strategy, published in January 2016, reaffirms the delivery of trilocated maternity services on the campus with the new children's hospital and St. James's Hospital. Ultimately, tri-location will facilitate the transfer

of sick newborns from the maternity hospital into the children's hospital and the transfer of critically ill mothers from the maternity hospital to St. James's Hospital. The new children's hospital has been designed to meet projected child population growth and unmet clinical need which will result in a facility that can provide for a very significant expansion in the delivery of healthcare.

Reference has been made to car parking. The design of the hospital has recognised the need of most parents to access the hospital by car and 675 spaces have been provided for families based on current and projected future demand. A further 325 spaces have been provided for staff, giving 1,000 spaces in total, which is three times the current number of parking spaces at existing paediatric hospitals. This safe, underground parking system will also allow families to reserve spaces ahead of arrival at the hospital. There is some concern regarding the underground nature of the car park and its particular application to this project. As we all know, underground car parks are commonplace. I am happy to confirm that the fire safety certificate granted by Dublin City Council for the new children's hospital covers the car park.

It is important that we do not forget the purpose of this project is to deliver transformational change to the delivery of healthcare for children in Ireland. The desire of all political parties, groups and Members to improve and prioritise medical outcomes for the nation's sickest children is evident. We know that the children and young people of Ireland have been waiting far too long for a modern healthcare facility. With the development of the new children's hospital and the two outpatient and urgent care centres at Tallaght and Connolly hospitals, we are replacing outdated hospital buildings with modern and appropriate infrastructure, including fit for purpose, single en suite rooms for every child designed to best serve the needs of our children and their families and the staff who care for them.

The centres will expand outpatient and urgent care capacity and provide services in modern facilities. Overall, the three new sites will significantly increase capacity across all types of care, including increases of 16% in inpatient capacity, 7% in emergency department attendances, 26% in day case capacity and 47% in outpatient capacity levels. These are significant figures indicating the scope of improvement that children and their parents will experience.

This new children's hospital project will transform the delivery of children's healthcare in Ireland. The capital investment will be underpinned and complemented by a new model of care for the delivery of service to children. The establishment of Children's Health Ireland by legislation passed by this House at the end of last year was a major milestone in the new children's hospital project and will further assist the ongoing operational integration of the three hospitals in advance of the opening of the new children's hospital and outpatient and urgent care centres. The new hospital will have a leadership role nationally in the implementation of the national model of care for paediatrics and neonatology, working closely with paediatric service providers in other hospitals across the country, in the primary care service and in the community.

I firmly believe that this hospital is the right hospital on the right site and is being built for the right reasons. The Government considered three options, namely, to pause the project, to retender and delay it or to proceed with it. We made the decision to proceed. I invite Deputies to join me in ensuring that, while recognising and meeting legitimate concerns, we get on with delivering this vital project.

Deputy Stephen Donnelly: We were told in 2016 that the national children's hospital would cost €650 million. We were told in 2017 that the total cost would be €980 million, an increase

12 March 2019

of approximately 50%. We were told in 2018 the cost would, in fact, be €1.4 billion, another 50% increase in costs. There is also an additional €300 million required for IT and opening the hospital. This brings us to €1.7 billion so far. This is well over two and a half times more than the €650 million we were told about in 2016. It is like people being told in 2016 they could have a house built for them for €250,000 and in 2018 being told it will no longer cost €250,000 but €650,000. This is the scale of the increase the Irish people have been told about.

At €1.7 billion, the Irish people are paying several times more per bed than the most expensive hospitals anywhere in the world. The two most expensive hospitals ever built, in Adelaide and Stockholm, came in at €1.8 million and €1.6 million per hospital bed. The national children's hospital is coming in at €3.6 million per hospital bed, more than twice that of the most expensive hospitals ever built. Some in government state this comparison is not fair and that we must compare the national children's hospital with other children's hospitals, so I did this. Four years ago, the Alder Hey Children's Hospital was finished in Liverpool.

An Leas-Cheann Comhairle: I ask Deputies to stop talking.

Deputy Stephen Donnelly: At 309 beds and a cost of €270 million the English people will be paying one quarter the amount per bed.

I ask the Deputies to leave the Chamber if they want to have a chat. We are trying to have a debate.

Deputy Mattie McGrath: It is terrible.

Deputy Mick Barry: You are grand, Deputy. Work away.

An Leas-Cheann Comhairle: Sorry?

Deputy Mattie McGrath: It is not good enough.

Deputy Mick Barry: I told the Deputy he is fine.

An Leas-Cheann Comhairle: Everything said here is through the Chair and there should be silence for any Deputy.

Deputy Mattie McGrath: Hear, hear.

Deputy Stephen Donnelly: At 309 beds and €270 million, the Irish people will pay four times more per bed than was paid in England just a few years ago. By any measure this is an outrageous overspend. It is an insult to every taxpayer and citizen. It is an insult to every doctor and nurse working in outdated facilities or understaffed teams. It is an insult to the more than 500,000 people waiting to see a consultant. It is an insult to every child waiting for surgery or a wheelchair or special needs support. It is an insult to every young person desperately waiting for access to child and adolescent mental health services. The Government's response has not been to put up its hands and state it got it badly wrong and will do everything it can to fix it; the Government's response has been to deny and defend.

In September 2017, the Minister for Health was told he was already looking at an overrun of €61 million. I will put this in context. In recent days, Deputy Michael McGrath obtained figures from the HSE that looked at overruns of health projects of more than €10 million. The combined overrun in the past decade was €30 million. In September 2017, the Minister, Deputy

Harris, was told he was already looking at an overrun of €61 million, more than twice the combined overrun for the entire capital spend in health over a decade but, having been told this, in the subsequent year he never once asked for an update. At the same time, he was trying to get his head around a €700 million overrun on the current expenditure side but never once asked whether the €61 million overrun on the children's hospital had increased or reduced. Finally, a year later, he was told it had increased from €61 million to approximately €400 million and they would get back to him with an exact figure soon enough. What did he do? He withheld the information from the House, for which he has apologised, he withheld the information from the Taoiseach and he withheld the information from the Minister for Finance, in spite of a PR firm being hired to come up with communication strategies for the overspend. We are now told that even if the Minister had told the Taoiseach, the Dáil and the Minister for Finance he was looking at the overspend of approximately €400 million it would not have affected the health budget for 2019. We are being told this at the same time as the health budget for 2019 is being changed because of the overrun.

We were told originally that the massive overrun was due to inflation but then we got documents to show this was not true. An attempt was made in the Chamber to shift the blame to unnamed contractors for lowballing but that strategy very quickly failed also. Now we are told that the mistakes were made by what the Taoiseach has described as agents of the State but even these mysterious agents of the State did not let the costs out of control. All they are guilty of is underestimating the cost at the start.

We were told that €650 million was a reasonable price to pay. We are told today that €1.7 billion is a reasonable price to pay for the same hospital. We were told by the Minister for Health that the only scandal regarding this would have been a decision to cancel the project. No - a €1 billion additional spend on the same hospital is a scandal. Recently, when the Taoiseach was pressed on what mistakes his Government actually made, he said he did not think that if it had been monitoring it any more closely that somehow it could have made it cheaper to build but, perhaps, in terms of the timing of communications that it could have made the public and media aware sooner. In this entire debacle the only blame the Taoiseach is willing to accept for his Government is that perhaps it should have told us all about it a little bit quicker. That is it. That is all it is willing to accept. Every expert I have spoken to about this has said that major construction projects routinely run over and are routinely brought back into budget. That is how the world works; it is just not how the national children's hospital works.

We were told that serious efforts were made to reduce the costs but then we were given more than 100 documents, and these documents do not show any serious effort to reduce the costs. In fact, it was Fianna Fáil that asked for the PwC terms of reference to change to include looking at ways to reduce the costs. The Government's terms of reference did not even ask PwC to do this.

It is essential that the national children's hospital be co-located with a maternity hospital. We were told the Coombe Women's and Infants University Hospital would move to the St. James's Hospital site but a few weeks ago, in response to a parliamentary question, we were told the project to move the Coombe Hospital is at an early stage and has yet to progress to planning and design phases. The St. James's Hospital site was chosen seven years ago but basic planning and design to move the Coombe Hospital to the St James's Hospital site has not even started. We were told a workforce planning exercise would be done to ensure the new children's hospital would be fully staffed but the reality is it is struggling to find staff even for the satellite centres.

12 March 2019

We have now reached a point, it is fair to say, that when it comes to the children's hospital nobody believes a single word the Government says. Here is what we do know. The clinicians at the three children's hospitals are doing everything they can to provide the highest possible quality of care but those facilities are no longer fit for purpose. They do not have the diagnostics, equipment or space. That is putting significant pressure on sick children, their families and the clinicians. We know these children urgently need a new hospital. If the children's hospital opens as planned - the opening has been delayed until 2023 - it will have taken 11 years from the St. James's site being chosen and 17 years from the Government decision to build a new children's hospital.

We know that there are material risks to moving the site. There are very strong reasons for choosing the Connolly site over the St. James's one, but there are very serious timing risks involved in any contemplation of moving the site. We also know that there was and continues to be a lack of consensus among clinicians and other stakeholders with regard to the choice of the current site. All Members are acutely aware of the genuine anger and real fear felt by many parents of sick children regarding the potential access difficulties and other issues associated with the current site.

In that light, Fianna Fáil has tabled an amendment to the motion which calls on the Government to ensure that the ongoing PwC report includes an extensive value engineering analysis to identify options for reducing the cost overrun, to produce urgently a costed and timetabled plan for the delivery of the new Coombe hospital on the existing site, to redesign the process for public procurement such that it does not take 17 years to build a hospital, to include in the PwC report, in light of the massive cost overruns, an analysis of the total costs and potential time implications of moving from St. James's to the Connolly site, and to act on the chronic clinical recruitment and retention issues being experienced such that when the hospital opens, it will have the doctors, nurses and other wonderful healthcare staff it needs.

It is highly unlikely that moving the site would be the right thing to do for sick children. There are significant cost implications and, more seriously, significant time implications. The project could be delayed for another ten years. I hope to God it will not be, but that is a real risk. On balance, moving the hospital at this point is not the right thing to do. The wrong site may have been chosen at the start. However, there are eminent clinicians and parents of very sick children who passionately believe that building the hospital at St. James's is still the right thing to do. If for no reason other than to respect those doctors, nurses, parents and children, Fianna Fáil believes the PwC report should run the rule over the cost and timing implications and that it is critical that the Government gets to grips with getting the cost back down and the maternity hospital constructed and ensuring we can fill it with the best doctors, nurses and healthcare professionals possible.

Deputy Sean Fleming: I welcome the opportunity to contribute on the motion regarding the national children's hospital. We must start on the basis of the information recently provided to the Committee of Public Accounts which set out an estimated cost on that date of €1.7 billion. Nobody believes that will be the final figure because, as has been pointed out, there is an agreement in the contract such that if construction inflation exceeds 4%, the additional cost will form part of the overall bill for the project. The sum of €1.7 billion is the baseline figure as of the date it was announced. Based on the contract signed by the Government, it is unavoidable that the cost will escalate significantly. I am quite satisfied that the Government has no idea where the final cost will end up.

It is interesting that the response of the Government on this matter at the beginning of the year was to invite PwC to examine the issue and review the cost escalation. To me, that was a public relations stunt. Aspects of the original draft terms of reference for the review were pathetic but have been improved as a result of the contribution of Fianna Fáil. Far more importantly, however, the final National Paediatric Hospital Development Board report on preliminary observations on the construction capital cost escalation of the national children's hospital was issued on 17 December 2018 by Mazars. I have the report in front of me. Within six weeks of it being issued, the Government decided, hey presto, it would appoint PwC to examine the cost escalation issue. That was a farcical decision. The Government had possession of the Mazars report which states that on the basis of the detail outlined in the report, it is clear that a number of capital projects, fundamental systems and checks and balances failed to protect the board from a large and sudden increase in costs of construction. It concludes that the costs estimation procedures used to produce the original capital budget did not serve their intended purpose and further states that the ongoing cost management systems failed to capture properly a significant element of the capital budget implications of the developing design. The Government knew all of that at Christmas. What did it do in the new year? It decided to order a further report. The Mazars report was on the Minister's desk. I do not know why he needed a new one.

The PwC report is geared financially to look at the costs and the re-engineering of the construction costs. The construction costs of the project as presented to the Committee of Public Accounts account for €1.4 billion of the €1.7 billion total, meaning that over one third of the costs relate to ICT, fit-out, equipment and electronic equipment, not construction. Such costs will not be incurred for several years, bearing in mind that the hospital is not scheduled to open until 2023. In light of the level of cost escalation, I do not understand how anyone could think that there will be no further cost increases between now and the hospital becoming operational in 2023. Anyone who thinks the final cost will come in even close to the current figure must be living in Disneyland. Not only will the final cost exceed €2 billion, it will be closer to €2.7 billion than €1.7 billion. If any current Deputies are still Members of the House when the hospital opens, they will find that I may be understating the situation.

We are in this mess because the Government wanted a PR photocall of construction commencing on the site. The project was in gestation for such a long period, with the Government having failed to secure permission on the Mater site, that a decision was made to get the contractor on site irrespective of the debate over the best location. Was there a design for the hospital? No. Did that matter to the Government? No. It decided to get the contractor on site to do the groundworks and to discuss the design of the hospital thereafter. Has anyone ever decided to put a contractor on site to build a house before the house has been designed? This must rank as the most serious incidence of commercial incompetence by any Government. What happened is extraordinary.

Thereafter, the Government decided on a two-stage contract, thinking that when stage 1 was completed, it would have the option to keep BAM on site, retender phase 2 or suspend the project. The Minister, Deputy Harris, admitted that suspending the project was not a real option, while retendering would have delayed the project. It would have been bad PR for the Government if BAM had to leave the site not having won the tender for phase 2 and it might have delayed the project by a few months. That PR situation was unacceptable to the Government. The Government entered into the contract looking for good PR. However, it locked itself into dealing with BAM. The contract is so bad from the Government's point of view that it provided that BAM was to be compensated for each day of on-site delay resulting from a Government

delay in making a decision on moving to phase 2. This problem began and ended with PR and politics overruling all commercial sense regarding how a contract should be dealt with.

As Deputy Donnelly stated, when contracts are for five, ten or 15 years, there should be a root-and-branch assessment every couple of years of whether the project is progressing as originally planned or whether requirements have changed. That must be undertaken as part of good governance. Obviously, there has been significant change to the hospital design since work began, leading to substantial cost increases. Are those design changes in line with current EU procurement rules? That question has not been asked until now. I would like it to be answered.

This leads on to a bigger issue. The Government announced projected capital spending of €140 billion under the national framework for capital investment and the national development plan. Assuming a final cost for the children's hospital of €2.8 billion, it will account for approximately 2% of the overall figure, leaving 98% to go. The Government has shown it was incompetent with the first major project and there is no reason to believe it is learning lessons because it is clear it is not. It is ploughing ahead, regardless of the cost. There is a need for overall Government control of such a project. I, therefore, call for the establishment of a national capital projects management agency that would do something in line with what the NTMA did with the national debt a number of years ago. We set up a dedicated Government agency to handle it.

Let me refer to the farcical comment that the national children's hospital will be the best in the world. The best hospital in the world means the hospital that has the best doctors and nurses and provides the best medical care. A hospital is not deemed to be the best in the world based only on the design of the roof. The quality will be achieved through the provision of medical care, not by construction and design.

Deputy Jonathan O'Brien: Many unanswered questions remain. I do not even believe all of the questions about this project have been asked to date, but we do know that the information on it is being drip-fed, which is regrettable. It has caused more confusion and public unease and certainly eroded the confidence some have in the ability of the State to manage major capital projects.

Let me begin at the start. We know that the two-stage procurement process for the project was a risk. We know this because a report on it outlined both the advantages and the disadvantages of a two-stage process, involving phases A and B. The report sets out clearly that one of the disadvantages is that not tying down the costs could lead to cost overruns. That is what transpired. Why did it transpire? I do not believe we have the complete answer to that question yet, but we certainly know some of the reasons. We know that the bill of quantities was so far out that it obviously contributed.

Deputy Wallace asked who signed off on the process. That question has not been answered as of yet, but we are aware that the Government contracts committee which granted the derogation to the National Paediatric Hospital Development Board did not sign off on it. It only stated the derogation could be taken up by the development board if it so wished. We are aware that the Department of Health did not sign off on the two-stage procurement process because it told us that it did not. We are aware that the Department of Public Expenditure and Reform did not sign off on it because it has told us that it did not. We are also aware that the Minister for Health and the Ministers responsible for both finance and public expenditure and reform did not sign off on it because they have told us they did not. That leaves only one element - the development

board. Its representatives are to appear before the Committee of Public Accounts in two or three weeks' time when we will ask them whether they signed off on it. If they say they did not, we will have a major issue because nobody will have signed off on it. I am just presuming the board signed off on it because everyone else says they did not. It is simple to answer the question as to who signed off on the two-stage process. Surely it is not a State secret and somebody in the Department knows. Instead of coming to Oireachtas committees, whether they pertain to finance, health or public accounts, and saying who did not sign off on it, we should be told who did. That is the first issue.

The information coming out of the Department and the HSE is being drip fed. It is just creating conspiracy theories in some places, but it is certainly not a good PR exercise on the part of the Government when it cannot even state who signed off on the very process that probably led to the cost overruns. It needs to be honest about the information it is giving. I say this knowing that nobody is a liar in this place. I presume the Minister of State knows the cost of the PwC report. We have been told it was €450,000. At every opportunity to ask questions, including during Leaders' Questions and at committees, we were told that the cost of the report was €450,000. That is not factually true. The cost will be nearly €600,000. The Government knows it and I know it, but nobody is saying it publicly. Today I received from the HSE an answer to a parliamentary question on the cost of the report. I had asked on numerous occasions what the cost was. I asked whether it was €450,000 and set in stone. I was told that it was and that it was the maximum and great value for money. The answer I received today was that the cost was €450,000, plus VAT of 23%, which amounts to another €103,000, plus expenses. Therefore, the cost is €450,000, plus VAT, plus expenses. We cannot yet quantify the expenses because we do not know what they are. There is a cost overrun associated with the report on cost overruns. How ridiculous are we becoming? The Government knows this. It is just not being honest in the information it is giving the people. I ask it to stop trying to spin figures and stories and be honest with the people.

With regard to the cost overrun, I agree with Deputy Fleming that we do not know the final cost of the hospital project. Deputy Kelly was the first member of the Committee of Public Accounts to state publicly it would not stop at €1.7 billion and he has been proved right. Deputy Fleming has also been proved right, with everyone else who said the cost would not be €1.7 billion. The only people who are saying it will be €1.7 billion are members of the Government. They need to start being honest in the information they are giving. It is in the contract that if construction inflation exceeds 4%, the contractor can look for additional moneys. Construction inflation in the Dublin area is around 11% or 12%, which is 8% above the rate set out in the contract. That will be next year, but there is also the following year and the year after that. Therefore, there is no way the Government can state the cost of the project will not exceed €2 billion. In fairness, there is no way I can say it will not exceed €2 billion, but the reality is that no one knows what the final cost will be. I do not know whether the PwC report will address that issue. It will examine the cost overruns, what caused them and how we might be able to reduce them. As I stated, we have to await the outcome of the report.

We already have a report, the Mazars report, from the end of last year. It considered the cost overruns and went into some detail on the issue. There are many questions to be answered and we have not yet had some of the main players before any of the Oireachtas committees to allow us to question them. We need to ask about the role played by the Office of Government Procurement, people sitting on boards not being responsible or being responsible to the board and about collective decision-making. Ludicrously, the minutes of meetings of the development

board involving the Department of Health and the HSE refer to cost overruns, but the Minister did not know about it. Not only that, they decided at the very same meeting, when talking about cost overruns, to write to ask him whether there was any chance he could reappoint all of them. He said “not a bother”, that he would reappoint all of them. I asked him in a parliamentary question whether, prior to reappointing all of the said individuals, he had asked for a report with an update on the development of the national children’s hospital.

9 o’clock

Did he ask for any analysis of their performances as board members? Did he ask any questions at all? He did not even speak to them. He just wrote back and reappointed them, which is not good enough. The new chair of the National Paediatric Hospital Development Board will be before the Joint Committee on Health in the morning. We will ask him some questions. I hope he is more open than other members of the board in that regard. I also hope he is more open than the Department and the Government in answering questions, because they have answered very few questions that have been factually correct and they have no one to blame but themselves. They are responsible for the cock-up.

Deputy Alan Kelly: On a night where we have seen complete chaos in Britain in respect of how an omnishambles can be created, by comparison, this is similarly an omnishambles, which has been going on for a period. The idea of building a children’s hospital has been mooted for decades. The process can be traced back to 1993 when the Royal College of Physicians of Ireland made its recommendation; that was 26 years ago. No one could stand over what has happened regarding the hospital. It is a collective mess and a complete and utter mess as regards decision-making, Government handling and the processes and structures that were put in place. I have spoken on the issue in the House and in committees numerous times. The situation is bizarre. It will provide a case study for business students in years to come. The bottom line is that the cost will not stop at €2 billion. My colleague on the Committee of Public Accounts, Deputy Jonathan O’Brien, said this before me, as did the Chairman of the committee, and they are deadly accurate. The cost will be closer to well over €2 billion than it will be to €1.7 billion because there will be 4% inflation and more on top of that. There are so many holes in the process, such as how we ended up in a two-stage process in the first place. I was quoted earlier and I do not wish to repeat what has been said but I have always asked that question. It was virgin territory. The question is: why now and why this? Who made the decision? Who calculated that it was the right decision to make? After all this time, we still do not know.

When we consider the events over the past year or so, it gets even more bizarre. I wish to focus on that because it goes to the essence of a Government that is in control and knows what it is doing. There are cost overruns but they have been outsourced to the board. That board has another layer on top of it because there were concerns about overruns. That board then has another layer on top of it again because there were concerns about overruns. Now there are three boards for the one project, yet this was the right thing to do and it was right to have a two-stage process. Those involved were so confident about it that nine months ago that three boards were put in place to report to one another, yet still during all of this process when overruns started to materialise at a substantial rate last summer, the Minister for Health only found out at the end of the summer and the Minister for Public Expenditure and Reform, unbelievably, despite one of his most senior officials sitting on the board, did not find out until 9 November. I have said previously in the House that that is not credible. That is substantiated by the evidence given to the Committee of Public Accounts last week by the Secretary General of the Department. That is not credible. As a former Minister, I know there are officials in the Department of Public Ex-

penditure and Reform who would fight someone for a fiver. That is their job. Is it credible that the project escalated from €61 million to €271 million to €400 million, to God knows where it is going, and that nobody said anything? Is it possible that during the budget process, the Estimates process and the confidence and supply agreement negotiations, not one individual in the entire Department ever said there was a problem?

According to the Constitution and how we must behave in this House regarding Estimates, the process must be truthful. There were major cost overruns, which was known since the middle of last summer. Letters were sent by the constructor to the Department which ended up with the Minister at the end of August. The budgetary process had begun and it was concluded in October. The Estimates process comes after that. They were revised in December. None of that was taken into account and yet we had the embarrassing situation where the Government had to come in recently to revise the Estimates. However, we were told not to lose sleep over it because, as we found out last week, it will only cost €100 million in 2019. I am sorry, but it will be a lot more than €100 million. We do not know what the figure is, but hundreds of millions of euro that will have to be found.

I wish to ask a few questions in the short time available. Why was the PwC report not commissioned by the Government? How many people know that is the case? The report was commissioned by the HSE. Why is there such a distinction? This is not a Government report. How many times have we inside in this theatre asked questions of the Minister for Health to be told that it is a matter for the HSE and he has no function whatsoever in regard to it? Where does that leave us as regards the report, which bizarrely should probably look similar to what Mazars said in the first place, with a few add-ons? Specifically, I would like to know where it leaves us, given the fact that the HSE has commissioned the report rather than the Department. Is this a buffer zone? Why was it necessary? The Minister should explain the need for the HSE to commission the report as opposed to the Department. It has been repeatedly said that we do not know who signed off on the two-stage process. I do not know what will be the difference between the report done by Mazars and that done by PwC. The Minister had it all in front of him. He was able to hire PR firms to spin matters. He knew it would be a big mess all along. The issues relate to how we got here and I have touched on a flavour of them.

I was a member of the Government that signed off on building the children's hospital. It was the right decision. I would not have been part of a Government that made such a decision if I knew it would end up with the current scale of costs. As everyone knows, money was very tight, and there is no way we would have been in a position to make a decision based on the current costs. That is why this is a case study, and it must be analysed as to how in the name of God we got to the bad situation that we are in. Throwing good money after bad is not something I can support. However, the process that has been gone through with PwC justifies and shows comparatively that we must continue on this route while learning about cost savings we can make, as opposed to moving to any other site.

Deputy Bríd Smith: Earlier I read some documentation dating back to when I was a councillor in the area of St. James's Hospital, which is in my constituency. Along with Councillor Tina McVeigh, I made a lengthy objection to An Bord Pleanála on the location of the children's hospital. We did not believe the site was the correct one for the hospital as the scale and the impact was too big for the location and the character and size of the area. Despite all the positive comments about public transport in and out of the hospital, it is quite a difficult area to reach, with bottlenecks on the South Circular Road, James's Street and around Ceannt Fort beside it. One of the measures Councillor Tina McVeigh did manage to retrieve from the process was the

establishment of a residents monitoring committee. She told me earlier that the big issue at the moment is the structural impact on the houses in Ceannt Fort where some are showing cracks in the walls. They rattle and shake during the impact of the construction. There is massive noise, dirt and pollution and the construction traffic is a nightmare. The same will be true for the construction traffic coming down Davitt Road from Drimnagh in the future.

All said and done, An Bord Pleanála passed it and the hospital was to go ahead. As the fellow said, we are where we are and we get to where we are. Much has been said about the mess in which we are. However, I want to draw particular attention to the process of public procurement itself. It has been proved to be entirely flawed not just in the case in the children's hospital but in the case of broadband. In 2013, when the Government, of which Deputy Kelly was a member, and the troika ran the country, it was decided we needed a public procurement officer. Mr. Quinn was appointed as the State's first public procurement officer and is still in place. His aim at the time of his appointment was to save the public purse €500 million. Six years later and one only needs to look at the mess we are in with broadband. In answer to a parliamentary question I tabled, it was stated €18 million was spent on finding out which company could re-tender for the broadband plan. We are now left with one bidder which is as an entire mess. It looks like the rest of the country will be left in the dark if compared, as the Minister is fond of doing, with the rural electrification process in the 1950s.

What is striking about what is going on with public procurement is that the public procurement officer is also a member of the board of the National Paediatric Hospital Development Board. He, however, failed to tell the Minister for Finance and Public Expenditure and Reform that an overspend had occurred. The Taoiseach stood over that in the House stating that if somebody is on a board, his or her fiduciary and legal responsibilities are to the board and the correct line of accountability is to the chairman of that board, not the line Minister. We now know that this is not the case. It still remains for the Taoiseach to correct the record of the Dáil.

The next biggest farce in all of this is that the investigation into the overruns is being carried out by PwC. There has to be a conflict of interest when PwC has long-standing relationships with the main contractor, BAM, and the HSE. We have tabled an amendment to the motion, which we will be supporting, that there should be a time limit put on an investigation, namely, six weeks. Otherwise we could have an overrun of time as well as of money.

The Government is behaving like Macbeth, the king who was afraid to step back from the blood he was up to his knees in. It is about time the Government pulled out of this and investigated an alternative.

Deputy Mick Barry: An issue which has not figured in this debate to date is the question of worker exploitation at the national children's hospital project site. This is an issue which must be dealt with and stopped wherever the hospital ends up being built, be the St. James's site, a greenfield site or Connolly hospital. The contractor at the site, BAM, has a network of subcontractors. One of the subcontractors it frequently uses is Kwik Structures. On 7 February 2018, my colleague, Deputy Paul Murphy, told the House that the company was responsible for illegal super-exploitation of construction workers, many of them migrants, at a BAM student accommodation project at Grangegorman and Boland's Mill. He instanced the fact that Kwik Structures was paying significantly below sectoral employment order, SEO, rates, was not providing workers with payslips and had not registered its workers with the construction workers' pension scheme.

Since then, Kwik Structures has moved on site at the national children's hospital project. Has any action been taken on foot of the charges made by Deputy Paul Murphy over a year ago? Is this company now paying employers' PRSI? Is it providing its workers with payslips? Has it fully declared the income tax on P60s? Does it have offshore accounts to avoid paying tax? Has the Minister looked into this matter over the course of the past year? Does the Minister not want to look under that particular rock as he is afraid of what he might see?

This is an issue which has importance in and of itself. It is also an issue which has a wider importance. The national children's hospital is meant to be the jewel in the crown of €115 billion worth of national development projects. The standards for all projects are meant to be set at this hospital. What is the position regarding worker exploitation? The Government, the Revenue Commissioners and the Department of Employment Affairs and Social Protection are turning a blind eye to it. They are showing a reckless disregard for workers' rights and a scandalous dereliction of duty in terms of collecting tax revenue for society.

Sections of the media have tried to make out that construction wage costs are a factor in the overruns. They are not. The entry level wage rate for construction workers is €28,000 a year. This is a sector of the economy which has seen record profits, up €1 billion in 2018 from what it was in 2017. The issue is not of workers being paid too much but of worker exploitation and super-exploitation. It is alive and well on the construction site of the children's hospital. For these reasons, we support the 12% wage claim over three years that the construction unions have submitted. We also support their claim for a one-hour daily travel allowance.

We will be supporting this motion. We think the point raised by Deputy Bríd Smith about the review being time-limited is important. There should be no suspension of employment for any worker in the event of a suspension of the construction. The issues of the cost of the project and the accessibility have to be important factors in that.

An Ceann Comhairle: I call Deputy Joan Collins who is sharing time with Deputy Clare Daly.

Deputy Joan Collins: The plan for the children's hospital has been on the agenda since the 1990s when a single tertiary children's hospital for Dublin was proposed by the Royal College of Physicians of Ireland and recommended to be built on an adult hospital site. That was three decades ago and our children are still waiting for a hospital of such a standard. In 2006, the McKinsey report recommended a single national children's hospital into which the three existing children's hospitals in Dublin would be merged. From that point, the children's hospital became a political football.

The Mater site was pushed by Fianna Fáil and the then Taoiseach, Bertie Ahern, who wanted it in his constituency. In 2012, An Bord Pleanála refused permission for the Mater site and €35 million was written off as a result. After that report, the then Minister for Health, Senator James Reilly, set up the Dolphin report which announced the new site at St. James's Hospital. A planning application was submitted and we know the story from there. Its cost was estimated at €650 million but now has gone up to €1.73 billion.

It is an absolute scandal. The community in which I live, Dublin south-central where the hospital will be located, finds this incredulous. We know damn well that anybody who gets an extension goes to an architect to get a plan and then a price from the builder. Half the price is paid halfway through and only when all the completion snags are finished is the full amount

paid. I know the hospital is a much more complex project but we put a board in place to monitor costs. I said recently that the work should have stopped and costs reviewed. A decision to continue or to retender should have taken place then. That has not happened. The Government has continued with its line.

In my dealings with the National Paediatric Hospital Development Board, many questions of concern were raised. Eminent paediatric professionals had come out clearly and stated: “We are unequivocal in our certainty that the campus at St. James’s Hospital is the right location for Ireland’s much-needed and much-wanted new children’s hospital.” There are many reasons the campus shared with St. James’s Hospital is the right location for the new children’s hospital, but the primary one is that it has the greatest number of clinical specialties that will best support our teams in the delivery of better services and clinical outcomes for our sickest children and young people. That is the key point why I support this hospital. There are significant concerns in the community. We dealt with those concerns by supporting the residents’ project monitoring committee. I am not a professional paediatrician. However, paediatricians in the three children’s hospitals said this was the best site. I do not support the motion.

Deputy Clare Daly: I salute Deputy Mattie McGrath and the Rural Independent Group for tabling the motion. A narrative has been put about that the damage has been done, it is an absolute scandal but what can we do? It is too late. The motion before the House this evening puts a lie to that. All the Deputies who stand up and speak of a scandal but who do not support this motion are facilitating a continuation of that scandal. They are equally responsible as the Government if they take that position because it is not too late. It is shocking when one considers all the questions that Deputy Wallace had put down. He is someone with an expertise in building in this area. Not one of those questions has been answered yet. People in the know know that this project was not normal. It was not an unforeseen accident or unfortunate occurrence. Mistakes have been made that need to be analysed and somebody somewhere must be held accountable for that, but we are not doing that. We need to halt these works now. Everyone who does not support that action is facilitating the scandal because it is blindingly obvious that the right thing to do is to stop pouring money down a hole. We do not know what the limit is going to be but we know that it will be well in excess of €2 billion.

Some say that if we do not continue that there will be delays. The Committee of Public Accounts was told that re-tendering would add two years to the project. Deputy Donnelly said that it would be ten years, in his opinion. That is not a substantiated opinion, backed by evidence, mind, just his opinion.

Deputy Stephen Donnelly: That is why I called for a report.

Deputy Danny Healy-Rae: The Deputy should not interrupt.

Deputy Stephen Donnelly: Deputy Danny Healy-Rae is one to talk.

Deputy Clare Daly: This is the absolute nonsense that we have had to put up with on the matter. We want concrete figures and concrete explanations. We do know, however, that the National Paediatric Hospital Development Board has applied to Dublin City Council to stay in its head office for a further five years, that is beyond the proposed completion date, so it expects the project to overrun. A greenfield site at Connolly Hospital is a better bet. We know that issues such as the need to co-locate the maternity hospital would not be facilitated on the James’s Street site. I must appeal to all the parties here. If they do not support the motion, their words

are utterly shambolic. We owe it to taxpayers, to our children and to the medical profession to do that.

Deputy Michael Fitzmaurice: I compliment Deputy Mattie McGrath and the Rural Independent Group on tabling the motion. I ask how anyone reading the motion could vote against it but it is no more than many things that go on here, unfortunately, the same wagon wheel turns and the same fiasco keeps going.

Are engineers, architects or quantity surveyors working on the PwC report? Generally, accountancy firms do not employ such people. If we wanted this to be done transparently, we would bring people in from outside the country.

We know that the State is not fit to build anything efficiently. It cannot do it. There are a few different types of contracts. There is yellow form, blue form and design and build. Had we a brain in our heads we would go with a design and build process and put the pressure back on the builder. We would look at the different submissions that were made and pick out the best. However, we do not seem to want to do that. We want to keep trying to waste money.

We are building a hospital that cannot land a helicopter and that is not accessible by car. People coming from the countryside cannot get to it. It is not possible to put the maternity unit onto it. What geniuses are persisting with this? A proper external review should be done. I went out to the site with other Deputies. We looked at it. The only thing that has been done is the retaining walls. If the volume of money that I heard had been spent has been spent, someone is on a good old touch. All that is done is the retaining walls and a lock of columns. One could make a car park out of the part that has been done.

I also want to put on the record that I am worried that down the road there will be a problem with getting out water after heavy rainfall. I have a small bit of knowledge about construction and I worry about the systems in place to get the water out.

This is about taxpayers' money. If the Government is genuine about this we should halt the process.

Deputy Seamus Healy: Fairy tales are what come to mind when one hears the Government's excuses and explanations for the huge overrun at the national children's hospital. One could not make it up. The last time I spoke here on this, I said that anyone with a whit of common sense would not believe what the Government is saying. That is even more true today than it was then.

At that stage, we were laughably told that the Minister for Health had not told the Minister for Public Expenditure and Reform about the overrun as he had not completed his own investigation. Now we are told that the chief procurement officer, who is a member of the Minister, Deputy Donohoe's Department, was not acting in that role on the hospital board, if we can believe it, but he had been appointed by the Minister for Health in a personal capacity, and that is why he was not required to report to the Minister for Public Expenditure and Reform. These are fairy tales, more fairy tales and excuses.

Furthermore, when the Committee of Public Accounts called the procurement officer to appear before it, he did not. Why was this? The Secretary General said that he did not pick him on his team. The Secretary General thought that another individual from that section would be more appropriate than the procurement officer. Anyone who believes that will believe anything.

12 March 2019

The PwC report is another fairy tale. Deputy Jonathan O'Brien told us that the report which was supposed to cost €450,000 will now cost €600,000. The biggest fairy tale of all is the actual cost of the national children's hospital. It started at what was a reasonable enough figure of €650 million. Everyone in this House knows that if this hospital continues, the cost will be in excess of €2 billion. It is much more likely to be €2.5 billion. That is an absolute scandal.

We know now that there was a cover up by the Government. It was ensuring that it was not officially informed of the position because it was preparing for a general election. The Government was afraid that Fianna Fáil would pull out of the confidence and supply agreement and so it wanted a good budget.

We now find ourselves in a position where a considerable number of capital projects around the country will be suspended, delayed or deferred as a result of this huge overrun. Some of those affected in my own constituency include the unit at University Hospital Limerick which covers the north of County Tipperary and the 40 bed modular unit at South Tipperary General Hospital in Clonmel which, even though it will be completed and constructed later this year, is unlikely to open fully. As I refer to that, I ask that we finally get confirmation of what funding is being made available to South Tipperary General Hospital to open that unit. A number of us have raised it here as a Topical Issue matter and we have not got figures. We raised it in parliamentary questions and we have not got figures. I have written to the Minister and I have not got figures. It is time that we got the figures. How much is provided for equipping and staff the 40-bed modular unit at South Tipperary General Hospital? There is the question of a 100-bed unit for the elderly at Cashel. Will that be delayed?

Of course, there is the shocking situation of mental health services in Tipperary where the 50-bed inpatient psychiatric unit at St. Michael's unit in Clonmel closed in 2012. We now have a situation where there is no inpatient service in the county and the unit in Kilkenny where south Tipperary patients must go has been the subject of a court case by HIQA recently. It is shocking. That unit in Clonmel needs to be opened and we can have no deferral, suspension or delay of those projects.

There is no question in my mind but that the site at St. James's was never the right site. I believe the motion is reasonable and that within a reasonable time span, proper investigation should take place, a new greenfield site, which would allow costs savings, should be investigated and the national children's hospital built there.

An Ceann Comhairle: Deputy Danny Healy-Rae is sharing with Deputies Nolan and Fitzpatrick.

Deputy Danny Healy-Rae: I believe this is the biggest single scandal that ever happened in this country. In March 2017, our group told the Government that this was going to happen. Many of the members of parties, who are jumping up and down now, voted against our motion when we asked that the hospital be moved out to some greenfield site. They voted against our motion and now they are jumping up and down as to what happened and why has the cost escalated to such proportions. We clearly identified what was wrong at that time.

We clearly asked as well that this children's hospital should be for children from all parts of the country. I spoke to a Deputy from Dublin here the other day and he said that he thought the reason they went for it and why in their opinion it was the right site to use was because the Luas was servicing it. We do not have a Luas out west in Kerry or along the western coast, and we

do not have many other modes of transport that the people in Dublin have. Certainly, what we would need, when there is a crisis and when a child needs to be brought up, is to use the largest helicopter which can fight the winds and land at the hospital door but we are told now that type of helicopter cannot land at this site.

We have the debacle whereby many projects will be delayed, held up and put back. Many years ago, I had a request at the HSE south forum that there would be a community hospital in Killarney. It was progressing away well but now we know it will be deferred. The population of Killarney quadruples in summertime and we need a new community hospital to enhance the services that we could give there.

I am not aiming at the Minister of State, Deputy Canney, but am directing my venom at those who are not here who should be here and that is a scandal as well. They should be sitting here. Certainly, if we were talking about abortion, the Minister, Deputy Harris, would be there. There would be no doubt about it. I suppose that is what happened. The Minister took his eye off the ball because all last year his only concern was abortion and he forgot about the children's hospital. He only left it plough on whatever way it would happen.

In Tralee, we are waiting for extra beds that have been promised but they are not materialising. There are many patients on trolleys in pain, waiting for proper attention. After all their life given to working for this country, it is wrong that so many of them finish up dying on a trolley because we cannot put them into a proper hospital bed in Tralee general hospital.

We have people who need eye treatment and could not manage, except for the number of buses as these days, we again have three buses going up to the North of Ireland. There were three in February, three in January and there will be two more in April so far. The story goes on. We cannot deal with those patients in our own country.

We will see Dingle hospital half opened. As for all the other projects, I mentioned today the Kilcummin sewerage scheme that has been promised to the people for the past 15 years. That has been put back and that is because of this issue. We have the site, with props holding up the sidewalls in the hope they will keep the houses from falling in. That is not right. What we asked for and what we wanted is a greenfield site which would be accessible for all the children of the country.

I am taking someone else's time. I could go on here for a long time.

An Ceann Comhairle: Deputy Nolan, please.

Deputy Carol Nolan: Gabhaim buíochas leis an Rural Independent Group a chuir an rún tábhachtach os ár gcomhair anocht.

Tá sé an-soiléir go bhfuil fadhbanna ollmhóra, serious concerns about the overspend on construction costs of the new national children's hospital. These costs, as we all know, represent an increase of 300% in the costs since the original tender.

It is shameful that the Minister for Health himself cannot be here tonight. It clearly shows the lack of respect towards rural Deputies in this House. We were elected to this House to represent our parts of this State as well and it is a disgrace that the Minister is not here to hear those concerns. I will be asking the Minister for a direct response because he represents all of the State, not only Dublin.

12 March 2019

The public has expressed concern and outrage over the fact that the current cost of construction of the national children's hospital stands at €1.4 billion. This cost is rising and as has been pointed out here tonight, will not stop at €2 billion. The project represents the most dramatic and unprecedented cost escalation level for any single health project in the history of this State. That is some achievement.

The Minister for Health is responsible for that, whether he likes it or not. As has been pointed out here tonight, he took his eye off the ball. He got a fixation and he had an agenda. He wanted to push that agenda and he forgot about every other section in the health service, and we are seeing that day by day.

There are serious concerns over the possibility of not having a maternity hospital co-located with the national children's hospital as the plan now stands. Neither the Minister nor the Government has taken these concerns seriously and it is both unfair and unacceptable that many projects in rural areas will now suffer the consequences brought about by the Government's arrogance and failure to acknowledge that it made serious and unacceptable mistakes in respect of the national children's hospital project at St. James's.

Even at this late stage, I urge the Minister, and, indeed, the Government, to do the decent thing by the taxpayer, who has borne the brunt of this terrible mistake and the reckless and unacceptable choices the Government has made. The Government should do right by the children who need healthcare outside of Dublin. We must ensure that they have accessible healthcare.

An independent investigation to assess the viability and cost of retendering the project and transferring its location to a greenfield site should be carried out. I believe wholeheartedly that it is the fair way to proceed and we should not be proceeding when this has proven to be unsuccessful and detrimental. This Government has shown itself to be arrogant and has clearly said "Slán" to proper, accessible healthcare for our children living in locations outside Dublin. That is outrageous and clearly shows how out of touch this Government is. It not only lacks common sense but also a vision for the country.

Deputy Peter Fitzpatrick: In supporting the motion, I want to raise awareness of a couple of matters that are causing me and my constituents great concern. At a meeting in my constituency office in Dundalk not long ago about restrictions in services offered at our local hospital, Louth County Hospital, one of my constituents asked me why in Ireland we have the most beautiful civic offices and public buildings but some of the worst hospitals. We do not need to build a "design statement" trophy hospital that has caused massive overspending; we need a hospital that delivers the best service with the highest standards of care to sick children that the State can provide. A state-of-the-art postnatal trauma unit, a world-class paediatric oncology unit and a dedicated burns unit are needed, to name but a few. We need a facility where the mother and child can be cared for under the same roof and where family can be accommodated with a little comfort and dignity. We want our children to have treatments in Ireland and not other countries. We need to bring an end to long waiting lists for paediatric treatments.

It is possible to build a world-class facility without overspending and affecting the taxpayer. It is incredibly unwise to build an underground car park beneath the hospital in question and Deputy Mattie McGrath's health and safety concerns should be considered. Why did a portion of Leopardstown racecourse adjacent to a main road, and which is State-owned, not get enough consideration when potential sites were being discussed? This greenfield site is located adjacent to the N11, M50 and the Luas. The roads and infrastructure have been designed to

diverge traffic to and from the site in all directions. Not giving this greenfield site proper and serious consideration was at best a major mistake and it now needs to be considered as a matter of priority.

The horse racing and gambling lobby in this country is influential and it may have many friends in this House. However, the welfare of sick children should be prioritised and proper consideration should be given to this site, with its many natural advantages, not least of which is that the State owns it. We call on the Government to immediately suspend construction of the national children's hospital at the St. James's Hospital site, pending the outcome of a time-limited independent investigation. We call on the Government to transfer the location to a greenfield site, which should be the Leopardstown site.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Canney): It is clear from the debate that everybody in the House shares a commitment and determination to ensure that the children and young people of Ireland and their families can access world-class health services as soon as possible.

This project presents a once-off opportunity to deliver adult, maternity and paediatric services on a single campus. The benefits of tri-location of a children's hospital, maternity hospital and adult hospital are well established and this is provided for in the St. James's site master plan. A greenfield site does not give the benefits that tri-location presents. The children's hospital on this campus will be also be a research-intensive academic healthcare institution. The establishment of the children's research and innovation centre on the St James's campus will help support and embed a culture of research, education and innovation in modern paediatric practice in Ireland.

At an early stage in the procurement process, it was determined that a traditional method of procurement was not suitable or realistic for a project of this size and complexity. The difficulties around adopting a design and build tendering strategy on large public sector projects had already been recognised, and this informed the decision by the National Paediatric Hospital Development Board to adopt a two-stage procurement process. This strategy was intended to deliver key objectives and deliverables for the project in compliance with strict public and EU procurement rules and to reduce risk.

The two-stage procurement process has brought issues to the fore. It has allowed claims to be addressed upfront, prior to main construction, rather than as is traditional throughout the project and beyond. It helped reduce the exposure of the project to increasing inflationary pressures in the construction market through procurement at 2016 tender market rates rather than 2018 rates. Finally, it allows a GMP to be determined, with this only adjustable for clearly defined exclusions such as changes in scope, excess national construction tender inflation above 4% post-July 2018 as per the average of three published tender price indices and changes in legislation such as VAT, statutory labour rates or building regulations. This means that other than in respect of these exclusions, any amount in excess of the GMP ceiling cannot be recovered by the contractors. This two-stage approach would also deliver the hospital as soon as possible, mitigating the time lost following the Mater site planning application refusal. This approach allowed early commencement on-site, two years ahead of traditional procurement. Let us make no mistake - considerable work has been undertaken on the project since 2017.

When the Minister for Health was faced with this cost overrun, he had three options. The first was to pause the project and the second was to retender the project. However, the expert

12 March 2019

advice was that retendering the project would have cost more for the taxpayer above and beyond the significant existing cost and would have increased the time it would take to deliver this project. The third option was to proceed, which is the decision that the Minister and the Government took. The increase in costs for this project was not envisioned and is certainly not welcomed by this Government or me. It is precisely because of this that the Government has commissioned an independent report to examine the project to date and learn from the issues that have arisen in the project thus far. The HSE engaged PwC because a framework agreement is in place and it could be taken in straight away. The Government will carefully review the report of the independent review when it is made available.

There is a will to review and act on the lessons learned from this project to date. The Minister for Health has made it clear that his Department will work with all stakeholders to ensure all weaknesses are identified and comprehensively and speedily resolved, and that robust governance and oversight arrangements can be put in place to ensure the completion of this project on time without any further surprises.

Lessons are being acted upon. The Minister for Public Expenditure and Reform has made it clear that the experience of the new children's hospital cost overrun must be drawn upon and lessons learned. He recently announced that the State is speeding up the reforms to our public procurement process put in train as part of Project Ireland 2040. As part of these reforms, the Government will now no longer pre-commit to major bespoke projects until there is clarity on tendered costs; in the future, the budgets for large bespoke projects will include a significant premium for risks in order that these indicative costs more adequately reflect the holistic total for the entire project over its life cycle.

We must not lose sight of the fact that we must strive to deliver on the promise of improved service delivery to the young people of Ireland and their parents. They matter, their care matters and their needs are a priority that we now have the opportunity to address well. There is a desire in this House to provide for the improvement of services to sick children and their families. There have been serious issues but now that we have a project under way that will truly redefine the standard and quality of care available to the young people of Ireland, we cannot let it be sidetracked or delayed. It is vital that we learn lessons but also that we continue to advance this project without unnecessary delay and build this hospital that is so badly needed for the children of Ireland. It has been eloquently argued by everybody that we have been talking about this since the 1990s. The Minister for Health and this Government remain committed to delivering on the vision to improve services for the children and young people of Ireland and to continue to make progress on the new children's hospital project on the St James's campus, and at Tallaght and Connolly hospitals.

This project is about more than just building works; it is about the difference we will make to children and young people by implementing a new model of care in a timely fashion. One evident practical benefit is that the outpatient and urgent care centre at Connolly hospital will start delivering improvements to healthcare for children this year under the responsibility of Children's Health Ireland.

We truly are at a period in time when we have an unprecedented opportunity to deliver a hugely positive change in healthcare for Ireland's children and young people. Finally, I invite Members of this House to join with me in ensuring that, while recognising and meeting legitimate concerns, we get on with delivering this vital project.

Regarding Deputy Healy's queries, the HSE is developing its capital plan for 2019, which will be published very shortly. This plan will set out what is happening for 2019.

Deputy Mattie McGrath: I am happy to take the opportunity to wind up this evening's debate. Before I do, I thank my colleagues in the Rural Independent Group for agreeing to bring forward this motion and putting so much time, effort and energy into it. I also thank David and Mairéad in my office for working so hard. I also thank Deputies Mick Wallace, Clare Daly, Seamus Healy and Michael Fitzmaurice as well as Deputies Carol Nolan and Peter Fitzpatrick for their support. Finally and most of all, I want to thank and welcome the families of the sick children who are at the centre of this motion and to welcome very hard-working people from the Connolly for Kids campaign. They must be quite bored and disgusted. While there were four of us here, there were never as many as four Members on the Government side. There were two when the Minister of State, Deputy Canney, came in. There was only one junior Minister. It is an insult that the Minister for Health would not even bother to come in here for this debate tonight. It is a scandal. I am really disappointed in the Minister of State. It is nothing personal but the Government shoved him in here - a newly appointed junior Minister and an Independent Deputy. He came in here and read out that diatribe to us. The Minister of State is a quantity surveyor and a former lecturer in an institute of technology. God help the students if that is the diatribe he expects them to believe and I do not think he does. I am surprised if reading out that diatribe tonight is the price of power. It is unbelievable.

All of us are doing this so that all the children of this island can have access to a hospital that is truly fit for purpose and that cherishes all of the children of the nation equally. Where did we hear that before? We heard it in 2016 during the centenary of the 1916 Rising. The Government should be ashamed of itself. In March 2017, when my colleagues and I first put down a motion on this issue, we believed that the evidence was so obvious and so clear that anyone who took the time to review it could only be persuaded of the need to locate the national children's hospital at a greenfield site. It is so obvious. Being a quantity surveyor, the Minister of State should know this more than anyone. Unfortunately, as we know, the majority of Members either abstained or voted against us. They sat on their lámha like Fianna Fáil is doing again tonight. Fianna Fáil is so used to doing that, it does not know what else to do. At that time, the Minister of State, Deputy Catherine Byrne, said we were at a point at which a world-class design with child-friendly, high-spec modern interiors and acres of outdoor space had been completed and had received planning permission following a robust planning application. We know now that this was not the case. One could not swing a cat in it never mind see acres of outside space. The roof garden on top of the hospital will be the most polluted site in the city. What we are closer to today is one of the greatest health-related capital infrastructure scandals in the history of the State and the Minister of State will add his name to it for posterity.

I heard no willingness on the part of Government to genuinely engage with even the possibility that this might still be the wrong site and the wrong location. Instead the Government appears to have dug its heels in and decided that no amount of evidence or pleading will work against delivering the project at St. James's. As was noted by other Deputies here tonight and as we noted in 2017, it is a national disgrace that the interests and vanities of medical academics - certain third-level institutions like our neighbours, Trinity College over the road - and political inability to admit a mistake has taken precedence over the pleas of parents of the sickest children. Shame on you. I repeat again that none of the arguments put forward by the Minister has allayed the fears of the parents of all these sick children. What is equally galling is that we know there are Members in each of the main parties, who are ashamed to come in here, who

explicitly accept that this is the wrong site but have somehow convinced themselves that getting the hospital built now is more important than getting it built in the right place where the best outcomes can be achieved. That is the excuse they give.

There is another falsehood I want to debunk because we believe and have evidence to support our belief along with doctors who agree with us that the hospital can still be built as quickly on a greenfield site. I am involved in construction, as are other Members, and they know that it would be much easier to build the hospital on a greenfield site where the best clinical outcomes could be achieved with co-location where one has the necessary space. As a quantity surveyor and a former lecturer, the Minister of State should know that above anyone else. I reiterate a saying of Mahatma Ghandi - "it doesn't really matter how fast you're going if you're heading in the wrong direction" and the Government certainly is, as is the Minister of State as a new addition to it. All of the assurances of the National Paediatric Hospital Development Board ring hollow to the parents' ears because they know what it is like to sit with terror in their hearts as their sick children sit in congested traffic and struggle for their tiny lives. We have heard - as have government members - the ambulance drivers and nurses screaming "how long more to get to this place?" It is my great fear that we will be back here in a few short years talking about the completely avoidable deaths that have, unfortunately, taken place when vulnerable, high-risk babies had to travel from rural Ireland. Do people in rural Ireland matter? The Minister of State is from rural Ireland; he should know. What about people from some parts of Dublin, which are as bad as rural Ireland because the traffic is so bad, trying to gain access to the congested St. James's site? I hope and pray that day never comes but I fear it must if we persist in the madness of pursuing the present location of the national children's hospital.

Colleagues here tonight have raised compelling arguments for the suspension of the project pending an independent investigation. Indeed I cannot see what can possibly be lost by agreeing to such a request. It would be time-limited. I accept Deputy Bríd Smith's amendment. If the Government is worried about losing time then I suggest it thinks about the loss of time from another perspective. What about the loss of time for a parent of a sick or dying child who is stuck in traffic? Just consider that for a moment. They are obviously ashamed to consider it because they did not come into the Chamber. What about the loss of time for a parent who may have to go on and give 24-7 care to a desperately ill child who could not access the location quick enough? What about the loss of time for the children who may never know what it is like to run and play with their friends because they have suffered an irreversible disability or injury due to the lack of co-location with a maternity hospital? That will not happen. We were told by clinical experts that children born with brain difficulties have a maximum of 12 minutes to have an operation.

In light of this, I plead with every Member of the House to support the motion and do the right thing. I ask them to leave aside political loyalties and place their loyalties instead with the families and children who know, far more than most, that continuing at St James's represents a catastrophic error of judgment. It is unbelievable. Deputy Donnelly mentioned all the people telling him that it is the right place and the right decision and nobody says otherwise. I would ask Deputy Donnelly to examine his conscience. The following groups made up of parents and patients are 100% opposed to the construction of the national children's hospital where it is proposed to be constructed. They are out fun raising every day. I was at a launch for Daffodil Day. We are all fundraising. The Government is squandering money like it was confetti at a wedding. Eight hundred families whose children have scoliosis, groups representing children with complex heart conditions north and south, LauraLynn Children's Hospice, the Extra Special

Kids Group, Aoibheann's Pink Tie, the Jack and Jill Children's Foundation and many others are all 100% opposed and Deputy Donnelly is ignoring them because he is giving the Government a free pass. He sheds crocodile tears here like his leader, Deputy Micheál Martin, and says how awful the Government is but he still gives it a pass. Let members of the Government travel all over the world for St. Patrick's Day and do not demand that the Minister comes in tonight. It is an utter disgrace that no senior Minister came in for this debate - only two junior Ministers. If you want a job done, do not bring half a person and half a shovel. The Government has dug a hole and has gone down so far, it can never come out. It will be in hell next and it deserves to go to hell and perish there for this. I should not even be getting angry because I am wasting my breath on the Government.

We have analysis done by experts to rebut the Government and Fianna Fáil's amendments. When Brexit disappears, the Government will need somewhere else to hide. There will be no place to hide. The Government cannot hide from sick children and their families. The rebuttal of the Government's arguments in its amendment was unbelievable. We were told that clinical considerations were paramount in the Government's decision. According to the rebuttal, no study has ever shown that co-location of a children's hospital with an adult hospital provides any advantage whatsoever for the treatment of sick children. This is a fact. The argument that the Government's decision to redevelop the Coombe Women and Infants Hospital on the St. James's campus in the context of achieving tri-location of adult, paediatric and maternity services is wrong. According to the rebuttal, the site at St. James's Hospital is incapable of accommodating the maternity hospital. It is just not going to happen. The former Master of the Coombe Hospital said that. It is just pie in the sky. Regarding the argument about the capacity of the site at St. James's to accommodate the new children's hospital and maternity hospital and the incorporation into the design of the children's hospital of the required operational links with both maternity and adult hospitals on the St. James's Hospital campus, the rebuttal states that if the children's hospital goes ahead on the St. James's site, a full service maternity hospital cannot be accommodated there. If one goes out and takes one look at the site, he or she would know that. If somebody flew over the site on a helicopter, he or she would see it. The rebuttal states that we know this because despite being requested several times by An Bord Pleanála to provide a master plan showing how the maternity hospital would be accommodated, it has never been in a position to do so as the site would have been so overloaded with the children's hospital that not a single additional car parking space could be provided.

10 o'clock

Dublin City Council has emphasised time and again that hospitals cannot function without parking spaces. It is just farcical.

I have a letter from Dr. Jimmy Sheehan. I thank him, as well as Dr. Finn Breathnach, Dr. Róisín Healy, Ms Aisling McNiffe and the countless others who have helped us and tried to talk sense. In recent days Dr. Sheehan wrote to every Member, including the Minister of State, Deputy Canney. The letter reads:

There is now an opportunity to consider this option on a greenfield site.

Existing work on the St. James' site can be completed to ground level with the provision of the planned multistorey car park, leaving the site above ground for future expansion of the adult St. James' Hospital, for whatever needs arise [of which there are many at this time].

12 March 2019

I have previously stated on the public record at the Health Committee meeting, and repeated publicly on a number of occasions, that I would undertake on a pro bono basis...

The Minister of State knows what on a *pro bono* basis means. Some colleagues would not know on a *pro bono* basis from a junkie and-----

An Ceann Comhairle: I thank the Deputy.

Deputy Mattie McGrath: I am nearly finished. The letter continues:

...and with no vested interest whatsoever, other than the future care of the children of this nation, to project manage, or help in any other capacity in the provision of the Children's Hospital.

The Government can do it. It is not too late, despite its pig-headed stubbornness. Perhaps when Ministers come back, having donned the shamrock all over the world, they might show vision.

An Ceann Comhairle: I thank the Deputy.

Deputy Mattie McGrath: The vote will not take place for ten days. It is a good job that it will not take place tonight as the Government would lose it abysmally. No senior Minister could come into the House, except two Ministers of State.

An Ceann Comhairle: Please, Deputy.

Deputy Mattie McGrath: It is an insult to the democratic process that no Minister has turned up. I ask every Member to consider this during the St. Patrick's Day holidays and talk to the parents of sick children. They should then come here and do the right thing when we vote on the motion.

Amendment put.

Deputy Mattie McGrath: Vótáil.

An Ceann Comhairle: Since a vote has been called, the division is postponed until the weekly division time on Thursday, 28 March 2019, in accordance with the order of the House outlined earlier today.

The Dáil adjourned at 10.05 p.m. until 10.30 a.m. on Wednesday, 13 March 2019.