



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	721
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	721
Hospital Consultant Recruitment	721
Health Services Staff Recruitment	723
Disability Support Services Funding	726
Paediatric Services	729
Ceisteanna Eile - Other Questions	732
Disability Services Data	732
Hospital Facilities	734
Home Care Packages Provision	736
Health Screening Programmes	738
Drug and Alcohol Task Forces	741
Mental Health Services Staff	743
Primary Care Centres Provision	745
Ceisteanna ó Cheannairí - Leaders' Questions	747
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	757
Visit of Tasmanian Delegation	764
Ceisteanna ar Reachtaíocht a Gealladh (Atógáil) - Questions on Promised Legislation (Resumed)	765
Messages from Select Committee	766
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	766
Saincheisteanna Tráthúla - Topical Issue Debate	767
Post Office Network	767
Illegal Dumping	770
National Drugs Strategy	773
Mother and Baby Homes: Motion [Private Members]	776
Coroners (Amendment) Bill 2018: Order for Report Stage	798
Coroners (Amendment) Bill 2018: Report and Final Stages	798
Aircraft Noise (Dublin Airport) Regulation Bill 2018: From the Seanad (Resumed)	814
Greyhound Racing Bill 2018 [Seanad]: Report Stage (Resumed) and Final Stage	832
Teachtairacht ón Seanad - Message from Seanad	845

DÁIL ÉIREANN

Dé Céadaoin, 15 Bealtaine 2019

Wednesday, 15 May 2019

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Hospital Consultant Recruitment

1. **Deputy Stephen Donnelly** asked the Minister for Health his views on whether Ireland has a severe shortage of hospital consultants; his further views on whether a major reason for same is new entrant pay disparity; his plans to rectify same; the number of consultants employed at post-2012 pay rates; and if he will make a statement on the matter. [21143/19]

Deputy Stephen Donnelly: As the Minister and I are both aware, the waiting lists for public access to hospital consultants across the board are at the worst levels since records began. Does the Minister accept that one of the main reasons people have to wait so long is that we have a severe shortage of hospital consultants? Does he also accept that one of the core reasons for that is the significant discrepancy in pay between new entrants and existing consultants?

Minister for Health (Deputy Simon Harris): The number of consultants working in the public health service continues to grow year-on-year. It increased by 119 whole-time equivalents, WTEs, or 4% in the year to the end of March 2019. In the five years to the end of March 2019, the number of consultants increased by 529, more than 20%, and now stands at 3,110 WTEs. It is important in any discussion of this issue to acknowledge that while there is a recruitment and retention challenge relating to consultants, the impression is often given that the number is declining when it is increasing. There are 119 more consultants working in the health service at the end of March this year compared with last year.

The public health service in Ireland operates in a global market for medical specialists and there is a worldwide shortage of specialists. Notwithstanding the shortage, progress continues to be made in attracting consultants and addressing improvements in the training, working environment and career pathways for non-consultant hospital doctors in Ireland to encourage the

supply of future consultant candidates.

The issue of new entrant pay is being addressed in general terms under the terms of the Public Service Stability Agreement 2018-2020. The issue has also been examined by the Public Service Pay Commission in relation to consultants. The commission found that evidence of recruitment campaigns with very low levels of applications was indicative of ongoing difficulties in regard to recruitment of consultants. The commission also acknowledged that the difference in pay between the pre-existing and new entrant consultants is greater than for other categories of public servants. It did not view the measures announced last September for new entrant public servants generally as being sufficient to address the degree of pay differential which exists for consultants and I share that view. Ultimately, the commission proposed that the parties to the public service stability agreement jointly consider what further measures could be taken, over time, to address this difficulty.

I understand that the Department of Public Expenditure and Reform has noted the commission's views. The recommendation made by the commission in relation to addressing the pay differential is viewed as one which does need to be addressed. We acknowledge that brokering a solution will be a significant challenge, in particular within the context of broader public sector pay policy. It should also be acknowledged, and I am sure the Deputy will agree with me in this regard, that while pay is a factor, there are a number of other factors, as many reports have shown. I refer, for example, to opportunities for career development, training opportunities and location. The commission stated it was strongly supportive of the full implementation of the recommendations of the Strategic Review of Medical Training and Career Structures, known as the MacCraith recommendations, as they have the potential to resolve many of the issues. As I said at the Irish Medical Organisation, IMO, conference, we must now put a process in place to engage with consultants on the issue.

Deputy Stephen Donnelly: The concern is speed because we are facing a crisis. As some senior hospital consultants said to me just last week, the public hospital system is now on fire. It is great that we have, notionally, 3,100 consultants but there are approximately 400 unfilled positions, more than are 300 locums included in the number and there are at least 150 non-specialists acting in specialist roles. When one counts all of that, there are not 3,000 but closer to 2,000 consultants. Even if we had the 3,000 posts all filled by full-time, fully qualified specialists, which we do not, the number of consultants would still be approximately 43% below the EU average. We have a chronic shortage of doctors and the reality is that people are waiting longer in Ireland than in any other country in Europe to see doctors. It worries me when I hear language to the effect that “we will put a process in place” because these are the kinds of things that can take years. Does the Minister accept that we have an immediate crisis in terms of a shortage of hospital consultants and that something needs to be done urgently to address that, including dealing with pay disparity?

Deputy Simon Harris: I outlined my position very clearly in that regard at the IMO conference in Killarney a couple of weekends ago and I am happy to outline it again here. Addressing consultants and their concerns is the next major issue we need to resolve. I say that from the position that we have just reached an agreement with general practitioners, which is still being considered by the Irish Medical Organisation. There was scepticism in this House as to whether that would happen. It has happened and it has been warmly welcomed by many GPs. An agreement reached with nurses was accepted by more than 60% of nurses in a ballot for a new nurses' contract. The next obvious area that we must work on is consultants. That will require a process. I have had talks with the Irish Hospital Consultants Association, IHCA. I

15 May 2019

have also had talks with the IMO in recent weeks on those matters and I will work with Government colleagues to work out how best to design a process, one that respects the public sector pay parameters within which we have to operate.

There are other factors above and beyond pay, including, for example, some of the factors that the Sláintecare committee highlighted in relation to the de Buitléir report and the concept that we should not have private practice taking place in public hospitals. There is a multitude of issues when it comes to the point Deputy Donnelly makes regarding access.

Deputy Stephen Donnelly: The question then is “When?”. We know there is not much competition for open posts. Between 2015 and 2016, a total of 44 consultant psychiatrist posts were advertised. A quarter of them did not even attract one applicant and another 30% of posts had only one applicant. We know that many hospitals are running out of specialists. In Kerry, for example, they are running out of any individual consultant to provide services in histopathology, rheumatology and urology in some of the more rural hospitals.

Sláintecare requires consultants. The national children’s hospital will require consultants. Serious pressure is being put on the system justifying the specialists to fill the satellite centres for launch in one or two months’ time. As I said, the question is “When?” We need to ramp up the number of consultants all over the country, not just in the big hospitals. Can the Minister provide a broad outline of when he expects the process to be concluded and pay disparity to be addressed, rather than when he hopes the process will start? When might the consultants see a solution to pay disparity implemented?

Deputy Simon Harris: I cannot give a definitive timeframe for that because these processes require two sides being willing to negotiate an outcome. When we engaged with the GPs, for example, a massive amount of intensive work was required. When we engaged with GPs and then with nurses, after they took the significant step of industrial action, which they did not take lightly, both sides had requests. It will be similar in this instance.

The Deputy correctly referred to the Sláintecare report. The country absolutely needs more consultants and we must examine the pay of those consultants, but we also must examine how we provide our health services and implement the recommendations of the Sláintecare report. I expect both sides, including the health service management side, to have a list of requests regarding how to ensure that we can recruit and retain more consultants, pay them properly, respect them and give them good working conditions, and also on what the health service will look like over the course of the delivery of Sláintecare. The question of when will be a matter for the Government to consider. I am currently engaging with my colleagues on that.

Health Services Staff Recruitment

2. **Deputy Louise O’Reilly** asked the Minister for Health the reason there has been a persistence with a recruitment embargo in the midst of a recruitment and retention crisis in the health service; and if his attention has been drawn to the fact that persons who were offered jobs are now being told that the positions are no longer available [20932/19]

Deputy Louise O’Reilly: The question hardly needs explaining because it is quite simple. In the context of a recruitment and retention crisis, ever-escalating waiting lists and a seemingly endless budget for agency staff and the national children’s hospital, why has an embargo been

placed on the hiring of staff in the health service? It was wrong when such an embargo was implemented by the then Fianna Fáil Government - I fought the move at that time - and it is equally wrong now in light of the ongoing recruitment and retention crisis.

Deputy Simon Harris: I thank the Deputy for this important question. To clarify, I would not describe what is happening as a recruitment embargo in the health service, nor did the new director general of the HSE do so in his first memorandum to his HSE leadership team, which I read about this morning. The issue can be accurately described as individual hospital groups and community health organisations across the HSE needing to live within their allocated budget. It should not be seen as a radical concept that when the House passes a budget which allows for the hiring of a certain number of additional staff, hospital managers and others are expected to live within those budgets. Where individual hospital groups or CHOs have not submitted staffing plans in line with their budgets, certain measures and controls regarding recruitment have been put in place. If a hospital or CHO puts a plan in place that is in line with its budget and the plan is approved, it can conduct recruitment but if it has not bothered to produce a plan it cannot simply make up its recruitment plans willy-nilly.

The HSE will proceed with filling approximately 2,000 additional approved and funded development posts. These are posts that Members of the House voted to fill through the service plan. It will mean extra nurses, doctors and therapists. However, the reason the HSE decided to introduce these measures relates to the high level of unfunded recruitment in 2018. Many Members were rightly critical of significant cost overruns in the health service in previous years and of the impact overruns have on other things we may wish to do. The director general has pointed out that this is for a period of three months, which ends next month. Posts that have been approved in line with development posts for which there is funding are being filled, but one cannot have a situation - and it would not occur in any other Department or agency - where people are hiring staff with no relationship to the budgetary reality which Members of this House have given them.

Deputy Louise O'Reilly: It is like *déjà vu* all over again. The Minister's predecessor when Fianna Fáil was in government did not call it an embargo either, but we all know that is what it was. I am little shocked. The Minister will state that he pays hospital managers very well, but they simply have not bothered to submit a plan. They are his words, not mine. He is happy that there are people at a very high level in the health service, earning very high wages, who are not bothered to do parts of their job. That is wholly unsatisfactory. We are spending €300 million per annum on agency staff, so staff are still coming in but via the most precarious and expensive route. They are not being employed permanently. Nobody is suggesting that there is no need to have sensible and controlled budgets. However, the budget that is out of control is that relating to agency staff. Clearly, these staff are needed. The managers who cannot be bothered to do some parts of their jobs, as the Minister indicated, are hiring staff and doing it in an ineffective and expensive way. The Minister must make a decision at some point. Will services be cut back? Will he be honest and tell people the services that will have to be cut or will we be in a position to offer people full-time, permanent jobs when there are full-time permanent vacancies being filled by expensive agency staff?

Deputy Simon Harris: I agree with the Deputy on the need to tackle agency staff. That is why in the new deal we have with nurses and the new nurses contract both I and the Irish Nurses and Midwives Organisation, INMO, believe that the new measures will help reduce a dependency on agency staff and help to recruit and retain more nurses in full-time, permanent posts. That is the view of the union that has just accepted the new nurses contract. We are hir-

15 May 2019

ing additional staff and will hire approximately 2,000. My record on increasing front-line staff in the health service should not be misrepresented. When I was appointed Minister for Health, 109,124 people worked in the health service. Last March, the figure was 118,984. That included 346 additional consultants, 501 additional registrars, 1,124 additional nurses and midwives, 188 additional personnel in the ambulance service, 110 additional psychologists and 599 additional therapists. We are increasing the number of staff every year. However, when the House provides a budget and when we tell a hospital or a CHO that it has a particular staffing budget for the year, there must be a situation where there is a plan within that budget, not with figures that do not match the budget. Otherwise we will get into a very difficult situation.

Deputy Louise O'Reilly: The Minister is putting words in the INMO's mouth. He knows well that what it stated-----

Deputy Simon Harris: I was at its conference.

Deputy Louise O'Reilly: -----was in the context of hiring full-time staff to replace agency staff, but that is not happening. I can give the Minister examples - I have engaged with the HSE on this - of young nurses who were living in England who came home and want to work here. After receiving letters of offer, they spent weeks waiting and they are now considering returning to England because they cannot get permanent contracts. There is a need for these nurses and the hospital managers are bothered to recognise that need, but in the meantime they are paying agency staff to fulfil that role. There is a recruitment embargo in place and its result will be an escalating spend. The Minister cited his record of increasing staff. What is increasing, in fact, is the spend on agency staff. That is not decreasing and the reason is that the staff are not being converted from agency staff to full-time, permanent staff. It is costing more money per hour. The Minister and I know that, yet a young woman will return to England next week. She had a letter of offer but she will return to her job in England. Quite frankly, she feels the NHS wants her to work there and does not feel that the HSE wants her here.

Deputy Simon Harris: One cannot describe a situation where we will hire 2,000 additional staff this year as a recruitment embargo. An embargo suggests that we are not hiring any more people. In other words, that we are stopping recruitment. We are not doing that; we are going to hire 2,000 more people. However, what we are expecting hospital groups and CHOs to do is something that every other public service agency, every Department and certainly every other business and private sector employer does, which is live within their budget. The House votes on the budget and debates and passes the service plan. When it leaves this House it must be delivered across the country. We are offering full-time jobs. At the INMO conference last week, I was able to offer, for a third year, every graduate nurse in the country a full-time, permanent job in the health services. That will help, with the new conditions, to reduce the number of agency staff. That is what happens over time. We were unable to do that when I was appointed Minister, but we have been able to do it now.

The measures that have been put in place by the HSE, which I believe are sensible, will end at the end of next month. It is an important period if we are to ensure we have more resources to spend on the delivery of more public services this year, which we all want.

Disability Support Services Funding

3. **Deputy Margaret Murphy O'Mahony** asked the Minister for Health the action he will take to address issues in the voluntary and non-profit sector which have been brought into focus by the difficulties currently being experienced by the Rehab Group; and if he will make a statement on the matter. [21142/19]

5. **Deputy Alan Kelly** asked the Minister for Health the amount of the deficit in funding for section 38 and 39 disability organisations; if an organisation (details supplied) is the only organisation that has informed him of difficulties in funding and service provision; and if he will make a statement on the matter. [21004/19]

Deputy Margaret Murphy O'Mahony: Deputy McLoughlin looked well on this side of the House. If he is watching in his office, he is welcome here at any stage if he manages to see the light.

An Leas-Cheann Comhairle: The clock is ticking.

Deputy Margaret Murphy O'Mahony: How does the Minister of State intend to address the issues in the voluntary and non-profit sector that have been brought to light recently by the difficulties being experienced by the Rehab Group, and will he make a statement on the matter?

Deputy Alan Kelly: A Leas-Cheann Comhairle-----

An Leas-Cheann Comhairle: No, Deputy. One Member poses the question and the Minister replies. I will give the Deputy an opportunity to come in. That is custom and practice.

Minister of State at the Department of Health (Deputy Finian McGrath): Is the Deputy happy about that?

An Leas-Cheann Comhairle: He is not but-----

Deputy Finian McGrath: I was also expecting him to come in at this point.

An Leas-Cheann Comhairle: I am not going to set a precedent now.

Deputy Alan Kelly: How can the Chair improve priority questions?

An Leas-Cheann Comhairle: It is possible to do it. This is not the first time.

Deputy Alan Kelly: I have never seen this happen before in all my years in this House.

An Leas-Cheann Comhairle: The Deputy will get his full time allocation.

Deputy Alan Kelly: I will get to speak later but I have already lost 30 seconds.

Deputy Finian McGrath: I will give the Deputy extra time.

Deputy Alan Kelly: Thanks.

Deputy Finian McGrath: I propose to take Questions Nos. 3 and 5 together. The Government's priority is the safeguarding of vulnerable people in the care of our health service. We are committed to providing services and supports for all people with disabilities which will empower them to live independent lives.

15 May 2019

Significant resources have been invested by the health sector in disability services during the past number of years. Since our Government took office, the budget for disability services has been increased by €346 million. This year alone, the Health Service Executive has allocated €1.9 billion to its disability services programme, which represents an increase of 7.5%. The voluntary sector provides up to 75% of disability services on behalf of the HSE, through sections 38 and 39 service level agreements.

A number of service providers, including the body referred to by the Deputies, Rehab, have written to the Department of Health highlighting their individual challenges, which include deficits accrued over many years. My Department and the HSE continue to put significant effort and resources into assisting the disability sector to manage priority needs within the funding available.

As the Minister of State with responsibility for disabilities, my primary concern is to ensure the continuity of appropriate person-centred disability services is maintained and delivered in an equitable manner consistent with the care and support needs of individuals.

Arising from the 2019 report of the independent review group established to examine the role of voluntary organisations in publicly funded health and personal services, I intend to establish a new dialogue forum between the Department, relevant health agencies and representation from voluntary organisations in the health and social care sector to provide a mechanism for engaging with the sector on the proposed Sláintecare reforms and other policy initiatives and to consider the group's recommendations on governance.

More broadly, I am continuing my examination of the recommendations of the report in the context of strengthening the relationship between the State and the voluntary organisations in the best interests of the service users. My focus will always be on the service users, the persons with disabilities and their families.

Deputy Margaret Murphy O'Mahony: I raised this issue as a Topical Issue matter last night and put one question to the Minister of State which he failed to answer. Therefore, I will put it to him again now. Does he believe the HSE could provide the services that RehabCare provides and is he prepared to state that the HSE would provide a better service? Even if Rehab provided a year's notice in terms of service delivery that it would be obliged to provide if it were to terminate its service provision, it seems unlikely the HSE could step in and provide the services in a timely manner. Does the Minister of State believe the HSE could provide the services in a more cost-effective manner than Rehab? Does he expect there will be a resolution from the meeting he and the Minister, Deputy Harris, will attend today? I sincerely hope this is not a box ticking exercise and that everybody comes out of that meeting with a resolution that is good for service users of Rehab.

Deputy Alan Kelly: This is the next big crisis in the health service. It has been brewing for a number of years. We know the Minister of State is due to meet the representatives of Rehab today. I presume the Government will find the €2 million required; if not, it will have a serious problem. Three thousand people are affected, 222 of whom are in my county, which is the largest number in any county in Ireland.

There is a bigger issue behind the disability sector and section 39 funding. Funding alone is simply not enough. I want to state publicly in the Dáil that I believe there is a deficit across section 39 organisations which are dealing with the disability sector. Collectively, they are

operating with a deficit of approximately €30 million. That raises a range of issues. Some of these organisations have got advanced loans from the HSE. That shows the scale of the issue involved. There are also questions related to operations and company law and how the HSE is working with them on this. These are serious issues. This is about to explode.

The Minister of State is reacting today rather than having dealt with the issue during the past number of years. The Health Information and Quality Authority, HIQA, which all these organisations came under in 2016, and we all know the issues related insurance costs, has escalated the expense and cost involved for all these organisations. We all know these organisations effectively are doing what the State should be doing but they are not being provided with enough funding. This is a crisis that is about to explode. The Minister of State need not tell me that he was not told about it. I can guarantee him that this is about to happen in the coming months.

An Leas-Cheann Comhairle: The Deputy will have another opportunity to speak, and he was not deprived of those 30 seconds.

Deputy Finian McGrath: I wish to advise Deputy Kelly that I do not react. I am well aware of the situation and I am not seeking to score points. I am trying to find solutions. I have been dealing with this issue over the past 12 months. I have had the representatives of the service providers come to my office. I am well aware, as will many of the Deputies in this House will be, of the current financial difficulties they have.

Regarding Deputy Murphy O'Mahony's questions, I have a strong belief in the voluntary sector providing the services funded by the State. That is my personal position. The voluntary sector provides up to 75% of disability services on behalf of the HSE. It should be noted, and this is where some of the problems come into play, that the disability service providers are operating in a heightened regulatory environment while at the same time charged with demonstrating efficiencies and cost-effectiveness in terms of the outcomes for the service users.

On the deficit issue, we accept the reality of that and are trying to find solutions. We are working with the HSE, the Department and the voluntary organisations. We are well aware of the impact of achieving and maintaining HIQA regulatory compliance, the decreased financial resilience owing to the issue of reductions in State funding, and the changing needs of service users.

On the issue of Rehab, the Minister, Deputy Harris, and myself met the representatives of Rehab last week. We will meet them again at 5 p.m. today with a view to making substantive progress on the understanding by the HSE of Rehab's financial position and cost base. That is the position in terms of where we are at.

Deputy Margaret Murphy O'Mahony: In going public on its funding difficulties, the Rehab Group is highlighting a developing crisis in the independent, not-for-profit sector, on which the health service is so reliant for disability services. This crisis has brought many organisations to the edge of financial sustainability and it is one which must be addressed directly and that needs to happen now.

The report of the independent review group on the relationship between the voluntary sector and the State, which was published in February, endorsed a new funding approach be adopted by the State for the provision of social care services. Included in it were recommendations for multi-annual funding rather than the year in, year out battle to secure sufficient funds to simply survive.

15 May 2019

On the publication of that report, the Minister, Deputy Harris, said he intended to establish a new dialogue process between the Department, relevant health agencies and the representation from voluntary organisations in the health and social care sector to provide a forum for engaging with the sector, in particular, on the proposed Sláintecare reforms and other policy initiatives. Can the Minister of State update me on that? How many formal meetings have taken place with the sector during the past three months? Will the recommendations on multi-annual funding be taken on board and does the Minister intend that this process will start with the next budget?

Deputy Alan Kelly: Approximately a year ago I raised the issue of a young man in Waterford who needs full-time residential care. His family cannot manage him any more. I am ashamed I cannot do more for that family, and I know there are many other such cases. It has become a crisis in this State as to how we treat these people. I state on the record that this is something that will come knocking very seriously on the Minister of State's door at a level he has never seen before soon. I want him to answer the following questions. What is the operating deficit of all section 39 disability organisations?

11 o'clock

Why does the HSE insist on these organisations signing contracts which show they are breaking even? If they do not sign the contracts, and we all know they are signing contracts while they have deficits, a 20% cut is automatically imposed upon them. Will the Minister of State stop that practice? Will he acknowledge they are signing contracts while operating in a deficit? Are some of these organisations signing contracts with the HSE where there are issues in regard to operations and company law? Will the Minister of State immediately bring forward a plan to deal with the deficit, which I have outlined in the House and on which I want the Minister of State to give us a figure? We can then look together at implementing the recommendations Dr. Catherine Day has put forward.

We need a plan for this year. This is about to explode. There are families who cannot survive and cannot deal with their loved ones any more. It is a very emotional situation.

Deputy Finian McGrath: I am very concerned about the main part of my job, which is looking after families and people with disabilities who are worrying about this debate. I emphasise that I am very concerned about that.

On the particular issues, as I said, the Minister and I met Rehab last week and another meeting has been convened for today. The understanding with regard to Rehab's financial position and cost base is that it has agreed not to issue any notice of termination of service provision, so let us get that dealt with. Second, I am well aware of the issues raised by Deputy Kelly. Individual organisations and the HSE have commissioned consultants' reports and we know about the issue of deficits. We are sitting down and talking to them on a regular basis and this is something we understand and accept. We accept the deficits are caused by improving standards. I regularly meet service providers which are spending extra money to improve facilities because of requests by HIQA. We understand those issues. We are trying to put together a package to resolve that particular issue and I am confident we can do so.

Dáil Éireann
Paediatric Services

4. **Deputy Louise O'Reilly** asked the Minister for Health if the necessary staff have been recruited to ensure that the paediatric outpatient department and urgent care centre at Connolly Hospital can be operational from 8 a.m. until midnight, seven days a week, as was previously committed. [20933/19]

Deputy Louise O'Reilly: Like my previous question, this relates to staffing. It concerns commitments given that the paediatric outpatient and urgent care centre for Blanchardstown will open from 8 a.m. until midnight. I want to know if the requisite staff have been recruited because, at this stage, these are probably people who are already in the system or, hopefully, coming from abroad, so they will have given notice. We know the centre is due to open in a couple of weeks. These people are either on their way or, if not, I would prefer if the Minister was honest and told us it will not have enough staff to open at the requisite time.

Deputy Simon Harris: I thank the Deputy for this important question. Children's Health Ireland has advised that recruitment is well under way to secure the required staff for the opening of the outpatient urgent care centre at Connolly Hospital and that the majority of staff have been recruited, with start dates over the forthcoming weeks and, in some cases, months. A total of 13 consultant posts are required and, to date, I believe ten of these positions have been filled - six paediatric emergency medicine consultants and four general paediatric consultants - and recruitment is ongoing for the remaining posts. As we said, there are recruitment challenges nationally and internationally in certain specialties, such as radiology. I am assured by Children's Health Ireland, which I met in recent weeks, that plans are in place to ensure Children's Health Ireland at Connolly will open at the end of July 2019.

Children's Health Ireland has also advised that all nursing positions have been successfully filled and, as the Deputy rightly said, these are generally nurses working within the health service agreeing to move to the new facility. Health and social care professions and administrative posts are also being filled internally. The delivery of services at the centre will be provided on a phased basis based on community need and patient volume, and the initial hours of operation are still being determined. Children's Health Ireland will make an announcement on the initial hours of opening. I too asked it that question in recent weeks. Very good progress is being made in regard to recruitment.

During the initial opening phase from July to December 2019, two specialties - general paediatrics and orthopaedics - will deliver outpatient services at Connolly. Importantly, this will provide an additional 3,600 fracture orthopaedics and 2,750 general paediatric outpatient appointments, which means more than 6,000 additional children will be treated between July and December as a result of the opening of this new facility. When fully operational, it is projected that Connolly's urgent care centre will provide 33,000 outpatient appointments annually, contributing to significant reductions in waiting times and waiting experience, as well as 25,000 urgent care assessments, 30,000 X-rays and 6,000 ultrasounds.

It is still intended to open the facility at the end of July. The operating opening hours will be decided by Children's Health Ireland in the coming weeks and announced. It has made very good progress with recruitment.

Deputy Louise O'Reilly: It is clear the centre will not open from 8 a.m. until midnight, although perhaps the Minister can confirm to me that he expects it to open at those times.

15 May 2019

With regard to consultants in paediatric emergency medicine, paediatric radiology, histopathology, haematology and orthopaedics, those are areas where, if we do not have the requisite number of consultants, we will not be able to run the service. Equally, if we are taking those consultants from either Temple Street or Crumlin hospital, what we are effectively doing is taking that service away and shuffling people around. We will still have backlogs, waiting lists and intolerable working conditions for consultants.

I met the consultants who are sceptical about the level of recruitment. The Minister cited a figure of six consultants in emergency medicine. I do not believe that number will actually start and my estimate is that it will be closer to four. If those consultants are taken from the other hospitals, effectively, we are just shuffling around the deckchairs but there will be no improvement in service. I fully respect the projected figures but, in truth, and I know the Minister will not disagree with me on this, they will be nothing but a pipe dream if we do not have the staff to deliver them. I do not believe the staff will be there and if the plan is to take them from the other hospitals, I do not believe we will see any material difference.

Specifically, will the Minister tell me if he has confidence that this service will open from 8 a.m. until midnight? A lot of downgrading of services will happen in the other hospitals, which are depending on this service being open from 8 a.m. until midnight.

Deputy Simon Harris: I have no doubt this service will see additionality from July in regard to paediatric healthcare. I take the points the Deputy makes that if we are just taking a doctor from here to there, that is not additionality. I genuinely have no doubt it will bring additionality in terms of extra appointments for children. I outlined in my last answer the volume I expect as a result of this centre opening, which is roughly 6,000 additional appointments for children in the Irish healthcare service between July and December of this year compared with last year.

I can only take people at their word. I met Children's Health Ireland recently and I also met the consultants, perhaps the same ones the Deputy met. In any case, I have had similar conversations and that is one of the reasons I scrutinised this a bit further. Children's Health Ireland has told me it has filled ten consultant posts, six of them in paediatric emergency medicine and four of them in general paediatrics. What it has said in terms of the initial opening hours is that it wants to look at community need and patient volume before deciding what are the best hours to open the service. That is what it has told me and it has said it will revert to us in that regard.

The Deputy is quite correct to make the point about radiology and the like. It has plans in place in that regard, be it locum cover initially or the outsourcing to imaging services, should that be required and I am not saying yet that it will be required. I am confident it has plans in place, including contingency plans, to ensure this facility will open in July.

Deputy Louise O'Reilly: All I heard from that was locums and outsourcing.

Deputy Simon Harris: I thought that might be the case.

Deputy Louise O'Reilly: I will disregard much of the rest of the fluff. The Minister said ten consultant positions have been recruited. How many of those are coming from the other hospitals? Are they all coming from abroad? Are they all new entrants into the system? Will they provide the additionality the Minister says will be provided? We have just agreed that without additional staff, there will be no additionality.

There was a commitment to operate seven days a week from 8 a.m. until midnight. When will we know what the opening hours will be? Obviously, people need to plan. The health service does not run on a 24-hour cycle and it needs to plan in advance. The other hospitals will also need to know. When does the Minister believe we will know whether the opening hours will be as committed to, namely, from 8 a.m. until midnight seven days a week, or, as I suspect, office hours and only five days a week? I sincerely hope I am proved wrong on that but I do not have confidence at this stage. The Minister might tell me how many of the ten posts are whole-time equivalent and how many are coming from other hospitals.

Deputy Simon Harris: I expect we are likely to know in the month of June but I will confirm that with Children's Health Ireland and write to the Deputy. The Deputy is entirely correct that this requires a lot of planning. I make the point that, thanks to the legislation passed in this House, which the Deputy co-operated on and supported, we now have Children's Health Ireland, which is one hospital structure, albeit operating over three facilities, so there is already joined-up thinking. There is one chief executive officer for Children's Health Ireland, which takes in Crumlin and Temple Street hospitals, as well as the paediatrics aspect of Tallaght Hospital and that helps significantly with the planning. Often when a new facility is opened there are a number of hours on day one and, a couple of weeks or months later. Those hours have been expanded. That is a matter for Children's Health Ireland to decide as the statutory board with responsibility for children's health in Ireland and it will make that known as soon as its plans are finalised.

I am satisfied, based on what I have been told, that there is serious additionality here for children. We are talking about 3,600 additional fracture orthopaedic appointments and 2,750 general paediatric outpatient appointments for our children in Connolly Hospital between July and December as a result of this new facility. We have had a lot of debate about the cost of the new children's hospital and this is a really tangible example of the benefit. I will check for the Deputy where those ten consultant posts have come from because I do not have that information available. I will write to her.

Question No. 5 answered with Question No. 3.

Ceisteanna Eile - Other Questions

Question No. 6 replied to with Written Answers.

Disability Services Data

7. **Deputy Thomas Byrne** asked the Minister for Health the number of young persons with disabilities in County Meath seeking post-school placements at the end of the academic year; and if he will make a statement on the matter. [20917/19]

Deputy Thomas Byrne: My question is self-explanatory. It seeks to know the number of young people with disabilities in County Meath who are leaving school this year and will be waiting on placements which are generally organised through the HSE and Department of Health. The issue of Rehab comes into it because it offers placements in County Meath.

Minister of State at the Department of Health Deputy Finian McGrath: I thank the Deputy for raising this important issue. Day services and rehabilitative training programmes

15 May 2019

for young adults with disabilities who leave school in 2019 are currently being put in place. This is in line with new directions policy and the additional funding provided by the Government in budget 2019. A national school leaver process has been developed by the HSE over the past four years and funding has been allocated based on the outcomes from a standardised profiling process whereby the support needs of each individual referred are identified.

Governance of the profiling process is overseen by the National Disability Authority which does magnificent work for me, as Minister of State with responsibility for disability issues. At a national level, €12 million has been allocated for the provision of day services and rehabilitative training for young adults with disabilities in 2019. In that regard, 1,628 young people were profiled to determine their support needs and identified as requiring a day service in 2019, of which 1,206 placements require funding in 2019 and onwards. The remaining 422 of the overall 1,628 young people will enter vacancies created by rehabilitative training exits and other notified vacancies arising from people progressing onwards to mainstream or other services.

To date, 56 young people who have an address in County Meath have been referred to the HSE for a HSE funded day service once they leave school in 2019. The HSE advises that 23 young people who left school in Meath in 2018 commenced funded adult day services and these service users are in receipt of the quantum of service they requested.

Deputy Thomas Byrne: The big questions here are about those who fall through the cracks and, even on the Minister of State's own figures, not everybody is getting a place. The Minister of State, in fairness to him, has met one or two of my constituents who were stuck for a place. They should not be stuck. They are citizens of the country and should be provided with the services to which they are entitled under the HSE new directions policy.

It seems that every year, around this time, there is worry, anxiety and a fight to find placements. This is an annual thing for some families, and the Minister of State knows some of these people, because they have not yet been able to get a suitable placement. All the organisations do fantastic work but some young adults with severe intellectual disabilities find it much more difficult to get placements in my experience. Some of the organisations are not set up to accommodate, provide services and give a life outside of the home to young adults with severe intellectual disabilities and that is a real problem.

Rehab provides significant services in this regard and, if anything went wrong with that, as has been suggested by Rehab, this would only exacerbate the problem. These are young citizens of Ireland who are entitled to be facilitated to enable them to live their best possible lives and go on to pursue other opportunities.

Deputy Finian McGrath: I absolutely agree with the Deputy about the fear factor that many families have each year and I have met the constituents he is talking about. We have put a procedure in place to guarantee that every person who hits 18 in June will be guaranteed a place in September. The debate about people falling through the cracks has to do with issues about geographical areas and locations. It is a worry but the €12 million we will put into this in 2019 is to guarantee a place for every single young person with a disability. The Deputy is correct that those people should have such a place as a right under the UN Convention on Human Rights and that is my objective. The idea is to keep the parents of these young people informed and not to have this worry arising every May, June or July. The families should be getting letters, and some will have them already, from service providers at the moment to ensure that they are told where their young people are going in September.

I do not accept the point that it is acceptable to have any young person with a disability fall through the gaps. That is something I will fight strongly for and I will raise any particular issues the Deputy has.

Deputy Thomas Byrne: I want the Minister of State to repeat that every young person who needs a place will have a place next September. Is that something that the Minister of State can absolutely guarantee?

Deputy Finian McGrath: I guarantee it. I have spent three years working on this. The first fire that I had to put out when I took over as Minister of State with responsibility for disability issues was school leavers. All the things the Deputy said were true and it was a nightmare. Families did not know, in May and June, where their 18 year old was going to go in September. The answer is that I can guarantee it. We have guaranteed the funding and resources so that every single school leaver will have a place in a day service in September. I ask the Deputy to come back to me immediately if there are any breaches of that.

Hospital Facilities

8. **Deputy Martin Heydon** asked the Minister for Health the status of the progression of plans for new endoscopy and mental health units at Naas General Hospital; and if he will make a statement on the matter. [20880/19]

215. **Deputy Bernard J. Durkan** asked the Minister for Health when he expects the outstanding phases of the Naas General Hospital development plan to be implemented in full; and if he will make a statement on the matter. [21155/19]

Deputy Bernard J. Durkan: I am raising this question on behalf of my colleague, Deputy Martin Heydon. He seeks to ascertain the progress, ongoing or otherwise, of the development programme at Naas General Hospital which covers mental health units, endoscopy and oncology. I ask the Minister when we are likely to see the serious progress we are awaiting.

Deputy Simon Harris: I propose to take Questions Nos. 8 and 215 together.

I thank Deputies Durkan and Heydon for asking these important questions about Naas General Hospital. I was delighted to visit the hospital on a number of occasions with Deputies Durkan and Heydon.

There are, as the Deputy said, two distinct capital development proposals for Naas General Hospital at present. The first development consists of accommodation and ancillary services to support the new endoscopy unit, physical medicine unit, physical therapy unit, oncology unit and day procedure department. Planning permission has been received and I understand the project is currently at tender stage. I say clearly that I want this project to progress. We are finalising our capital plan in our discussions with the Department of Public Expenditure and Reform but this is an absolute priority, not only for the people of Naas but for the people of Kildare and elsewhere. It has the ability to transform our endoscopy services for the people in that region.

In addition, as the Deputy rightly said, there is the development of a new mental health unit at the hospital. The original development proposal comprised the provision of an eight-bed intensive care unit at the existing 30-bed Lakeview mental health unit on the grounds of Naas

15 May 2019

General Hospital. Following a review of the proposal, I am pleased to say that a significant expansion of the project scope is now proposed, with an associated and significant increase in project value. This has meant the original design team's engagement had to be terminated and a new procurement process undertaken. I understand that the HSE has now appointed a new design team for this much expanded project. This is an exciting project for our mental health services in Kildare because the revised proposal is expected to deliver 50 bed spaces, including a nine-bed intensive care area, and significantly upgraded infrastructure. The timeframe for the completion of the new acute mental health unit project will be informed by the work of the new design team and this work will be undertaken in conjunction with Naas General Hospital and the HSE.

My Department is continuing to invest significantly in this important hospital for the people of Kildare and, as the Deputy is aware, under the winter initiative we provided an additional 11 beds in Naas General Hospital which came on-stream in the last quarter of 2017. All this means more beds and more capital investment for Naas General Hospital.

Deputy Bernard J. Durkan: I thank the Minister for his comprehensive reply. To what extent can the Department remain in contact with the authorities at Naas hospital to ensure continuity of dialogue to identify issues before they become emergencies, with a view to putting in place the necessary measures to ensure adequate provision is made for the hospital to meet the challenges posed by the rapidly expanding population in the area?

Deputy Simon Harris: The Deputy is entirely correct and I assure him that not only will the Department take an interest in this but I will take a personal interest in it. I know that Deputies Durkan and Heydon will continue to monitor this issue in the House.

It is important for people to know exactly what the mental health unit will involve. The Kildare and west Wicklow mental health service proposes building a new three-storey, 50-bed acute mental health unit in the car park of Naas General Hospital with four units between the first and second floors. The facility will have state-of-the-art observation areas, en suite facilities for each bedroom, which is very important, Health and Safety Authority, HSA, approved interview rooms, improved recreational and therapeutic facilities, a Mental Health Commission tribunal room and a legal representative interview area. The expectation is that the overall environment will be much more conducive to the service users' recovery as stepped levels of care will be provided in four ward areas, tailored to specific levels of acuteness.

This is a much bigger project that we are now planning in the mental health services. I am particularly pleased today to tell Deputy Durkan that the mental health directorate has advised his community health organisation that it will now provide additional funding of €300,000 towards the cost of preparing for planning and design this year.

Deputy Bernard J. Durkan: I welcome the mental health investment in the area. The crunch question, however, is whether there is a timetable for the delivery of the services as envisaged in the development programme. At what stage can we expect all the phases to be completed?

Deputy Simon Harris: Development phase three, which is the exciting new development for Naas hospital, including the endoscopy unit but much more than that, is, I understand, at tender stage. This consists of accommodation, ancillary services to support the endoscopy unit, a physical medicine unit, a physical therapy unit, an oncology unit and a day procedure

department. It will also include a duplex reverse water filtration system and two lifts. Planning permission is in place. In the next few weeks, I will finalise the HSE's capital plan which will provide certainty of funding for many capital projects. It is an absolute priority to try to green-light the project within that timeframe.

Deputy Bernard J. Durkan: I thank the Minister.

Home Care Packages Provision

9. **Deputy Bernard J. Durkan** asked the Minister for Health the extent to which home care packages are being made available to patients who might otherwise need hospitalisation; the number to date approved in each of the regions; the extent of the funding given, required and-or pending; and if he will make a statement on the matter. [20879/19]

15. **Deputy Peadar Tóibín** asked the Minister for Health the overall number of persons waiting for home help services by county; and the average and longest wait. [20920/19]

Deputy Bernard J. Durkan: My question seeks to ascertain the availability of home care packages which are a useful development to provide home care services, thus alleviating the burden on hospitals and accident and emergency departments.

(Deputy Simon Harris): I propose to take Questions Nos. 9 and 15 together.

I am taking these questions on behalf of my colleague, the Minister of State, Deputy Jim Daly, who is at a dementia conference today. Improving access to home support is a priority for the Government. Over the past four years, we have seen a considerable increase of nearly €140 million in the budget, which has grown from €306 million in 2015 to almost €446 million this year. This year the HSE intends to provide 17.9 million home support hours to 53,000 people and intensive home care packages to 235 people.

The Deputy is right to highlight this issue because despite this significant level of increased investment in service provision, demand for home support continues to grow and will only go in one direction as, thankfully, people continue to live longer. The allocation of funding for home supports across the system, though significant, is finite and services must be delivered within the funding available. This is the challenge we need to grapple with. Preliminary data indicate that at the end of March, there were 52,360 people in receipt of home support. During the first quarter of the year, 4.2 million hours were delivered nationally, 4,411 new clients commenced the service and 6,238 people were assessed. I will arrange to have the specific information requested by both Deputies forwarded in tabular form.

I acknowledge that in some cases access to the service may take longer than we would like. However, the HSE has assured my Department that those people who are on a waiting list are reviewed, as funding becomes available, to ensure that individual cases continue to be dealt with on a priority basis. If Deputy Durkan comes across cases which he believes have not been assessed in that manner, he should let me know.

We need a new statutory home support scheme. We all talk about wanting to provide care for people in their homes and communities. The only law we have passed is the fair deal, the nursing home support scheme. We need to do a fair deal 2.0, a version of the scheme for home care. My colleague, Deputy Daly, who is leading out on that, has just concluded a very

substantial public consultation where many thousands of submissions were made. He intends to develop that scheme and the system of regulation to try to improve access on an affordable and sustainable basis because, as our population ages, that is the way we need to deal with this.

Deputy Bernard J. Durkan: Would it be possible to intervene in the usual way in the health services to move this forward? It seems to have stalled or somebody has hit the pause button on the availability of home care packages in all constituencies but particularly in north Kildare where there seems to be a considerable backlog. Will it be possible to energise the system such that we might see an improvement in the numbers on waiting lists for that service?

Deputy Simon Harris: Absolutely. The Minister of State, Deputy Jim Daly, and I are keeping in very regular contact with the HSE on this issue because apart from the societal impact of not providing home support and the impact on a family, it can have a significant knock-on effect on hospital admissions, the use of hospital beds and delayed discharges, to use a phrase I do not like. The Minister of State continues to monitor this and work with the HSE to ask that it come up with new and innovative ways to do this.

I need to provide some context. In 2015, we were providing a budget of €34.1 million for home care in community health organisation area 1, CHO 1. That is now €44.3 million. In CHO 2, where it was €30.6 million, it is now €47.6 million. In CHO 7, which I think is the Deputy's area, it was €28.7 million and is now €54.5 million, which is nearly a doubling of the budget. We are substantially increasing funding to every CHO every year. Thankfully, our population is ageing and we need to consider a new scheme to supplement this. The work the Minister of State is doing, which is a part of Sláintecare, on a statutory home care scheme will be key to reforming the delivery of this service.

Deputy Bernard J. Durkan: Does the Minister remain satisfied that adequate staffing can be made available throughout the service to ensure its workability, having particular regard to what he correctly identified as hospital and accident and emergency department overcrowding, and thereby alleviate the serious burden on the hospitals and on patients who are concerned about having to wait on seemingly never-ending waiting lists? As one who has repeatedly raised this question on waiting lists, I wonder if we could come to a stage in the not too distant future where we address the waiting lists in advance in order that they become much shorter than they are now.

Deputy Simon Harris: I have no doubt we could do that. In advance of the introduction of the fair deal scheme, the question of significant delays in accessing nursing home care was a very persistent one in this House, probably tabled by Deputy Durkan, who is known for his parliamentary questions, and by many other Deputies. The fair deal scheme, which was landmark legislation, brought through by the former Minister, Mary Harney, put in place for the first time a statutorily based scheme, a legal entitlement, guidelines, rules and the like. We do not have that for home care. We have an *ad hoc* system that works well in some parts of the country and not so well in others. Providing more certainty about how something works will help to attract more people to work within that sector too. I am confident that increased investment coupled, crucially, with reform and the introduction of a statutory home care scheme, we can significantly reduce waiting lists for home care and provide people with certainty about the supports they receive.

Health Screening Programmes

10. **Deputy Stephen Donnelly** asked the Minister for Health the implications for the National Screening Service of the recent High Court judgment in a case (details supplied); and if he will make a statement on the matter. [20743/19]

34. **Deputy Louise O'Reilly** asked the Minister for Health his views on the future of the CervicalCheck screening programme and other screening programmes in view of the High Court judgment for screeners to have absolute confidence in their finding before giving the all-clear when reading a test slide, even though every screening test has an intrinsic error rate. [20834/19]

Deputy Stephen Donnelly: Any conversation about the recent judgment in the case of Ruth Morrissey should start with an acknowledgement of the very brave stand she took. That is something we need to consider in the future when citizens seeking justice are faced with a wall of lawyers employed by the State. The State appears to use the law as a weapon in many of these cases. There is a great deal of concern about a particular element of the judgment and the phrase “absolute certainty” when telling someone a screening or test is clear. Does the Minister have an update on the potential implications of that judgment for the screening services and the wider healthcare services?

Deputy Simon Harris: I propose to take Questions Nos. 10 and 34 together. I thank Deputies Donnelly and O'Reilly for their important and timely questions. We began to discuss this issue last week and it is quite right and important that we keep it on the agenda in the House. On the State and lawyers, it is very important that the State accepts liability in regard to non-disclosure in any of these cases, does not contest the matter and has set up an *ex gratia* payment scheme.

My officials and I, in conjunction with the State Claims Agency and the Office of the Attorney General, are carefully studying the recent High Court judgment in the relevant case. It is important that there is careful legal analysis of the judgment as an input to the proper assessment of its implications for the health service. Many well-intentioned people have commented on it, but very few of them are legal experts, as I am not a legal expert.

My Department has received correspondence from the HSE which sets out its concerns relating to potential implications arising from the judgment for screening services in particular. I am aware that concerns have been publicly expressed by some in the clinical community in recent days.

I ask that those in leadership positions in the medical profession work with me and this House during this time as we reflect on the judgement and form a fuller understanding of any potential implications. This will give us the necessary time and space to consider what actions might be required. I want the clinical community to know that I, as Minister for Health, the Government and, I am sure, the Oireachtas are committed to addressing their concerns and that we will work with them to so do.

I am conscious that decisions in regard to this case will impact individual women as well as having wider implications. I wish to reassure women, as will all Members, that the Government and Oireachtas are committed to ensuring that our life-saving cancer screening programmes can continue to operate to a high standard. I have no doubt that objective is widely

supported across the House.

There has been much recent comment on this case. On many occasions since the CervicalCheck debacle of more than a year ago, I, the Government, the Oireachtas, the media and many others have been accused of a knee jerk response. Such accusations were made for good reasons by those who made them, including Opposition Deputies. Now is the time for us to take a deep breath and put forward a calm, cool and collected response on this issue. I am happy to work with Opposition Members on it.

I wish to get a sense of the legal implications. What does “absolute confidence” mean? The Deputies and I may think it means one thing, but that may not be its legal meaning. What approach is taken in other jurisdictions in such cases? Mr. Justice Cross in his judgment and comments in the High Court on Friday referenced the fact that other jurisdictions have this stipulation and he specifically referenced Britain in that regard. He stated that he does not believe he has added a new test but, rather, that this is the law as it stands. Many others have refuted that claim. Deputy Donnelly articulated it well last week in the House when he asked how one can have absolute confidence when there is always a degree of clinical judgment.

I am conscious that although the debate to date has been about screening, it could have wider implications, such as its impact on diagnostics and so on. I am happy to keep in close contact with Opposition spokespersons on health on this issue. Although I am not asking for a significant amount of time, I suggest that we take the next couple of weeks to determine legally what this means, to see if there is a need for the State to seek legal clarity and, if that is necessary, how the State can do so in a way that does not have an adverse impact on Ms Morrissey, which none of us wants.

Deputy Stephen Donnelly: I thank the Minister for his reply. This is certainly an issue on which we need to work together. I presume the Attorney General is providing advice on it. I acknowledge that such advice cannot be shared directly, but I ask that it be repackaged into a report and that the Minister endeavour to get it to the Oireachtas and the health committee as quickly as possible. It should include the views of the HSE if they are not especially sensitive in order that we can start considering its viewpoint, which would be useful.

The judgment may be appealed, changed or overturned and the Minister will revert with legal advice in the coming weeks. In the meantime, there is widespread fear and concern among clinicians. As the Minister rightly stated, they are asking questions that go beyond screening and pointing out that the same issues exist with any diagnostics. Will the Minister consider as a matter of urgency convening a stakeholder forum with the professional bodies, the State Claims Agency, the clinical indemnity scheme, to provide reassurance to clinicians in the interim period while we are awaiting legal views on this in order that they are safe to continue practising, screening and diagnosing as they are today?

Deputy Louise O'Reilly: I welcome the clarification provided by the Minister and have no difficulty with the sentiment expressed about the need for cool and calm heads. I wish to take this opportunity to pay tribute to Ruth Morrissey, who has been to hell and back. The judgment raises concerns and has had a chilling effect across the clinical community. I am particularly thinking of Dr. Ailín Rogers, the chair of the Irish Surgical Training Group and a general and colorectal surgeon, who stated that the calls from outside the medical community for greater sensitivity in screening, although well meaning, are not necessarily going to advance things. The information should be shared not necessarily with Deputies, although that would be help-

ful, but with the clinical and medical community at the earliest possible juncture because I am concerned about the chilling effect the judgment has had. There may be an opportunity to address any consternation that may have arisen in the time between now and when the certainty or legal advice is made available. I echo the call for a stakeholder forum, which would be most welcome.

Deputy Simon Harris: The Deputies' suggestions are very helpful and constructive. I concur that this is an issue on which we must all work and pull together and I have no doubt that we will do so. "Yes" is the short answer to Deputy Donnelly's question as to whether I will endeavour to find a mechanism to brief health spokespersons or the health committee on the legal advice or rationale behind any approach I may take. We will work out an appropriate way to do so. This is an issue on which I believe in sharing the maximum amount of information such that we can make informed decisions because there may be a need for this House to do something. There may be a need for legal clarity from the courts, legislative change or reassurance. We need to carefully tease through those questions.

I absolutely accept that there are concerns. I have heard them clearly. It is understandable that a person working on the front line of the delivery of our health service would have concerns on reading the judgment. I reiterate the call for time to seek a legal opinion. I make the point to all patients, particularly women, that our screening programmes are continuing and are safe to use. All Members would echo the fact that people should continue to use them.

A stakeholder forum is a very good idea. I have been considering it in consultation with my medical advisers and we have been trying to work out from a sequencing point of view the appropriate time to do that. The Deputies can take it as given that I will do that and will endeavour to do so quickly.

Deputy Stephen Donnelly: I thank the Minister for that commitment, which is very welcome. What is his advice for clinicians today? A significant number of nurses, midwives, doctors, radiographers, radiologists and others across the system will today carry out screening and diagnostic testing. We will await the legal advice, but is the Government's advice to them in the interim period to carry on as usual or is there any additional advice or information such as that they should do things differently?

Deputy Louise O'Reilly: In the absence of the advice of the Attorney General, which I appreciate takes time and, obviously, will not be fully shared with the House, although some version of it can and should be shared, the chief medical officer may have a role in engaging with the clinical community because, as has been pointed out, there is a vacuum and those in the medical and clinical community would greatly benefit from some direction. We are all very conscious that we do not want any knee jerk reactions. We want to be measured. However, when someone like Professor Donal Brennan states that a woman with an entirely normal cervix could end up having a hysterectomy for no apparent reason other than nobody will say that the sample is normal, that is going to cause an issue, perhaps not in the short term but certainly in the medium term. That is a plea from the medical community for support and assistance. There may be a role in this for the chief medical officer.

Deputy Simon Harris: I thank the Deputies again. My guidance to all those working in the health service is to continue providing the services we provide to women and men. Those services that have saved lives since we introduced CervicalCheck screening programme during the time in government of Deputy Donnelly's party. The mortality rates relating to cervical cancer

15 May 2019

have decreased by 7% each year. This is a programme that saves lives. For all the imperfections in screening, transparency and the like in recent years, it continues to do so. I ask those providing the services to continue with their work. I make that appeal in the context of last week's comments by Mr. Justice Cross to the effect that his judgment was being misinterpreted by some people. I do not believe that anybody out there is endeavouring to misinterpret what he said for any reasons other than good ones. I accept the bona fides of parties in this. We need to ensure that those analysing the legal impact are lawyers and legal experts. I will work out a way of sharing information with colleagues.

I wish to say to the medical profession, our clinical leaders and people working in the health service that we will engage with their colleges. That was and is our intention and I thank the Deputies for raising the matter. The chief medical officer will play a role in this regard. Dr. Holohan has shown leadership and has brought people together at difficult times in the past. I have no doubt that he will do so again.

Question No. 11 replied to with Written Answers.

Drug and Alcohol Task Forces

12. **Deputy Maureen O'Sullivan** asked the Minister for Health the way in which he can address the immediate funding requirements of drug and alcohol task forces; if his attention has been drawn to the valuable contribution these task forces make particularly in areas of disadvantage; and the way in which he will continue to support them [20853/19]

Deputy Maureen O'Sullivan: My question relates to the drug and alcohol task forces and their funding requirements. The task forces are making a valuable contribution, particularly in areas of disadvantage. I wish to discuss the ways in which they can be supported, particularly in light of drastic reductions in their budgets in recent years.

Deputy Simon Harris: I thank Deputy Maureen O'Sullivan for this question, which relates to an area in which she takes a keen interest. I am answering the question on behalf of my colleague, the Minister of State, Deputy Catherine Byrne, who is unavoidably detained.

Drug and alcohol task forces play a key role in assessing the extent and nature of the drug problem in local communities and in ensuring that a co-ordinated approach is taken across all sectors to address substance misuse based on the identified needs and priorities in their areas. The Department of Health is committed to supporting drug and alcohol task forces and provides in the region of €28 million to them annually through various channels of funding, including the HSE.

Measuring the overall effectiveness of the response to the drug problem is an important objective of Government policy. To this end, the national drugs strategy, Reducing Harm, Supporting Recovery, commits to operationalising a performance measurement system for drug and alcohol task forces by 2020.

In March I announced additional funding of €1 million for the implementation of Reducing Harm, Supporting Recovery. This funding, which will be provided on a recurring and multi-annual basis, will address the priorities set down in the strategy including early harm reduction responses to emerging trends in substance misuse and improving services for groups with

complex needs.

Recently the Minister of State held a consultation with drug and alcohol task forces and the HSE to hear their views on how best to target additional funding. She will shortly be notifying task forces regarding the allocation of this additional funding. This will include information on the guiding principles and the application process. I will also ask the Minister of State to write to the Deputy with more information in that regard.

Deputy Maureen O'Sullivan: I thank the Minister. We can all agree that the task forces have provided, in a very challenging drug environment, crucial support to communities with complex needs. The drug scene changes several times a year. The task forces are a great partnership involving the community, the voluntary sector, the statutory authorities and public representatives. However, the cumulative reductions made in the austerity budgets from 2008 to 2014 were significant. The task force projects experienced a 20% funding reduction and local youth services were affected by a 31% reduction. That meant cuts in respect of crucial interventions and key services and support for such services. We have particular difficulties in the constituency I represent. There is blatant drug dealing on the streets and high levels of intimidation, yet so much really good work goes on. The chairs and co-ordinators provided a pre-budget submission just a couple of months ago. They sought restoration of previous funding levels in order to enable them to do the work. Returning project funding to 2008 levels would cost €5 million. The submission also sought €10 million from the emerging needs fund for the areas most affected. We will see what will happen with the Minister of State's review, but I hope those requests can be taken on board.

Deputy Simon Harris: I take what Deputy Maureen O'Sullivan says very seriously. I know from her constituency what a very positive impact the task forces can have in a community with rampant drug problems. I very much appreciate that point. I will indeed ask Minister of State, Catherine Byrne, to take the Deputy's comments on board as part of her review on additional funding. We all agree that this is an area for which we want to see more funding. The Deputy will agree that we must make sure to align additional funding with the priorities set out in our relatively new national drug and alcohol strategy. The funding model for the additional €1 million has three tiers. I may not get time to list all of them. The first tier will provide an agreed amount of resources on a priority basis across all task forces. The second tier will provide funding of up to €60,000 a year for 12 strategic initiatives which reflect all of the six guiding principles. The third tier will provide funding for a national awareness campaign on drug-related violence and intimidation and a reporting programme on those issues. Drug and alcohol task forces will receive additional funding this year. I accept this is an area in which we want to do more. We will ensure that the review takes Deputy Maureen O'Sullivan's comments on board.

Deputy Maureen O'Sullivan: Everybody welcomes additional funding, but without restoring the original funding it does not make sense. I refer to the recent report by the Health Research Board into drug-related deaths. I know these figures are from 2016 and I know why there is a two-year delay before figures can be ascertained, but it is really very significant that drug-related deaths are on the increase. Alcohol-related deaths increased by 18%. Prescription drugs were implicated in 258 deaths. Some three in four of all 354 poisoning deaths were from overdoses. Two thirds of poisoning deaths involved a cocktail of drugs and hangings had trebled among drug users. Benzodiazapines are implicated in the majority of overdose deaths. Three quarters of the 736 drug-related deaths in 2016 involved males. That is the kind of scenario with which the drugs and alcohol task forces are dealing. They have also had alcohol

15 May 2019

added to their work. Everybody agrees with that but the implications have not really been considered. We know that alcohol is very significant in drug-related deaths.

Deputy Simon Harris: I do not disagree with what the Deputy says and I take her comments about funding on board. I would also make the point that it is about more than funding. It has to be about the way we treat people with drug addiction. For a country that likes to consider itself progressive, tolerant and inclusive, the way we only treat people with drug addiction through the criminal justice system is regressive and belongs in a different era. The idea that the first point of contact of somebody who finds themselves in difficulty, and there but for the grace of God goes any of us, is the criminal justice system rather than the health system makes me quite annoyed and frustrated and somewhat embarrassed. We need to look at best international practice in this regard. We need a compassionate, health-led response to drug addiction. That is why and the Minister of State, Deputy Catherine Byrne, and I set up a group to look at exactly that. That group is due to report to us very shortly. The first support the State provides to a young person in Deputy Maureen O'Sullivan's constituency or in mine who is suffering from a drug addiction should not be a knock on the door from An Garda Síochána. It should be help from an addiction service or a health-led approach. That is now Government policy under the national drug and alcohol strategy, but we may need to start changing the law in that regard. I look forward to working on that with the Deputy.

Mental Health Services Staff

An Ceann Comhairle: Deputy Eugene Murphy has lucky number 13.

13. **Deputy Eugene Murphy** asked the Minister for Health if a number of senior staff members in Roscommon community mental health services have been transferred to County Galway; the reason for these positions being vacated; his plans for the replacement of these positions; and if he will make a statement on the matter. [20493/19]

Deputy Eugene Murphy: I want to ask the Minister about the community mental health services in County Roscommon. Specifically, I want to ask if some staff have transferred to County Galway, why those positions have been vacated and whether there are plans for the replacement of those positions. I look forward to the Minister's reply.

Deputy Simon Harris: I thank Deputy Eugene Murphy for this important question on Roscommon community mental health services, the reason for their transfer to County Galway and plans for the replacement of these positions. Community healthcare west has confirmed to me that three senior clinicians in the Roscommon area are in the process of leaving their roles. They are leaving to pursue career opportunities elsewhere in the mental health service of community healthcare west. The three clinicians, a consultant psychiatrist, an area director of nursing and a senior nurse, worked in the adult mental health services and are expected to move to their new posts by the beginning of June 2019. There is currently a process in place to offer the consultant post to candidates on a national panel established for the filling of consultant psychiatrist posts. In the interim, a locum consultant psychiatrist will be engaged. A community nurse manager in the area will take on the role as acting director of nursing until a permanent replacement can be recruited. Nursing management in Roscommon is currently in the process of filling the acting director of nursing and senior nurse positions on a permanent basis.

The Deputy's question was asking me whether the staff were moving from Roscommon

to Galway and not being replaced. I am pleased to inform Deputy Eugene Murphy that is not the case. The case is that for individual personal and career reasons, staff have decided to take up job opportunities elsewhere, as is their right, and we wish them well. It is the HSE's active intention to fill those posts, and we will fill the consultant post on an interim basis with a locum consultant. There will be a process in place to fill the post permanently, and we will see the permanent filling of the acting director of nursing and senior nurse positions. Let me assure the Deputy of the HSE's and my own commitment to recruiting these staff. My Department has requested regular updates as part of this process, and I would be happy to share them with Deputy Eugene Murphy and keep in touch with him in this regard.

Deputy Eugene Murphy: I thank the Minister for his reply and for the reassurances given in relation to mental health services in County Roscommon. We well remember the external report into the Roscommon mental health services in September 2017, and those services were rightly condemned right across this House and across this nation. Indeed, there is a report out today showing the concerns young people have about the importance of mental health services going forward. While the Minister has confirmed that those three people are leaving the services in Roscommon, it is crucial that those positions are filled as quickly as possible. We cannot have any gap, and while I have total respect for locums, we need people in permanent positions. As the Minister can imagine, people build up a rapport with their psychologist, nurse, or psychiatrist, and if that is broken it can cause a lot of difficulty for the individuals concerned. I know these cases personally, and some of those people are living with regret. Again, I would appeal to the Minister because it is so important that we get those positions filled as permanent roles as quickly as possible.

Deputy Simon Harris: I again thank Deputy Eugene Murphy and appreciate his very sincere interest in this. As a constituency Deputy, he has rightly come across families who are interacting with these services and who are dependent on them. He is entirely right that people build up a rapport, a personal relationship, a trust, and a bond with people working in our mental health services. It can be upsetting for people when they hear that staff are moving, but it is even more upsetting when that then develops into a worry that those staff will not be replaced or that services will be transferred to another county. I hope Deputy Eugene Murphy and his constituents can take some comfort today from my assurance that is not the HSE's intention. The HSE's intention is to fill these posts, and in fairness to it, it has taken proactive steps to make sure they are filled on an interim basis. However, I accept absolutely and could not agree with the Deputy more that they need to be filled on a permanent basis. That is the intention of the health service. I have asked to be kept personally informed of this through regular updates from the HSE to my Department and I would be very happy to share them with Deputy Eugene Murphy and to keep him informed.

Deputy Eugene Murphy: I am very happy to put on the record today that some of those who are helping and interacting with people who need their assistance and help are doing a fine job. I know of a number of cases personally where the patients concerned are extremely happy and in many cases their lives have taken a new road or twist and many of them have come out of the deep depression they were in. The loss of staff like this is obviously going to affect them.

Going back to the external report and review from September 2017, which I said was damning, there were 27 recommendations in that. I am not going to fire the question willy-nilly at the Minister now, but I would ask him to check on that again to make sure those 27 recommendations are implemented as quickly as possible. A number of them have been implemented but I understand that a number have not. While some of them will of course take longer than

15 May 2019

others, I ask the Minister to please ensure that those 27 recommendations are all put in place. The mental health services, as the Minister and the Minister for State are well aware, are crucial and so important to society nowadays.

Deputy Simon Harris: It is lovely to hear such positive feedback about the really important impact our front-line staff are having on the Deputy's constituents in Roscommon, and I will make sure that is passed on to the people working in the mental health services in community healthcare west. I will indeed seek an update on the recommendations from that review, and I will ask the Minister of State, Deputy Jim Daly, to correspond with Deputy Eugene Murphy directly on it. My understanding, similar to the Deputy's, is that much progress has been made on some recommendations but it is certainly important that we keep a focus on this and I will ensure that takes place.

Question No. 14 replied to with Written Answers.

Question No. 15 answered with Question No. 9.

Questions Nos. 16 to 21, inclusive, replied to with Written Answers.

Primary Care Centres Provision

22. **Deputy John Curran** asked the Minister for Health if his attention has been drawn to the long delays in the delivery of a primary healthcare centre (details supplied); and if he will make a statement on the matter. [20646/19]

Deputy John Curran: My question relates to the provision of a primary care centre in Lucan, County Dublin. This has been promised for quite some time, by means of a public private partnership through the HSE. That being said, little or no tangible progress has been made and I understand the HSE is now re-advertising the project. Could the Minister engage with the HSE to be more proactive, and to deliver something that is way overdue at this stage in Lucan?

Deputy Simon Harris: I do not think I have ever gotten to Question No. 22 during my Oral Parliamentary Questions.

I very much welcome Deputy Curran's important question, and this is something about which he has corresponded with me over the last number of months as well. I am well aware there have been delays in developing a primary care centre in Lucan. The HSE has informed me that an advertisement for the development of such a centre was placed in the *Lucan Gazette* on 6 April 2017, and a letter of intent was issued in August of that year to the preferred bidder selected by the HSE based on the submissions received. The proposed location for the centre was on the grounds of St. Edmundsbury Hospital. Unfortunately, due to a lack of progress on the project by the joint proposers, which was very disappointing, the HSE decided to withdraw the letter of intent which had, in any case, expired. There was a real willingness, and there remains a willingness, from the HSE to provide this primary care centre. In fact, the HSE has confirmed to me that it is still very committed to delivering a primary care centre in Lucan. Indeed, the project was included in an advertisement published in the national press only this month, on Friday, 3 May 2019. This advertisement seeks submissions of interest from parties that wish to develop primary care healthcare facilities under the operational lease mechanism. I understand from the HSE that one of the parties in the original joint submission has indicated

that it intends to resubmit a proposal in response to the new advertisement, and that will need to be considered by the HSE in the appropriate fashion. I am certainly happy to take a proactive interest in this and, if it is of use to the Deputy, I would be happy to meet with Dublin Mid-West Deputies on this in the next month or so and to see what progress has been made.

Deputy John Curran: I thank the Minister for his reply. It is important that both he and the HSE are proactive. The reason I say that is that this public private partnership in relation to St. Edmundsbury Hospital has obviously run into difficulty, but this is the second time it has happened. A previous location had been identified, went through the planning process, and was refused by An Bord Pleanála. The problem is that the period of time from the refusal of that planning to the next advertisement by the HSE was quite long, taking at least 12 months. It shows a complete lack of urgency in the project and that is why I raise it today, namely, that the Minister might engage proactively to ensure there is an urgency attached to this project and that we deliver a primary care centre.

I would make the one point that in my constituency of Dublin Mid-West, there will be three primary care centres. Two will be by means of a public private partnership and one direct build, but none has turned a sod yet.

Deputy Simon Harris: I thank the Deputy for that. From memory, I think we have 129 primary care centres operational around the country, but I will certainly inquire into the Deputy's constituency.

Deputy John Curran: That makes me feel very bad.

Minister of State at the Department of Health Deputy Finian McGrath: There is a lovely one in Coolock.

Deputy Simon Harris: I accept and appreciate Deputy Curran's very real interest in this. We want to see a primary care centre in Lucan, and that has been the HSE's position for quite a period of time. We advertised, as I said, back in 2017 and it was highly unfortunate what happened in relation to the selected preferred bidder. If the Deputy wishes to contact my office, I will certainly convene a meeting with Deputies from Dublin Mid-West next month to monitor progress now that the new advertisement has been placed.

Deputy Finian McGrath: I will show the Deputy around the one in Coolock.

Deputy John Curran: I thank the Minister for his response, and in particular for stating that he will follow up with me. I acknowledge that primary care centres have opened around the country but it is a fact that in my own area the three that have been promised - two by public private partnership and one direct build - have not materialised. There are obviously reasons for that, but the Minister might stay in touch with me about the Lucan one in particular. I appreciate his response.

Deputy Simon Harris: We are certainly going to build a primary care centre in Lucan and I hope the advertisement placed on 3 May yields interest. I am encouraged by what the HSE informs me in relation to one of the parties to the previous joint bid expressing a view that it will resubmit an application. As I said, we will meet with the Dublin Mid-West Deputies next month and monitor progress together.

Written Answers published on the Oireachtas website.

12 o'clock

Ceisteanna ó Cheannairí - Leaders' Questions

An Ceann Comhairle: Yesterday, we went badly over time on Leaders' Questions. I appeal to Members to adhere to Standing Orders.

Deputy Micheál Martin: Yesterday, the Taoiseach asked belatedly for the Opposition to back the Government's decision on the broadband plan. He did so in full electioneering mode with little genuine regard for people's legitimate concerns about the Government's decision. I do not believe he has played up front with the Opposition or indeed the public on this issue. He did not engage comprehensively with the Opposition on the issue prior to making his decision as he said he would. Crucially, he did not reveal the serious and comprehensive opposition from the Department of Public Expenditure and Reform to the plan until after the Government's decision was taken and at a late stage in a desperate bid to avoid any questions last week on Leaders' Questions.

The primary function of the Opposition is to hold the Government to account and to ask the hard questions on value for money, the public spending code and the delayed roll-out of broadband. The public is annoyed and frustrated at the long delays because, after all, this project was announced back in 2012 but has not yet been delivered. Even with what has been announced, people are talking about another seven to ten years for a full roll-out.

Yesterday, the Taoiseach declared it would be an ambitious and expensive plan. I remind him that it is not his money but the taxpayers' money. He is electioneering and playing politics with large sums of taxpayers' money. Taxpayers are increasingly angry at the cavalier approach which has been shown to date. Signing this contract, for example, means an extra €500 million has to be found between 2019 and 2022. An additional €1.5 billion has to be found in the national development plan, over and above the €800 million already allocated for the plan. This funding is on top of the additional funding of €385 million required for the national children's hospital over the next three years. There is no provision anywhere for this funding, despite the Opposition asking basic questions as to where the funding will come from.

Yesterday, the Taoiseach stood over the cost-benefit analysis. The Department of Public Expenditure and Reform pointed out - I do not know if the Taoiseach has read the memo - that in the final version changes were made to the cost-benefit analysis reducing the benefits of the project by a total of over €1 billion. We learned from Harry McGee, who deals with this well in today's *The Irish Times*, that as the benefits were reduced in the final version, the costs to the operator of the cost-benefit analysis were also reduced miraculously - "fortuitously" in the words of the Secretary General of the Department of Public Expenditure and Reform - by over €1 billion due to an error unspotted in all previous iterations. In summary, he stated the cost-benefit analysis is not credible and it is questionable whether it is consistent with the public spending code.

Will the Taoiseach agree to a full inquiry at the Oireachtas communications committee where legitimate concerns can be discussed and responded to? Will he tell me where the additional funds required for this plan, as well as the additional moneys for the children's hospital, will be found between 2019 and 2022? Does he still stand over the cost-benefit analysis?

On questions I asked yesterday on Granahan McCourt Capital, GMC, and David McCourt's brother's companies, what evidence was obtained by the Department to ensure it has full legal recourse to the resources of McCourt Global LLC and the Tetrad Corporation which GMC relied upon for its financial underpinning?

The Taoiseach: There is no electioneering going on when it comes to this decision. No matter when we would have made the announcement on the preferred bidder, we would have been accused of either electioneering or trying to bury it until after the forthcoming elections. The Deputy knows as well as I do that if we had put off the decision to appoint a preferred bidder until next month, he would have turned around and said this was a controversial project, the Government hid it until the local elections and only came out with it after them. It is more politics from the Deputy's side when it comes to allegations about the timing.

I take seriously any reasoned or considered concerns that anybody in the Opposition might have about this project. I had reasoned and considered concerns as well. That is why when the Minister for Communications, Climate Action and Environment, Deputy Bruton, was appointed in October, I asked him to look at the whole process afresh to see if it was the right technology, as well as the best funding and financial model to use. I asked him to satisfy himself that this was the case and that the alternatives were not better. I wanted to satisfy myself that was the case as well, as did the Minister for Public Expenditure and Reform, Deputy Donohoe, and the Cabinet. We took some months and detailed consideration to do exactly that, taking into account all of the advice from different Departments, as well as independent advice.

All I am asking Deputy Micheál Martin and his party, along with the other Opposition parties, is not to rush to a conclusion on this, to keep open the possibility that they might be willing to support this, having heard the answers to the questions they asked, and consider whether the alternatives put forward are deliverable. I repeat that request to the Opposition again today.

I would welcome hearings at the Oireachtas joint committee. I would have no objection to that whatsoever. I just believe we should ensure there is reasonable timeframe around them and the terms of reference are agreed by the major parties.

The Government has been transparent about this. We have released the advice from officials in the Departments of Public Expenditure and Reform and Communications, Climate Action and Environment. We have released all the documents and independent analyses from different companies such as Analysys Mason, PwC and KPMG. There is also advice from officials from my Department in favour of this project. Usually, this material would come out later on, perhaps on foot of freedom of information requests and in a drip-drip manner. We took a deliberate decision to release all material which would be released early because we want to be transparent about this.

The Deputy is correct that this is taxpayers' money. The value of this project, however, should not be forgotten. About half the money for this project is taxpayers' money while the other half will come from investments from the bidder, commercial revenues and other sources and borrowings. This is taxpayers' money well spent. It will end the digital divide between rural and urban Ireland. This is a digital divide which is widening and one which we will never close if we do not go ahead with this project. It will connect 1.1 million homes in every county. The Deputy is right to focus on the costs but he should not turn a blind eye to the benefits either.

Deputy Micheál Martin: Again, the Taoiseach did not answer the questions. Where will

15 May 2019

the additional funds come from over the next three years? What projects will be shelved to facilitate this plan? These are legitimate questions which are asked in the memo from the Department of Public Expenditure and Reform to the Taoiseach. We are entitled to an answer. We have got drip-drip. The Taoiseach did not reveal the documentation prior to making the decision. Belatedly, he then expects the Opposition to roll along with him.

Does he still stand over the cost-benefit analysis when in the final version €1 billion is lost on the benefits and miraculously found in terms of costs? I would not use the phrase “cook the books” but it demands some serious questioning by the Taoiseach and everybody on this side of the House as to the cost-benefit analysis. How was it only spotted at the 11th hour? What went on? We need to find answers to those questions.

GMC has to rely on another financial entity. This has been confirmed by the Department of Communications, Climate Action and Environment. It turns out to be the Tetrad Corporation and David McCourt’s brother’s company. Was the Department satisfied by a letter from Frank McCourt’s company to the effect that he could underpin the financial capacity of GMC? What level of guarantee did the Government get? What evidence was obtained by the Department to ensure it has full legal recourse to the resources of McCourt Global LLC and Tetrad Corporation, companies on which GMC relied, a fact stated publicly by the Department?

An Ceann Comhairle: Please, Deputy, the time is up.

Deputy Micheál Martin: Did Peter Smyth talk to Frank McCourt during his inquiry?

The Taoiseach: There will be no budgetary impact in 2019 and a minimal impact in 2020. In fact, there may possibly be none as a result of carry-over. There will be a budgetary impact from 2021 onwards. The Minister, Deputy Donohoe, in the summer economic statement, due in a few weeks’ time, will indicate exactly-----

Deputy Micheál Martin: Did the Taoiseach read the memo? The Taoiseach’s own memo said the opposite.

Deputy Timmy Dooley: That proves that there will be very few people getting broadband until 2022.

The Taoiseach: -----how that will be provided for. I stand over the cost-benefit analysis. Yes, errors were detected along the way but the final cost-benefit analysis after all corrections still showed that this is a positive project and that the benefits outweigh the costs in all scenarios-----

Deputy Micheál Martin: It does not say that.

The Taoiseach: -----the pessimistic scenario, the core scenario and the most optimistic one. The cost-benefit analysis does not include many things which I think are very important.

Deputy Timmy Dooley: Since when did the Taoiseach get to define a cost-benefit analysis?

Deputy Micheál Martin: When did the Taoiseach get the cost-benefit analysis?

The Taoiseach: These include smart farming, the potential positive impact it will have on rural isolation, e-health, e-government, and home working.

Deputy Thomas Byrne: And Fine Gael votes.

The Taoiseach: None of those is taken into account by the cost-benefit analysis, and even then it is still positive. It should be born in mind that this was undertaken independently by PwC. Yesterday the Deputy cast aspersions on KPMG-----

An Ceann Comhairle: I thank the Taoiseach.

Deputy Micheál Martin: Will the Taoiseach answer my question about Tetrad?

The Taoiseach: -----a company with thousands of employees and today he is casting aspersions on PwC. I think that is wrong.

Deputy Micheál Martin: Will the Taoiseach answer my question about Tetrad Corporation and Granahan McCourt?

The Taoiseach: It is wrong for the leader of the Opposition to come into the House and cast aspersions on two large firms and all their staff and to do so two days in a row. I think that is wrong.

Deputy Micheál Martin: Will the Taoiseach answer my question about the relationship between Tetrad Corporation and Granahan McCourt?

The Taoiseach: On the final question on financial requirements, these were set out in tender documents many years ago.

Deputy Micheál Martin: Yes, I have read them.

The Taoiseach: As the Minister, Deputy Bruton, outlined yesterday, there is no issue with any bidder relying on the resources of any companies.

Deputy Micheál Martin: I did not ask that.

The Taoiseach: Granahan McCourt relied on Tetrad Corporation and McCourt Global LLC to demonstrate its financial and economic capacity. This was entirely appropriate given the scale of the investment required. This was allowed for by the project information memorandum and the prequalification questionnaire which were given to all bidders in 2016 and were published last week. This is a standard procurement procedure to ensure that the appropriate financial capacities and guarantees are in place.

An Ceann Comhairle: I thank the Taoiseach.

The Taoiseach: All other bidders to the process would have sought to do the same.

Deputy Micheál Martin: I asked the Taoiseach when was that made manifest? How was it made manifest?

An Ceann Comhairle: I call Deputy McDonald.

Deputy Micheál Martin: Was it by letter or was it by legal undertaking?

Deputy Mary Lou McDonald: Go raibh maith agat.

Deputy Micheál Martin: Can I get an answer to that question, please? There is no point in asking questions if we do not get answers. How was that made manifest? The Minister is beside him. He passed a note.

15 May 2019

An Ceann Comhairle: The time for the question is over, I am sorry.

Deputy Micheál Martin: Will the Taoiseach please answer?

The Taoiseach: I am sure the Minister will be happy to answer that.

Deputy Mary Lou McDonald: Things are tetchy between the partners in government today. Yesterday it was announced that the European Commission, under the stewardship of the Commissioner for Competition, Margrethe Vestager, is to undertake a formal antitrust investigation into Insurance Ireland's data pooling system. I welcome that announcement. It is a decision which will be welcomed by motorists across the State who are being crippled by the increased cost of insurance. However, this is not only an issue which affects motorists. Rising insurance costs impact on people from all walks of life, on business, on farmers, on marts, and on community festivals up and down the country.

Very serious allegations are being levelled at the insurance industry here: that it operates a cartel to the detriment of new entrants to the market and ultimately to customers who are being fleeced. It beggars belief that it has taken the European Commission to step in here when it is clear that insurers have been ripping off policyholders for years and the Government has consistently refused to act on serious issues that have been raised.

In 2016, on the initiative of my colleague, Deputy Pearse Doherty, the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach produced a report on the rising cost of motor insurance. Its first recommendation was "an end to any sort of "closed shop" mentality prevailing among existing insurers in the market – full access to data must be made available to all new entrants." Since then, Insurance Ireland has continued to operate as normal and has brazenly opposed sensible attempts to bring greater transparency to the insurance industry. The Government must now regard insurers and their assertions in a manner that takes account of the very serious allegations that are levelled against them. That is why in addition to what I hope is a very speedy result to this investigation we see major reforms of how insurers do their business and treat their customers. We need to see a commitment to bring down prices as changes to awards are brought in and crucially we need new legislation to put manners on the insurance industry.

Sinn Féin has a Bill, the Consumer Insurance Contracts Bill, which passed Second Stage in the Dáil unanimously, and was supported by the Government, to reform and modernise the law in respect of insurance contracts. Since that passed Second Stage, the Government has stymied the Bill's progress and has blocked it from going any further. It has dragged its heels on this issue for far too long. It is clear that the Government's kid gloves approach towards the insurance industry has failed and that it must end.

Will the Taoiseach give a commitment that the Government will allow the Bill to progress? Will it ensure that it is passed to bring the insurance industry to heel and that it will act decisively in the interest of policyholders and consumers?

The Taoiseach: I thank the Deputy for raising this really important issue. It is one which is very much coming up on the doorsteps and has been for quite some time. Insurance costs in Ireland are very high. This impacts on drivers, patients or potential patients with health insurance, business people, farmers, community organisations and in particular, when it comes to motor insurance, people who have returned to Ireland from abroad who find real difficulties in getting insurance.

We all know that the Government does not set premiums. It is a private market and no matter what, it will always be the case that the amount coming in in premiums must roughly match the amount paid out in claims. That is the essential equation which is behind insurance, with the difference being the insurance companies profits.

This is a priority for Government. The Minister of State in the Department of Finance, Deputy D'Arcy, has a special role in this issue to bring down the cost of insurance for Irish people, citizens and businesses. We have seen some progress. Motor insurance is down about 20% from its peak in 2016. It needs to fall further. Health insurance which had been increasing every year has stabilised for the past two or three years, largely as a result of legislation we brought in on lifetime community rating which has succeeded in stopping the increases in health insurance prior to that. This year we have already passed about three new laws around insurance. However, it will take some time for the effects of those laws to be seen in the premiums charged to people and businesses. The next step is the Judicial Council Bill which is working its way through the Houses. It will enable the Judiciary to come up with new advice and guidelines on appropriate levels of compensation payable to people if they have been injured. Getting that through by the summer recess is the next important step, as well as having the judicial council set up and having it draw up guidelines ideally by the end of the year. As with all the reforms, and was the case with lifetime community rating in health insurance, it may be a year or two after the law is enacted before its results are evident in premiums moderating or falling.

Deputy Mary Lou McDonald: The Taoiseach has confirmed what we all know, namely, that insurance premiums having skyrocketed by 70% between the years 2013 and 2016 are only now moderating. We all know that drivers, particularly younger drivers, have been locked out of obtaining insurance for a long time. The Taoiseach talks a good game but his claim that this has been a priority for Government is at odds with the facts. The Bill I mentioned came through the House in 2017 and the Government has actively blocked it by refusing to sign a money message for more than two years. The Bill then went out to a public consultation that was not necessary. It is only now, precisely because this issue is arising on the doorsteps, that the Government has very reluctantly agreed to move and to act on the legislation. This Bill is about revamping insurance contracts and introducing a very necessary level of transparency.

I ask the Taoiseach again, in the interests of consumers, fair competition and above all people who are still being fleeced by insurance premiums that are through the roof if he will commit to allow the passage of this legislation without further impediment, put his money where his mouth is and demonstrate by action, however belated, that this is a priority for Government.

The Taoiseach: I am afraid I do not have that particular legislation in front of me but I will examine it again during the week to see if we can work with the Deputy's party to progress it. However, in the past year alone we have passed three new laws that deal with the issue of insurance and another Bill is currently working its way through the Houses. We are certainly not new to the game when it comes to acting on this issue. As mentioned previously, motor insurance premiums are down approximately 20% from the peak and health insurance premiums are stabilising and falling because of legislative action that was taken by this Government, particularly when it comes to long-term community rating.

In the context of the investigation announced yesterday, I am advised this is a formal anti-trust investigation into Insurance Ireland. The opening of this investigation follows inspections carried out in July 2017. I understand that the purpose of Insurance Link is to facilitate the

15 May 2019

detection of potentially fraudulent behaviour by insurance claimants and to ensure the accuracy of information provided by potential customers to insurance companies or to their agents. The Commission does not question that data-pooling arrangements can contribute to effective competition. However, in the case of Insurance Ireland its investigation will assess, in particular, whether the conditions imposed on companies wishing to participate in and access the Insurance Link database may have had the effect of placing these companies at a competitive disadvantage in the motor insurance market in comparison to companies already having access to the database.

An Ceann Comhairle: I call Deputy Maureen O’Sullivan on behalf of Independents 4 Change.

Deputy Maureen O’Sullivan: Coming from a medical background, the Taoiseach will agree that we need sustainable models of medicine development and medicine procurement. We are seeing significant advances in drug treatment for life-threatening illnesses and also in respect of non-communicable illnesses, but there has also been a massive escalation in prices by the pharmaceutical companies. Some of the prices being charged are extortionate. There are many examples in this regard but I will just provide one that relates to overpricing. The University of Pennsylvania was able to produce a new treatment for cancer, CAR-T, for \$15,000. Novartis is producing it at a cost of \$475,000. We know here what has been happening with Orkambi, Spinraza and Prempro. Drugs for Neglected Diseases Initiative, DNDI, based in Geneva but with offices around the world, was able to come up with a plan using certain drugs for \$150 million but big pharma has stated that it would cost €2.5 billion to do the same. It is also the case that Ireland is falling behind other European countries when it comes to access to medicines for illnesses such as MS.

Opposition is growing to this monopoly exercised by the pharma companies. Only last weekend, there was a lawsuit of over 40 US states against pharmaceutical companies for overpricing in respect of cancer and diabetes drugs. If one looks at the base level of development of these drugs, the research is being carried out by publicly-funded universities and research institutes. Phenomenal work is being done. The patents for newly developed drugs are then sold to the pharmaceutical companies and it is at that point that reform is needed in order that universities and research institutions are supported in challenging the pharmaceutical companies so that conditions are attached regarding the future affordability of medicine. If the latter happens, we will not be obliged to overpay for medicines that were originally developed with public funds. University College London has done a serious amount of work on this issue. In 2016, the EU Council passed strong recommendations in respect of this kind of reform but these need to be implemented now with a co-ordination mechanism. I am asking that Ireland be involved in this regard. I am also asking that, as called for at a recent access to medicines conference, Ireland support the Italian resolution on transparency on this matter at the World Health Assembly in Geneva next week.

However bad the prohibitive cost of medicines here, we can only imagine what it is like in the global south, not only for the difficult illnesses but also for non-communicable ones. I refer here to certain basic illnesses from which people are dying. Sustainable development goal 3 is about access to affordable medicines. We also signed a UN agreement last year with an explicit commitment to promote increased access to affordable, safe, effective and quality medicines.

I ask that the Taoiseach consider three aspects: capacity-building and strengthening of the universities and research institutes when they are negotiating with the pharmaceutical compa-

nies which are driven by shareholder profit; retaining some drugs in public ownership, fully developed and distributed through the public health system, which model exists in both Cuba and Brazil, and in parts of the United States; and that the Government adopt a procurement policy which actively, and in a timely fashion, will take up the less expensive biosimilar alternatives when the patents relating to the original drugs expire. Otherwise we will keep on paying over the price for medicines that are badly needed.

The Taoiseach: I thank Deputy Maureen O'Sullivan for raising this important issue. I very much agree with her that the cost of new medicines is extremely high. That is the case across the world. Notwithstanding that, so far this year - it is only May - the HSE has approved 23 new medicines for use in this country and is considering a number of other applications. One of the most effective things we can do is co-operate with other countries when it comes to the procurement of new medicines. In the past year or so, we formed an alliance with Belgium, the Netherlands, Luxembourg and Austria - the BeNeLuxA initiative. In fact, there is a meeting taking place in Dublin today involving health officials from all five countries. The purpose of the initiative is so that all five countries can co-operate in the context of scanning the horizon for new developments and new medicines, sharing information on effectiveness and cost and, potentially, tendering or procuring as a group in the future in order that we get a better price for our taxpayers and citizens.

There should be a single process at EU level for recommending whether new medicines are reimbursed. We already have the European Medicines Agency, which can license medicines for use across the European Union but does not have a role in determining whether they should be reimbursed or at what cost. Sometimes some of the drug companies play countries off against each other. It is up to countries to stop them from doing this and that is where, at a European level, we should have a new initiative moving beyond an EU-wide licensing regime to an EU-wide regime for determining which medicines should be reimbursed and what is a fair price for health systems to pay.

I have not seen the Italian resolution the Deputy mentioned. I will ask the Minister for Health to contact her directly in the context of indicating whether we are in a position to support it. I absolutely agree that we need to make better use of biosimilars and that when drugs come off patent, we should be using the generics rather than the branded items. Those savings that can be created should be retained in the budget to fund new medicines.

Deputy Maureen O'Sullivan: The reality is that the cost of medicines is extortionate and that there is demand for them. We had the awful reality of the insured and the uninsured with the same life-threatening illnesses being treated differently. It is terrible for officials and doctors to have to weigh up the cost of medicine *vis-à-vis* the cost of a life and whose life means more and, therefore, gets the more expensive medicine. It cannot be a competition between, for example, a drug that will prolong a life for ten months and another that will prolong it for 24 months, as to which one we should choose. There should be equal access for everybody. A different approach to the pharmaceutical companies is needed at EU level, at UN level and nationally. I would be in favour of a working group here because there are practical suggestions being made that are achievable. Pharmaceutical companies provide jobs and corporate taxes. They are giving with one hand but what is the point in that if they are taking back with the other by charging Ireland and other countries so much more for medicines that should be much more reasonably priced. There is a more progressive model of research and development that is committed to access and affordability and that is what we need to pursue.

15 May 2019

The Taoiseach: I broadly agree with the Deputy. In my conversations with the Minister for Health I will advise him that the Deputy has raised these issues. He will follow up directly with her.

Deputy Eamon Ryan: The issue of housing is coming up at people's doors right across the country, particularly in my city of Dublin. My assessment is the Government has completely lost the trust of the Irish people in this regard. Political capital is an uncertain currency but we all know that it eventually disappears. It is evaporating for the Government at present in the context of the housing issue. This is because the Government is betting everything on a market that is not reliable. This has echoes of other debates that are taking place. Regarding the HAP scheme, on which the Government has been relying, it is interesting to go back to the spending review by the Department of Public Expenditure and Reform from July 2018. Similar to the broadband one, it seems that the Department is critical. It said that it is estimated based on local authority areas analysed that the net present cost of delivering units through mechanisms such as HAP, RAS and leasing is higher than building or acquisition. Similarly, the leasing schemes the Government is promoting are very similar to the national broadband scheme. It is effectively saying to private developers that they have a no-risk guaranteed income for 25 years and at the end of it, they will own the asset - public housing that is being privatised. In respect of the reliance on the market, Mel Reynolds, with whom I spoke because he is probably the best person to throw light on what is happening with the real numbers, estimates today that we are still relying on the market for about 95% or 94% of all housing. Even with regard to the approved housing bodies and local authorities, they are conflating, as the national audit committee said last year, turnkey purchases with new build. We are relying on the market. From talking to people in the industry, it is clear that conditions in the market are starting to change and there is a real risk that if the capital leaves or the cost of capital goes up, that market will not deliver.

It is welcome to hear that the Irish Council for Social Housing has issued a report this morning that details the number of houses built last year but we must really analyse the figures to realise that the real numbers of real builds by the State is a fraction of what the headline figures would have us think. The council has two asks. First, it says that the Land Development Agency legislation should be produced straightaway and I agree. It was launched prematurely last September, probably for political reasons. Again, this is typical of Fine Gael. The Irish Council for Social Housing is saying that it must be issued quickly. Its second ask that we use State land extensively for the delivery of social and affordable rental housing.

Will the Government recognise that its way is broken and that it must change and that the way we could do that is to tell the Land Development Agency that on all State lands it will use, we should aim to have 50% affordable cost-rental housing, which will bring down market rents, and 50% social housing? That provides opportunity and a sense of hope not just for those who are homeless but those hundreds of thousands of young people and their parents and grandparents who have no sense of any possible future and who are paying through the nose in rent. Will the Taoiseach direct the Land Development Agency to pursue the policy his own party says it supports, namely, cost-rental affordable housing, and move away from a reliance on the market that is killing a sense of future in this country and costing us a fortune?

The Taoiseach: Housing is a significant concern for citizens and families across the State, be they people on the housing list waiting for social housing, people who want to buy their first home or a new home and are struggling to do so or people who are facing very high rents that take up a large proportion of their income. It has very much been the priority of Government to get on top of these issues over the past couple of years. While we have a lot to do, we are

making progress in some areas. One of the areas where we have made the most progress is in the area of supply. A total of 18,000 new houses and apartments were built last year, more than any previous year this decade. That does not include student accommodation and other forms of housing. Roughly one quarter of that new housing was social housing, which is a higher proportion than we have seen for quite some time. This year, we anticipate that somewhere between 20,000 and 25,000 new homes and apartments will be built in Ireland. Last year, the social housing stock increased by about 9,000 through many different mechanisms. It will increase by more than 10,000 this year and by 12,000 thereafter. Our objective is to double the social housing stock in this country over the next ten years. That is not a policy that is over reliant on the market.

We take a practical rather than an ideological view on this. We need the private sector and the State sector. We need social housing and private housing. We need houses for people on the housing list and houses for people who want to buy. The vast majority of people in Ireland still want to own their homes, which is a good thing and the reason we also need private developers. We also need a better rental model and better options for people who are renting, particularly the cost-rental model, which we are piloting in various parts of this city. I very much welcome the contributions of the Irish Council for Social Housing today, a body that represents approved housing bodies. The council pointed out that approved housing bodies housed over 4,000 families last year and exceeded the targets set in Rebuilding Ireland. Approved housing bodies do this with public money. The money they use is taxpayers' money that has been assigned to them by the Government. That shows our commitment to delivering social housing through bodies such as those.

The announcement made last September about the Land Development Agency was not premature. It was the announcement of the establishment of the agency. The agency has now been established. It exists and has a CEO, board and staff. It was established by order. That was what was announced last September. The legislation is being worked on as priority by the Department of Finance and the Department of Housing, Planning and Local Government. The intention is for up to 50% of Land Development Agency sites to be used for social and affordable housing with the other half being used for homes for people to buy. This recognises that we want to see mixed integrated communities into the future, which is good policy, and that we also need to provide housing of all sorts - social housing for people on the housing list, homes for people who need to rent and homes for people to buy. We should never forget that the vast majority of people in Ireland want to be able to own their own homes. The rate of home ownership is 70%. That should be the case and we want that to increase, not decrease.

Deputy Eamon Ryan: The real urgency is that people want low rent. Those caught in the rental sector are the ones who are caught - our younger generation. Fr. Peter McVerry, who I trust on this, said today that the primary responsibility for social housing lies with the Government and that it is falling short. Regarding all this talk about the numbers, if we parse it down, it is falling short because it is relying on the market. We are agreed. The Taoiseach has just said that cost-rental is the particular way to tackle that rental sector. It has the advantage of the land cost and the developer's margin not being included so the rent is reduced by about 35%. We know from the analysis carried out by the National Economic and Social Council and others that it is the best system because it will allow us ongoing funding through a cyclical counter cyclical period. We can bring the cost down because it will be cheaper for us to build than rely on the private sector, which is not reliable. Again, I go back to the question of State lands. I welcome John Moran's arrival in that office and I hope he does a good job. We will support

him. We need to do this and not just give a fat cheque to the private sector for 25 years where we are paying over the odds. We need also to start recognising that we can do this ourselves and build cost-rental housing that is high-quality, close to the centre and delivers for a variety of different people - a mix of people in social and public housing - and at the end of it, we own the asset, not a private operator. This is the fundamental issue of our time. The Government is privatising everything. We want certain things to be in public ownership and social housing should be in public ownership for use forever and a day for the people of Ireland. In respect of small example projects on State lands, will the Taoiseach give the Land Development Agency a target of 50% cost-rental and 50% social housing? That is the way to rescue those people in the rental crisis.

The Taoiseach: We both agree that this is a real problem. We need to tackle high rents. Where we disagree is that the Deputy thinks there is only one way to reduce rents while I and this Government appreciate that we must do it in a number of different ways. “Yes”, we need more social housing. We added 9,000 units to the social housing stock last year because when we have more social housing, we are able to take people out of the private rental sector, bring them into social housing and free up properties for others who need to rent. That is one way of doing it. The second way is more private housing built by private developers because lots of people want to buy their own homes. If more people who are renting could buy their own homes if they were available, that would free up properties for others to rent and help bring down rents. The cost-rental model is also part of the solution and that is what we are piloting in Emmet Road and other places. There are also increased protections for tenants. The Deputy will be aware of the laws that have gone and are going through this House to increase protections for and rights of tenants so I do not think there is only one solution to this. We must approach it in four or five different ways and in a practical and non-ideological manner and that is what the Government is doing. What we are saying with regard to Land Development Agency lands is that up to 50% of those sites should be social and affordable housing and 50% homes for people to purchase so they can own them themselves and become homeowners but we must apply some flexibility around the different sites in different places. It may not always be practical to do that but that should be the overall objective.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Micheál Martin: The availability of Spinraza has been debated in this House for a long time. Some time ago, many of us met the children and families who desperately need this drug to help treat spinal muscular atrophy which, as the Taoiseach knows, is a muscle-wasting disease. This country and Estonia are the only European Union countries that have not approved this drug for reimbursement. The National Institute for Health and Care Excellence, NICE, in the United Kingdom has cleared its availability in the United Kingdom and Northern Ireland for patients. The Minister wrote to Deputies indicating that a decision was expected by 14 May but “that is not now the case”. He added that the assessment is receiving “priority attention” but I do not know what the phrase “priority attention” means any more as this has been receiving “priority attention” for a long time. We are now faced with the prospect that children and families in Northern Ireland will, thankfully for them, be in a position to access Spinraza while in the Republic of Ireland they will still be left short. That is not good enough given the major anxiety, stress, damage and morbidity that arises from the condition.

The Taoiseach: I thank the Deputy for raising the matter. Like him, I met some of the families waiting on approval of this medicine. As people in this House know, it is not a political decision as to whether a particular medicine should be approved for reimbursement. Under

the Health (Pricing and Supply of Medical Goods) Act 2013, this House decided that decision should be made by the Health Service Executive, HSE, and that is the case. So far, 23 new medicines have been approved by the HSE for reimbursement this year and I understand negotiations are still under way on Spinraza.

Deputy Mary Lou McDonald: Last night, the House debated Second Stage of Sinn Féin's Bill to provide for the constitutional right of every citizen to adequate, secure and affordable housing, a key recommendation of the Constitutional Convention. Fine Gael and its partners, Fianna Fáil, have chosen to say no to that proposal and both parties have stated that they will not support the legislation when it is voted on tomorrow afternoon. In the midst of an unprecedented housing crisis, that is an absolutely despicable position for the Government to adopt, particularly considering the support for this legislation by the United Nations special rapporteur for adequate housing.

The Raise the Roof demonstration will take place here in Dublin next Saturday and it will demand real solutions to our housing emergency, including the constitutional right to a home. I am asking the Taoiseach in advance of that demonstration to do the right thing and change his mind on the matter. He should support the provision of a constitutional right to a home. I also urge Fianna Fáil, which has much to say by way of criticism of the Government's housing policy, to step up and support this very basic and necessary demand.

Deputy Donnchadh Ó Laoghaire: Hear, hear.

Deputy John Brassil: The Deputy forgot to say we are Government partners.

The Taoiseach: As I said before in the House, I have an open mind on the question of including a right to housing in our Constitution, although I am also very aware from research by the Mercy Law Resource Centre and others that there are approximately 83 countries in the world that either have a statutory right to housing or a constitutional right to such housing. All of them have issues with homelessness and in some cases they have shanty towns, *favelas* and all sorts of things that I am thankful we do not have in this country. I am not entirely convinced it is the real solution, to use the Deputy's term.

The matter should be properly considered by an Oireachtas committee and not just rushed through the House. We must understand what would be the implications and we should never change our Constitution lightly. We need to understand the implications and how they might be interpreted by the courts, and we must also know what would be the costs and how they could be met. We must also work out whether it would make a difference in practical terms for people in real need of better housing. In the debate, the Sinn Féin contributors have not made convincing arguments in that regard.

Deputy Bríd Smith: Since January, the members of the National Ambulance Service Representative Association, NASRA, have been taking strike action over six days to try to achieve recognition of that union. These people are members of the single biggest union within their sector. Other unions have members but they do not have as many as NASRA. Its representatives are here today because they are taking part in a day of protest to demand that the Government talk to them and give them the recognition they deserve. The Constitution gives these people the right to join a trade union but it does not mean it can force a Government like Fine Gael - an anti-worker Government - to recognise the rights of these workers.

We call on the Government and the HSE to talk to the only party in this dispute that they

15 May 2019

have not yet spoken to. There has been dialogue between the Government and the HSE but there has been no dialogue with the men and women here today to protest. I also call on the existing unions for the sector in the Irish Congress of Trade Unions to give their sisters and brothers the right to join the union of their choice. In the 21st century, the least that could be granted to Irish workers is the right to join the union of their choice and be recognised for doing so.

An Ceann Comhairle: A number of Deputies are offering on the same matter so I ask them to stick to the allocated time.

Deputy Paul Murphy: For the second time, while the paramedics pack the Gallery, the Taoiseach is not here. This time he chose not to be here by leaving the minute he heard what the question was about.

Deputy Tony McLoughlin: That is not true.

Deputy Josepha Madigan: No.

Deputy Seán Kyne: The Deputy is not being fair.

Deputy Bernard J. Durkan: It is untrue.

Deputy Paul Murphy: Why does the Taoiseach and Government, particularly the Minister for Health, Deputy Harris, continue to play hardball with these workers? Why do they continue to endorse the union-busting tactics of the HSE? Why do they continue to refuse to deal with the Psychiatric Nurses Association, PNA, and NASRA? What are they scared of when it comes to workers being allowed to be represented by the union of their choice? It is a very serious position for every trade unionist in the country when the State is effectively trying to dictate to workers which unions they can be part of and which unions they cannot join. It is the refrain we are hearing. Those people will be outside today at 1 p.m. and their banners will state "Our union, our choice". The Government should deal with these people instead of forcing them to come back here again and again.

Deputy Pat The Cope Gallagher: I also raise the matter of the ongoing one-day strikes by ambulance personnel. I understand there may be another one-day strike by the end of May. As all of us as politicians know, this dispute seriously affects the provision of front-line emergency services. It is unprecedented and unwarranted. These people simply want to establish a branch of the PNA and they have been asking for it for nine years. They want to be represented by the PNA and not by the union that is acceptable to the HSE. As other Members noted, these people are demonstrating in Dublin today but they do not want to be here. We met them this morning and they have come from all parts of the country, including Donegal. They want to be on duty, providing essential services. They want to do what they are good at. I ask the Minister to use his good offices to ensure their requests can be considered.

Deputy Thomas Pringle: It is vital that the Minister meet the ambulance crews. It is true that they do not want to be here and would prefer to be at work. They want to serve the people of the country. Will the Minister correct the record of the House as he indicated in reply to a parliamentary question that he had not received correspondence from a number of Members requesting that he meet members of the NASRA organisation? That is incorrect and he received such correspondence from Deputy Joan Collins, which was signed by me, Deputy Pat The Cope Gallagher and other Members.

Deputy Pearse Doherty: It is an absolute disgrace that we must again take to our feet because of this very simple demand. There are many burning issues across the State and this should not be one of them. This is about a group of almost 500 workers who are asking for the right to be heard. This is not a dispute about pay or conditions; it is about the simple right to be heard. Sinn Féin has published legislation on this matter. The Minister knows as well as I do the work done by these individuals, the seriousness with which they do their duties and the effect it can have when, unfortunately, they cannot save a life. I have witnessed that at first hand. They are diligent and professional in their job. This is about giving these people the right to be heard and to choose the trade union that wants to represent them in negotiations with the HSE. Do not make them come to the Dáil again and force them to strike for a day. Do not force the issue further. The Minister should stand up and do the right thing by stating very clearly that those paramedics who are valued by all of us when we need them will be valued in the form of allowing them to decide which union should represent them in negotiations with their employer.

Minister for Health (Deputy Simon Harris): I am sure the Ceann Comhairle will accept that the Taoiseach did not scarp away when Deputy Paul Murphy or Deputy Bríd Smith raised a question. He left to travel to Paris to attend a very important seminar on online hate speech after the terrorist attack in New Zealand which killed 51 people, as has been well documented.

Deputy Paul Murphy: I am sure he could have waited two minutes.

Deputy Simon Harris: Presuming Deputy Murphy is against hate speech, I am sure he will apologise for the slur on the Taoiseach.

To respond to Deputy Pringle, I certainly did receive a letter from Deputy Joan Collins, so if a written parliamentary question stated otherwise, I will write to the Ceann Comhairle about the matter. I received directly into my hand a letter from Deputy Collins and a number of other Deputies, including Deputy Pringle, about this matter, and I am absolutely happy to acknowledge that. I understand there are many different views on this matter within the ambulance service, among paramedics working in the ambulance service and within the trade union movement. I had asked my Department to engage with the HSE to try to find a way forward on this. I would like a way forward to be found. I will re-engage with my Department and have discussions with the HSE about this matter today.

Deputy Michael Collins: On page 73 of the programme for Government, the Government promised to improve services and increase supports for people with disabilities. However, we have carers experiencing serious financial difficulties who will cease operations in 2020 unless urgent funding of €2 million per annum is provided by the HSE. RehabCare provides services in every county in Ireland to 3,000 people with disabilities, who are supported in 117 locations nationwide. The organisation also has excellent services across Cork south-west. Specifically, it supports 94 people with physical, sensory and intellectual disabilities and mental health difficulties in six different services delivered in Bantry, Castletownbere and Skibbereen. People from Clonakilty, Dunmanway and surrounding areas are using RehabCare services, which include day, residential, home and community supports and respite services. Respite services are delivered in Bantry but available to 41 people with disabilities from south-west and north Cork and Cork city, where 23 staff and five community employment workers provide these supports. Will the Government provide the necessary funding for RehabCare to continue this vital service?

Deputy Simon Harris: This Government is continuing to increase the level of funding it

15 May 2019

is providing to section 38 and section 39 organisations. RehabCare provides excellent services for people with disabilities right across the country. If any organisation does not wish to continue to provide such services, it must give 12 months' notice. This is an important message to all our constituents, particularly people with disabilities, who should not be left worried about this situation. As Deputy Collins rightly said, I met RehabCare last week. I am due to meet the organisation again at 5 o'clock this evening to see if a resolution can be found.

Deputy Eamon Ryan: I was pleased to hear the Taoiseach say earlier that he would welcome consideration by the Oireachtas Joint Committee on Communications, Climate Action and Environment of our national broadband plan and that any such consideration must be done in a timely manner, which I absolutely accept. I really want to support this deal. The more I look at it, however, the more I am left scratching my head wondering how a private developer can contribute €175 million in capital while we contribute between €2 billion and €3 billion, with the former ending up owning the asset. The Irish people are scratching their heads on this too. They just cannot get their heads around what we get from this. I have nothing against Mr. McCourt but he only has a small team. He does not have backup or big companies such as SSE behind him. The Department of Communications, Climate Action and Environment has a lot of skills in this area. I saw it deliver the metropolitan area networks, MANs, whereby the Department itself did the build-out and brought in the contractors. I am scratching my head and asking how we might win over the public and sell to them a deal whereby we pay all the money and someone else gets ownership. I just cannot get beyond this-----

An Ceann Comhairle: I thank the Deputy. His time is up.

Deputy Eamon Ryan: -----and I think it will be difficult for the Government too. Can the deal be changed as we start to investigate it in the Oireachtas committee? What flexibility do we have if we do this digging, which we should do? What is the chance of our changing the deal, either on the ownership end or some other end? Someone said last night-----

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

Deputy Eamon Ryan: -----that the deal is legally tied down now but I do not believe that is the case. I think we have a moment for change here before we sign a contract. Can the Minister for Communications, Climate Action and Environment, Deputy Bruton, confirm that this is the case?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): Since the privatisation of Telecom Éireann, we have depended on the private sector to deliver high-speed broadband. This has been fine for 75% of the population but for 1.1 million people the private sector will not deliver. The Department engaged in an evaluation as to what the best way was to ensure we could provide that service. Very clearly, the best approach was for the State to provide 146,000 km of fibre by using the existing network of poles and ducts that are already in private ownership. This was the approach adopted. It was also clear that the best way to ensure that this network would be viable in the long term was to leave it to the private sector not only to design, build and operate but also to operate it in the long term without further recourse to State support. This company, at the end of the 25 years, will be a company with a turnover of €150 million. That is about one tenth of the size of Eir's turnover. It will be a relatively small company operating a network which required state aid to be put in place. We have evaluated the alternatives, every one of which is more expensive, riskier or does not deliver. Clearly, one cannot rewrite the competition rules. We have had a competition, we

defined certain terms of that competition from the outset and we conducted the system on that basis. There are therefore fundamental constraints as to what alternatives one can look at-----

An Ceann Comhairle: I thank the Minister. We cannot have a detailed debate on the matter. His time is up.

Deputy Richard Bruton: -----without starting afresh, abandoning this tender and starting a new procurement process.

Deputy John Curran: Sam and Glen are two boys who live in my constituency. Both of them suffer from spinal muscular atrophy. It is heartbreaking to see because their condition is deteriorating and there is a drug, Spinraza, which would assist them. The Taoiseach said earlier that a decision on this had been due and that urgent priority had been given to the matter. These families were living in that hope at Christmas when exactly the same words were spoken about the matter being given urgent priority, an assessment being under way and so forth. Almost six months later, the issue has not been resolved. I have raised this with the Minister before, and the Taoiseach has responded to similar questioning. He specifically said he was acting in accordance with the legislation, namely, the Health (Pricing and Supply of Medical Goods) Act. If this legislation is impeding us in dealing with this matter, we need to amend and change it. It is not tolerable or fair that the only country in Europe in which these children cannot receive this medication is Ireland. We will work with the Minister to change the legislation but these families are holding on week by week, meeting by meeting. As I said, at Christmas there was a real expectation that this would be dealt with, and that has not occurred. I therefore appeal to the Minister, if he must work within the legislation and if the legislation is the obstacle, to change it.

Deputy Simon Harris: I thank Deputy Curran for raising this matter and acknowledge that he raises it quite consistently regarding the family to which he refers. I also acknowledge that this is a time of huge anxiety for the families impacted and worried about their children. I spoke directly to the new Director General of the HSE yesterday about this to inquire as to the current position. My understanding is that a decision will be delivered shortly. We are genuinely making progress on this matter. I do not want to say any more that could jeopardise this situation but there is a new offer from the company, of which the Deputy is aware. The HSE needs to assess it, and it takes two to close a deal, but I really want this to be resolved quickly. The HSE is aware of our collective view on the matter.

Deputy John Brassil: Pages 53 to 65 of the programme for Government commit to improving healthcare for our citizens. In this context, I raise the issue of Kerry University Hospital where, as the Minister for Health will be aware, a review was carried out last year on 47,000 scans. Following the review, 11 patients were identified as having either missed or delayed diagnoses. Following a meeting on Monday with hospital management, the five Kerry Deputies were informed that of these 11 patients, seven are no longer with us. What plans does the Minister have to follow up on the commitment he gave the Deputies representing Kerry before Christmas to visit Kerry University Hospital in order to show some compassion and support for the families of those who are no longer with us and indeed the remaining patients who are still receiving treatment? Unfortunately, this and many other issues are leading me to believe that Kerry University Hospital is the forgotten hospital of the south west. We need the Minister's commitment and support to reassure these families that support is available for them and the hospital has not been forgotten.

Deputy Simon Harris: It has certainly not been forgotten and people like Deputy Brassil

15 May 2019

ensure that is the case by raising these important matters. I express again my heartfelt sympathies to the patients and families involved. I acknowledge that this was, and for some continues to be, a time of great uncertainty for patients and their families and I appeal, as the Deputy has done, for their confidentiality to be respected. As the Deputy knows, there was a review in line with HSE policy and the final report was released in December 2018.

1 o'clock

Open disclosure has taken place with all of the affected patients and their families. I am advised that all patients have received or are receiving the appropriate additional care that they may need and that support is being provided by the South/South West hospital group. A serious incident management team has made 16 recommendations and implementation is underway. I will send the Deputy a note with a more comprehensive answer than time allows here.

Deputy Eugene Murphy: My question is on schools. I am confident I will get an answer since we have the Minister for Education and Skills, Deputy McHugh, and the former Minister in that Department, Deputy Bruton, sitting together. They will both be aware of St. Teresa's special needs school in Ballinasloe in County Galway which caters for 21 children with disabilities. The school's insurance costs have risen by 700% in the last three years, from a few thousand euro to €26,000. The school has a few weeks to pay that insurance but it cannot meet the bill. Can we bring schools such as this under the State Claims Agency or what can we do? I pose that question to the Minister and the former Minister. I am sure they will have a positive answer that I can bring back to the parents and the people involved in the school. It is a real crisis on our doorstep.

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

Deputy Bernard J. Durkan: I raised a similar question yesterday. This matter is getting very serious now. The dramatic increases in insurance premiums being demanded are affecting community-based organisations, some of which are public and some private, as well as a number of special needs schools. Might it be possible to refer this issue, in the short term, to the Financial Regulator? I ask that because there has been no indication as to why the premiums should be increased by up to 1,000%, as has happened in some cases. The clear indication is of an attempt to put people out of business or withdraw insurance cover altogether.

Minister for Education and Skills(Deputy Joe McHugh): I am aware of this issue. The issue of increasing insurance premiums is starting to emerge as a problem more frequently in respect of special schools. Regarding St. Teresa's special school in Ballinasloe, I have found out that it is not even in a position to make instalment payments. It has to be done in one fell swoop. This is a very serious matter. We are working with the State Claims Agency, the Department of Public Expenditure and Reform, DPER, and with the National Association of Boards of Management in Special Education to seek a resolution. We are, therefore, taking this issue very seriously.

Deputy Naughten met with me regarding insurance costs yesterday and Deputy Eugene Murphy has raised it today regarding St. Teresa's special needs school. As Deputy Durkan has pointed out, however, this is part of a wider issue. If there are ways we can intervene, we will do so. That may be in the manner proposed by Deputy Durkan. I think the timing of the European Commission intervention is significant as well. These rates of increase in insurance premiums, which I am being told about, are unaffordable and we have to do something about it.

Deputy Michael Moynihan: The European Commission yesterday announced an investigation into the insurance industry in Ireland. Two Primate Members' motions have also been passed by our party regarding this issue in the last year. It is now time that the Government, and everybody, took this issue seriously. There has been much talk about what is being done, yet evidence of rising costs has been produced on the floor of this House in recent weeks in respect of summer festivals and voluntary groups setting out their stalls for events. The insurance industry is choking the country. I know of an example where one person's insurance has gone from €1,000 to €24,000 in a specific area over four years. That is crazy. I do not believe the Government is taking this whole issue of insurance seriously. It is time that it did.

Deputy Richard Bruton: I assure Deputy Michael Moynihan that the Government is taking this issue very seriously. The Minister of State, Deputy D'Arcy, has been taking responsibility for this. He has led an initiative that has, from memory, 33 actions, including legislation actions, to bring about change in this area. There has also been an improvement in the operation of the Personal Injuries Assessment Board, PIAB. Issues remain to be addressed, however, and the Minister of State is continuing his work. We need far greater data transparency from the insurance sector so we can see exactly what is happening.

The EU has stepped in to raise questions about whether the data sharing initiative is acting to impede competition. While no findings have been made at this point, that is an important investigation. I assure the Deputy that we will be continuing to scrutinise every aspect of this issue, including the legal costs, the fraud elements and the data sharing. All of those aspects are being scrutinised by the Government with a view to resolving this matter. As the Taoiseach stated earlier, however, it is the insurance companies that must decide what premia they quote. The Government cannot tell insurance companies to set premia, so we have to operate on the framework to make it as effective as possible.

Visit of Tasmanian Delegation

An Ceann Comhairle: Before we proceed with business, I extend a céad míle fáilte to two very distinguished guests who are with us today. I welcome the Speaker of the House of Assembly, the Parliament of Tasmania, Her Excellency Ms Sue Hickey, MP. Speaker Hickey has a number of meetings with senior officials of the Civil Service today. She is joined by Mr. Shane Donnelly, who is Clerk of the House of Assembly. We hope they enjoy their visit and find it beneficial.

Ceisteanna ar Reachtaíocht a Gealladh (Atógáil) - Questions on Promised Legislation (Resumed)

An Ceann Comhairle: I call Deputy O'Keeffe.

Deputy Kevin O'Keeffe: There was a major fire in the Patrician Academy secondary school in Mallow on 12 July 2016. Nearly three years later, and following many consultations between the Department of Education and Skills, officials, teachers and the school's board of management, there is still no planning permission to build new classrooms. Inspectors from the Department of Education and Skills carried out a whole school evaluation of the school some four months ago. The report produced stated that the request for new classrooms and facilities

15 May 2019

should be approved. Will the Minister for Education and Skills look into this matter and see what is holding up this process? It is three years since the fire and I am sure the last thing the Department wants is an ongoing series of temporary add-ons to structures. It is better to build a new overall structure now.

Minister for Education and Skills(Deputy Joe McHugh): I am happy to have my officials look into this matter. I will speak to them directly after this debate and get them to revert back to Deputy O’Keeffe.

Deputy Tom Neville: I know the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, is not here but I would like an update on the provision of disabled persons grants for council housing and social housing. We are still waiting for funding in Limerick, as of a week or ten days ago. I would be grateful if my question could be relayed back to the Department of Housing, Planning and Local Government.

Minister for Communications, Climate Action and Environment(Deputy Richard Bruton): I am aware of this problem and I will arrange for the Minister for Housing, Planning and Local Government to respond directly to Deputy Neville.

Deputy Eamon Scanlon: I want to raise an issue that is relevant at the moment. I refer to the electoral register. In my area, and particularly in my home town, the register has 2,300 people but it is wrong by 250. People have moved away, changed address and died. Postal workers are delivering electoral literature at the moment to houses where family members are deceased. That is wrong. Since nobody seems to be working on this, I respectfully suggest that An Post could have a role in resolving the issue and getting the register right. Representatives of An Post call to houses every week and they know who is there. I think this is a job for An Post and I ask the Minister to check out this approach. This issue is causing annoyance to many people because receiving election literature for people who are deceased is hurtful, particularly if the death has occurred recently.

Deputy Tony McLoughlin: I have a question regarding the future of a school in Ballisodare in County Sligo. I asked the Minister to attend some weeks ago and meet with the representatives of parents. He did that and met them in Sligo. Parents, teachers and everybody associated with the school are still concerned about its future, however. I have been canvassing in the area in recent weeks and this is a major issue. I ask the Minister for an update.

An Ceann Comhairle: I ask the Ministers to give us an update on those two issues.

Deputy Richard Bruton: I understand that the Minister of State, Deputy Phelan, is looking at the system of drawing up the electoral register to see if improvements can be made. There is a desire in the long term to see an electoral commission established and more systematic oversight put in place. In the short term, however, the Minister of State will be reviewing this issue and I will ask him to include the concerns outlined by the Deputy.

An Ceann Comhairle: Is the Minister for Education and Skills going to save Ballisodare?

Deputy Joe McHugh: A collective effort is being made at political and parental level. I thank Deputy McLoughlin for raising the matter and, noting that there is another Member from the constituency present, update the House to the effect that there will be a meeting tomorrow between officials of my Department and the ETB to ensure there is a firm focus on the long-term viability of the school.

Messages from Select Committee

An Ceann Comhairle: The Select Committee on Justice and Equality has completed its consideration of the Civil Law (Presumption of Death) Bill 2016, and has made amendments thereto. The select committee has also completed its consideration of the Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Bill 2018, and has made amendments thereto.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Brian Stanley and Sean Fleming - to discuss the relocation of Mountmellick post office; (2) Deputy Mary Butler - to discuss the rising cost of rental property in Waterford; (3) Deputy Fergus O'Dowd - to discuss the need for outreach workers and other measures to address drug-related criminal activity in Drogheda; (4) Deputy Peadar Tóibín - to discuss waste dumping in local authority areas; (5) Deputy Pearse Doherty - to discuss the talks between the HSE and the Rehab Group to ensure that services currently provided will continue to operate; (6) Deputy Pat Buckley - to discuss the continued difficulties in accommodating new referrals in Cork CAMHS; (7) Deputy Noel Rock - to discuss legislative proposals to regulate electric scooters; (8) Deputy Donnchadh Ó Laoghaire - to discuss the Cork metropolitan area transport strategy; (9) Deputy John Curran - to discuss the approval of Spinraza; and (10) Deputy Richard Boyd Barrett - to address the latest evidence of a climate change emergency.

The matters raised by Deputies Brian Stanley and Sean Fleming, Peadar Tóibín, Fergus O'Dowd and Mary Butler have been selected for discussion.

Sitting suspended at 1.10 p.m. and resumed at 2.10 p.m.

Saincheisteanna Tráthúla - Topical Issue Debate

Post Office Network

Deputy Brian Stanley: I welcome the opportunity to raise this important matter with the Minister. I want him to halt the relocation of the post office in Mountmellick from O'Connell Square to Connolly Street. The relocation will have a huge impact on the town centre. It is not just in Mountmellick that this happening; it is also being done in Thurles, where the post office is being moved from Liberty Square to a shopping centre on the outer fringes of the town. Its current location adjacent to the square is perfect. and there is loads of parking available. I have never driven into that square and been unable to find a parking space. The square is suitable for pedestrians, particularly elderly people who would have to travel from the likes of Wolfe Tone Court, Emmett Terrace, Chapel Street, Twomey Terrace and other parts of the town.

An Post has stated that it is making this move to provide a modern service and that moving to a new location means it can provide more facilities. I am of the view that it could have modernised the existing service on offer in the current post office - because there is loads of space

15 May 2019

there - rather than taking the option of moving to another premises. There are also other options available on the square in Mountmellick. There are other retailers there that have substantial floor space available and that are willing to take this on.

The Government makes many claims and makes much play of putting the heart back in town centres and regenerating our small and medium-sized towns. I welcome this as a good policy and Sinn Féin supports it. However, what we have here is that one arm of Government is effectively doing and saying one thing while the other, namely, the Department of Communications, Climate Action and Environment through An Post, is doing the complete opposite. The irony is that An Post is using money provided by the Government for the modernisation programme to carry out these so-called modernisation moves and, as a result, the taxpayer is funding the destruction of town centres such as that in Mountmellick.

I want this to halt. I want the Minister to press the pause button on this so that it can be looked at in more detail and scrutinised. He should not allow what is proposed to proceed immediately in its current form.

Deputy Sean Fleming: I welcome the opportunity to raise this important issue for the town of Mountmellick. On Friday last at 3.22 p.m. I received an email from An Post confirming that it had moved the post office and that it was sending me the notice that it had already issued to the local media. This is an awful way to treat members of the public and their elected representatives. The post office was in this location for 114 years. It is a large and substantial premises in the town centre. There are other large and substantial premises, supermarkets and big shops in the immediate vicinity and my real question is whether these were all examined before the decision was taken to move the post office to an out-of-town supermarket.

Day in and day out we hear that the Government has a policy in respect of towns and villages and maintaining town centres. It is not just one arm of the Government doing one thing and the other arm doing something else. The same arm of the Government is doing both and it is effectively speaking out of both sides of its mouth when it gives a commitment to protecting main streets and town centres and then states that it is providing substantial funding to An Post to invest in out-of-town shopping centres or supermarkets and locate post offices there.

An Post is 100% State-owned. This is the people's money being invested in moving a post office to a new premises. I want to know if a detailed examination was carried out and whether other premises were considered. Was the current premises examined for expansion? As I have stated, it is a substantial property. Were other locations in the town considered or was there a quick arrangement arrived at out of convenience?

An Post has been planning for this for some time. I walked the length of the entire main street and other streets of Mountmellick on Monday and the number of premises that are closed is extraordinary. Premises that used to be home to vibrant businesses are closed and we find that the one premises owned, run and provided for by the taxpayer is moving out of the town centre due to Government policy. The Minister can wash his hands and state that it is nothing to do with him but he sets the policy for An Post, which then implements it.

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Deputies for raising this matter. I know it is of concern locally and I understand that. Deputy Stanley and, in particular, Deputy Fleming, having been chairman of the Oireachtas committee on State-sponsored bodies for many years - I enjoyed my time working

under him there - will know that these State bodies have been set up under law in such a way that Ministers are not responsible for the day-to-day decisions relating to them. We have to recognise that this is the situation which we in the Oireachtas have created. We have not created a situation where Ministers would be intervening in the day-to-day decisions the companies in question make.

The Deputies will also be aware of the serious financial backdrop against which An Post has had to develop a strategic plan. It faced serious financial meltdown in recent times. It faces a long-term secular decline in its postal business of 8% per annum. It has had to devise a new strategy to carve out a future for the postal service within the communities it serves. That is what it is doing, and successfully so.

In the case of Mountmellick and Thurles, I understand from An Post that it has found that the existing premises from which it is operating are not consistent with the vision it has to provide a better, modern service that recognises the digital transformation that is occurring, the opportunities that exist in the context of the postal service and the company's desire to expand into financial services and be close to where there is a footfall that would be relevant to its services. An Post has recognised that it needs to up its game to serve places such as Mountmellick and it is in that context that it has made this decision. Clearly, An Post should talk to its customers and explain what it is doing. The suggestion by both Deputies, however, that I should intervene to prevent a company from doing what we as an Oireachtas have given it a statutory responsibility to do is simply not the right way to do business. An Post has an independent board. If a strong case is to be made, it needs to be made to An Post, which can evaluate it against the criteria.

From my understanding, An Post believes that Mountmellick will be the first of a new type of postal service outside of Dublin and that the quality of service it will deliver there will be cutting edge. It has evaluated the situation carefully in the context of the transformation programme it is undertaking. Given that An Post faces a continuing decline of 8% per annum in its postal services, the key to its survival is being able to transform its business and generate new customers from a society which is changing in what it needs. It must move with what its customers require. My responsibility is purely a high-level governance to ensure that An Post operates to the standards of governance set for them and that it is in a financially sound position. We must have faith in the board we have established under law to make these decisions in the best interests of An Post's customers, its workers and the communities it serves. By all means, I will convey to An Post the concerns that Deputies have outlined but the responsibilities lie with it and we have charged it with those responsibilities very consciously.

Deputy Brian Stanley: While I thank the Minister for his reply, I am disappointed with it. The State has made a major cash injection in An Post that is being used to cause damage to other Government policy, which was supposed to put the heart back into commercial town centres. There are a number of empty and occupied premises around Mountmellick, within 100 yd. of the existing post office, that would facilitate co-location. Have they been approached?

I have a copy of a letter from the local business association and Tidy Towns. They have asked how, in light of the many initiatives and reports funded by public money to breathe life into town centres, the Government can explain the decision as anything other than running contrary to those policies. They understand the matter. The Mountmellick local area plan states one of its strategic aims is to "[i]mprove the quality, vitality and vibrancy of the Town Centre." It goes on to state its policy is to "[e]ncourage and facilitate the reuse and regeneration of derelict and vacant sites" in the town. The decision, however, goes completely against the town

15 May 2019

plan and Government policy. I understand that the Minister does not want to get into the nitty-gritty but this is a policy direction issue for the Government. The Minister, on behalf of the taxpayer and the public, is the sole shareholder. The public signed a petition three years ago to recommend that the post office should not be removed from the town centre. Will the Minister give policy direction to An Post on this matter? We cannot let this be simply an executive matter for An Post to move the post office on a whim.

Deputy Sean Fleming: The Minister made a few interesting points and mentioned the management of An Post. I am making a formal request to the Minister to convey to the management of An Post an invitation to meet Deputies from the area. That step needs to be taken immediately and we want to see it happen in the coming days.

The Minister has just given a death notice to every town centre post office in Ireland. He said post offices must move with the customers and consider where business is moving, and that these types of old premises do not fit the future vision of An Post. That can be interpreted as saying Mountmellick is the first town to move Government business from the town centre to the edge of town areas. Eventually, some Minister some day will announce €100,000 to renovate the town centre and footpaths and build new curbs in the area. That will be the response of the Government. It will renovate the footpath and think that it is great because a town renewal grant was obtained. We want to keep post offices, businesses and Government businesses in town centres. We look forward to the Minister facilitating that meeting with the management of An Post and Deputies.

Deputy Richard Bruton: Interestingly, I recently visited Mountmellick and found it to be a thriving community with great enterprising initiative being undertaken. It is using the fund of €1 billion the Minister for Rural and Community Development, Deputy Ring, has made available. It has competed for the fund, developed projects and is a shop window of good examples of how towns are taking their revival seriously. It has also revived old buildings to bring them into new uses. From my point of view, however, I must ensure that An Post, which has been given legislative independence, is allowed to ensure that the postal service it delivers is in tune with the needs of the community it serves. There is no future for us if An Post cannot develop the types of services on which it has based its strategy. We need to see it being a more vibrant servant to the community. It needs to move away from providing a service in decline, namely, the standard post mail, and develop the new opportunities that exist. It has been remarkably successful in that regard. It has achieved an agreement with its unions that has allowed it to transform its business and grow new business in different areas. It must be able to respond to the direction of its business.

It is untrue the decision spells a decline of rural towns. If we do not have thriving postal services, or thriving broadband access in our regional communities, or regional enterprise strategies, or the rural development fund, which allows people to develop initiatives from the bottom up, rural Ireland will decline. They are the modern tools of ensuring thriving towns, villages and rural communities. We must ensure we create a framework through which rural Ireland can thrive and grow, which is the basis for the decision. Such an outcome cannot be achieved by telling a progressive company seeking to carve out a new role that Ministers will interfere in their day-to-day operation, as the Deputies have suggested. That is not what Ministers do and it would be inappropriate for that sort of direction to be issued by a Minister to a body trying to rebuild its strategy with long-term services for the community it lives among.

Illegal Dumping

Deputy Peadar Tóibín: I apologise that the notice of my Topical Issue matter may be slightly different to the content but I ask the Minister to bear with me because it is an important matter. In recent years, I have been inundated by people contacting me about illegal dumping and problems within local authorities. In County Meath, for example, the Garda and the Environmental Protection Agency, EPA, are dealing with the alleged dumping of 16,500 tonnes of illegal waste on farm land. The contractor at the centre of the allegation was working for, and under the supervision of, Meath County Council and its consultants at the time. I have inspected the lands personally and found materials such as carcinogenic coal tar, which is used on the bases of roads, mixed with bitumen, pipes, tyres and many other waste materials. Meath County Council carried out a tier-one investigation of the issue and stated the material was for agricultural improvement uses, although it is clear that bitumen, tar, wheels, axles, tyres and so on are not for agricultural improvement. The EPA, however, refused to accept the outcome of the investigation and as a result Meath County Council carried out a tier-two investigation of the dumping of this material. It did so at a desk, however, without inspecting the land or digging any holes there and the EPA refused to accept the outcome of that investigation too. The EPA is seeking legal advice on how to proceed with the matter and on whether it can force Meath County Council to remove the 16,500 tonnes of waste material from the land.

I cannot say for sure which body is wrong or right and I do not claim to be able to do so, but a family with acres of contaminated land has approached the council, the EPA and even the Committee of Public Accounts for help. A number of Deputies, including me, have tried to help them but the problem has gone on for years and nothing has happened. The land remains barren, while aquifers may be contaminated under it. The owner cannot even obtain insurance for the land, such is the state of it. I know that the EPA has hundreds of files on its desks that are similar to this and that they all need serious investigation. From contact with the Garda, I know it is in a similar position. Justice happens at glacial speed at best, if it happens at all. A number of things are wrong and I want the Minister to consider this issue with regard to the future development of the sector.

I will discuss in a moment a number of other areas where this has happened. Local authorities are policing their own issues. It is alleged that they may be the transgressors and also investigating what happened. The EPA has a role but it is not powerful. It can refuse to accept the findings of the local authority but it finds it very difficult to go in, police it and force a resolution. The resources to investigate and deliver justice in this regard are nowhere near what is necessary. In the case I am speaking about, such is the pressure created by the disaster in this family's life that it has caused great illness and stress for the family members. Under the current trend of activity, it is highly likely this will not be satisfactorily fixed, at least not in the lifetime of the family who are suffering.

Deputy Richard Bruton: As the Deputy indicated, his question is somewhat different from the generic question submitted. I cannot comment on an issue where there is, from what the Deputy has said, an apparent dispute between the EPA and Meath County Council. The Deputy is aware that Meath County Council is, in the first instance, responsible for enforcement. However, the EPA has significant powers and it oversees the adequacy with which local authorities perform their functions under the Acts. From what I read, it does not seem to be a very weak power, as the Deputy described it. The EPA has the power to request information and to require its advice and recommendations to be implemented. It can issue directives, which the local

15 May 2019

authorities needs to take, and it can prosecute the local authorities if they fail to take such direction. I have no reason to believe the EPA has reached any of these conclusions. I am sure, from what the Deputy has said, that it has requested the information and is scrutinising what has occurred but it has powers available to it.

On the wider issue raised by the Deputy, I fully recognise that illegal dumping is a huge issue. We have sought to improve the structures by having national and regional structures. At national level, a multi-agency approach is taken involving the Garda, enforcement officers and the EPA. These key players can help to ensure an integrated approach is taken to the issue of illegal dumping. We have provided additional resources for this as well as making a more general call on public authorities and communities to support individual initiatives that seek to improve areas scourged by illegal dumping.

I recognise there is a very serious problem. If I thought the law was weak, I would certainly look at it. Additional resources have gone into this area. I do not have the details chapter and verse but, from memory, the resources allocated to address illegal dumping have increased. We also recognise there is systematic dumping. This year, there is an initiative to see if a more multi-agency approach can be identified to ensure issues do not slip between the inspectors and those calling out dumping. This is part of what the Department, through the EPA and the national regional network, seeks to achieve.

Deputy Peadar Tóibín: I thank the Minister. As I said, I am not trying to catch him on the hop. I acknowledge that I have deviated from the Topical Issue submitted, for which I apologise. I will give a couple of other examples. In County Meath, Paddy Shiels, who supplied services to Meath County Council for years, found his company and his equipment was being used to supply to Meath County Council some services without his knowledge. He claims there was a loss of millions of euro and damage to his company as a result. There was a court case and the defendant pleaded guilty. Further allegations have been made, which were not answered, and Paddy Shiels has never been compensated. I and other Deputies, including Deputy O'Dowd, have been battling on behalf of Mr. Shiels for a number of years and Frank Connolly of *Village* magazine has asked questions of Meath County Council. The local authority has finally decided to initiate a public inquiry.

In another example of this type of difficulty, last month, Councillor Brendan Thornhill of Aontú came into possession of sworn affidavits on alleged malpractice and corruption in the planning department of Wicklow County Council, which resulted in millions of euro in losses. It is alleged decisions were made by Wicklow County Council without the knowledge of councillors. I understand this information was brought to previous Ministers with responsibility for the environment but nothing has happened. Years have passed without the individuals in question being able to get justice. Thankfully, owing to Councillor Thornhill's activities, the Garda has decided to initiate an investigation into the allegations.

With regard to dumping and the environment, Waterford County Council has had similar allegations made against it. A significant amount of illegal infilling has been taking place in Tramore landfill, Kilmacleague, Crough Wood in Rinn and Knockboy graveyard. It is alleged that in these cases there is a conflict of interest. On the one hand, Waterford County Council is the planning authority with the statutory obligation to protect European habitat sites and enforce the applicable environmental legislation while, on the other hand, it is also a transgressor. This is the key element.

An Bord Pleanála has confirmed that in the Comeragh Mountains planning permission was required but not sought by the council. I will give an example of how this costs money. In the Comeragh Mountains, Waterford County Council paid €110,000 for a group to dig up a special area of conservation and then had to pay €250,000 to restore it. There is another site in Middle Quarter in County Waterford about which I have just received an allegation that Waterford County Council is involved in an illegal infilling of a protected European habitat. If true, it will cost millions of euro to resolve. It is the transgressor-cop issue that is at the heart of these problems.

Deputy Richard Bruton: It is important to draw distinctions. Local authorities are the regulators of illegal activity and they have a role to ensure regulatory compliance. However, being regulators does not make them liable for the damage being done by private bodies. It would be impossible to carry out regulation if, as the Deputy suggests, local authorities were to become in some way financially responsible for breaches they discover. That is not their role.

Deputy Peadar Tóibín: In this case, the local authority gave planning permission.

Deputy Richard Bruton: In addition, the Deputy has made allegations that I cannot substantiate one way or the other that local authorities themselves are involved in illegal activities. In this respect, I go back to the points I made. The EPA has a supervising regulatory role in respect of local authorities and if there are instances of this nature, the EPA has enforcement powers. These powers include not only investigating but also issuing directions and taking prosecutions in respect of local authorities. Besides the obvious civil injury that may be involved, there is a route for these allegations to be presented to the EPA and for it to evaluate them, draw conclusions and exercise the powers available to it. There is a system in place. I cannot test the evidence one way or the other in respect of what the Deputy correctly described as allegations. It is not my job to evaluate them. There is a process whereby the attention of the EPA can be brought to any local authority believed to be transgressing its responsibilities and the EPA has the powers to pursue it. If the Deputy wants to present information, it would certainly be made available to the EPA for assessment.

National Drugs Strategy

Deputy Fergus O'Dowd: On a point of information before I start, I asked for the Minister of State with responsibility for the national drug strategy to be present to hear the debate and I want to check whether she is coming. Will the Minister of State who is present inform me as to where she is before I start?

Minister of State at the Department of Health (Deputy Finian McGrath): I received a call half an hour ago asking me to step in for the Minister of State, Deputy Catherine Byrne, and I am delighted to do so. She was delayed at another event. She could walk in the door; I do not know.

An Leas-Cheann Comhairle: For the Deputy's information, during health questions earlier, the Minister for Health, Deputy Harris, apologised on behalf of the Minister of State and took her questions.

Deputy Fergus O'Dowd: I am very unhappy with this. I cannot think of anything more important for which the Minister of State with responsibility for the national drugs strategy

15 May 2019

should be present than to listen to me speak as a representative of a community suffering greatly because of drug crime. People have been shot at and have been petrol bombed. Communities have been left unaided and unsupported by the Department of the Minister of State, Deputy Catherine Byrne. I do not say this lightly. I use the words from a report the Minister of State herself launched yesterday in County Louth. The report, A study on how families are affected by substance misuse in the North East Region of Ireland, includes findings that in the north-east region there is a long waiting list for treatment and a paucity of community treatment, insufficient counselling services, lack of dual diagnoses and mental health services, insufficient methadone prescribing GPs and very few family support services. Additionally, participants spoke of a perceived lack of professional standards, accountability and transparency by some treatment services towards patients.

What is the Minister of State with responsibility for the national drugs strategy going to do to tackle this serious outbreak of drug related activity in our town? In fairness, the Minister of State, Deputy Catherine Byrne, has visited Drogheda three times when she met with the Red Door project. Nothing happened, however, after she left. We got no money. There is a chart in her report that shows there is inadequate support for families. There are no outreach services in Drogheda. There are zero outreach services. I believe it is the duty of the Minister of State's Department to provide those. The Red Door project does its very best with drug treatment but there is a four month waiting list for people who wish to get treatment. A person contacted me yesterday, the day before that and last Friday. Sadly, he is in a very serious state with regard to his mental health and unfortunately is in a very difficult situation. He is waiting to get treatment and feels that if he does not get it his mental health will disintegrate. That is just one example of one person who has contacted me on this issue.

What is the solution? I put it to the Minister of State, Deputy Byrne - who is not here - that the Red Door project is looking for €200,000. This would provide two outreach workers and one family worker to address the issues. These workers would work most effectively and efficiently in the Moneymore estate, which includes a population of more than 800 young people under the age of 16. There is a lack of adequate community facilities and youth facilities in Moneymore - there is none - but here are sites where a community facility could be built. They have produced a report that I would be glad to hand to the Minister of State, Deputy Byrne, which she could act upon and work with to ensure the issue is addressed.

This is not just an issue for Drogheda. It is an issue for the whole State. It is a fact that in the last calendar year 730 people in the State died as a result of drug abuse. This is two people every day. Compare the figure for these tragic deaths - they are tragedies - to the 186 people who, also tragically, died as a result of road traffic accidents.

I am not saying there is no money going into drug treatment services, of course there is, and I am not saying the HSE is not doing its best, but we need to fund it properly. It is unacceptable to me that we do not have outreach workers in Drogheda.

As Members are aware, I welcome the initiatives of the Minister for Justice and Equality, Deputy Flanagan, in providing gardaí to tackle the crime issues and the drug dealers and those who are shooting and petrol bombing in the area. These people are giving our town an appalling name that it does not deserve and which it never had before two drug gangs fell out with each other. It will not, however, be solved by criminal justice. Criminal justice is not the solution. It is part of the solution. Social supports, caring for the community and acting in the community are the way forward.

I contacted the Health Research Board today to try to identify what are the issues. I can give a figure for the last calendar year in County Louth for the needle service, which operates through pharmacies: there were 44,000 needles exchanged in pharmacies in County Louth in the last 12 months. Obviously, that is not 44,000 people or anywhere near it but we do not actually know the number of people who use this needle service. The Health Research Board tells me that 45% of all drugs misused in Ireland are heroin or opiates, so it is a significant number of people. If there is anything good about that number it is that these people are using clean needles and hopefully they will avoid the other health implications of their drug taking.

Deputy Finian McGrath: I thank Deputy O'Dowd for raising this important issue. I am well aware of it and I understand his concerns. I also give apologies on behalf of the Minister of State, Deputy Catherine Byrne. I got the late call and was asked to step in for the Minister of State who has been delayed at another event.

Deputy Fergus O'Dowd: I accept that.

Deputy Finian McGrath: From my point of view, and from the Government's perspective, of course the Minister of State takes this issue very seriously. The Minister of State visited Dundalk and the north east yesterday to hear about drug related issues in the area and the impact on families. The Minister of State is aware that key State agencies, led by the local authority and involving the Garda, the HSE, the Irish Probation Service, Tusla, education and training boards and the north-east regional drug and alcohol task force are working together on ways to address this important issue.

The Minister of State understands that the HSE has appointed a senior counsellor with the priority of developing and supporting counselling services in Drogheda. The Minister of State also welcomes the HSE's commitment to recruit an additional outreach worker in Drogheda to enhance its existing service. The Minister of State is pleased that the north-east regional drug and alcohol task force has offered to assist with access to support for people in addiction to the community-based addiction support services at the Red Door and elsewhere in the HSE.

In March 2019, the Minister of State announced additional funding of €1 million for the implementation of the strategy Reducing Harm, Supporting Recovery 2017-2025. The Minister of State will shortly notify all task forces regarding the allocation of this additional funding, including information on the guiding principles and the application process. The north-east task force will be able to apply for additional funding under this initiative. The Minister of State would point out that the introduction of measures to address drug related activity in the Drogheda area primarily come within the remit of our colleague the Minister for Justice and Equality in the first instance.

Deputy Fergus O'Dowd: I do not accept that.

Deputy Finian McGrath: The Minister of State understands that 25 additional Garda members are to be appointed to Drogheda over the coming weeks and is sure that every effort is being made to disrupt the activities of criminal groups involved and to arrest and prosecute offenders.

Drug-related intimidation is an area of concern that the Minister of State believes requires special attention. It presents a real threat to public safety in communities and the Minister of State is aware that it is a significant issue in the north-east region.

The national drug-related intimidation reporting programme, which was developed by the national Family Support Network and An Garda Síochána, provides a framework to allow reporting of an incident of intimidation to a nominated inspector. Last week the north-east regional drug and alcohol task force held the first in a series of workshops on the drug-related intimidation support process in Drogheda. This workshop was run with the support of An Garda Síochána, the Family Support Network and TUSLA. Officials in the Department of Health will shortly meet with An Garda Síochána and the Family Support Network to see how this programme can be supported and better resourced.

Deputy Fergus O'Dowd: I appreciate that the Minister of State, Deputy Finian McGrath, has read the statement he was given but I take serious issue with the last paragraph that said "The Minister of State would point out that the introduction of measures to address drug related activity in the Drogheda area primarily come within the remit of our colleague the Minister for Justice and Equality in the first instance." I repeat that at my invitation the Minister of State, Deputy Byrne, kindly visited Drogheda to discuss this issue, not once, not twice but three times. The outcome from those visits has been zero. Nothing has happened. I spoke to the Red Door project today. These are totally professional people who are committed to assisting and helping people in the community who suffer from drug abuse. The project has no family resource or outreach workers. That is a fact. Nothing but money from the Minister of State's Department will change this. I welcome that the Minister of State, Deputy Byrne, has said she has allocated €1 million for implementing Reducing Harm, Supporting Recovery 2017-2025, but €1 million will not go anywhere near addressing the money that is needed. Drogheda needs to employ people as an emergency to go out and work with the families today and tomorrow. According to Red Door, it could have these people in place within one month at a cost of approximately €200,000. If Red Door is provided with that funding it can address the issues immediately. I ask the Minister of State, Deputy Finian McGrath, to pass on the message to the Minister of State, Deputy Catherine Byrne, that we want action on the part of her Department. The Minister of State, Deputy Catherine Byrne, has committed in the past to examining this problem. There is no point in committing to examining a problem when the situation is exploding in our faces. There is no point in the Minister of State, Deputy Finian McGrath, coming here to deliver a response which does not provide us with something tangible to work with. What am I to tell my community? Am I to tell them that the Minister of State, Deputy Catherine Byrne, was not present for the debate and that the reply delivered by the Minister of State, Deputy Finian McGrath, did not reference any additional money to deal with the biggest problem in this country and, in particular, in this community which suffers most? As a Member who has backed up all the decisions of this Government, I am angry that this community is being neglected in this area.

According to the Garda Chief Superintendent we are going to lose an entire generation of young people in this country due to drugs and drug abuse. He did not make that statement lightly. The Garda Chief Superintendent looked me in the face as he made those remarks. I now look to the Minister of State, Deputy Finian McGrath, and ask what does this Government propose to do about this situation? People are entitled to an answer and young people are entitled to a future, which they are not getting in the current situation. The community in Moneymore, which is a fantastic community, has produced a report in regard to a community facility. I will provide the Minister of State, Deputy Catherine Byrne, with a copy of that report, which I ask be brought to the attention of the Secretary General of her Department and taken on board. What does the Department propose to do? Its lack of action is unacceptable and the lack of funding is unacceptable. Families are crying out for help. I was told by one woman that two of her family members had to leave the country for fear of being shot if seen anywhere in the land.

This is the extent of the problem. The Government must wake up and deal with this issue now.

Deputy Finian McGrath: I understand Deputy O'Dowd's frustration in regard to this particular issue. The Minister of State, Deputy Catherine Byrne, wishes to assure him that Government is committed to tackling the problem through all the mechanisms available. As Minister of State with responsibility for the drugs strategy, Deputy Catherine Byrne, intends to continue to work with all the relevant stakeholders across the statutory community and voluntary sector to achieve better outcomes to the problems of drug and alcohol users.

On a practical level, the HSE has appointed a senior counsellor to counselling services in Drogheda. It has also given a commitment today to recruit an additional outreach worker in Drogheda and to assist people in addiction in accessing the community based addiction support service at the Red Door and elsewhere in the HSE. The north-east taskforce will be able to apply for additional funding under this initiative.

I understand the anger and frustration of Deputy O'Dowd in regard to the widespread intimidation and people having to leave the country. I know from my experience on the northside of Dublin that gang warfare and feuding destroys communities. I agree that action is needed. I will bring Deputy O'Dowd's concerns to the attention of the Minister of State, Deputy Byrne. Hopefully, there will be action taken over the next couple of weeks.

Mother and Baby Homes: Motion [Private Members]

Deputy Clare Daly: I move:

That Dáil Éireann, having been made aware in recent times of the activities in Mother and Baby Homes that operated throughout Ireland in the twentieth century:

notes:

— the ill-treatment of the mothers and babies in these homes;

— the forced separation of single mothers and their babies from 1922 to 1998;

— the falsification of birth certificates and the subsequent mistreatment of survivors by the State; and

— that these practices were facilitated through official Government policy and by institutions, such as County Homes, public maternity hospitals and many adoption agencies;

further notes that:

— this has left a dark stain on our nation; and

— the State has refused the survivors justice to the present day, despite irrefutable and conclusive evidence being submitted by survivors and survivor groups; and

calls on the Government to:

— introduce, without delay, a Redress Scheme for the survivors of the Mother and Baby Homes, so as to provide some comfort for this ageing community; and

15 May 2019

— set up a Commission of Investigation in relation to the very serious allegations emerging in recent times regarding the widespread and systematic falsification of birth certificates.

I am sharing time with Deputy Broughan.

We have had a number of discussions on the mother and baby interim reports. In that sense, it may seem odd that we are giving our limited Private Members' time to discuss this matter again. We do so at the request of the shrinking survivor community and on their behalf and because there is unfinished business in this area.

The motion calls on the Government to establish an inquiry into the serious evidence which has emerged in recent times regarding the falsification of documents, birth certificates, illegal registration and other irregularities regarding adoptions and forced adoptions that took place in this State. It is five years since the horrific story of the 800 burials in Tuam hit the headlines. At that time, the Government promised all matters in regard to the mother and baby homes would be examined. The then Taoiseach, Deputy Enda Kenny, said that if this matter was not handled properly Ireland's soul, like the babies of so many mothers, would lie in an unmarked grave. Five years on, the feeling of many of the survivors is that nothing much has changed, except many of their members have died. They feel they are being put down a cul-de-sac into a forum that they never requested, the report of which will not be published.

There needs to be a scrutiny of the illegal adoptions in particular, way beyond the limited scoping exercise to which the Minister, Deputy Zappone, has committed. Some 45,000 adoptions were registered in Ireland since it became illegal in 1952. At least the same number of illegal adoptions or arrangements have been made. Under the terms of our adoption legislation, adopted people do not have access to their birth information. To obtain that information, they must go through the Adoption Authority of Ireland. For those who were illegally adopted, the ability to trace their identity is thwarted even further by a cover-up of the illegal practices that went on over decades, facilitated through the mother and baby homes and other institutions with the knowledge and in collusion of religious orders, hospitals, doctors and State agencies. This is the great unfinished business of these types of scandals in our past.

When the scandal broke about the 126 irregular adoption files, there was shock and consternation but this had been well flagged since the 1930s. It was flagged by Mike Milotte and Catriona Crowe. I put it on the record many times since 2011. We know that altered records from Bessborough have been in the hands of the HSE since 2011. A HSE report in 2012 warned that death certificates were falsified at Bessborough, which potentially could have facilitated adoption under the radar. In 2013 the Adoption Authority Ireland acknowledged that it was aware of several hundred illegal registrations specific to St. Patrick's Guild.

3 o'clock

When the commission was set up we asked that illegal adoptions be included in the terms of reference. They were not included. This motion is again calling for them to be included because if they are not included, some of the survivors will have to take their cases to the United Nations. This would mean that, shamefully and yet again, survivors of abuse in this country have to look abroad in order to get access to justice. Those people should get access to justice at home. The Minister must provide an appropriate response on this issue, way beyond her countermotion, which will cause further problems for the community.

The fifth interim report indicates that there are children who are unaccounted for. We have

that information, which is not a surprise. People do not know if their family member has died or was sold on to families in the United States. The report also makes it clear that Galway County Council not only knew about Tuam but was involved in covering it up, as the missing minutes from 1937 indicate. That is only one part of it. We have to be very clear that the scandal of the mother and baby homes is not limited to Tuam or the terms of reference of the commission. Those terms of reference only include 14 homes and a sample from the county homes. That will not get to the bottom of the illegal adoptions because approximately 300 private nursing homes were excluded from the commission. On top of that, an unknown number of private arrangements took place in other circumstances, for example, where birth certificates were falsified by adoptive parents registering as natural birth parents and passing the baby off as their own while avoiding State involvement through the adoption process. These cases are almost untraceable.

When the story of the 126 cases of illegal registrations broke I was contacted by a man - coincidentally, a constituent of mine - who, at the age of 38, after his parents had died, was told by a friend that he had been adopted. In his own words, he was a married man with four children who did not have a biological identity. He said it took him about a year to come to terms with that fact, saying that he felt that he did not exist, that he was not here and that he wondered about his birth. He was 70 when he contacted me, and said he searched at length throughout his life to find out who he was and where he came from. When the 126 cases of false registration emerged, he thought that perhaps he was one of those affected and it gave him an opportunity to find the answers he sought. However, he did not get an answer. He only got an answer when we put him in touch with Sharon Lawless, a wonderful person who has done so much work in this area, who helped him, via DNA testing, to find some answers and, happily, some other siblings, which was a tremendous story. That may not happen for everybody and we really need, as part of the redress scheme, practical steps and support for those who need access to DNA testing. However, the continued delays in the publication of the investigation's findings is pushing back the possibility of a redress on an ageing population which cannot wait. This is an incredibly time sensitive issue and it is highly regrettable that the Government has not heeded the commission's call for redress to be put in place.

Many of the unofficial arrangements were made in the maternity wards of our public hospitals where young women were forcibly separated from their babies through intimidation, deception and collusion between the hospitals and religious orders, and indeed some adoptive parents. We know that Cónal Ó Fátharta from *The Irish Examiner* has done heroic work in this area. He recently highlighted the case of Jackie Foley, who was 16 when she gave birth in Bessborough in 1974. She signed a consent form to have her son adopted but did not sign her own name. Instead, instructed by a nun and in the presence of a solicitor and her mother, she was forced to write a different name, that of Micheline Power, a woman who does not exist. The documentation was deliberately falsified. She signed the paper in a false name for a child that she had already registered under his own name, Dermot Foley, but he was given the bogus name of John Power. An adoption order issued by the State's regulatory body, the Adoption Board, was contracted on the basis of these false identities. Instead of acknowledging the wrong, the agencies involved did what they always do; they circled the wagons, delayed and denied. In responses to freedom of information requests, these cases are described as "possible illegal registration". That is why we have consistently called for the handing over of all files and records by all of the institutions and religious orders and the introduction of appropriate legislation to allow adopted persons full access to their records. That is the purpose of the motion before the House and the reason we called for these matters to be included in the commission before it was set up. It is also the reason we are calling for them to be included now.

15 May 2019

The Minister's response, which mentions a limited audit, is not appropriate. We know there will be a review of around 1,500 files. That is just 1.5% of the 100,000 files in the hands of the Adoption Authority. The review is limited to looking for evidence of illegal registrations, not illegal adoptions. The issues around this are much broader than illegal registration and they are not currently being examined. I note that the Minister's amendment refers to her leadership in this matter in respect of sampling, among other things, but I have to stress that this is ignoring all of the other illegalities around this issue. On top of that, we were promised that the audit would be released by Easter. Has the Minister received it? If not, why not? When can we expect it to be published? It will inform some of the other areas of work that have to be dealt with.

We have to examine the issue of redress as a matter of critical importance. Members of the survivor community, some of whom have joined us in the Public Gallery, will be absolutely gutted to read the Government's response to our motion. The collaborative forum's recommendations, which have been unfairly published out of context and in the absence of the full report, asked for health and well-being packages and a programme of memorialisation. This is repeated in the Minister's amendment but it is not declared that this will be acted upon. The amendment calls for a co-ordinated approach from Government and for an analysis to be conducted. There is no actual implementation. Some five years on from Tuam, a health package is still at the developmental stage. How long will it take for survivors to get redress? They are suffering from trauma and ill health because of this, yet the Minister's response to our motion is that she will look at it. The same thing was said five years ago. The survivor community would have hoped to have perhaps been allocated a medical card as part of a redress scheme. The issue of redress begins when these people are believed and acknowledged. The Coalition of Mother and Baby Home Survivors, which represents the vast majority of survivors, has asked to meet the Taoiseach to discuss this, but so far he has refused to meet it. Why will he not meet it to hear, from the mouths of its members, what it means not to be acknowledged, properly recognised or believed, and the effect the lack of action is having on them? They do not need nice words but rather action to address the trauma that many of these people are experiencing.

We are calling for an urgent and comprehensive response to deal with the delays in the reports of the commission and the adoption audit, a package of basic supports for the remaining survivors to be rolled out without delay, a full audit of all the adoption files in the hands of the Adoption Authority and the illegally adopted to be included in the commission of investigation.

Deputy Thomas P. Broughan: I thank the Leas-Cheann Comhairle for the opportunity to speak on this important motion. I warmly commend Deputy Clare Daly and her staff on bringing it forward. The motion, which I have co-signed, notes the ill-treatment of women and babies in religious and State-run institutions, the forced separation of single mothers and their babies from 1922 to 1998, as well as the falsification of birth certificates and the subsequent mistreatment of survivors by the State. The motion further notes the dark stain this abuse has left on our nation and the refusal of the State to give the survivors justice to the present day, despite irrefutable and conclusive evidence being submitted by survivors and survivor groups.

Our motion calls on the Government to introduce without delay a redress scheme for the survivors of the mother and baby institutions to provide some comfort for this ageing community. It also calls on the Government to set up a commission of inquiry on the serious allegations which have emerged in recent times regarding the widespread and systematic falsification of birth certificates. Last May, the country was shocked again when it was confirmed that the St. Patrick's Guild adoption agency illegally listed adoptive parents as birth parents between 1946 and 1969 in 126 cases. The *Irish Examiner* revealed evidence of these illegal registrations

in 2010, which led to the Adoption Authority of Ireland completing an audit and the Department of Children and Youth Affairs was notified in 2011. The review being undertaken by Ms Marion Reynolds into this illegal practice was due in October 2018 but has since been extended several times. The report was then due to the Minister before Easter. The second interim report was published at the end of January 2019 and completed at the end of November 2018. Has the Minister received the final report?

The review covers the period from 1953 to 1996, with the weighting of samples split between 1953 to 1976 and 1977 to 1996. Of the 30,000 records held by the Adoption Authority of Ireland, it identified 4,351 as relevant to the review. Just 459 of these were chosen as the sample. Tusla identified 70,000 and 1,082 of these were sampled. This means that out of a possible 100,000 records, just 1,541 were being reviewed. The actual examination of these records, according to the second interim report, was to begin at the start of December 2018 and should have been completed by the end of March 2019, allowing Ms Reynolds to submit her final report to the Minister before Easter.

This time last month, the Minister published the recommendations of the collaborative forum for former residents of mother and baby homes and related institutions. Those recommendations include that a health and well-being supports package be developed, that the Adoption (Information and Tracing) Bill be amended and that a memorialisation programme be put in place. Of course, we cannot see the full list of recommendations until after the commission of investigation completes its work. I welcome the ideas put forward for memorials, such as providing financial support to the survivor-led groups for commemoration events each year and the development of a national memorial. We must never forget what the State, one of two sectarian types of state established on this island in 1922 unfortunately, and the church did to women and children in the institutions where they were held.

The full commission is not due to report until February 2020. The fifth interim report was published in mid-April. It makes for grim reading and again brings to the forefront the questions that have to be asked of the religious institutions involved, the politicians who were in power at the time and the public representatives who were elected officials at the time in relevant local authorities. The findings in this report show the main issues around burials in Bessborough and Tuam. The report states:

More than 900 children died in Bessborough or in hospital after being transferred from Bessborough. Despite very extensive inquiries and searches, the commission has been able to establish the burial place of only 64 children.

The report also indicates that on several occasions the affidavits provided by some of the congregations involved were “in many respects, speculative, inaccurate and misleading” and how “The commission finds it very difficult to understand that no member of the congregation was able to say where the children who died in Bessborough are buried.”

Bessborough Home, which was open from 1922 to 1998, transferred its records to the HSE in 2011. Tusla received the files in 2013. However, the records do not contain information about burials. More than 900 babies and children died in the home or in the Sacred Heart Maternity Hospital. The commission has also confirmed that informal adoptions were arranged from Bessborough through the Catholic Womens Aid Society, CWAS. The latter stated that its “records do not record where children who died in its care were buried.” The commission was able to establish that 1,343 babies and children died in the period between 1922 and 1998, 771

15 May 2019

in Bessborough, 552 at St. Finbarr's Hospital Cork and 20 elsewhere, but has only been able to confirm where 64 of those children are buried. Up to 92% of the those children were born to public patients.

There was much media coverage of the burial practices uncovered in Tuam and people were understandably horrified and upset. I will not repeat the findings here but I encourage anyone with information to contact the commission before its final report. Section 8.14 of the report outlined Galway County Council records and the lack of minutes from 1937. The children's home in Tuam was owned by the local authority. There is evidence that "awareness of the possible existence of a burial ground in the grounds of the Tuam children's home dates from the 1970s". It beggars belief that proper investigations were not undertaken at that stage. This was a time when some of these institutions were still in operation. The Sisters of Bon Secours continued to live and work in Tuam until 2001. They must have been aware of the building works that were carried out on the children's home site in the 1970s. The commission considered that there must be people in Tuam and the surrounding area who know more about the burial arrangements but who did not come forward with the information.

The matter of the illegal registrations of adoptions as births requires examination by a full commission of inquiry. It is unacceptable that babies were allegedly taken from their mothers in such circumstances and that the truth may never have been known to the people involved. We can all agree that what went on in these mother and baby institutions, following this report and the commission, is a dark stain on our history. Those who suffered should be properly given justice and peace. Accordingly, I will be supporting this motion.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I move amendment No. 1:

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

"acknowledges the lived experiences of Irish women and children who were in former mother and baby institutions in the last century and stands in solidarity with all former residents, and their loved ones;

recognises that the Government established the Commission of Investigation (Mother and Baby Homes and certain related Matters) in February 2015, to provide an objective account of what happened to vulnerable women and children in these institutions during the period 1922 to 1998;

also acknowledges that the current statutory investigation was established following a motion passed by Dáil Éireann on 28th January, 2015, to approve the draft Government Order for the establishment of the Commission, including, its terms of reference;

also recognises that the Commission has a focused remit to examine areas of practice and procedure in the care, welfare, entry arrangements and exit pathways for the women and children who were residents of named institutions and a representative sample of County Homes;

endorses the important work to date by the independent statutory Commission, including the submission of five interim reports which reflect the sheer depth and complexity of the work being undertaken in comprehensively investigating these matters at a level never before possible; and

further acknowledges that many former residents and their families understand the scale of this statutory investigation, and recognises this unique opportunity to bring greater clarity and enhance national understanding of the most difficult experiences endured by vulnerable mothers and children;

further recognises that:

— a significant focus of the Commission's work is to investigate institutional patterns of referral and relationships with intermediaries involved in the placement of children who did not remain with their parents, with scope to examine whether the child's parentage was concealed, either by omission or by illegal means;

— when the Commission's cross-referencing of records is complete it should provide as comprehensive an account as is possible of the pathways of the children concerned;

— the Commission has the legal authority to address crucial questions to the fullest extent possible in seeking to provide the answers to which former residents are entitled, and the scope to make any recommendations to the Government which the Commission deems appropriate;

— the interests of former residents, their families and the wider public, are best served by facilitating the Commission to conclude all relevant lines of inquiry, including the social history and Confidential Committee modules, in accordance with the legal framework under which it was established;

— the Commission has not made findings to date regarding abuse or neglect within these institutions;

— it is crucially important for the Oireachtas to avoid pre-empting or otherwise encroaching upon the independent Commission's work;

— the Commission's final report, which is due for completion by February 2020, is absolutely necessary to inform the State's response to these matters; and

— the Government has committed to a comprehensive, timely and appropriate response to the full conclusions of the Commission, but it is not feasible to consider matters as complex as redress in advance of the Commission's final report;

welcomes:

— the Government's compassion for the dignity of the deceased and the legislative work being progressed to provide a statutory basis for the forensic-standard excavation, exhumation and identification of juvenile human remains discovered at the site of the former Mother and Baby Home at Tuam, Co. Galway;

— the Minister for Children and Youth Affairs' efforts to be open and transparent regarding the discovery of illegal birth registrations, evidenced by the decision that Tusla would make contact with all those affected by illegal registrations discovered in the St Patrick's Guild files;

— the sensitivity being exercised in contacting those affected, the social work and counselling assistance that is in place to help; and

15 May 2019

— the leadership of the Minister for Children and Youth Affairs in directing that a review of a sample of files be undertaken, overseen by an independent reviewer, to ascertain whether any similar evidence of illegal birth registrations is evident on files of other bodies involved in adoption; and

further again recognises and affirms:

— the resilience and agency of former residents, their families and supporters in seeking justice and truth in relation to these events and their experiences;

— the new and innovative approaches by the Minister for Children and Youth Affairs to engagement with former residents and their families, in particular through the establishment of the Collaborative Forum on Mother and Baby Homes, which has facilitated former residents to identify, discuss and prioritise the issues of concern to them and their families;

— that former residents are equal stakeholders in this participant-centred work, which the Minister for Children and Youth Affairs believes can have a lasting and positive impact; and

— the coordinated approach by Government to conduct a comprehensive analysis of the Collaborative Forum's published recommendations, together with a specific process and timeline for developing a package of health and well-being supports and a series of initial measures, including:

— the development of a programme of memorialisation;

— the commissioning of research on language and terminology; and

— continued action to improve access to birth information through reforms of adoption legislation.”

I thank the Deputies for bringing forward this motion to allow these serious issues to be discussed openly and with full respect for those affected, many of whom have joined us in the Gallery. We passed the 20th anniversary of apology of the then Taoiseach, Bertie Ahern, to victims of child abuse last Saturday. Next Monday will mark the tenth anniversary of the publication of the Ryan report. These issues and those relating to mother and baby homes have indeed left a stain on our nation. We must continue to confront these uncomfortable and difficult chapters of our history. It is only by accepting and confronting the truth that we can ensure no woman and no child will have to go through such ordeals again.

A commission of investigation into mother and baby homes was established in response to significant concerns about death rates in Tuam, as well as concerns around conditions which existed at similar institutions. These matters had never been examined in this forensic way before. The scope of the investigation includes questions on the care, welfare, entry and exit pathways for the women and children who were residents of these institutions between 1922 and 1998. Notably, a specific focus of the commission's work is to investigate institutional patterns of referral and relationships with adoption societies and other intermediaries involved in the placement of children.

The Government is satisfied that this independent commission has sufficient power and scope to examine and make a determination on a broad range of relevant concerns. Five interim

reports have been prepared to date, all of which I have published. The commission makes no definitive findings of abuse or neglect in these reports. Its final report is due by February 2020. The House approved the establishment of the commission. We should not prejudge or encroach upon its work. The Government will be in a position to respond to its findings and recommendations when the final report is submitted. The Government has extended the timeframe for the inquiry in response to its sheer scale and complexity.

The most recent report provided us with significant information on burial practices. It aids the work to prepare legislation to facilitate excavations at the site in Tuam. The second interim report dealt with some of the issues raised by Deputies in their motion, namely, access to a specific redress scheme for former residents and external calls to broaden the terms of reference, in this instance into illegal registrations. Since this work commenced there have been calls for redress for this group of survivors. Some believe they were unfairly excluded from these schemes and do not see it as necessary that the present commission completes its work before these issues are dealt with. Following detailed analysis of the commission's suggestion, the Government decided not to extend the scheme or develop an alternative. Consideration of such complex matters requires greater clarity on these events and details on the precise role and influence of the State and other parties.

Previous financial redress schemes were complex to administer, costly and often difficult for applicants. The Ombudsman, and previously the Comptroller and Auditor General, recommended the development of central guidance in respect of restorative justice or redress schemes to ensure lessons learned can be applied where necessary. This work is being advanced across relevant Departments. Instead, the Government committed to exploring alternative means of supporting the needs of those former residents. In making this decision, the Government was conscious that the commission had made no findings about how residents in these institutions had been treated.

I have met the survivors of the institutions on many occasions and some of our conversations have been difficult. Many survivors and their loved ones are deeply frustrated. They want their concerns addressed. I understand and accept their impatience. They have waited a long time. I know too that many fear they could go to the grave with unanswered questions and not knowing what happened to their loved ones. In order to address some of these concerns I established an inclusive and representative collaborative forum where former residents can directly engage on the issues of concern to them and their families. The focus is on assistance that can be offered in advance of the commission completing its work, while being careful not to pre-empt its findings. The forum's work has produced a comprehensive and diverse list of recommendations, which I published last month. In line with our transitional justice approach to engaging with former residents, the Government committed to a comprehensive analysis of all recommendations by relevant Departments. A specific process and timeline for developing an appropriate package of health and well-being measures, which is currently being implemented, the development of a memorialisation programme, the commissioning of research on language and terminology, and continued action to reform adoption legislation, are being progressed.

As the House is aware, I decided last summer that those affected by the illegal birth registrations discovered in the files of St. Patrick's Guild should be informed as soon as possible. The number of illegal registrations discovered has now risen from 126 to 148 and it is clear is that this is an evolving process. Tusla is continuing this complex and sensitive work. All those informed by Tusla of their birth status, and who wish to engage with their services, have been offered a full social work service and specialised counselling support. As a result of the discov-

15 May 2019

ery, I also directed that a scoping exercise be undertaken, overseen by an independent reviewer, to ascertain whether any similar evidence exists on files of other bodies involved in adoption. I am expecting this report by the end of May, and will then decide on any next steps. However, I am also mindful there will be overlap between this process and the work of the commission.

The Government's compassion for the dignity of the deceased is evident in the legislative work being progressed for the forensic-standard excavation, exhumation and identification of the juvenile remains discovered in Tuam, and commencing this project as soon as possible is a priority. Former residents of these institutions deserve answers. These answers are coming. I know this population is ageing.

Justice demands that our actions are properly informed, proportionate and appropriate. When the commission makes its findings we can address the complex task of responding to these issues. In the interim I remain committed to sustained engagement to advance measures in response to the identified needs of the men and women who as adults and children spent time in these institutions, even though they had committed no wrong. I am listening and I know their daily struggles.

The motion before us is well-intentioned. However, responding to these events and experiences is not as straightforward as the Deputies suggest. If it were, we would not have required an independent statutory inquiry. At the outset, I outlined the importance in establishing the truth so we can accept it and learn from it. The best way - in fact, the only way - to establish that truth is to let the commission complete this important work. The Government's counter-motion recognises that this is a complex process and highlight some of the positive developments overlooked in the Deputies' motion.

Deputy Fiona O'Loughlin: I am glad of the opportunity to address this motion. Undoubtedly, the Commission of Investigation into Mother and Baby Homes is investigating one of the darkest periods in Irish history. Mother and baby homes represent some of the worst aspects of our collective history and our humanity. Their existence was underpinned by a complex web of culpability and responsibility. Since it was first established in 2015, the commission, chaired by Judge Yvonne Murphy has worked to gain a deeper understanding of the practices and experiences in these institutions. It has required the commission to conduct a great amount of document discovery work and the conducting of interviews with survivors, workers and authorities from these institutions. Although the commission was initially scheduled to make its final report by February 2018, the deadline has been extended twice. The full report is now anticipated in February 2020.

As part of its remit the commission is free to make any recommendation that it considers appropriate. It is vital that the commission is permitted to finish its task before further action is taken. To do otherwise would undermine the commission's work and only weaken its role.

The commission has been in the forefront of all our minds. The shocking details from this shameful chapter in our history is seared in all our memories. We all share a determination to do what is right for the survivors. It is vital that we give them confidence in the process and that they are reassured that the commission is working tirelessly on their behalf to investigate and document all the ongoing discovery work. It was regrettable that the final report could not be delivered early last year but we look forward - I use that phrase advisedly - to see its completion in February next year.

It is important to acknowledge that this postponement is deeply distressing and disappointing for elderly survivors especially but it is in the best interest of all survivors that the commission be given sufficient time to finish its work before making any recommendations on redress. We in Fianna Fáil are hopeful and positive that a redress scheme will be established but we stand by the commission's priority to complete the report. We are calling on the Minister to do everything necessary to expedite the completion of the commission's work. It is important in the context of the motion to mention the specific focus of the work to investigate institutional patterns of referral and relationships with adoption societies and other intermediaries involved in the placement of children and of illegal registration. That has been referred to in the second interim report.

It is also important to note, as always, the courage of the survivors and the help of a brave local historian and committed journalist, Ms Catherine Corless. It is thanks to her courage and hard work that we can bear witness to the considerable harms experienced by mothers and their children in one of the darkest periods of Irish history.

An Leas-Cheann Comhairle: I call on Deputy Denise Mitchell, who may be sharing.

Deputy Denise Mitchell: I will be sharing with Deputy Buckley. I welcome this motion and I acknowledge and welcome the survivors and relatives in the Gallery.

The treatment of women and children in these homes, which was overseen by this State, is deeply shameful. The fact that so many children died in these homes and that their remains were disposed of in such an undignified and inhumane manner in Tuam is utterly disgraceful. The fact that so many children were taken away from their mothers, were illegally adopted, essentially trafficked to the US, Britain and elsewhere, and that those adopted children were then lied to, ignored and forgotten about by this State for decades is shocking. The State was supposed to safeguard the well-being of all our citizens. Instead, it facilitated and oversaw the ill-treatment, neglect and abuse of vulnerable women and their children.

As the Minister will be aware, there is a growing frustration among the survivor community over the failure of the Government to deal with the issue of redress. This has been compounded by the consistent delays to the final report of the commission and the insistence that redress will only be considered after the final report is published.

I again raise the case of the survivors of the Bethany Home who found themselves wrongfully excluded from the previous redress scheme. The Minister is well aware that this group of survivors is small and quite elderly. The Government must do the right thing and ensure that these survivors receive appropriate redress for the hurt they suffered. So far, their pleas have fallen on deaf ears. I again call on the Government to reconsider its decision to refuse to allow this particular small group of survivors to access the redress scheme and I will continue to do so.

In terms of the adoption scandal, the confirmation of this policy, which was essentially child trafficking, highlights the need for a comprehensive and properly resourced investigation and that means all the agencies, individuals and homes involved in adoption in this State.

To remind people, the 126 cases of illegal adoption that were initially identified last year account for only one organisation involved in adoptions. There were an estimated 182 such organisations operating in this State. This is potentially only the tip of the iceberg.

15 May 2019

Recently I was dealing with an elderly lady who was informed that she was illegally adopted. She had absolutely no idea about it. Can the Minister imagine how a grandmother must feel to be told she is adopted, to know she can never be able to ask her parents about the circumstances because they have passed on, and not to know whether she has siblings? This is incredibly upsetting and shocking to find out.

It is so wrong that there are people the length and breadth of Ireland and abroad who have no way of knowing their history and identity. They do not know their medical history. We cannot move on from this issue until we deal with its effects in a comprehensive and open way because it is not in the past. For the woman I just referenced, this is brand new information. It is in the here and now. It is in the here and now for those people who do not know what happened to their loved ones.

In recent times, we have seen relatives lodge missing person cases with the Garda because, despite decades of questions, they still do not know the fate of their loved ones. To those people, this is not in the past. It is in the here and now.

We need to see justice. We need to get to the truth. We need to see accountability. Too many have gone to their graves without justice or redress and the Government must show that it is willing to do all it can to right the wrongs of previous Governments.

Deputy Pat Buckley: I too welcome the opportunity to speak. I commend the Independents 4 Change for bringing this motion forward. We will be supporting it. It is ironic we were here only last week on a Topical Issue on the same matter.

I listened to many of those who contributed to the debate today. They covered many of the issues, for example, the immediate redress scheme because many of these survivors-victims are elderly. The issue of medical cards has been raised with me. Even dental treatment for the elderly has been raised. It is not being provided to these survivors at present.

A while ago, the Minister mentioned adoptees and illegal adoptees. Some children were lucky to find their parents. They have got back together after 40, 42 or 43 years - I raised it last week - but still cannot get a passport because they are not recognised. It is ludicrous.

This was originally about the survivors who wanted to tell the truth and who wanted their story out in the public domain so that the reaction would be that it would never happen again. I have often said one of the hardest things to do in this country is to tell the truth because one is persecuted for it.

This brings me on to what I was worried about. First, I make two points on the opening speech of the Minister, Deputy Zappone. The Minister stated, "The forum's work has produced a comprehensive and diverse list of recommendations, which I published last month." It is 20 years and we are still going on about recommendations. We have not seen any of them, nor have any of the people in the Gallery, and it is worrying.

Second, the Minister stated, "At the outset I outlined the importance in establishing the truth so we can accept it and learn from it." That is absolutely spot on. That is what the people wanted, but they wanted it out in the public domain. I refer to the domain we are looking at here. While we are all debating here and there are other Bills and business going through, I am worried about the Retention of Records Bill 2019 which I have raised previously. I thank the Library and Research Service because if one uses the service, it will provide information.

I quote this so that people will know what will happen here if this Bill goes through, despite all the work that has been done. The Bill Digest states, "The purpose of retention is to assign these records as Departmental records so they can be transferred to the National Archives for a sealing period of 75 years, after which time they will be made available for public inspection." What is wrong with telling the truth now? This stuff happened 50 years ago.

In conclusion, and here is something the Minister might go back and check because she always uses these nitty-gritty issues in law, there is also merit for the argument that this Bill denies citizens access to their own records under the Freedom of Information Acts. By doing so, those who relay their stories of abuse are prevented from accessing information pertaining to them. There is not an ounce of truth in this Bill from beginning to end. Unfortunately, when all this work is done, it will be the Irish way and we will shut everything down and put it away. Three generations of families have been affected by this and we must inscribe the story in stone to keep it alive. This atrocious abuse was supported by the State, church and other agencies and affected 3,573 people. Nobody has considered the human suffering these parents felt and the suffering of the children - the adoptees. There are many who do not even know. I go to Bessborough every year and each time I find that somebody is missing. They have not been adopted by someone else. They have been adopted by God because they are dead. There has not been an ounce of an apology or anything else. We should not let this happen to the remaining survivors. I appeal to the Minister to support this motion. Let us do things that are positive and give these people the utmost respect. What they deserve is a bit of peace, decency and respect in their later lives. I commend the motion.

Deputy Joan Burton: When I read the Government amendment to the motion, I felt that the Minister had been sat on by her Cabinet colleagues who have about three pages of printed legalese that essentially continues to deny people the right to their information. Regarding the scandal of the illegal birth registrations, I think the Minister acknowledged that the number of cases in the Department's records had increased from more than 120 to more than 140. She said previously that over 700 cases in St. Patrick's Guild alone are of concern. St. Patrick's Guild is only one organisation.

I find the Government amendment to be insulting to many people, although I am sure that is not her intention. She welcomes the Government's compassion for the dignity of the deceased. Self-praise is no praise. It is the job of the Government and all Governments to keep addressing this until we give some of the succour people need at this point. As is pointed out in the amendment several times, the people affected are very elderly. Most of the birth parents are dead because, as we know, adoption as a practice decreased significantly before dying out during the late 1970s and 1980s. The Government refers to being open and transparent regarding the discovery of illegal birth registrations.

It is local and European election time at the moment and, like everybody else here, I meet people all the time while canvassing. Many approach me to talk about the stories in their families. They want to share them, probably with somebody who has been adopted. People have been left stupefied by the lack of emotional intelligence in the Government's response to this issue.

I put forward a very simple, short and confined Private Members' Bill to allow people whose births were illegally registered to go to the District or Circuit Family Court and have their birth registration properly addressed as they wish. Some people will want their adoption birth certificate verified and regulated, while others may choose a different path. It is within

15 May 2019

the Government's powers to that immediately but, instead, it is pushing everything out beyond 2020. The Minister must not come in here and say she cannot offer us some solutions. In one part of the amendment, she seems to have moved to a redress scheme. She needs to address Bethany Home. I can remember being in a minority of one in a previous Government arguing about Bethany Home and what people in the home suffered. Despite this, addressing this issue has been postponed, which is wrong.

The Minister was in my place when I addressed the Seanad, as Minister, on the issue of allowing solemnisation of marriages in places like hotels, which had not been allowed up to then. I could have listened to all the conservative advice I received indicating that having a civil marriage celebrated by a humanist could not be done and the sky would fall in. The Minister is being told that the sky will fall in if she addresses the wrongs she acknowledges have happened. I also received advice that transgender people could not have a birth certificate showing their acquired or preferred gender. The Minister, when she was a Senator, was a great advocate on that subject. Can she recover that feeling and sense of advocacy for those who want to sort this out? The commission is doing great work. It is discovering a lot of things. For example, there have been requests for inquests. I do not think we have heard what the Minister has to say on that but she could recognise that an inquest would be appropriate because it would recognise the dignity of the person with regard to burials in different locations.

The Minister and her colleagues must give more thought to how they acknowledge dignity and respect because that is at the heart of what was not there. That is why children who were adopted or who lived in homes were very often the subject of an innate discrimination. They were considered to be lesser people because of the circumstances of their birth. I think that, broadly, Irish society has moved way beyond that and it is time the Government moved way beyond it too by addressing a legacy that was deeply conservative. The Minister should read the debates on adoption in Ireland in this very House and the Seanad going back to the period between the 1930s to the 1950s. Many people did not want adoption because they felt it would allow strangers to come and take family property that did not belong them or take farms to which they had no legal right. The country has continuously learned and moved on. Writers, musicians and artists have been able to address it down the years. It is 20 years since the late Mary Raftery and others in RTÉ produced "States of Fear". What seems to be wrong with this Government is fear because in some ways, it has inherited and taken on itself the fear that this involved. What was it about? It was about fear of women who acted outside the convention of relationships at the time. It was about fear of sex because these women exercised their sexuality in ways that were outside the conventions of their time. It was fear around property rights and that, as a consequence of the women's sexuality and women loving people outside marriage or having affairs outside marriage, property would be undermined. The Minister has written a great deal of analysis from time to time. Can we recognise some of it?

The 75-year ban on the release of materials happened in a particular context but is now wrong and the Minister should move on it. The issue is not addressed in the amendment. It should have been addressed by the Government and an acknowledgement made. I ask the Government to please start addressing the issues of the long-term campaigners while they are still alive.

Deputy Richard Boyd Barrett: I thank Deputy Clare Daly and Independents 4 Change for bringing forward this motion. I commend Deputy Clare Daly in particular on being very persistent in championing the matters addressed in this motion and those who have been affected, including survivors, relatives and others impacted by the very dark history of this country's

treatment of many women and their children over many decades. Over most of the history of this State, there was awful and often abusive treatment of women and children.

As someone who was adopted, I am particularly conscious of the importance of getting these matters resolved and having truth and justice established for people affected by them. I am lucky as in my case things largely worked out well for me but I am very conscious that for many people, they did not, and in this history really terrible suffering was endured. The most extreme horror was visible in the case of the Tuam babies but we also saw stigmatisation of women, with victims being blamed for their own treatment and identities, histories and heritage being stolen. The medical heritage of these people, which is so vital, was stolen and denied to them. There is a failure to fully acknowledge this and of the State to make redress for the suffering and hardship that people endured. Insofar as there have been any moves towards redress, the shining of a light on all these matters and beginning to bring about the necessary changes, it is down to the fantastic campaigning of many people, some of whom I know are here today. These are organisations like the Coalition of Mother and Baby Homes Survivors and many others that have continued to fight for justice, truth and redress.

I very much support the objectives of this motion. I understand it is a complex and large-scale undertaking to get to the truth for the issues we are talking about but I do not see why the important and time-consuming work involved in the commission's efforts prevents us doing certain things in the here and now and having a position where justice, truth and redress are delayed, for many to a point where it is just too late. We must do everything we can in the here and now, notwithstanding the need for final or comprehensive solutions. The key is to listen to the people involved, hear their concerns and be directed by what they are asking. I accept that the Minister has set up a collaborative forum but it is very telling that the mother and baby homes coalition asked for a meeting with the Taoiseach but it was denied. There is an element in the Government that just wants to do the absolute minimum because they are worried about cost and implications; these people are thinking about matters politically or financially, or both, instead of thinking about the human beings involved, the injustice they have suffered and the urgency required in getting redress, truth and justice. It is the point of the motion and I do not really see how the Government can make excuses for failing to do what is being asked here. It is about having an investigation into the falsification of adoptions and having even an interim redress scheme that could be made available to survivors and those affected by all this.

There is also the issue of testimonies and archive material being inaccessible for 75 years, which is crazy. A lovely woman who was in a mother and baby home comes into my clinic almost every week. She gave testimony and she does not understand why there is now a 75-year restriction. I do not understand it. If there are particular elements of these testimonies and archives that must be redacted to preserve people's anonymity and so on, it can be done. There is every reason this information should be accessible and part of the public history. It is about opening up to the truth of what happened and shining a light on that dark history precisely to ensure it never happens again. The Government should withdraw its amendment to the motion and do what is being asked, notwithstanding the fact that not everything can be done or completed now. We all understand that, and I am sure those watching in the Gallery and elsewhere also understand that not everything can be done immediately. However, we must do more to move towards what is being asked by the survivors and affected victims.

So much of this was about the State outsourcing responsibility for the care of vulnerable people - women and children - to religious institutions and not taking direct responsibility. It was politically convenient to control society while not taking responsibility for the State's own

15 May 2019

policies. Amazingly, this still goes on in a number of areas in new forms. For example, there is direct provision and the continued control of the church over many aspects of health and education in this country. Even today, when we question Ministers about abuses, suffering, allegations, complaints or events happening right now, they say they are not responsible and it has been outsourced to somebody else. We are still creating the conditions for abuse, neglect and mistreatment of women, children and other vulnerable people in our society. This will necessitate future tribunals and investigations. All this will happen again. We still have not fully learned the lessons from the question of separating church and State or ending the outsourcing of the responsibility of care that the State should have for vulnerable people in society. That must be done immediately.

Deputy Catherine Connolly: Cuirim fáilte roimh an deis labhairt ar an rún seo. Tá sé deacair orm labhairt faoi, i ndáiríre, ós rud é go bhfuil mé bainteach agus ceangailte leis an scéal seo go pearsanta agus go proifisiúnta, ach déanfaidh mé mo dhícheall.

I welcome the opportunity to speak on this motion today. I find it difficult on many levels as both professionally and personally I have had involvement with this matter for many years. There is a recent image of a 103 year old woman, Elizabeth, meeting her 81 year old daughter, Eileen, in Scotland. Eileen was a resident in the Bethany Home. Surely that image alone might have prodded the Minister into making a different speech today. In no way do I mean to be personal and I have the greatest respect for the Minister but all I can think is that she has been taken captive by her Department. It is difficult to understand as the most important aspect in all this is trust. I appreciate that the Minister inherited a terrible situation and she is trying to deal with a difficult matter but trust is very important.

The speech made today was disingenuous in parts, and I use that word very reluctantly. The Minister said there would be no redress at this point because we must wait until the commission completes its work. I really find it difficult to hide my frustration.

4 o'clock

The second interim report clearly identifies the need for the Government to look at a redress scheme. It does not state that the Government must wait until publication of the final report. Paragraph 4.29 states, "Accordingly, the Commission considers that the exclusion of the named Mother and Baby Homes ... needs to be [examined]." It goes on to state, "Children who were resident in these institutions without their mothers would seem to have been in the same position as children resident in the institutions which were eligible for redress." It goes on to appeal to the Government - the Minister is the face of the Government today - to look at a redress scheme because there was no justification for distinguishing between those who received compensation from the industrial schools and those children who were in mother and baby homes. The commission makes a distinction in respect of those who were unaccompanied. I will not go into that distinction today but I do not accept it.

I wish the Minister's speech-writer - I do not know if she wrote her speech herself - had read the various reports. I have taken the trouble to read them all so I am briefed on the matter before I speak. I cannot understand how the Minister can fail to agree to at least the first section of the motion, which calls for a redress scheme for those who spent time in mother and baby homes. She referred to there being no abuses identified. Going back to the original redress scheme, with which I was involved in a professional capacity, former residents had to show medical reports to the effect that they had suffered. It was not a question of liability or blame

at that point, although blame certainly was apportioned separately from the Ryan report. The most appalling part of this is that if I say what these people got, I would still be committing an offence and liable to a penalty or imprisonment. That would also be the case if those who received awards under the redress scheme disclosed any information. This is the background, which continued right into the 21st century. Here we are today appealing to the Government to do the decent and right thing and set up a redress scheme, and the Minister responds with a speech of this nature that is simply unacceptable.

I have repeatedly quoted the memos that were given to the Government in 2012 on the Tuam and Bessborough mother and baby homes. It was quite clear that there were significant volumes of information. I will come back to the fifth interim report if I have time. I refer to an absence of information. The draft briefing paper was published in 2012. I have quoted from it before. Has the Minister read these briefing papers? Have they been brought to the attention of the commission? They refer to a wealth of information on Bessborough and Tuam. They state that the records relating to Tuam were “detailed and extensive” and would require time to comb through. They go on finally to refer to irregularities, areas of concern regarding patient safety and, with relevance to this debate, “possible interference with birth and death certification” requiring further investigation. These are the briefing papers that were brought to Government in 2012 by means of Martin McAleese’s report on the Magdalen laundries. That report clarified that the committee could not investigate but wanted to ensure that the matter would be investigated. It was not, and here we are today. That was 2012, it is now 2019 and we are still appealing for a basic redress scheme for those who spent time in mother and baby homes, where, to put it mildly, they suffered the most appalling neglect. I am very often critical of social workers but I pay tribute to the social worker referred to in these briefing notes, who did a tremendous amount of work at the time in the west of Ireland to highlight the scandal on her own time and in the evenings.

The Minister is nodding, but perhaps she will nod to indicate that she will withdraw her amendment. When we look at the fifth interim report, which I have read in detail, what jumps out, and the more difficult question to answer, is why the children were buried in such an inappropriate manner. I refer specifically to Tuam, where 798 children died. The report explores whether the burial sites were used as sewage tanks. This question is the only slight divergence. The burial sites would seem to have been used for a certain length of time as sewage tanks. They certainly were not burial chambers. The commission goes on to highlight the role of the county council and its failure to supply information, co-operate, comment on the draft report sent to it and so on. This is the very county council that was put in charge of the consultation process. Can the Minister imagine that? The interim report highlights the county council’s inadequacies, to put it mildly, and this is the very body that the Government put in charge of a consultation process. I recall being in Tuam at the same time as the Minister, and fair play to her for attending. The Tánaiste, Deputy Coveney, who was Minister for Housing, Planning, Community and Local Government at the time, was also present. The Minister referred to bringing closure. She fundamentally missed the point. It is about bringing openness, not closure, and stopping the buried secrets. We have not just buried bodies in sewage chambers, but also buried secrets, and unless we realise this and go forward, we will not learn.

Many things jump off the pages of the fifth interim report. In a sense they are not relevant to today’s debate, but I could not let one or two of them go without mention. There is the sale of infant bodies, at a cost of ten shillings each, to the medical faculty in Galway Central Hospital, as it was then called. Some bodies may have come from the mother and baby home. This

jumps off page 55. The affidavits also jump off the pages of the report. The affidavit in this case happens to relate to the Congregation of the Sacred Hearts of Jesus and Mary. Its affidavit was “speculative, inaccurate and misleading”.

I sat here and listened to the Minister’s contribution and then to that on behalf of Fianna Fáil. I have the greatest respect for Deputy O’Loughlin, but when she talks about waiting until the commission does its work, I do not think Fianna Fáil Deputies have read the report or realise that the commission clearly called on the Government to consider establishing a redress scheme. Furthermore, these dark secrets are not in the past but very much in the present. As long as the Minister is a member of the Government, she is a part of the secrets continuing to be covered up and the language being used about truth, love and honesty while all the time there is no uncovering of the terrible deeds that were done.

On the previous occasion I quoted Oliver St. John Gogarty and it is worth doing so again. Some 91 years ago he stated, “It is high time that the people of this country find some other way of loving God than by hating women.” Things have dramatically changed for the better for women, but that underlying ideology, whereby bad was attributed particularly to single mothers, remains. That is how society dealt with this. We have an obligation to take that burden off women’s shoulders. They did not deserve that guilt or that burden, and it is our duty to apologise. The Government must apologise and then put in place a practical scheme to provide the most basic redress. The difficulties with a redress scheme are operational. The cost of the scheme is reflective of the involvement of the legal profession and many other aspects, primarily the failure to get the various congregations to pay what they should have paid. These are not arguments to prevent a redress scheme being set up now. We are talking about a limited number of people.

I will finish with the image I started with, namely, a woman who is over 80 years of age travelling to meet her 104 year old mother for the first time after six decades searching. I ask Members to keep that image in mind and then ask themselves, can we stand here and not do our duty?

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the Ceann Comhairle for the opportunity to speak about these important matters. I believe that the amendment tabled by the Minister highlights in no uncertain terms the seriousness with which the Government treats this matter and the actions it has taken to date.

The Commission of Investigation into Mother and Baby Homes and Certain Related Matters was established in 2015 as part of a process of reckoning with this nation’s dark past of institutionalisation. It was established to examine in great detail how this country treated unmarried mothers and their children and to report back to us the unvarnished truth. I understand that many people are frustrated by the amount of time the commission has taken to carry out this investigation. I also understand that many of the people most affected by these issues are in advancing years and long to see the conclusion of the investigation. We recognise that the time the commission is taking to conduct its inquiries is in line with the mammoth task it has been set. The commission’s terms of reference are extensive. It is directly examining 18 institutions that collectively housed thousands of women and children over a period of 76 years. The terms of reference are robust and it is this robustness, along with its significant amendment motion, the interests of the former residents, their families and the wider public are best served by facilitating the commission to conclude all relevant lines of inquiry, including the social history and confidential committee modules, in accordance with the legal framework under which

it was established.

There have been numerous calls for the Government to implement a system of financial redress for former residents. The Government is dedicated to supporting former residents but it must await the findings of the commission before it can respond. To establish redress without full knowledge of the facts would be reckless, especially with the commission's final report so near. There were calls for redress following the publication of the commission's second interim report in 2017, specifically in respect of former residents of Bethany Home and their ability to apply to the Residential Institutions Redress Board. There were a number of calls for the redress scheme to be extended to include additional institutions, including the Bethany Home, when the Ryan report was published in 2009. The Bethany Home is one of the 14 named mother and baby homes currently being examined by the Commission of Investigation into Mother and Baby Homes and Certain Related Matters. Mother and baby homes, and related institutions, have never before been the focus of a statutory investigation. The decision regarding extending the scheme has been reviewed on a number of occasions by this Government and that which preceded it. There has been no change in the decision made not to extend the scheme.

Deputies may wish to note that the Minister is scheduled to meet former residents of the Bethany Home at the end of this month. As the amendment states, the commission has not made findings to date regarding abuse or neglect within these institutions and it is crucially important for the Oireachtas to avoid pre-empting or otherwise encroaching upon the work of the independent commission. That is not to state, however, that the Government is sitting idly by while awaiting this report. In the interim, the Government is progressing a number of initiatives informed by the principles of transitional justice for former residents of these institutions.

In 2018, the Minister established the collaborative forum of former residents of mother and baby homes. The forum is an innovative approach by the Minister to engagement with former residents and their families to facilitate them in identifying, discussing and prioritising the issues of concern. The forum was tasked with producing a report recommending actions and solutions to address the specific concerns expressed by the former residents and their families. A report was produced and its recommendations were published in April of this year, after much hard work by the forum.

In response to these recommendations, the Government has made a number of significant commitments. These include the development of proposals for a package of health and well-being supports, research into language and terminology, amendments to the Adoption (Information and Tracing) Bill 2016 and funding for memorialisation. On 23 October 2018, the Government decided that a phased forensic standard excavation and exhumation should be carried out at the site of the former mother and baby home in Tuam. The Government's decision was informed by detailed technical advice on international best practice and by compassion and respect for the rights and dignity of the children interred at the site. Work is under way on the scoping of the required legislation and no effort will be spared in ensuring that the children buried at the site in Tuam will be given the respectful burial they deserve. In parallel to the legislative project, consideration is also being given to the procurement and management of the excavation process and related forensic-level analysis.

Regarding the discovery of false registrations in the files of St. Patrick's Guild, the Minister has acted thoroughly and decisively. As a result of that discovery, the Minister directed that an initial scoping exercise be undertaken and be overseen by an independent reviewer. It is expected that the subsequent report will be submitted by the end of this month. Crucially, any

15 May 2019

decision taken must not impede the ongoing work of the commission. As the amendment states, a significant focus of the commission's work is to investigate institutional patterns of referral and relationships with intermediaries involved in the placement of children who did not remain with their parents. Scope has been included to examine whether the child's parentage was concealed, either by omission or by illegal means. The amendment reaffirms the extensive action taken by the Government to date to address these complex, challenging and important issues.

I understand the frustration felt at the time being taken but these important issues deserve robust responses. The current commission of investigation is the proper vehicle for doing this and must be supported as it undertakes these vital works. The Government has committed to a comprehensive, timely and appropriate response to the full conclusions of the commission. To respond to Deputy Connolly's earlier question, the records in question were handed over to Tusla, which made all relevant files available to the commission.

Deputy Joan Collins: I thank Deputy Clare Daly for bringing about a debate on this issue. I welcome the survivors who are here to listen to the debate. This motion is being supported by the Coalition of the Mother and Baby Homes Survivors. We did not put forward this motion because it had dropped out of a clear blue sky. It is clear that the records held by Tusla in respect of Bessborough mother and baby home contain information concerning seriously questionable adoption practices. As the Minister of State is aware, the HSE said as much as long ago as 2009. As the Sisters of the Sacred Hearts of Jesus and Mary, the order that owned Bessborough, prepared to cease operating the institution as an adoption agency throughout 2009 and 2010 and transfer more than 15,000 files to the HSE, the latter was determined to secure indemnity against legal action in respect of any records it received. An updated memo of a meeting the HSE held with the management group from the religious order noted its desire to manage liability for past Bessborough responsibility and ongoing legal activities as an adoption agency, when and if that might arise. In a letter, dated 8 February 2010, to the solicitors representing the religious order, the childcare manager for the HSE south region stated that the executive needed that assurance because it had reason to believe that the past practices of the agency had, as the manager stated, "not always been exemplary". The following year, a HSE social worker revealed that files from Bessborough contained information on the quasi-illegal deportation to and adoption of children in the United States, Britain and Australia. In a business plan prepared in 2011 by a principal social worker in the HSE south Lee region during preparations for the HSE's takeover of the records, it was pointed out that the natural mothers and adopted children had been "badly treated, rebuffed, misled, and in many cases dishonestly misdirected" when seeking information.

As Deputy Clare Daly mentioned earlier, Ms Jackie Foley is one of those women badly treated by the nuns and the State right up to the present day. She is still being treated very badly. Her treatment by various State agencies as an adult has been no better. Let us take Tusla as an example. It now holds the records which reveal what happened to Ms Foley as a teenager. Staff handling Ms Foley's case were instructed in an email last year to not refer to situations like hers as "illegal" but instead as "possible illegal registrations". Reference was also made to having to "hold our powder" because "that stuff is FOI'able ... and it could be used against us if someone takes a case". Staff were also told that the Adoption Authority of Ireland was the only body that could make a determination as to the legality of an adoption.

Ms Foley's son is now 44.

If he had access to his original birth certificate, he would spend years searching for his

mother under the wrong name. He would be looking for Micheline Power, a woman who does not exist. It is horrendous to be in that situation. Another woman, Ann Crowe, aged 58, had her first baby, Roger Declan, at Bessborough mother and baby home in Cork in February 1979. Her experience at the home run by the Sacred Heart Sisters was horrendous. She said “We were dirt to the nuns”. Ms Crowe says she delivered her baby on 23 February and had him for 48 hours. She says he was a fine, healthy baby and that after she had fed him, one of the nuns told her to go to the laundry on a message. Ms Crowe says she was gone for a few hours and that when she came back, the child was gone. Ms Crowe says she was screaming and roaring and in a panic and that a nun slapped her right across the face. Ms Crowe calmed down and said “Where is he then? Let me see him”. The nun said he was already buried “out there somewhere in the fields”. Ms Crowe says she has never been shown a grave and has a birth but not a death certificate. She says:

He was stolen from me. He was a healthy baby. He couldn't have died.

As has been pointed out, this is from just one adoption agency whereas it is possible over 182 adoption agencies could also have dealt with these cases. I appeal to the Minister to take on board what my colleague, Deputy Connolly, has said about the second interim report. The recommendation at paragraph 4.29 of the interim report says the Minister does not have to wait for the completion of the full report to provide redress. We should be implementing that as needed, in particular for the elderly who are waiting for this report, and also include the falsification of birth certificates. It is absolutely crucial that we do this. We cannot ignore these women. They need respect, acknowledgement and to be listened to. It is not us who are asking for this, it is them.

Deputy Clare Daly: It will be no surprise to the Minister that her response to our motion has undoubtedly added to the pain and trauma of the survivors of these institutions. Her response is completely and utterly unacceptable to this side of the House. It can be summed up as follows. It is asserted first that this is an incredibly complicated process which needs a great deal of time to work out and second that the Government is great and is dealing with it. We hear a bit of backslapping going on about how the Minister is demonstrating great leadership in dealing with this issue and in how she has responded thoroughly and decisively to the issue of illegal adoptions and so on. That tells me two things. It tells me the Department may be trying to silence the Minister or provide her with platitudes whereas it is in fact a cover for inactivity. We would not have moved this motion if everything was going well. We have moved the motion on behalf of people who survived this. They know how complicated their lives are and they know what the solution is. In her speech, the Minister said the second interim report dealt with some of the issues raised by Deputies on this side of the House in their motion. That is precisely why we moved it. That report issued almost three years ago. It is not just us calling for redress. The second interim report to which the Minister says she wishes to listen already says she should be doing this. The Government turns around and rehashes the collaborative forum's demand for a health and wellbeing programme, a proper system of memorialisation and so on as if it is something wonderful that it has thought to look into. For these people, the Government has been looking into it for years. There is no impediment whatsoever to putting a redress scheme in place now. In fact, the Government's failure to deal with it is a retraumatisation of the people involved.

In her response, the Minister said that since work had commenced, there had been calls for redress. She said some believed they were unfairly excluded from the schemes and do not see it as necessary that the current commission completes its work. The commission itself believes

15 May 2019

those people were unfairly excluded and has already said there is an incredibly strong case for the inclusion of Bethany Home, for example. As such, the commission has completed that part of its work and said Bethany Home should have been included and, further, that redress should be provided. The purpose of our motion is not to get another rehash of how complicated the whole thing is. It is to get action on that area. For the Government to hide behind previous financial redress schemes being complex and costly to administer and difficult for applicants is incredibly disrespectful for those involved. It suggests it is just about money, that they would not understand it anyway and that it would make it hard for them. It is the same paternalistic approach and looking down on people that was adopted in respect of these people and their mothers in the institutions themselves. It is gut wrenching to listen to it. In the remaining few days before we vote on this, I ask the Government to withdraw from that stance. I ask Fianna Fáil not to support the Government's amendment to our motion.

The other key part that is missing here is the issue we dealt with in the opening remarks on illegal adoptions. It is a simple reality that the experience of tens of thousands of our citizens who were illegally adopted is not being investigated properly in any forum as we stand here. The sampling exercise involves only 1.5% of the 100,000 records held by the Adoption Authority. It does not even scratch the surface. What we need to see and what we have demanded for years is a full audit of all adoption files. We need a package of basic supports for the remaining survivors which could be rolled out with ease. It is not rocket science and it is not complex or costly. We need the broader issues of the illegally adopted to be included in the commission of investigation because they are not going to go away. It may be the case that many of these survivors have, tragically, lost their lives since the commission was established, but to delay any further makes that situation even worse. I cannot understand the lack of feeling in the contributions from the Government benches. We often say here that no one has a monopoly on compassion. We all know that and I have always been one to accept it. What we have seen today, however, is a demonstrable lack of compassion which those who survived these institutions will find not at all helpful. I appeal to every grouping in the House to ensure that our motion is carried and that collectively, we bring pressure to bear. After listening to the arguments tonight, however, it appears that those involved will have to take the road to the United Nations, to litigation and to seeking answers outside the State, which is a terrible indictment of the Government.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 16 May 2019.

Coroners (Amendment) Bill 2018: Order for Report Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: "That Report Stage be taken now."

Question put and agreed to.

Coroners (Amendment) Bill 2018: Report and Final Stages

An Ceann Comhairle: Amendments Nos. 1 to 3, inclusive, 6, 7, 10 and 14 to 20, inclusive, are related and may be discussed together.

Minister for Justice and Equality (Deputy Charles Flanagan): I move amendment No. 1:

In page 5, between lines 24 and 25, to insert the following:

“ ‘designated officer of the Ombudsman Commission’ means—

(a) an officer of the Ombudsman Commission, or

(b) a person engaged by the Ombudsman Commission under section 74 of the Garda Síochána Act 2005,

who is designated by the Ombudsman Commission under section 73 of that Act for the purpose of performing functions under Part 4 of that Act relating to a relevant Ombudsman Commission investigation;”.

I thank the Deputies present for their engagement on Committee Stage. They will recall that a number of amendments were flagged on Committee Stage, all of which relate to the proposed role for the Garda Síochána Ombudsman Commission to interact with, or assist, a coroner in place of An Garda Síochána in respect of any death which is the subject of a GSOC investigation under Part 4 of the Garda Síochána Act 2005.

The general position is that in any death that is the subject of a criminal investigation, there is interaction between the Garda Síochána and the coroner. The Garda will inform the coroner if it is launching a criminal investigation and the coroner will defer the inquest until after the completion of the Garda investigation. The Garda will meanwhile keep the coroner informed on the progress of its investigation. Second and more generally, the Garda assists the coroner in such matters as attending with a family member for identification of the body, or serving a witness summons for an inquest. Such assistance may be provided whether or not there is a criminal investigation into the death. A number of provisions in the Coroners Act 1962 expressly provide for Garda assistance of this sort to the coroner.

GSOC opens an investigation into the death of a person under Part 4 of the 2005 Act in the small number of cases where there is a possible Garda connection with the death. This may arise, for example, where a person dies in a road traffic accident following Garda pursuit, where a Garda firearm is discharged, or where a person takes their own life while in Garda custody. In these cases, GSOC rather than An Garda Síochána becomes the lead statutory agency investigating the death and interacts with the coroner in the manner already explained for the Garda. More broadly, given that GSOC is investigating possible Garda implication in the death, it appears more appropriate for a GSOC officer, rather than the Garda, to provide assistance to the coroner in such cases. This is no reflection on the independence or integrity of An Garda Síochána, but I suggest to Members that it is clearly desirable for all concerned that the assistance provided to the coroner in such cases should be demonstrably at arm’s length from the matters being subject to a GSOC investigation.

It is already the practice that interaction with the coroner’s investigation and assistance to

the coroner is undertaken by GSOC in a case where it is investigating. Coroners are satisfied with these arrangements and GSOC is satisfied to continue this practice. The intention of this group of amendments, as requested by the chair of GSOC, is to provide an express statutory footing for this to be done.

Amendment No. 1 defines the GSOC designated officer who will interact with or assist the coroner in place of a member of An Garda Síochána. This definition is consistent with the definition used in Part 4 of the Garda Síochána Act 2005, which provides for investigation by GSOC into a complaint received by it, a matter referred to it by the Garda Commissioner, or a matter identified by GSOC itself.

Amendment No. 2 defines GSOC as “the Ombudsman Commission” in the definitions section of this Bill. That term is used here for consistency with the Garda Síochána Act 2005.

Amendment No. 3 defines the term “relevant Ombudsman Commission investigation” as used in this Bill. The effect of this definition is that a GSOC designated officer will replace a member of An Garda Síochána for the purposes of interaction with and assistance to the coroner in any case where GSOC is investigating or has already investigated the death of the person whose death is now the subject of the coroner’s inquiry, but only in these cases.

On amendment No. 6, I refer to section 20 of the Coroners Act 1962, it being the principal Act. This addresses a situation where neither the coroner nor the deputy coroner for a district can proceed to hold the inquest into a death due to a vacancy or the coroner being ill, absent, incapacitated or disqualified. Section 20 provides that in such a situation, a member of An Garda Síochána not below the rank of inspector may request the coroner for an adjoining district to hold the inquest. The amendment makes the following changes: first, it provides that where there is a relevant GSOC investigation, it is a GSOC designated officer rather than a Garda who makes the request for a coroner to be appointed; second, it provides that the Garda inspector or GSOC designated officer requests the Minister to appoint another coroner, who does not have to be from an adjoining district; and third, there are two minor changes to adapt the wording of the section to the particular case of the coroner’s district of Dublin, which in administrative terms now falls under the Minister’s responsibility rather than the local authority which used to be the case.

Amendment No. 7 refers to section 13 of the Bill, amending section 27 of the principal Act, which deals with identification of the body of the deceased person. Section 27 provides for a garda to assist the coroner by attending with a family member of the deceased or other suitably qualified person to view the body and receive evidence of identification which can be given at the inquest. The amendment provides for a GSOC designated officer to so attend and give evidence in place of the garda if the death is one which is the subject of a GSOC investigation.

Amendment No. 10 refers to section 17 of the Bill, where it substitutes into the principal Act a new section 33A, restating that where a death has been reported to the coroner, the coroner must direct a post mortem examination to be made if a member of An Garda Síochána not below the rank of inspector requests the coroner to do so and provides reasons. The new section 33A already provides that such requests may be made by a designated GSOC officer in any death being investigated by GSOC. The amendment adjusts that wording for consistency with the new definitions I have just proposed in section 2.

Amendment No. 14 refers to section 17 of the Bill, where it inserts into the principal Act

a new section 33D, providing that when the report of the post mortem examination is sent to the coroner, the coroner shall provide a copy to any statutory investigating body which earlier requested the post mortem examination. Section 33D already provides for the report to be provided to GSOC rather than to An Garda Síochána where GSOC is the requesting body. Again, this amendment merely adjusts that wording for consistency with the new definitions I have proposed in section 2.

Amendment No. 15 refers to section 18 of the Bill, amending section 36 of the principal Act, which provides for a garda to assist the coroner by serving a witness summons or jury summons to attend at an inquest. The amendment provides for a GSOC designated officer to serve the witness summons in place of the garda if the death is one which is the subject matter of a GSOC investigation. I trust that Members are in agreement with me that these amendments are merely for consistency.

Amendment No. 16 provides for a GSOC designated officer to assist the coroner by empanelling a jury for an inquest in place of a garda if the death is one which is the subject of a GSOC investigation.

Amendment No. 17 refers to section 23 of the Bill, amending section 47 of the principal Act, which empowers a garda not below the rank of inspector to apply to the coroner to seek an order for An Garda Síochána to exhume a body if the Garda is of opinion that the death may have occurred in a violent or unnatural manner. We are replacing that with GSOC in appropriate circumstances.

Similarly, amendment No. 18 does so for section 23 of the Bill.

Amendment No. 19 again refers to section 23 of the Bill, providing that it will be an offence for any person to obstruct an accompanying GSOC officer who is acting under the authority of such a warrant in the same way as it referred to An Garda Síochána.

Similarly, amendment No. 20 introduces a new section into the Bill and is being made for the avoidance of doubt.

Deputy Clare Daly: All of these amendments concern giving GSOC officers the same power as gardaí when they are acting as coroner's officers. As the Minister has explained, the amendments are for circumstances where it is more appropriate for a GSOC officer to act as an aid to a coroner, for example, where gardaí might be suspected of involvement in a death. I am happy to support all of the amendments and they seem fairly straightforward but I want to make some general points about the Bill, how we got here and how long it has taken us to get here because there are important lessons to be learned from this.

My involvement in the issue of maternal deaths began eight years ago, which is as long as the length of time I have been here. In May 2011, the Association for Improvements in the Maternity Services, AIMS, Ireland contacted me to ask for help in raising parliamentary questions about why there had not been a full inquiry into the tragic death of Bimbo Onanuga in the Rotunda Hospital in March 2010. From those first parliamentary questions I stayed in touch with AIMS Ireland and with a dedicated group of activists on this issue, most notably Jo Murphy-Lawless, and I did what I could to support it in the fight to gain an inquest. It took nearly eight months to get that. It took a further eight months for the case to be heard over four devastating days of evidence which were heartbreaking and shocking but even more shocking was the fact that before Bimbo's inquest took place in autumn 2012, six other women lost their

lives in our maternity services and inquests were held for only two of them. In autumn 2014, there were three further inquests, all of whose verdicts were of medical misadventure. It was clear the issue had to be stepped up and that we had to do everything to prevent such tragedies from happening again. In July 2012, I introduced a Bill to provide for mandatory inquests into cases of maternal deaths, which the Government did not oppose. It was debated in the House but the small matter of a general election was in the way. We got it out of the way and one of the first tasks of the new Joint Committee on Justice and Equality was to draft the Bill. I salute the efforts of my colleagues on the justice committee, of all parties and none, who, together with me, the Ceann Comhairle and the Business Committee, have moved might and main to keep the issue on the Government's list of priorities.

In November 2016, officials from the Department of Justice and Equality appeared before the justice committee and agreed with us that reform of the coroner service was needed. The committee gave them six months - a long time - to revert with amendments to my Bill that they considered necessary to get the job done. The committee pressed the officials and told them that was as long as they would have. The committee meeting was scheduled for 9 a.m. on 10 May 2017 but at 5.30 p.m. on 9 May, the last minute before we were to go home, the then Minister, Deputy Fitzgerald, contacted the justice committee secretariat to say the Government would not give the Bill a money message. Sean Rowlette and other partners of deceased women who had made arrangements to attend the committee meeting the following morning were devastated that at the 11th hour, the Department had spiked the Bill. Everyone was devastated. I met the then Minister the next day, almost exactly two years ago, and was told the Government would bring forward its own Bill. In fairness to the then Minister, she agreed how important the issue was and indicated that it would be rushed through. We spent the next couple of months liaising with the Department to get the Bill passed by summer 2017. Given that the then Minister and the current Minister, Deputy Flanagan, had this as a priority, which I believe it was for them, and given that the justice committee, the Ceann Comhairle and the Business Committee, and county councils throughout the country are pushing it, we must ask ourselves how in God's name a 28-page Bill would take that level of effort to get this far.

We must learn lessons from that situation. It suggests that the State's apparatus contains many rusty cogs, some of which turn very slowly. It is a source of great regret to me that even after what I have outlined, we are not fully there yet. A number of the amendments the Minister flagged on Committee Stage for Report Stage are not yet ready but we have been told we will have to wait for them to be tabled in the Seanad. On behalf of all Deputies and some of the dedicated staff who have worked on the Bill, I suggest that the drafting delays in the Bill have been the source of the most unspeakable frustration for the House. I emphasise to the Minister that we cannot let the summer recess arrive without the Bill being enacted. It will not be tolerated. Since Committee Stage, another woman, sadly, has died in our maternity services, although there may have been more. It is devastating. We cannot afford to have any more delays.

Deputy Jim O'Callaghan: The first grouping contains 13 amendments, all of which I will support because they are sensible. Their purpose is to recognise the role of GSOC in investigations it conducts. It is important there is specific recognition within the coroner legislation to recognise the role played by GSOC. Some of the amendments are significant in their power, such as amendment No. 17, which seeks to amend section 47 of the principal Act. It will give a significant power to the coroner to request the Minister to seek an exhumation of a body if the coroner believes that the death was caused in unusual circumstances. All the amendments in the grouping are sensible and I will support them.

For efficiency, I will address the general issue with the Bill and the delay in the system, as raised by Deputy Clare Daly. I welcome the progress we have made. It is important the legislation is enacted as soon as possible. I am concerned that further amendments will be tabled in the Seanad but, like Deputy Clare Daly, I hope that will not unduly delay the enactment of the legislation. The legislation is very important because, unfortunately, a significant number of maternal deaths have occurred in Ireland. The families of the women who died are fully entitled to have a proper inquest and inquiry into the circumstances of the women's death. It is a gaping absence in the legislative system that we must ensure is filled. I commend Deputy Clare Daly on pushing the legislation. I am a member of the justice and equality committee with her and I know how diligent she has been in seeking to promote, advance and accelerate the legislation.

It is unquestionably the case that Opposition Deputies, such as Deputy Clare Daly and me, become frustrated as a result of delays in important legislation. The Minister will be aware that, like Deputy Clare Daly's important legislation, the Parole Bill 2016 is also important. I introduced it to the House and it was passed on Second Stage. I welcome that the Government agreed to adopt the Parole Bill and to seek to work on it but we are still waiting for Report Stage amendments to be tabled in respect of it. I urge the Minister to try to ensure that those Report Stage amendments are brought before the House during the current session. I do not say that because I am proprietorial about the Bill or because I want to have a Bill that I drafted enacted. Rather, it is because the Parole Bill will have a significant impact on people's lives. We are aware that when people currently apply for parole, there is a limited role for the victims of crime and their families. The Parole Bill seeks to provide that statutory recognition. I am conscious the Department of Justice and Equality is busy, given that the justice and equality committee deals with a great deal of legislation. I attended a meeting of the committee earlier with the Minister and we passed two other important items of legislation on Committee Stage. Legislation is ultimately a matter of priority and I ask the Minister to recognise that some legislation must be prioritised. We need to ensure that the Bill before us is enacted before the end of the current session. It is cruel and unfair for the people and for the families of women who have died in childbirth to proceed in circumstances where there is no statutory obligation to hold an inquest in respect of their deaths. The Parole Bill, too, is important and the Minister should seek to expedite it as a priority. It would reflect positively on the Government, as would enactment of the legislation before us. Most importantly, however, both items of legislation are necessary and appropriate for the people.

On Committee Stage, I tabled an amendment to increase the retirement age of coroners from 70 to 72, although it was ruled out of order on the basis it was a charge on the Exchequer. A similar amendment has not been tabled by the Minister and I express my disappointment about that. Many useful people are forced to retire when they reach 70 years of age but we need to recognise that people still have ability and capacity beyond that age. The Minister might also take that into account in the case of judges. It is not so long ago that judges had a retirement age of 72 in the superior courts but it was reduced to 70. People are sharp when they are in their 70s, although I accept that nobody present in the House is in his or her 70s yet. We should not consign people in their 70s to a retirement home at a time when one could say they are in the prime of their professional lives.

An Ceann Comhairle: I am not sure whether the Deputy is very good at judging ages.

Deputy Charles Flanagan: I acknowledge the support of the Deputies and the constructive manner in which they have approached the Bill, and in doing so, I acknowledge the leadership

15 May 2019

of Deputy Clare Daly. I, too, would like to have the legislation enacted and I will be reliant on the co-operation of the House in that regard. I note in particular that Deputy Clare Daly has given notice of her intention to leave the House. I would be keen that we have the legislation enacted as she is departing. I have already acknowledged that it has taken considerably longer than any of us, including me, would have wished. There are very complex issues. I am not in the business of making excuses. I am pleased we are here now to deal with a number of amendments. I will seek to finalise the remaining Government amendments swiftly as we proceed through the Seanad.

I have to acknowledge this is one of between 115 and 120 Bills on my desk at present, all of which are active. That is a sizeable number. We had the omnibus Brexit Bill, which required a very careful level of calibration on the part of officials in the Department. I have Private Members' Bills, programme for Government Bills and priority legislation. Deputy O'Callaghan should note that I am very keen to report progress on the Parole Bill 2017, the amendments to which are at an advanced stage of drafting. I acknowledge the co-operation of the Dáil committee this morning, in particular Deputies Ó Laoghaire, Daly and O'Callaghan. We progressed two Bills through Committee Stage, on which the House heard the messages earlier. All of the legislation is important. While it is often difficult to prioritise, I am very anxious to work with Deputies on this Bill. I hope we can see our way towards having the Bill enacted in its entirety by the end of July.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 2:

In page 7, between lines 5 and 6, to insert the following:

“ ‘Ombudsman Commission’ means the Garda Síochána Ombudsman Commission;”.

Amendment agreed to

Deputy Charles Flanagan: I move amendment No. 3:

In page 7, between lines 14 and 15, to insert the following:

“ ‘relevant Ombudsman Commission investigation’ means an investigation of a complaint or matter by the Ombudsman Commission under Part 4 of the Garda Síochána Act 2005 concerning the death of the person in relation to whose death a coroner is performing functions under this Act;”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 4 and 5 are related and may be discussed together.

Deputy Charles Flanagan: I move amendment No. 4:

In page 13, line 25, to delete “subsections” and substitute “subsection”.

These two amendments take us to section 8 of the Bill, which amends section 17 of the principal Act that requires the coroner to hold a mandatory inquest in certain categories of deaths. Section 8 introduces an express requirement for mandatory inquest in all cases of maternal

death or late maternal death. It also provides for an exception where the coroner is satisfied, taking account of specified criteria, that the death is a natural death. The section, as originally put forward by the Government, placed this exception at the discretion of the coroner following consultation with a family member of the deceased. Deputy Clare Daly tabled an amendment on Committee Stage to change the terms on which the exception would take effect and that amendment was approved by the committee. I am conscious of the support commanded by the amendment, representing as it does the views of the House. Nevertheless, I recall the debate we had on Committee Stage when the wording gave rise to a legal difficulty of some import. I am now in a position to propose amendments Nos. 4 and 5, which I believe represent a solution on this important point for the legal difficulties that were not apparent in the course of the debate but were mentioned as being potentially difficult. I hope this is acceptable to Deputy Daly. My office was in contact with her and I thank her for her engagement.

Amendment No. 4 is a technical amendment that refers to the change made in amendment No. 5. The effect of amendment No. 5 is to remove the discretionary exception to mandatory inquest in cases of maternal death or late maternal death. The position will now be, as was originally proposed by Deputy Daly, a simple requirement of mandatory inquest in all cases, without exception. This is already the case under section 8 regarding any death that occurs while a person is in State custody or detention. My preference would have been to allow for an exception, as put forward by the Government, where the coroner is satisfied, having consulted the family, that the death is a natural one and that an inquest may not be required. However, I acknowledge what was said on Committee Stage and honour the view of the House, which I respect. I hope Deputy Daly will be satisfied to accept the amendment, which has been shown to be acceptable to coroners.

Deputy Clare Daly: These two amendments are at the heart of the issue. This is where we diverged from the Government on Committee Stage. Of course, I am absolutely delighted there has been a change of heart on that side and that the Government now agrees with us that inquests must be 100% mandatory with no discretionary loopholes through which cases might disastrously slip. I am also delighted that the coroners are very much on board with the process and doing away with the discretionary element. I sincerely thank them for their patience, help and wisdom throughout the long process of getting the Bill to where it is today. That is important.

I remind everyone why we are here. I discussed it briefly when speaking on the previous group of amendments. We have been joined by some of the stalwart campaigners in the Gallery. The campaign started with the tragic death of Bimbo Onanuga and the titanic struggle her family had to go through to get an inquest into her death. Her family was not the only one. Between 2008 and 2014, inquests were held for eight women who died in maternity services, all of which ended in verdicts of death by medical misadventure. In other words, all of the deaths were avoidable. Families had to fight tooth and nail for every one of those inquests, adding trauma to the tragedy they had already experienced. We are here, and I am very glad we are, to make sure it never happens again.

We are also here to honour the memories of all of the women who died in pregnancy or childbirth in this country over a long period. I am getting very emotional; I am obviously too tired. We are here to reiterate our commitment to the families of those who have lost their wives, partners, daughters, sisters and mothers to avoidable mistakes in our maternity units and to say to them that we will do everything in our power to put in place systems to ensure it never happens again. This is an incredible achievement by those in the Gallery.

15 May 2019

We are also here to put on record the names of some of those women for whom inquests were hard fought and which found they died as a result of medical misadventure. This has happened over the past ten years and is, therefore, is very recent. Their inquests have brought the issue of maternal deaths into the public domain and given it the public attention it deserves. They are Tania McCabe, Evelyn Flanagan, Jennifer Crean, Bimbo Onanuga, Dhara Kivlehan, Nora Hyland, Savita Halappanavar, Sally Rowlette and Malak Thawley. I will also name their husbands and partners, some of whom are here today. They are Sean Rowlette, Michael Kivlehan, Abiola Adesina, Aidan McCabe, Stephen Hyland, Francis Crean, Padraic Flanagan, Praveen Halappanavar and Alan Thawley. Sally Rowlette's children, Leanne, Joseph, Abbey and Sally, are also with us today in the Gallery. Leanne Rowlette is a great singer. Members should look her up on the Internet.

We are here for women like Antoinette Pepper who died 30 years ago in St. Vincent's hospital and whose family has been repeatedly denied an inquest.

5 o'clock

We are here for Helen Moynihan, who died in the National Maternity Hospital in 1981. We are here for all the women whose names we do not know and for whom no inquest was ever held. We are here to make sure, happily, that it never happens again, and to take steps to ensure that no family has to go through the agony these families have had to go through. We are here to throw down the gauntlet to the HSE that we are not going to accept another family being put through this trauma or being stonewalled by a litigation obsessed health service. We need and want a health system that works for women and their families; a health system that does not compound the families' suffering by denying, defending and covering up in the face of the most devastating tragedy. This is why we need mandatory open disclosure and mandatory inquests. There is something really wrong with our health service when more is paid in damages and legal fees than on our maternity services. I am aware that some of those in authority like to talk about Ireland having a litigious culture but it is a fact that without the transparency that comes from full and mandatory open disclosure and full inquests the only way people have to get the truth and information is to go through a legal system. It should not be like that. We need transparency, we need inquests and we need recognition of the wrong. We also need lessons to be learned.

We have a responsibility to the women, to the families of the women and to the campaigners. I want to pay tribute to those campaigners, to the activists in the Elephant Collective, many of whom are in the Public Gallery today, to the 24 county councils in the State that passed motions calling for mandatory inquests into maternal death, and to all those who sent letters to the Minister and who emailed and called to keep the pressure on to get the Bill to this point. I pay particular tribute to the families. Their struggle has been extraordinary. The families are ordinary people who have lived through extraordinary tragedy. The families' dignity, persistence, dedication and strength is absolutely humbling. I am totally in awe of the families and so very glad that we are here today.

Deputy Donnchadh Ó Laoghaire: It is difficult to follow that contribution, and I have little enough to add. I support the point that has been made very eloquently and passionately by Deputy Clare Daly that there is a clear need for mandatory inquests into maternal deaths. In the past some people have tried to paint Ireland as a country with no problems around maternity and health, but clearly the experiences of many women and their families reflect the many circumstances in which women and their families have been badly let down where lives have

been lost. I support this sentiment.

I missed the opportunity at the start of the debate so now I pay tribute to Deputy Clare Daly. She has been persistent on this legislation. Since I have been on the Joint Oireachtas Committee on Justice and Equality the issue has come up every couple of weeks where members have sought an update on the legislation. I am glad the Minister is now progressing it and there is communication back and forth. Deputy Clare Daly deserves a great deal of credit for pursuing this very valuable legislation. I also acknowledge the campaigners for this legislation and the families who are with us today. I pay tribute to the memory of the women who were named in the Chamber today and to their families. It is valuable legislation and I hope it can be enacted as soon as possible.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 5:

In page 13, to delete lines 31 to 40, and in page 14, to delete lines 1 to 11 and substitute the following:

“(b) the death of the person is a maternal death or a late maternal death.””.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 6:

In page 15, between lines 23 and 24, to insert the following:

“Amendment of section 20 of Principal Act

12. Section 20 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “any member of the Garda Síochána not below the rank of inspector, or a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death an inquest is to be held, may request the Minister to direct any other coroner to hold the inquest and the Minister may, if he or she so thinks proper, so direct another coroner” for “any member of the Garda Síochána not below the rank of inspector may request the coroner for an adjoining district to hold the inquest”, and

(b) in subsection (2), by—

(i) the insertion of “, or the Minister if that coroner is a coroner for the coroner’s district of Dublin,” after “the local authority liable to pay the salary of the coroner who would ordinarily hold the inquest”, and

(ii) the substitution of “such sum to cover his or her travelling and other expenses as shall be agreed upon between him or her and the local authority, or the Minister, in the case of a coroner for the coroner’s district of Dublin” for “such sum to cover his travelling and other expenses as shall be agreed upon between him and the local authority or, in default of agreement, as shall be fixed by the Minister””.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 7:

7. In page 16, line 7, after “Síochána,” to insert the following:

“a designated officer of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of that person,”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 8 has been ruled out of order.

Amendment No. 8 not moved.

An Ceann Comhairle: Amendments Nos. 9 and 11 to 13, inclusive, are related and may be discussed together. Amendments Nos. 9 and 13 are consequential on amendment No. 12.

Deputy Charles Flanagan: I move amendment No. 9:

9. In page 17, line 26, to delete “section 33D” and substitute “section 33E”.

I too acknowledge the presence in the Gallery of people who have campaigned on this important issue. I acknowledge what Deputy Clare Daly has said. I did not envisage circumstances where the Government would not comply with the wishes of the committee. I was keen to ensure that this would be the case. The best legacy for all those concerned would be to see an early enactment and early implementation of the terms and conditions of the Bill, which is my objective.

I propose to discuss amendments Nos. 9 and 11 to 13, inclusive, together. These amendments all refer to the new power introduced in section 17 of the Bill on Committee Stage for a coroner to direct a hospital or other health institution, or a medical practitioner, to produce relevant medical records of a deceased person in time for the records to inform the post mortem examination. I indicated on Committee Stage that I intended to bring forward on Report Stage additional provisions to ensure effective enforcement of that new power, and I am now doing so.

The substantive amendment in this grouping is amendment No. 12, which effectively introduces the new enforcement provisions. The other grouped amendments are technical. The power to direct production of records is currently contained in new section 33B of the principal Act, which also deals with other arrangements for the post mortem examination. I propose that the subsections dealing with the coroner’s direction to produce records should now be deleted in subsection 33B and should be re-inserted, along with the new enforcement provisions, as an independent new section 33D. The current section 33D will accordingly be renumbered as new section 33E.

Amendment No. 9 is a technical amendment. It amends an existing reference to current section 33D, to take account of that section’s proposed renumbering as section 33E.

Amendment No. 11 is a further technical amendment. It deletes subsections (4) to (6), inclusive, in proposed new section 33B of the principal Act. These are the provisions containing the new power for a coroner to direct production of medical records. I am proposing, in amendment No. 12, to reinstate those provisions as new section 33D, with the addition of further pro-

visions to enhance their effectiveness and enforcement.

Amendment No. 12 deals with the production of relevant medical records of a deceased person for the purposes of a post mortem examination, and the enforcement of such a direction. Section 17 already provides, in the proposed new section 33B of the principal Act, that where a coroner has directed a post mortem examination into a death, he or she may also direct the head of the hospital where the deceased person was treated immediately before the death, or a doctor who has medical records of the deceased, to provide the pathologist conducting the post mortem examination with such records as the coroner considers necessary to enable a proper examination to be made.

This amendment is necessary to enable the coroner to carry out his or her statutory functions effectively, and to ensure the fullest possible transparency in relation to the investigation of unnatural deaths or where the cause of death is unclear. It is expected that such records would be provided voluntarily on request by hospitals or other health institutions. That is normally the position. In certain cases, however, coroners have experienced considerable difficulties and delays in obtaining the relevant records. It is particularly critical that the relevant medical records of the deceased be provided promptly. Often the window for conducting the most effective post mortem examination is short, as we have already discussed.

The proposed new section 33D includes the existing provisions for a coroner to direct production of records, formerly contained in section 33B, and adds a number of new elements to support effective operation and enforcement of the power. I will outline the main additions. A direction may now be issued to a nurse, midwife or paramedic or advanced paramedic who has possession or control of medical records relating to the deceased person, as well as to a medical practitioner or health institution. Normally, a nurse, midwife or paramedic will be employed by the health institution and in such case the direction will be issued to the institution. The additions are made for comprehensiveness, to ensure that a situation such as a home birth, a private nurse or alternative medical practitioner may also be covered. Paramedics may in some cases also hold records of relevance, for example, on fluids administered to a seriously ill patient in transit.

Subsection (2) places an obligation on the recipient of a coroner's direction to comply with it forthwith. Following legal advice from the Office of the Attorney General, under subsection (3) a recipient of a direction may refuse to comply only in the most limited circumstances, including where he or she would be entitled to do so as a witness at an inquest under section 38(3) of the Coroners Act 1962. This provision states that a witness at an inquest shall be entitled to the same immunities and privileges as would apply if he or she were a witness before the High Court. Subsection (6) provides that if a recipient refuses or fails to comply with the direction other than in the limited circumstances mentioned the coroner may apply to the High Court, which can order the recipient to comply, to make such order as the court may consider necessary for effectiveness. Should a recipient fail to comply with an order of the High Court, the High Court's contempt jurisdiction then would be available to support enforcement. The High Court can also make an order for the recipient to pay the coroner's costs of the application if it considers that to be just in the circumstances. In addition, subsection (10) provides for the rules of the court to facilitate expeditious hearing of coroners' applications. Subsection (7) sets out the criteria to guide the court's consideration of the coroner's application, which refers essentially to the public interest in relevant medical records of the deceased. I am satisfied that these provisions will provide a quick and effective avenue for a coroner to enforce a direction in circumstances that might be appropriate depending on the individual case. The High Court's

contempt jurisdiction and the power to award costs should provide an effective deterrent against any undue delay or refusal to comply with a direction or a delay that might in the circumstances be unfounded.

Amendment No. 13 is a technical amendment. As explained earlier, it provides that as the new section on the production of medical records is now to be numbered section 33D the current section 33D of the principal Act, which deals with the report of the post mortem examination, is to be renumbered 33E.

Deputy Jim O’Callaghan: I also acknowledge the presence in the Visitors Gallery of the families of women who died as a result of maternal deaths. Deputy Clare Daly is correct in stating that when people with such a legitimate cause canvass and encourage their Legislature to change the law that has a powerful impact, as can be seen in respect of this legislation.

I support the amendments proposed by the Minister. Amendment No. 12 is a significant amendment in that it makes provision for the High Court on the application of a coroner to make a determination in respect of documents. The power given to the coroner is such that the coroner can direct any medical institution or doctor to produce medical records relating to the deceased. That is an important power that will assist coroners in determining the cause of death, and a power they should have. There may be circumstances in which people wish to resist the production of those documents and provision is made within the section to allow the coroner to apply to the High Court for directions in circumstances where an individual has brought to his or her attention an objection. It gives the coroner an opportunity to apply for directions. It is important that included within the new statutory framework is a recognition that the High Court in determining that application should take into account the public interest. I welcome that this is provided for in the legislation.

Deputy Donnchadh Ó Laoghaire: I have no difficulty with these amendments and I will support them. An amendment in my name was ruled out of order. I accept the Ceann Comhairle’s ruling but I want to put the Minister on notice that an amendment dealing with the potential of entering a verdict of iatrogenic suicide will be introduced in the Seanad. I ask the Minister to bear in that the issue will be debated in the Seanad.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 10:

In page 18, to delete lines 19 to 21 and substitute the following:

“(d) a designated officer of the Ombudsman Commission,”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 11:

In page 19, to delete lines 9 to 32.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 12:

In page 19, after line 43, to insert the following:

“Medical records of deceased person for purposes of post-mortem examination

33D. (1) Where, under section 33, 33A or 33C, a coroner directs that a postmortem examination of the body of a deceased person be made, the coroner may direct—

(a) a person in charge of a hospital, or other health institution, in which the deceased person received treatment immediately before his or her death,

(b) a medical practitioner, nurse or midwife who has possession or control of medical records relating to the deceased, or

(c) a paramedic or advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000) who has possession or control of medical records relating to the deceased,

to give to the registered medical practitioner making the examination, within such period as may be specified in the direction, such medical records relating to the deceased person as are, in the opinion of the coroner, necessary to enable a proper examination of the body to be made.

(2) Subject to subsection (3), a person to whom a direction is given by a coroner under subsection (1) shall comply with the direction forthwith.

(3) A person to whom a direction is given by a coroner under subsection (1) may refuse to comply with the direction in relation to a medical record only if he or she would be entitled, by virtue of section 38(3), as a witness at an inquest to refuse to comply with a direction of the coroner to produce the record at the inquest.

(4) A direction given by a coroner under subsection (1) shall be given in writing or, if given orally, it shall be confirmed in writing as soon as practicable.

(5) The validity of a direction given by a coroner under subsection (1) shall not be limited to the coroner’s district in respect of which he or she holds the office of coroner.

(6) Where a person to whom a direction is given by a coroner under subsection (1) fails or refuses to comply with the direction, other than in circumstances to which subsection (3) applies, the High Court may, on application to it in that behalf by the coroner—

(a) order the person to comply with the direction immediately or within such period as the Court may determine and specify in the order, and

(b) make such other order, if any, as it considers necessary to enable the order made under paragraph (a) to have effect and such order as to costs, if any, as it considers just.

(7) An application under subsection (6) may, if the High Court so directs, be heard otherwise than in public.

(8) In determining an application under subsection (6), the High Court shall have regard to—

(a) the public interest in the medical record concerned being given for the purposes of the post-mortem examination of the body of the deceased person concerned,

15 May 2019

(b) the likely importance of the information contained in the medical record concerned for the purposes of that examination, and

(c) the likely impact on the effectiveness of that examination if the medical record concerned is not given, or there is a delay in its being given, for the purposes of that examination.

(9) A registered medical practitioner to whom medical records are given pursuant to a direction of a coroner under subsection (1), or an order of the High Court under subsection (6), shall return those records to the hospital or other health institution or the medical practitioner, nurse, midwife, paramedic or advanced paramedic, as the case may be, from whom they were received, as soon as practicable after the post mortem examination of the body of the deceased person concerned has been made or, as may be appropriate, an inquest in relation to the death of that person has been held.

(10) Rules of court may make provision for the expeditious hearing of applications to the High Court under subsection (6).”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 13:

In page 20, line 2, to delete “**33D.** (1) Where” and substitute “**33E.** (1) Where”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 14:

In page 20, to delete lines 23 to 25 and substitute the following:

“(d) a designated officer of the Ombudsman Commission,”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 15:

In page 20, after line 44, to insert the following:

“Amendment of section 36 of Principal Act

18. Section 36 of the Principal Act is amended by the insertion of “, or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, by a designated officer of the Ombudsman Commission,” after “a member of the Garda Síochána”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 16:

In page 22, between lines 19 and 20, to insert the following:

“Amendment of section 43 of Principal Act

22. Section 43 of the Principal Act is amended by the substitution of “the coroner shall

so inform a member of the Garda Síochána or, where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the inquest is to be held, a designated officer of the Ombudsman Commission, and the member or designated officer, as the case may be, shall assemble” for “the coroner shall so inform a member of the Garda Síochána and the member shall assemble”.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 17:

In page 22, between lines 28 and 29, to insert the following:

“Amendment of section 47 of Principal Act

23. Section 47 of the Principal Act is amended by the insertion of the following subsection after subsection (1):

“(1A) Where there is a relevant Ombudsman Commission investigation and a coroner is informed by a designated officer of the Ombudsman Commission that, in his or her opinion, the death of the person concerned whose body has been buried in the coroner’s district may have occurred in a violent or unnatural manner, the coroner may request the Minister to order the exhumation of the body by the Ombudsman Commission.”.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 18:

In page 23, line 9, after “Síochána” to insert the following:

“, or designated officers of the Ombudsman Commission where there is a relevant Ombudsman Commission investigation concerning the death of the person in relation to whose death the warrant is issued,”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 19:

In page 23, lines 24 and 25, to delete “the coroner or a member of the Garda Síochána” and substitute “the coroner, a member of the Garda Síochána or a designated officer of the Ombudsman Commission”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 20:

In page 25, between lines 12 and 13, to insert the following:

“Performance of functions by designated officers of Ombudsman Commission under Coroners Act 1962

29. The Garda Síochána Act 2005 is amended by the insertion of the following section after section 101:

“**101A.**The Ombudsman Commission may, in connection with the investigation of a

15 May 2019

complaint or matter under this Part that concerns the death of a person, direct a designated officer of the Commission—

(a) to perform the functions conferred on such an officer by the Coroners Act 1962 in relation to the inquiry by a coroner into the circumstances of the death of the person under that Act, and

(b) to provide to the coroner, at his or her request, such assistance with regard to the holding of an inquest in relation to the death of that person as would be provided by a member of the Garda Síochána in the case of any other inquest under that Act, and a designated officer so directed shall perform those functions and provide such assistance whether or not the investigation under this Part is completed.”.”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 21:

In page 26, line 34, to delete “or”.

This is a technical amendment. The list of deaths that must be reported to the coroner are contained in the Schedule at the end of the Bill. The amendment proposed is on the advice of Parliamentary Counsel. It deletes the word “or” in the list, where it is superfluous.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister for Justice and Equality (Deputy Charles Flanagan): I again acknowledge the leadership and determination of Deputy Clare Daly in regard to this Bill. I also acknowledge that the processing of this legislation took longer than anyone of us would have wished or might have expected. I acknowledge the contribution of the Coroners Society of Ireland and the coroners’ representative body in terms of their assistance throughout the process and I thank my departmental officials for their work on the Bill. I acknowledge this process has taken some time but I am sure Deputies will agree this is a complex area and ultimately we are responsible to ensure that all our legislation is not only constitutionally sound but legally robust and operable. I believe that we now have the shape on this important legislation.

My intention now is to seek early progression of the Bill through the Seanad with a view to enactment. There are nine weeks of this term remaining, which I consider that to be ample time to proceed. In respect of other issues that may remain outstanding, I assure Deputy Clare Daly and the House that we are well advanced in discussions with the Office of the Attorney General and other Departments on a small number of amendments that I propose to bring forth in the Seanad, in particular the introduction of a case stated type facility for a coroner. In circumstances where there is a difficult or doubtful point of law a case stated at the High Court might well be the most appropriate manner in which it can be dealt with. I will also bring forth a provision setting out guiding principles for regulations on appropriate and respectful treatment of human tissue or organs removed for the purposes of a post mortem or inquest.

I thank Deputy Clare Daly in particular and other Deputies who engaged with this Bill in committee and otherwise. This is important legislation that over the next few weeks will be-

come law.

Deputy Eamon Scanlon: I take this opportunity to recognise the families in the Visitors Gallery, some of whom are close friends of mine. I am delighted that the Bill has passed in this House. Like everybody else, I congratulate Deputy Clare Daly on her great work on the Bill. I have taken an interest in it from day one and I am delighted on behalf of Fianna Fáil to welcome that the Bill has passed in this House. I urge the Minister to ensure that the Seanad amendments are produced quickly to facilitate the taking and passage of the Bill by the Seanad with a view to its enactment before the summer recess.

Question put and agreed to.

Aircraft Noise (Dublin Airport) Regulation Bill 2018: From the Seanad (Resumed)

The Dáil went into Committee to resume consideration of amendment No. 1 to Seanad amendment No. 1.

After “lines 2 to 4”, to insert the following:

“and substitute the following:

‘(c) the likely effect of the identified noise mitigation measures and operating restrictions (if any) on the well-being and health of local residents is thoroughly evaluated;’.”

- (Deputy Brendan Ryan)

An Ceann Comhairle: Does Deputy Brendan Ryan want to say anything at this stage?

Deputy Brendan Ryan: We were discussing amendments Nos. 1 to 3, inclusive.

An Ceann Comhairle: Yes, amendments Nos. 1 to 3, inclusive.

Deputy Dessie Ellis: I wish to speak to the Government’s amendments Nos. 1 and 2, which seek to remove two amendments we passed on Report Stage in this House. Like several other amendments, the Minister saw fit to have them removed in the Seanad. The Government refused to allow time for a proper debate, but was happy to push through the Minister’s amendments. This shows a shocking disregard for the democratic process. All this was facilitated by Fianna Fáil, which says one thing to local residents and then stabs them in the back by supporting the Government. I was happy that Fianna Fáil supported the two Sinn Féin amendments that passed on Report Stage in the Dáil, but by facilitating this farce in the Seanad that work has been undone. I hope that party will redeem itself today by voting with the Opposition against amendments Nos. 1 and 2 to ensure the health and well-being of residents is prioritised.

The two Sinn Féin amendments put the health and well-being of local residents on a statutory footing. One ensured the inclusion of a clause which sought to include the well-being and health of local residents in decision making on noise at the airport, and the second put an onus on the authority to report on the effect its decision had on local residents and how their requirements were taken into consideration. The Minister will argue that the health of residents is covered elsewhere in EU regulations, but there is no reason it should not be included in our

15 May 2019

national legislation too. This is about safeguarding the health of people, and it should be given legislative backing. The Minister has said on a previous occasion that including it in this legislation will give health and well-being a precedence over other considerations. So what? That is entirely reasonable.

From the start, local residents have felt completely left out of the process and have legitimate concerns around planning issues. These amendments encourage consultation with local residents. Trust in the noise regulator and related authorities has taken a battering, and there are serious concerns about retrospective changes to planning for flights and other developments at the airport. The retrospective changes that will be made hereafter are the main concern of residents. The health of the residents is being put at risk, and it is imperative that consultation takes place with them, and that their health and wishes are taken on board by the competent authority - An Bord Pleanála - at the airport. The two amendments passed in the Dáil on Report Stage will provide for that input from residents. We will oppose the two Government amendments and support the amendments to amendments from the Labour Party and also from the Independents and the Technical Group, namely, amendments Nos. 1 and 3.

Deputy Brendan Ryan: I wish to speak to the amendment.

Deputy Robert Troy: The Deputy has spoken on this amendment already.

Deputy Brendan Ryan: After two hours of debate before the recent recess Deputy Troy took to his feet and, based on the difficulty he was having and the pressure he was under in supporting this flawed legislation, decided to have a go and have a rant. I want to remind the Deputy of those comments from a few weeks ago.

Deputy Robert Troy: Please do.

Deputy Brendan Ryan: He was looking in my direction, but perhaps it was directed at other Members as well. He said I had attended no briefings, and he was wrong. He said I did not attend Committee Stage, and he was wrong about that. He said I had never raised the issue before, and he was wrong about that. He was wrong on all fronts.

Deputy Darragh O'Brien: He was not referring to the Deputy.

Deputy Brendan Ryan: He was referring to me.

Deputy Darragh O'Brien: Perhaps the Deputy is a bit sensitive.

Deputy Brendan Ryan: He was looking in my direction. I have been involved in every aspect of this Bill since the initial briefings and throughout Second, Committee and Report Stages.

Deputy Robert Troy: On a point of order-----

Deputy Brendan Ryan: He then went on to say how proud he was of his role-----

An Ceann Comhairle: Deputy Troy has raised a point of order.

Deputy Robert Troy: I will clarify this for the Deputy. I did not refer to him.

Deputy Brendan Ryan: This is not a point of order.

Deputy Robert Troy: It is a point of order.

Deputy Brendan Ryan: The Deputy is trying to clarify something.

Deputy Robert Troy: I will clarify this for the Deputy. He was asking a question.

Deputy Brendan Ryan: The Deputy can speak afterwards. This is not a point of order.

An Ceann Comhairle: Deputy Troy says that he was not referring to Deputy Brendan Ryan.

Deputy Robert Troy: I was not referring to the Deputy's attendance at those meetings.

Deputy Brendan Ryan: I am not giving ground to the Deputy

Deputy Robert Troy: Why will the Deputy not give ground? I will clarify it for him.

Deputy Brendan Ryan: The Deputy may very well, but he will have his chance afterwards.

Deputy Darragh O'Brien: Deputy Brendan Ryan should not let the truth get in the way of a good story. Why should he change the habit of a lifetime?

Deputy Robert Troy: I interrupted a pre-prepared script, and I understand that it might throw him off.

Deputy Brendan Ryan: It will not. Deputy Troy indicated that he was proud of his role in the facilitating the passing of this legislation, even though it is fundamentally flawed as it concerns the role of Fingal County Council, which is not independent as described in the regulations themselves.

We spent two hours before the recess trying to convince the Minister on these three amendments on health. We spent a long time on this aspect, and the Minister responded by saying that these things are included in the regulations themselves. There is some merit in that. However, in order for the Minister to carry the day here in terms of getting the amendments passed in the Seanad through this House he requires the further support of Fianna Fáil. Fianna Fáil did not indicate, in the two hours of debate on the last occasion, its position on these three amendments. Does it intend to facilitate the Minister again in passing this flawed legislation? I would like to hear from Fianna Fáil in terms of these three specific amendments.

We would save a lot of time today if Fianna Fáil indicates that it will support the legislation in the form it left this House before it went to the Seanad. The Minister spent a lot of time on the last occasion name-dropping Deputies Troy and Darragh O'Brien, outlining the help he got from them in passing this flawed legislation.

Deputy Darragh O'Brien: It was actually changing the legislation.

Deputy Brendan Ryan: When Deputy Darragh O'Brien took to his feet to deal with these amendments he spoke at length about a later amendment that we are all supporting. I do not believe we should spend much more time trying to convince the Minister, but we should ask Fianna Fáil what its position on the health amendments is, whether or not it is supporting the Minister again, and if so, why.

Amendment No. 1 to Seanad amendment No. 1 put and declared lost.

15 May 2019

Question put: "That Seanad amendment No. 1 be agreed to."

<i>The Committee divided: Tá, 33; Níl, 14; Staon, 15.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Broughan, Thomas P.</i>	<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>	<i>Collins, Michael.</i>	<i>Brassil, John.</i>
<i>Brophy, Colm.</i>	<i>Connolly, Catherine.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Cullinane, David.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Daly, Clare.</i>	<i>Cahill, Jackie.</i>
<i>Byrne, Catherine.</i>	<i>Ellis, Dessie.</i>	<i>Donnelly, Stephen.</i>
<i>Canney, Seán.</i>	<i>Mitchell, Denise.</i>	<i>Haughey, Seán.</i>
<i>Cannon, Ciarán.</i>	<i>O'Reilly, Louise.</i>	<i>Moynihan, Michael.</i>
<i>Carey, Joe.</i>	<i>O'Sullivan, Jan.</i>	<i>O'Brien, Darragh.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Sullivan, Maureen.</i>	<i>O'Callaghan, Jim.</i>
<i>Donohoe, Paschal.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>O'Loughlin, Fiona.</i>
<i>Durkan, Bernard J.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Ó Cuív, Éamon.</i>
<i>English, Damien.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Scanlon, Eamon.</i>
<i>Farrell, Alan.</i>	<i>Ryan, Brendan.</i>	<i>Smyth, Niamh.</i>
<i>Flanagan, Charles.</i>		<i>Troy, Robert.</i>
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Kyne, Seán.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Phelan, John Paul.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Thomas P. Broughan.

Question declared carried.

Seanad amendment No. 2:

Section 9: In page 13, to delete lines 2 and 3.

Seanad amendment put:

<i>The Committee divided: Tá, 34; Níl, 14; Staon, 15.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Broughan, Thomas P.</i>	<i>Aylward, Bobby.</i>
<i>Breen, Pat.</i>	<i>Collins, Michael.</i>	<i>Brassil, John.</i>
<i>Brophy, Colm.</i>	<i>Connolly, Catherine.</i>	<i>Browne, James.</i>
<i>Bruton, Richard.</i>	<i>Daly, Clare.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Ellis, Dessie.</i>	<i>Cahill, Jackie.</i>
<i>Byrne, Catherine.</i>	<i>Mitchell, Denise.</i>	<i>Donnelly, Stephen.</i>
<i>Canney, Seán.</i>	<i>O'Brien, Jonathan.</i>	<i>Haughey, Seán.</i>
<i>Cannon, Ciarán.</i>	<i>O'Reilly, Louise.</i>	<i>Moynihan, Michael.</i>
<i>Carey, Joe.</i>	<i>O'Sullivan, Jan.</i>	<i>O'Brien, Darragh.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>O'Sullivan, Maureen.</i>	<i>O'Callaghan, Jim.</i>
<i>Deering, Pat.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>O'Loughlin, Fiona.</i>
<i>Donohoe, Paschal.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Ó Cuív, Éamon.</i>
<i>Durkan, Bernard J.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Scanlon, Eamon.</i>
<i>English, Damien.</i>	<i>Ryan, Brendan.</i>	<i>Smyth, Niamh.</i>
<i>Farrell, Alan.</i>		<i>Troy, Robert.</i>
<i>Flanagan, Charles.</i>		
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Kyne, Seán.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Phelan, John Paul.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Stanton, David.</i>		

15 May 2019

Tellers: Tá, Deputies Seán Kyne and Tony McLoughlin; Níl, Deputies Clare Daly and Brendan Ryan.

Seanad amendment declared carried.

Seanad amendment No. 3:

Section 19: In page 46, to delete lines 14 to 16.

Deputy Thomas P. Broughan: I move amendment No. 1 to Seanad amendment No. 3:

After “lines 14 to 16”, to insert the following:

“and substitute the following:

“(2) The competent authority shall direct the airport authority to ensure that average noise exposure is in accordance with WHO guidelines, as applicable.”.

6 o'clock

Question put: : “That amendment No. 1 to Seanad amendment No. 3 be agreed to.”

<i>The Committee divided: Tá, 15; Níl, 35; Staon, 14.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Broughan, Thomas P.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Collins, Michael.</i>	<i>Breen, Pat.</i>	<i>Brassil, John.</i>
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>	<i>Browne, James.</i>
<i>Daly, Clare.</i>	<i>Burke, Peter.</i>	<i>Butler, Mary.</i>
<i>Ellis, Dessie.</i>	<i>Byrne, Catherine.</i>	<i>Cahill, Jackie.</i>
<i>Mitchell, Denise.</i>	<i>Canney, Seán.</i>	<i>Donnelly, Stephen.</i>
<i>O'Brien, Jonathan.</i>	<i>Cannon, Ciarán.</i>	<i>Haughey, Seán.</i>
<i>O'Reilly, Louise.</i>	<i>Carey, Joe.</i>	<i>Moynihan, Michael.</i>
<i>O'Sullivan, Jan.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>O'Brien, Darragh.</i>
<i>O'Sullivan, Maureen.</i>	<i>Deering, Pat.</i>	<i>O'Callaghan, Jim.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	<i>Ó Cuív, Éamon.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donohoe, Paschal.</i>	<i>Scanlon, Eamon.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	<i>Smyth, Niamh.</i>
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	<i>Troy, Robert.</i>
<i>Ryan, Brendan.</i>	<i>Farrell, Alan.</i>	
	<i>Fitzgerald, Frances.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Halligan, John.</i>	
	<i>Harris, Simon.</i>	
	<i>Kyne, Seán.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	

Dáil Éireann

	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	

Tellers: Tá, Deputies Thomas P. Broughan and Dessie Ellis; Níl, Deputies Tony McLoughlin and Peter Burke.

Question declared lost.

Question put: : "That Seanad amendment No. 3 be agreed to."

<i>The Committee divided: Tá, 47; Níl, 16; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Broughan, Thomas P.</i>	
<i>Bailey, Maria.</i>	<i>Collins, Michael.</i>	
<i>Brassil, John.</i>	<i>Connolly, Catherine.</i>	
<i>Breen, Pat.</i>	<i>Coppinger, Ruth.</i>	
<i>Brophy, Colm.</i>	<i>Daly, Clare.</i>	
<i>Browne, James.</i>	<i>Ellis, Dessie.</i>	
<i>Bruton, Richard.</i>	<i>Mitchell, Denise.</i>	
<i>Burke, Peter.</i>	<i>O'Brien, Jonathan.</i>	
<i>Butler, Mary.</i>	<i>O'Reilly, Louise.</i>	
<i>Byrne, Catherine.</i>	<i>O'Sullivan, Jan.</i>	
<i>Cahill, Jackie.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Canney, Seán.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Carey, Joe.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Deering, Pat.</i>	<i>Pringle, Thomas.</i>	
<i>Doherty, Regina.</i>	<i>Ryan, Brendan.</i>	
<i>Donnelly, Stephen.</i>		
<i>Donohoe, Paschal.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Flanagan, Charles.</i>		

<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Haughey, Seán.</i>		
<i>Kehoe, Paul.</i>		
<i>Madigan, Josepha.</i>		
<i>McGrath, Finian.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

Tellers: Tá, Deputies Tony McLoughlin and Peter Burke; Níl, Deputies Brendan Ryan and Dessie Ellis.

Question declared carried.

An Leas-Cheann Comhairle: Amendments Nos. 4 and 6 and the amendments to those amendments are related and will be discussed together.

Seanad amendment No. 4:

Section 20: In page 47, to delete lines 17 to 36 and substitute the following:

“Noise insulation scheme

20. (1) In this section —

“relevant day” means the day on which this section comes into operation;

“relevant noise contours” mean —

(a) subject to *paragraph (b)*, on and after the relevant day, areas of noise exposure to which the scheme applied immediately before such day, and

(b) areas of noise exposure determined by the competent authority on or after the relevant day, including such an area which alters or replaces an area referred to in *paragraph (a)*;

“scheme” means a noise insulation scheme put in place by the daa before the relevant day and in force immediately before such day.

(2) Subject to subsection (3), on and after the relevant day, a scheme shall be deemed to be a noise mitigation measure introduced by the competent authority and the provisions of this Act and the Act of 2000 shall, with all necessary modifications, apply to the scheme accordingly.

(3) On and after the relevant day, the competent authority shall ensure that the scheme applies to all homes located within the relevant noise contours.”.

Deputy Brendan Ryan: I move amendment No. 1 to Seanad amendment No. 4:

In section 20 proposed to be inserted by Seanad Amendment No. 4, in the definition of “scheme” in subsection (1), after “the daa” to insert “, for Dublin Airport and any adjacent area,”.

I have two amendments to Seanad amendment No. 4 and if the Minister was moving them he might call them technical amendments. Amendment No. 4 from the Seanad deals with a noise insulation scheme and the definition “means a noise insulation scheme put in place by the daa before the relevant day and in force immediately before such day”. Given that the DAA also has control of Cork Airport, a scheme for the latter might comply with the legislation here. It is about tidying up the language to ensure that it accurately reflects what is intended.

Amendment No. 2 to Seanad amendment No. 4 relates to subsection (2) of the latter, which deals with a noise insulation scheme in section 20. The subsection states “Subject to subsection (3), on and after the relevant day, a scheme shall be deemed to be a noise mitigation measure introduced by the competent authority” and my amendment would have this introduced “by virtue of a regulatory decision adopted” by the competent authority. This would bring consistency of language used previously in the Bill. These are two technical amendments and I am sure officials will advise the Minister that they ought to be accepted.

Deputy Shane Ross: The Bill is explicit with respect to the new role of the noise regulator in overseeing and holding the DAA to account regarding existing home insulation schemes and the homes buyout. From the outset of Committee Stage, Deputies Troy and Darragh O’Brien made it clear they could only support it if included a provision that the noise regulator assume responsibility for all existing noise insulation schemes available to residents around Dublin Airport and the voluntary purchase scheme.

I will not accept Deputy Brendan Ryan’s amendments, although I appreciate that he is trying to do something good. He will understand when I explain that what he is proposing introduces uncertainty to what is now clear text that has been worked on extensively in recent months. It has been the subject of discussions with Deputy Darragh O’Brien in particular and cleared by the Office of the Parliamentary Counsel to ensure that it is sound. For example, there is no clear definition of what Deputy Brendan Ryan terms as “any adjacent area” and this type of phraseology does not add to the Bill; it instead introduces a degree of uncertainty. The text as it stands covers all schemes put in place by the DAA. The Bill applies to Dublin Airport, not Cork, and

there is no need to further qualify that.

The effect of Deputy Brendan Ryan's other proposed amendment, which references a regulatory decision, would be to exclude existing noise insulation schemes not brought in by means of a regulatory decision. I am sure that is not his intention.

Deputy Brendan Ryan: No.

Deputy Shane Ross: These are the voluntary schemes we are trying to include. I have no doubt that the Deputy did not intend this and, as a result, he might consider withdrawing the amendment. This is an area in which there is broad agreement on the right action and the Bill, as amended, is doing the right thing. There has been strong engagement on it across the floor of this House. I know Deputy Brendan Ryan has further amendments that were tabled in good faith but I assure him they are unnecessary.

Deputy Clare Daly: There certainly has been strong engagement across the House on this Bill over a period. As a result of that engagement, we succeeded in winning votes on a number of vital amendments on Report Stage. With the help of Fianna Fáil doing a flip-flop, the Government succeeded in having some of those important amendments overturned, which is why we are where we are today.

Insulation is critical to the residents affected by noise and before us we have legislation that purports to be a measure to protect airport neighbours. The difficulty we have is the reason for the Minister's desire to introduce this. His failure to amend the parts of the Bill that would have prohibited the DAA from coming back and overturning the two night restrictions means that noise insulation is of extra critical importance. The buyout and insulation measures were put in place in the context that the two planning restrictions for night flights would be upheld and embedded in any process. Once one is changed, as we know the DAA will seek to do, the other must also be changed. It is an open secret that the DAA is waiting for this legislation to be passed and for the competent authority to be established in order that it can overturn the conditions relating to night flights between 9 p.m and 7 a.m. on the new runway and the limit of 65 flights per night on the existing runway.

There are a couple of problems with this and, in fairness to the residents in the north of the county, they have done a large amount of diligent research into the matter. Ms Sabrina Joyce from Portmarnock in particular has made the point that the Bill we are now debating is seeking to overturn those conditions put in place by An Bord Pleanála in 2007. We all know this to be the case. The planning permission was given subject to these conditions after reviewing environmental impact statements and it was decided upon after appropriate assessments carried out by the board under strict European regulations, namely, the birds directive, or Directive 2009/147/EC, and the habitats directive. This is a critical point that we flagged before because of the Minister's mishandling of the Bill already. I have no doubt that this legislation will end up being the subject of legal challenge but if the Government wishes to dispense with the conditions relating to night flights and limited movements, appropriate assessments must be carried out from a legal perspective on the impact of night flights on special areas of conservation and special protection areas under flights paths towards all existing and proposed runways. These include Dublin Bay, Howth Head, Baldoyle Bay, Ireland's Eye, the Rockabill to Dalkey Island special area of conservation, Malahide Estuary, Rogerstown Estuary and so on. The disturbance of birds, particularly in light of a high number of protected species, will be important. We were here last week to pass a climate emergency measure and speaking about the loss of biodiversity

but we cannot have both of these. We need to discuss the subject holistically. These matters should be taken into account before the Bill proceeds any further.

The Minister may not be aware that the UK's advisory Committee on Climate Change made critical warnings to the British Government about planned increases in aviation due at Heathrow, for example, indicating that these must be revisited and curbed in order to restrict CO2 emissions. Everybody is now allegedly a climate change campaigner but nevertheless we can see the current position in the Bill. The reality is that we need to achieve zero net emissions as quickly as possible. As a result, our figures and what we attempt to do must be revised in that context. This means that insulation is critical. The section relating to the insulation and buy-out is a bit of a contradiction. There is no impact at all. The issue of a voluntary buyout is not even dealt with in the Bill. As for the noise insulation measures, however, what we are essentially saying in the legislation is that the noise contour levels applicable to the noise insulation programme shall remain as they are now, both before and after enactment of the legislation. As I said, the scheme was set on the basis of restricting it to 65 night flights. It was never intended to be in place for unlimited night flights so it is totally unacceptable as a means of mitigation for any household exposed to the night contours currently applicable under the night noise insulation programme. Therefore, we now have a huge contradiction here, and it comes back to what we know is at the heart of this, that is, the fact there is a legal obligation to take into account the impact of noise on surrounding communities. If DAA wants to loosen this obligation, it must come up with a much better insulation scheme and a much better buyout scheme than those now on the table. This legislation does not provide either, yet we know it will be used by DAA. We have a serious problem with that, and I find it absolutely reprehensible that the Government has gone in and forced unwelcome changes to try to subvert the wishes of this House.

Deputy Darragh O'Brien: I wish to clarify matters. I spoke at length on 18 April about this and about the fact that this whole section is in the Bill at our insistence. It is amendments Deputy Troy and I tabled, which were carried, that take the noise insulation scheme and the voluntary purchase scheme away from DAA and give them to the competent authority. That is what this section does. That is factual. There is no contradiction here. That is what happens, it is in the Bill for the first time, and that is significant. It is also significant that it will no longer be the airport authority that makes the offers. The offers until now to most of the households, particularly those on the west side of the airport, in the St. Margaret's area and old Cloghran, have been wholly inadequate, and I have said that time and again. The provisions of the scheme and the valuations in it have been inadequate. This is a way of moving the matter forward, and people should be honest and recognise this rather than making statements that are not factual. The fact of the matter is that now, for the first time, a competent authority, not Dublin Airport Authority, will decide on the terms, the scope and the scale of what is at present the voluntary purchase scheme, which is an insufficient scheme. That is a fact, it is indisputable, and this is in the Bill because of the amendments we tabled on Committee Stage, which others did not support. The provisions are important and they are in the Bill.

I worked extensively with officials in the Department on noise contours and the noise insulation scheme to ensure the scheme be taken away from Dublin Airport Authority because of charges of conflict of interest and other charges, with which I agree. If the noise insulation scheme is expanded, it will cost the airport authority more money. This is why I wanted the scheme to fall under the remit of the competent authority and why I wanted the Bill to deal with "contours", not a "contour". This is another change we made to ensure that this was dealt with in terms of the new runway and the new flight paths, both in and out, and that there would be

15 May 2019

an independent arbiter to determine who was in the scheme and who was not. Again, this is indisputable, so there is no point at this late stage in trying to muddy the waters. The provision is in the legislation now, and that is significant because it will bring fairness back into it. It also moves the situation forward. If this is not passed, we will be left with the *status quo*, with what we have, which is an insufficient insulation scheme and a wholly insufficient voluntary purchase scheme. We would just be saying we are not going to do anything with it, that we are going to just leave it as it is and that we are going to have another four, five, six or seven years of people not being able to move on with their lives, not being able to make decisions as to where they will live and not being able to get their houses, apartments and businesses insulated. That is the alternative. While not everything in the Bill is perfect, there have been major improvements, particularly in this area, in section 20.

What this legislation does not do - and I wish to correct a charge Deputy Clare Daly has just made in this regard - is set aside any of the restrictions in place at present. To tell people otherwise is utterly incorrect and irresponsible. I am completely opposed to unrestricted night flights, as most people are, as indeed my party is. That is a decision the competent authority will make, and it could very well end up with An Bord Pleanála, which is mentioned in the Bill, again at our insistence. If the decision ended up with An Bord Pleanála, it would be an application made by the airport authority, which would have to be adjudicated on by the competent authority. Therefore, the section does not set the restrictions aside should the second runway open. At present, as we know, there are no restrictions under the existing runway in law. When the new runway opens, the An Bord Pleanála restrictions will take place. Should DAA wish to do so, it will take a case to the competent authority, which will be decided and which anyone can then appeal further, whether or not he or she objected at the first stage. Again, this is in the legislation at our insistence.

There have, then, been significant changes made to this scheme. The Bill does not set aside these restrictions, nor should it ever do so. I understand the points Deputy Brendan Ryan was trying to make by way of his amendment to this amendment. I think we had to tidy up the initial amendment we tabled on the previous Stage in order that it did not have the unintended consequence of being applicable to anywhere across the country that may be impacted by flight paths. We want this to apply to the adjacent communities both to the east and to the west of the airport, and indeed north and south of the runways, when applicable, in order that we are not expanding the scheme to other parts of the country. By passing this amendment, it is a significant change in the Bill and one for which we fought. I have circulated the official note from the Department which I read into the record on 18 April. It is dated 11 April and states exactly what this change will mean, that is, independent regulation, oversight and application of a revised and, it is hoped, a greatly improved voluntary purchase scheme and expanded noise insulation scheme, which are needed right now. If we do not do this, this scheme will not be expanded because it will remain in the gift of Dublin Airport Authority, and I do not want that to happen.

Deputy Thomas P. Broughan: I accept the logic of the comments Deputy O'Brien has just made on the insulation scheme and the role of DAA, but they still do not sufficiently address the big problem with the Bill, which, even at this late stage, we should repeat. I refer to the fact that the regulator, the competent authority, is hopelessly conflicted. I am reading comments sent in to us by constituents in Dublin Fingal and Dublin Bay North. The reality is that we have a local authority deriving at least a quarter of its revenue, its rates, from the airport zone, yet we are still creating a situation in which the independence we need in an independent regulator is not there.

Reference has been made to An Bord Pleanála, but over the past year or so we have become

used to An Bord Pleanála rushing all kinds of major developments, such as huge construct-to-rent schemes, through the planning process, which does not really give us confidence about this Bill. There is no question but that this legislation will be revisited in respect of the provisions relating to the competent authority. I will state for the final time that I cannot see what was the logic of not appointing the Environmental Protection Agency, which under the 2006 European noise directive is designated as our competent national noise authority. Why the Minister did not do so beggars belief. We have read out the correspondence from the Fingal County Council executives, who just felt they did not have the resources to carry this out. Deputy Darragh O'Brien is Tadhg an dá thaobh here, speaking out of both sides of his mouth, both to the locality and nationally. The reality is that we do not have an independent competent authority and that we will have to return to this, certainly in the next Dáil.

Deputy Ruth Coppinger: The debate on this Bill has been very educational for many residents of Fingal who have only become aware of this issue as a result of figures provided on Dublin Airport. Fingal County Council prepared a noise plan recently which found there had been a 450% increase in exposure to high levels of aircraft noise. The number of people exposed in the Fingal borough increased by 5,300 as a result of new developments in the constituency the Taoiseach and I share, which includes Tyrrelstown, Hollystown and Hollywoodrath. Those residents are only starting to become aware of the problems they will face and this Bill has caused them to become active on this issue.

A European Commission study of 224 airports in Europe found that half of them had curfews in place, in other words, they did not allow night flights, one in five had noise limits, one in five had traffic restrictions and 3% had noise budgets. Dublin Airport has none of these measures in place. It also incentivises airlines to land after 11 p.m. by not applying overnight parking fees. Regardless of what happens here today, what does the Minister intend to do about that? As the Minister for Transport, Tourism and Sport, he has just agreed to remove from legislation very important amendments intended to keep noise levels below the range of decibels the World Health Organization considers appropriate. Everybody believes that the Dublin Airport Authority will try to change the current restrictions in the planning conditions, based on the argument put forward by Fianna Fáil that it would be in the commercial interest of the airport to do so.

There is no balancing of the rights of residents who bought homes in the area. What happened in the Seanad was really sly because everybody knows that House is not a representative or democratic body. The Government tried to abolish the Seanad a short time ago and the House was only retained as a safeguard because people lack trust in all politicians, especially those from the big parties. We now see people who were not elected by the residents of the affected area trying to shaft some of the existing protections. I know this is hard for Fianna Fáil because it supports the Government but failing to keep some protections for residents is unacceptable. Facts and figures have been sent by residents showing the gross exaggeration of the impact of protections on flights. I may return to that issue later.

Deputy Clare Daly: Some of the points I made on the Bill were general in nature and some of the points of correction Deputy Darragh O'Brien raised with me were correct. I was trying to find my bearings in this body of work. In line with Deputy Broughan, some of my comments were about the overall Bill and not about this particular amendment.

On the amendment, while it is probably better to have it in the legislation, that does not negate the fact that we have abdicated our responsibility by agreeing in other parts of the Bill to

15 May 2019

allow Fingal County Council to be the competent authority. We have weakened the legislation by adopting this amendment as a kind of democratic check. We are making it out to be a great achievement for the local community that the Dublin Airport Authority will not now decide upon these important matters of insulation. That argument sounds valid and is fair enough but it is defeated by the decision to give that responsibility to Fingal County Council given the conflict of interest involved, which Deputies have spelt out *ad nauseam* in the course of this debate. In case there is any doubt remaining, it is correct that it is better to have this amendment in the legislation. The overall position, however, is that we are doing this in the context of a conflict of interest, which means the measure offers a weak form of protection. The argument that it will be a panacea is weakened by the decision to select Fingal County Council as the competent authority.

I was certainly not making the points about the removal of the restrictions in the context of this amendment. It is an open secret, however, that the Dublin Airport Authority, in all of its correspondence to us, informed us that it will seek to overturn those night restrictions once this legislation is in place. Perhaps I am reading this incorrectly but the problem with this amendment in that context is that it only applies to changes after the Bill has been passed. How will the issue be addressed for people who are impacted now? I am not sure how that will be done and I would like to hear more on that issue. My main intent was to correct that point.

Deputy Brendan Ryan: Deputy Darragh O'Brien has referred on several occasions to An Bord Pleanála being mentioned in the legislation "at our insistence". An Bord Pleanála has always been the intended appeals body irrespective of which organisation is designated the competent authority. It is nonsense to try to take credit for that or to claim that An Bord Pleanála has been designated the appeals body "at our insistence". It is being done as a way of somehow negating all the other measures that Fianna Fáil allowed the Minister to include in the Bill by supporting him.

I now turn to this specific amendment. Speaking to residents about the voluntary dwelling purchase scheme, they referred to their engagement with the Dublin Airport Authority and Fingal County Council. The constant refrain is that the scheme is the scheme. I have been studying and reading about this and I fail to see how this amendment changes the scheme. I do not understand how it opens up the scheme with which people are not happy. I also do not know how it opens up the possibility of a new scheme. I refer to the proposals and the agreement between the Dublin Airport Authority and Fingal County Council that are required to be delivered by An Bord Pleanála.

Deputy Shane Ross: Many questions have been raised during this debate. We have covered some of them already at great length while discussing other sections. I am happy that Deputy Broughan, Deputy Clare Daly and others were indulged again in questioning the independence of Fingal County Council. It is a fair point but one which we addressed fully on Second Stage and for many hours when discussing amendments. The arguments remain the same. The Dáil has decided. If this matter is to be revisited, that is a perfectly legitimate claim for Deputy Broughan to make. As far as I am concerned, however, I do not intend to repeat the answer to the argument that I have given many times in this House. The Deputy can raise the issue again on Fifth Stage, should he so wish.

Turning to the specific questions, Deputy Clare Daly had a query on insulation. I assure her that the Bill covers existing schemes and gives the noise regulator powers to amend and-or extend those schemes, as deemed necessary. New schemes could also be introduced.

Deputy Coppinger raised an issue which was also addressed by Deputy Clare Daly, Deputy Darragh O'Brien and others. She asked whether this legislation was introduced to overturn existing restrictions. That is not the purpose of this Bill. There is an assumption in the House that the noise regulator is somehow on one side not the other and is going to make noise worse for the residents. That is not the intention of the Bill. The aim of the legislation is to create a fair playing field and to have a balanced approach. If anything, it will be of benefit to see a fair and equitable regime being run where the interests of the residents are of primary consideration. I am sure that those who talk about this have all read the document which is so important, namely, EU Regulation No. 598/2014. I cannot count the number of times the interests of local residents are mentioned in that document. If people are saying to me that this document is an empty or token gesture in their direction, that is obviously not the case.

Some of the objections which have been expressed here are sincere. We have had a very good debate in the House and I take my hat off to Deputies Brendan Ryan, Ellis, Broughan, Coppinger, Troy, Clare Daly and Darragh O'Brien. Everything has been sincerely expressed here. It is not the perfect Bill that everybody wants, including the Government. It is not our original Bill and it was not our original intention to do certain things which are in it. However, there has been a great deal of movement in the legislation towards the particular representations made by Members in the House. Deputy Darragh O'Brien is right when he claims credit for the changes on insulation. It is a fair claim. It is a political claim and that is fine too. Deputy Clare Daly is certainly entitled to claim credit for other amendments. There is no shame in that and the Government has no problem acknowledging it. It is somewhat unfair to suggest at this stage, however, that the Bill is there to overturn those restrictions which were introduced so many years ago. I do not have a clue what the noise regulator is going to say about those restrictions, nor does anyone else in the House. The Deputies are right and the DAA has made no secret about the fact that it will challenge those restrictions, as it is entitled to do. However, to suggest in the House that such a challenge is somehow a foregone conclusion and that a decision will be taken which is not in the interests of residents is unfair. We have not seen how the regulator operates yet. We have established a very fair, pan-European system which is there to protect the interests of all parties. Sometimes those interests are in conflict, which is why we have a regulator. Deputy Clare Daly said a legal challenge is coming. That is fair enough. If people want to take a legal challenge, there is nothing I can do about it. That is how the democratic system works and thank God that it does.

To Deputy Coppinger I note that the Bill balances the economic growth of the airport with the rights of local residents. That is right. I do not know how the Deputy would put it, but in my view it balances those interests. In fact, it probably tips the balance in favour of the residents, which I support. Their interests are vital. It may not be music to the Deputy's ears but, as I have had to repeat many times in the House, including on the last occasion, I have met every group of residents who have asked me to meet them. I am open to correction in that there may be one group I have not met, albeit it was not through any unwillingness to do so and was perhaps a matter of a time factor. Since the last time I was in the House, I have had discussions with the DAA and it has assured me it will continue, in accordance with an assurance I gave the House, to engage in meaningful discussions with the residents if the Bill is passed. It is not going to just cut them off and say the Bill is passed, the noise regulator is in and it is all over. The DAA will continue to try to accommodate residents and I will continue to assist in any way I can. That is what the Bill is about. It is not about confrontation, it is about conciliation. It is difficult. It is not a soluble problem. One cannot have an airport without noise. That is just not possible.

15 May 2019

Deputy Ruth Coppinger: We know that. It is a patronising thing to say.

Deputy Shane Ross: One must therefore attempt to reach a solution in which people are adequately and perhaps generously compensated when they are inconvenienced and discomfited in the national interest. We cannot close the airport. That would be absolutely crazy.

As we come to the end of the debate, it is particularly notable that in the provision under discussion, we have a good example of compromise which has worked very well. I see no shame in it. I congratulate Fianna Fáil and Deputy Clare Daly. I congratulate Deputies Broughan, Ellis, Brendan Ryan and Coppinger for their contributions also. They have gained concessions and changes in the Bill and that is the way it should have operated. At this point, it is time to acknowledge that some of the battles are over. The battle over the independence of Fingal County Council is decided, albeit the matter may go elsewhere. If it does, it does. I thank the Deputies in any event for their co-operation and willingness to compromise. I am sorry that there were concessions we could not make which Deputies would have liked because we did not consider them to be in the national interest. Nevertheless, we will end up with a very fair Bill which has been improved by the contributions of everyone in the House.

An Leas-Cheann Comhairle: Whether they were the ones they wanted, all of the Members got answers.

Amendment No. 1 to Seanad amendment No. 4, by leave, withdrawn.

Amendment No. 2 to Seanad amendment No. 4 not moved.

An Leas-Cheann Comhairle: Amendment No. 3 to Seanad amendment No. 4 is out of order.

Deputy Clare Daly: I had not realised amendment No. 3 to amendment No. 4 was out of order. That means there is no mention whatsoever of the voluntary buy-out scheme and the points we were making that this would address some deficits in that scheme. Is it not the case that without Deputy Troy's amendment No. 3, that does not apply? I would like a further explanation. It looks like a gaping hole.

An Leas-Cheann Comhairle: If we can just clarify the matter.

Deputy Clare Daly: I ask the Leas-Cheann Comhairle to clarify that. I want to make a point on it.

An Leas-Cheann Comhairle: Perhaps I should clarify for the House that amendment No. 3 to Seanad amendment No. 4 seeks to include in Seanad amendment No. 4 provisions relating to the DAA's voluntary purchase scheme. However, Seanad amendment No. 4 relates to the noise insulation scheme only. Standing Order 195 provides that no amendment shall be moved to an amendment made by the Seanad that is not strictly relevant. The amendment must therefore be ruled out of order. It is not strictly relevant to the Seanad amendment.

Deputy Clare Daly: I do not have the Bill here, so what are the provisions in the Bill on the voluntary buyout? Is there any mention of it in the Bill?

Deputy Shane Ross: It covers it.

Deputy Clare Daly: Is the voluntary buyout specifically mentioned anywhere else?

Deputy Shane Ross: It needs to be read with section 29.

An Leas-Cheann Comhairle: We will allow a question and an answer because all of these amendments are being discussed together.

Deputy Clare Daly: On page 52?

Deputy Shane Ross: Yes, it needs to be read with section 29 on page 52.

Deputy Clare Daly: Where is the protection then for people who are already suffering from the inadequate voluntary buyout scheme that is currently in place? Is there any capacity to have that improved? I know the Minister can say the DAA could decide to do that if it likes, but is there a requirement in legislation on the competent authority that would enable it to improve the voluntary buyout scheme as it exists now? It is a huge issue for the residents who are here and for those who have taken legal action against the DAA and have had an enormous legal bill for which there is still no clarity on how it can be paid. Where is the scope for that protection? To correct the Minister, I did not say this Bill was being brought in to overturn the conditions of the planning condition. This is clearly to implement an EU regulation and we all know that. What we discussed many times is that there is a contradiction in a measure that was supposed to protect communities being hijacked by the DAA to overturn the conditions that are there and there is no secret about that. I want to know where is the capacity for the competent authority to deal with the issue of the voluntary buyout or to change it.

Deputy Thomas P. Broughan: In Deputy Troy's amendment there is reference to a consultation with local residents and so on. Before the Minister went into the Seanad he had that in the previous part of the Bill, in section 20. Therefore, what is the level of consultation? There is a particular issue around this in that we are governed by European legislation, are we not? We are governed by European legislation in the sense that if we want to revisit the balanced approach about which the Minister spoke a lot when we started discussion on the Bill, we have to go back to Europe and to some extent this House is hamstrung in that whole area. Is that the case?

An Leas-Cheann Comhairle: We will finish off this now. I said that amendments Nos. 4 and 6 and the amendments to same were all being discussed together so I am out of order. However, I will allow a relevant question, not a statement, and then a reply from the Minister.

Deputy Brendan Ryan: It is a relevant question in so far as it is the same question I put on the scheme when I was on my feet previously and it is similar to what Deputy Clare Daly has now raised. This amendment does not open up any channels for the totally inadequate scheme that exists to be reopened or to be improved in any way.

Deputy Shane Ross: On Deputy Broughan's question, he is right. European law is superior and we will be subject to changes. If the EU makes a change we will be subject to that as well. There is no question about that and nobody has been trying to hide that fact. In some cases it is a great protection for the residents.

On consultation, the level of same will be similar to the level of consultation that has happened before but it will continue in the interests of residents.

On the question from Deputies Clare Daly and Brendan Ryan, section 29 on page 52 gives the regulator power and authority over all existing schemes, including the voluntary schemes, and it is my understanding that this will give it the power to reopen and to open. It covers all

15 May 2019

schemes, it is all encompassing and the regulator has full powers.

Amendment No. 3 to Seanad amendment No. 4 not moved.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 21: In page 48, between lines 10 and 11, to insert the following:

“(b) The competent authority shall, as soon as is practicable after it receives a request under paragraph (a), respond in writing to the requester.”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 31: In page 53, to delete lines 8 to 15.

Seanad amendment agreed to.

Seanad amendments reported.

An Leas-Cheann Comhairle: The Seanad amendments are reported to the House. A message will be sent to Seanad Éireann acquainting it accordingly.

7 o'clock

Greyhound Racing Bill 2018 [Seanad]: Report Stage (Resumed) and Final Stage

Debate resumed on amendment No. 1:

In page 9, between lines 17 and 18, to insert the following:

““white list” means the annual list prepared by welfare members of the International Greyhound Forum in conjunction with Rásaíocht Con Éireann of countries which, at its sole discretion, meet minimum standards with regard to the welfare of greyhounds, and to which the licensed export of greyhounds from the State ought to be permissible.”.

- (Deputy Broughan)

Deputy Maureen O’Sullivan: All the amendments in the grouping, including this one, are simple. They revolve around animal welfare and ensuring that greyhounds are treated well in Ireland and if they are sent abroad. We are either committed to animal welfare or not. We have plenty of examples of mistreatment, such as the recent cases of a horse that was found emaciated and a foal that was beaten to death near Fethard by two young people, and there is video footage of a hare being mauled by greyhounds. We are trying to prevent Irish greyhounds from being exported to countries where we know they will not be treated properly and where animal welfare regulations are lacking. If the amendments are not accepted, we will knowingly allow our greyhounds to be sent to appalling conditions. We know exactly what happens in such countries because animal welfare groups have the evidence and it can be seen in greyhounds

rescued by the groups. Accepting the amendment will send out a message that we care. I accept that such a law will be difficult to implement but that should not mean we will not try. If we were to apply that yardstick when passing all legislation, nothing would get through. We are seeking to control where greyhounds are sent when they no longer race or make a profit for their owners. We do not want them to be sent to countries where we know they will be treated horrifically. By rejecting the amendments, we will say such exports are okay, sending greyhounds to these countries should be allowed, there is nothing we can do about it and everything is fine. Greyhounds deserve an awful lot more than that from the House. We should try to do what we can, difficult and all as it might be, to ensure their welfare. I reiterate that it is not as though we do not know what happens in some of these countries, which makes it all the more incumbent on us not to send greyhounds to them.

An Leas-Cheann Comhairle: I remind the House that amendments No. 1 and Nos. 5 to 8, inclusive, are being taken together.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): The amendments would provide for a white list of countries approved for the export of greyhounds and a report on greyhound exports. Before I address the specifics of the amendments, I emphasise that the Bill is primarily an industry Bill whose purpose is to improve the governance of Bord na gCon, strengthen regulatory controls in the industry, modernise sanctions and improve integrity, as identified in a number of reports on the sector. The Welfare of Greyhounds Act 2011 and the Animal Health and Welfare Act 2013 regulate welfare matters. Bord na gCon officers have been appointed as welfare officers and authorised officers for the purpose of enforcing both Acts.

The amendments are closely aligned with Deputy Broughan's Private Members' Bill. That Bill and the amendments propose the creation by the International Greyhound Forum, IGF, of an annual white list of countries to which it would be permitted to export greyhounds. The IGF is not a legal entity but a consultative forum comprising a mixture of semi-State and non-governmental bodies, including bodies not based in the State. The Minister for Agriculture, Food and the Marine would be required to make regulations giving effect to the finalised annual white list. It is also proposed that a licensing regime would provide that the export of greyhounds to countries not on the white list or without a licence would attract a criminal sanction.

The Department of Agriculture, Food and the Marine examined the issue. We sought and obtained legal advice from the Office of the Attorney General in respect of the Private Members' Bill introduced by Deputy Broughan, which proposed legislation similar to what we are discussing. The advice was that the Private Members' Bill was incompatible with domestic and European law. The proposed legislation to ban the export of greyhounds to certain countries, EU or non-EU, would face significant legal difficulties with national and EU law and may also pose difficulties with the General Agreement on Tariffs and Trade and the obligations imposed by membership of the World Trade Organization. Even if it was legally possible to ban greyhound exports to certain countries, I am not convinced the amendments would have the desired effect. Nevertheless, I appreciate the motives of the Deputies proposing the amendments, given that they are concerned with the welfare of greyhounds, and I am not here to defend any country's record on animal welfare.

The amendments would be unworkable and impossible to enforce. The majority of greyhounds are exported to the UK. With 86% of greyhounds that are registered in the Greyhound Board of Great Britain's database being Irish bred, Bord na gCon estimates that this equates

15 May 2019

to approximately 7,000 greyhounds annually. It is not for the Department to police whether greyhounds sent to the UK or any other country are subsequently sent to another country. If the Department tried to do so, all it would do is add bureaucracy to responsible greyhound exporters and owners, while failing to prevent unscrupulous exporters from exporting greyhounds to countries with a problematic welfare record. They could refuse to give details of such a sale and, given that the UK and any other country are outside our jurisdiction, we would have no power to compel them to comply or punish them. Similarly, it would be impossible to prove in court that an Irish exporter sold a greyhound knowing it would be sold to a country not on the white list. It is for these reasons that our legal advice is that the provision is unworkable and that, therefore, it should not be included in legislation. It is important to state, however, that the Deputies and I share the aim of protecting the welfare of animals, despite our differences in respect of the amendments. The Department has a close working relationship with animal welfare charities in respect of all aspects of animal welfare. Officials at the Department have met the welfare members of the International Greyhound Forum, which includes Dogs Trust, the ISPCA and Bord na gCon, to consider issues surrounding the export of greyhounds.

Section 28 of the Bill greatly improves the traceability of greyhounds by allowing Rásaíocht Con Éireann to make regulations on the capture of specified life events on its proposed traceability database, including the export of greyhounds. Such a traceability system will ensure better accountability by owners of racing greyhounds for greyhound welfare generally, as well as giving Rásaíocht Con Éireann the tools to identify problem areas and practices and react quickly. It will allow Rásaíocht Con Éireann to focus on the accountability of those who export greyhounds and will allow it to inform, educate and discourage those attempting unacceptable practices. Those who breach tracing regulations will be liable to the imposition of racing sanctions by the statutory independent control committee.

Board na gCon has always made it clear that it encourages and promotes the export of greyhounds only to countries that have established positive animal codes and practices. The Irish Retired Greyhound Trust, a registered charity funded by Bord na gCon, rehomes retired greyhounds abroad in the US, Canada, France, Italy, the Czech Republic, Germany, Belgium, Holland, Sweden, Slovenia and at home in Ireland. In 2018 alone, more than 1,000 greyhounds were rehomed by the Irish Retired Greyhound Trust and other charities in receipt of financial assistance from Bord na gCon.

In addition, the Welfare of Greyhounds Act 2011 obliges Bord na gCon to publish a code of practice for the welfare of greyhounds. The primary objective of the code is to set standards and clearly define what is expected of individuals engaged in the care and management of registered greyhounds. The board proposes to expand the existing code to include provisions with regard to best practice when exporting greyhounds. These will include information and guidance on the preparation of reports, transportation arrangements and advising the exporter on the need to research the proposed export destination to establish the prevailing animal welfare code and legislation.

Bord na gCon is a participant in the International Greyhound Forum, the organisation being proposed in amendment No. 1 as a decision maker with regard to the white list. At a recent meeting of the forum, Bord na gCon advised participants it would engage with and accept input from members of the forum in formulating the expanded code. The board has informed me it is fully committed to the expansion of the code and that the expanded code will be finalised when consideration of the Greyhound Racing Bill has passed through the Oireachtas.

With regard to reporting on the export of greyhounds, at present it is not possible to retrieve the information being requested by the Deputies. TRACES is the European Commission's multilingual online management tool for all sanitary requirements and is used to record the export of dogs. Approximately 30,000 users from more than 80 countries worldwide are interconnected through the TRACES tool's centralising of all data. However, TRACES does not differentiate between greyhounds and other dog breeds. As TRACES does not categorise animals within the same species, it is not possible to report on greyhounds exported to other countries. Given the difficulties in getting accurate data, the Deputies should appreciate the great difficulties that the production of an annual report on the export of greyhounds would present. At present, it is not possible to retrieve the information being requested by the Deputies and, therefore, not possible for a Minister to stand over an annual report that could be presented to the Oireachtas joint committee setting out the information detailed in the amendments tabled by the Deputies. For the reasons I have stated, I cannot accept the amendment.

Deputy Thomas P. Broughan: I recognise the importance of the Bill and the widespread discussions and consultations the Minister of State has had, the necessity to bring forward good governance and the establishment of *Rásaíocht Con Éireann* and all it entails. We do not want to unduly hold up the progress of the Bill. I still believe the amendments are reasonable. The Minister of State has said making the white list and enforcing it under the amendments would be impossible but when one looks at international trade one finds all types of restrictions and rules. We have been getting used to President Trump introducing various sanctions and tariffs unilaterally across the board and, quite clearly, despite the Attorney General's advice, what the Minister of State is saying in this regard is absolutely not the case. When similar amendments were tabled in *Seanad Éireann* by the Civil Engagement group, Senator Ruane stated it is possible to seek a derogation under Article 36 of the Treaty on the Functioning of the European Union based on public morality, public policy or public security or the protection of the health and life for humans, animals or plants. Clearly, there is a legal basis for what we seek to do. The genesis of the white list comes from the excellent advocacy group, Dogs Trust, and is simply to protect the animals because we have had endless horror stories of what has happened to our dogs in jurisdictions such as China and Macau.

It is particularly regrettable the Minister of State feels he cannot even accept amendment No. 7 on the annual reports. With a small amount of additional invigilation it should be possible at least to have a stab at getting the information. I hope at some stage it will come forward in the draw and I will have an opportunity to table a greyhound welfare Bill in my own name. Until then, the Minister of State should give serious consideration to including the definition of a white list of countries that do not have the requisite standards for animal welfare and all of the other amendments that seek to give impact to this. The Minister of State should at least consider amendment No. 7 because it is simply a case of asking for the report.

Deputy Maureen O'Sullivan: I acknowledge the extent of the engagement the Minister of State has undertaken with the animal welfare groups but our amendments are about going that extra step to ensure our animals are not knowingly being sent to a country where they will be mistreated. Amendment No. 5 pertains to the list of non-EU countries meeting minimum standards. Implementing it would be just a matter of employing somebody who can do research. We could know exactly where those countries are where there is no animal welfare legislation or where there is a little and it is not enforced.

Amendment No. 6 is not necessarily about wishing to fine and prosecute people. We have tabled it in order that owners will know that if they send their dogs to these countries, there

will be consequences for them, whether in terms of a fine or a prison sentence. Let us not be under any illusion, unless a dog owner who sells a greyhound is 100% sure about where the dog is going, he or she knows it is not going to doggy heaven but instead is going to one of these countries. What happens if a greyhound is found, as has happened, being mistreated in Macau or Pakistan and is traced back to an owner in Ireland? What will happen to that owner? Will he or she get a slap on the wrist or will anything happen? There has to be a warning to other owners that this is being looked at and it will not be tolerated.

Amendment No. 7 is about transparency. I accept it might be difficult to have an annual report but surely we should be able to get some information on where the dogs are going. I do not understand why we do not have this information. Since last November, many more Irish greyhounds have ended up in China. We now know there are 41 Irish greyhounds on a Chinese dog breeding list. I would like to know what is happening with them. We know what happens in our puppy farms and we can only imagine what happens in the breeding establishments in those countries.

Previously, I have mentioned the greyhound Clon Eagle, which competed in Clonmel in 2018. It is now coursing in Pakistan. On a post I saw, it was advertised for sale for £5,000 sterling by an infamous sales agent and transporter who had his greyhounds seized in Kinsley track in the UK such were the horrific conditions they were in. What will the Bill do to prevent this and, when it happens, to ensure there are harsh repercussions?

Another issue is Brexit. With the UK out of the EU there will be a further minefield for Irish greyhounds and what might happen them. I want the Bill to do well but other animal welfare Bills have left loopholes and gaps and we are trying to avoid this with these amendments.

Deputy Andrew Doyle: I thank the Deputies. I appreciate the motivation here. I shall address Deputy O' Sullivan's last point about Brexit and the nature of the exports to the UK, which is where an estimated 7,000 Irish-bred dogs are deemed to be on the register. EU law harmonises the rules on greyhound exports and therefore Ireland cannot act unilaterally. I do not have information on the four animals referred to by the Deputy, but I believe the Deputy said the animals went through another country before they went on. The International Greyhound Forum's welfare membership is made up of NGOs, interest groups, Bord na gCon, Dogs Trust, the Irish Society for the Prevention of Cruelty to Animals, ISPCA and others. In one sense we have to use that forum to put pressure on. If a person has a track record of exporting in another EU country, EU law can identify the person and prevent that. Ireland cannot, however, do this unilaterally. We could certainly feed into the international forum.

On the other hand, if the UK is no longer part of the EU, then it will be outside the control of the EU laws that harmonise greyhound exports. It adds a complication with regard to the amendment. If the Deputies bring the amendment forward again I suggest they look again at the drafting to reflect on Brexit. With Brexit the UK will become a third country and we will have to look at how this will pan out with the final arrangements post Brexit.

I have said that we cannot accept the amendment currently but I accept the motives behind it. We ask that the International Greyhound Forum is used as the platform to try to monitor the situation and then we will see if we can bring in the EU laws, while being mindful of the UK not being part of the European Union.

An Leas-Cheann Comhairle: Would Deputy Broughan like to comment further? He can

if he so wishes.

Deputy Thomas P. Broughan: No. I will put the amendment.

Amendment put:

<i>The Dáil divided: Tá, 9; Níl, 41; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Broughan, Thomas P.</i>	<i>Aylward, Bobby.</i>	
<i>Daly, Clare.</i>	<i>Bailey, Maria.</i>	
<i>Kenny, Martin.</i>	<i>Brophy, Colm.</i>	
<i>Mitchell, Denise.</i>	<i>Browne, James.</i>	
<i>O'Brien, Jonathan.</i>	<i>Bruton, Richard.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Burke, Peter.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Butler, Mary.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Cahill, Jackie.</i>	
<i>Pringle, Thomas.</i>	<i>Calleary, Dara.</i>	
	<i>Canney, Seán.</i>	
	<i>Cannon, Ciarán.</i>	
	<i>Carey, Joe.</i>	
	<i>Corcoran Kennedy, Marcella.</i>	
	<i>Deering, Pat.</i>	
	<i>Donnelly, Stephen.</i>	
	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Harris, Simon.</i>	
	<i>Heydon, Martin.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>Phelan, John Paul.</i>	

15 May 2019

	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Maureen O’Sullivan and Thomas P. Broughan; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

An Ceann Comhairle: Amendments Nos. 2 to 4, inclusive, are related and will be taken together. Amendments Nos. 3 and 4 are consequential on amendment No. 2.

Deputy Jackie Cahill: I move amendment No. 2:

In page 12, between lines 24 and 25, to insert the following:

“(a) one or more shall be a representative of authorised private greyhound tracks.”.

At the outset, I want to declare that I am a director of one of the six private tracks. The board has scarce resources. It is important that during discussions on allocations for Sports International Services, SIS, meetings and grants the six private tracks have a voice at the table. For the last three terms, there has been a representative of the private tracks on the board. This has worked well for the six private tracks which always feel they are on the hind tit as regards the allocation of funding from the board. To ensure fairness, they must be represented on the board. They believe that it ensures the executive of the board looks on them more favourably. These private tracks are spread throughout rural Ireland. It is essential they are represented on the board. Under this Bill, the membership of the board is increasing in size from six to eight. It is reasonable to request that one of those members would be a representative of the private tracks. The amendment is reasonable and fair and, if accepted, will ensure there is a level playing field for all tracks in the country during discussions on the allocation of resources, including SIS meeting allocations and grant payments. It is only right and proper that all tracks would have an equal voice at the table.

Deputy Andrew Doyle: I propose to address amendments Nos. 2 to 4, inclusive, together. Indecon consultants were commissioned in 2014 by the then Minister for Agriculture, Food and the Marine, Deputy Simon Coveney, to carry out a review of certain matters relating to Bord na gCon. At the time Bord na gCon had debts amounting to €23 million, largely due to its investment in Limerick Stadium. This debt burden has hindered the development of the industry. One of the aspects the report examined was the constitution of Bord na gCon. The Indecon report was critical of the skillset of the board and there was explicit criticism of the board’s role in the Limerick stadium development and its governance. The report identified a number of skills gaps in the make-up of the board. Principal among these was the need for a depth of financial expertise, with a requirement for more than one board member with financial qualifications and senior professional experience. There was an explicit criticism that the lack of skills was a contributory factor in the decision to develop Limerick stadium without proper capital appraisal and cost-benefit analysis. Indecon stated: “Based on the analysis and documentation available to Indecon it is hard to conclude anything other than the fact that there was inadequate appraisal

of the Limerick capital investment.”

The report also identified the requirement for a senior legal professional, a marketing expert and a veterinary expert on the board. I brought forward a Report Stage amendment in the Seanad setting down a requirement for veterinary expertise on the board and allocated one or more places on the board to persons with detailed industry knowledge. I concluded that a requirement for at least one veterinarian was more than justified in view of the animal welfare and integrity role of the board. The latter requirement for one of the members to have detailed knowledge of the industry will, I believe, allow for some flexibility while maintaining the balance in favour of a skilled board.

I draw the attention of the Deputies to the Companies Act 2014, which for the first time codifies directors’ duties, drawing together both existing statutory rules and various common law duties developed by the courts. The Companies Act places a significant burden of responsibility on the board members of *rásaíocht con Éireann* as directors of that company. The Act introduces, for the first time in Irish law, a list of principal fiduciary duties of the directors of an Irish company. That list of fiduciary duties includes, among others, a requirement to act in good faith and in the interests of the company and to avoid conflicts of interest.

The Indecon report also recommended a requirement for the disclosure of potential conflicts of interest by board members. Section 12 of the Bill sets out in detail the responsibilities of board members in this regard. Subsection 1 states that where there is a potential conflict the board members shall neither influence or seek to influence a decision relating to the matter, that they should take no part in any consideration of that matter, that they should withdraw from the meeting while the matter is being discussed and that they should not vote or otherwise act in relation to the matter. This board is responsible for regulating the industry and will be responsible for drafting regulations to give effect to provisions set out in this Bill. It would therefore be inappropriate for the board to be made up of representatives to whom those regulations will apply.

In view of the recent financial difficulties Bord na gCon has experienced, I believe the board must change its approach in order to avoid any danger that the mistakes of the past will be repeated. A skilled board is required to achieve this aim. Appointments to the board will be carried out through the Public Appointments Service, PAS, process, and it is of course open to any individual with the requisite skills or knowledge of the industry to put himself or herself forward for consideration.

In 2015, when I was chairman of the Oireachtas Committee on Agriculture, Food and the Marine, we undertook an examination of the greyhound racing sector in anticipation of the Department commencing work on a new greyhound industry Bill. The committee heard oral submissions on 20 October 2015 from the then Minister of State at the Department of Agriculture, Food and the Marine, Tom Hayes, Bord na gCon and from the Irish Greyhound Owners and Breeders Federation. In addition to these submissions, the committee also received written submissions from five other groupings. The aim of the committee was to publish a report to provide a brief and succinct overview of the industry in Ireland, to detail the main points raised by stakeholders and to identify recommendations arising from its overall examination of the topic. The committee published its report in January 2016. One of the key recommendations coming out of the report was that Bord na gCon should establish a stakeholder consultative forum. Acting on that recommendation, Bord na gCon established the national greyhound consultative forum, which held its first meeting in March 2016. To date eight meetings have been held. The invitees represent a broad cross-section of the industry, including representatives of

15 May 2019

owners and breeders, stud keepers, trainers, private tracks and other groups. Representatives of private tracks have been invited since its inception. Members of both the board and the executive of Bord na gCon attend each meeting and departmental officials attend at least one meeting each year. I attended in November 2016 and found the meeting very informative.

Bord na gCon believes these meetings are a useful vehicle for engaging with the wider industry and I fully support that view. I believe the national greyhound consultative forum is the appropriate mechanism for representatives of the private tracks to air their views on matters affecting them. For all of those reasons, and in particular the recommendations in the Indecon report, I am afraid I cannot accept these amendments.

Deputy Jackie Cahill: I agree with the Minister of State that having a veterinary practitioner and accounting expertise on the board is to be welcomed. However, the problem that arose with the Limerick track are historical at this stage and go beyond the terms of the last two boards. I would even say they extend beyond the tenures of the last three boards. I am looking for an inclusive board where all stakeholders within the industry have a voice. That is not an unreasonable request. In the last few weeks and months we have newly appointed board members who have attachments to some of the Bord na gCon tracks. I do not object to that; it is normal. However, it is unfair that the six private tracks are to be left without representation. If they are left without representation the harsh fact is that they will be on the hind tit in terms of the allocation of grants and the allocation of extra meetings.

The private tracks have had a person on the board for as long as I can recall. The terms of the last couple of boards have been very effective. Board members have worked effectively to tackle the historical debt crisis. We are putting this Bill in place now and it is to be welcomed, but it is regrettable that we are leaving the most vulnerable tracks, namely the private tracks, without representation on the board. That is a retrograde step and means that the board will not be as inclusive as it possibly could be. While I welcome the stakeholders' forum, at the end of the day the board will make the decisions, including financial decisions, and I strongly argue that it is a mistake to leave 40% of the tracks without board representation.

The Minister of State mentioned veterinary representation and I fully accept that has to be done. The private tracks have vets on their boards. They also have accountants on their boards. Both things could be mutually compatible. It is a mistake to leave these rural tracks without representation on the board.

Deputy Andrew Doyle: The Deputy at the end of his contribution said that there may well be people on the boards of private tracks who have expertise across some of the skillsets identified. However, the code still applies to those tracks. If a legal or veterinary practitioner is on the board and is also a member of a private track, those people will have to absent themselves and declare if there is a conflict of interest when issues around private tracks are discussed. My understanding is that if the discussion concerns that person's area of expertise, be it veterinary, legal or accounting, he or she can stay.

The Deputy made the point that a number of members of the board were appointed who were members of tracks. I am not so sure that is true.

Deputy Jackie Cahill: I said they were closely associated with the tracks.

Deputy Andrew Doyle: I am not quite sure. I thought the Deputy said they were on the board of-----

Deputy Jackie Cahill: I did not say that.

Deputy Andrew Doyle: It was a particular requirement that they would not be members of tracks. People who would normally be considered are not to be considered if they are members of tracks.

Deputy Jackie Cahill: As soon as they are appointed, will they be appointed members of the boards of different tracks?

Deputy Andrew Doyle: No.

Deputy Jackie Cahill: That was the case in the past.

Deputy Andrew Doyle: Precisely. We are trying to move away from the practices of the past, as I said earlier.

The Deputy claimed that if somebody were appointed to the board, they would be then appointed to the board of a track. That is not in primary legislation and it is not intended. The Bill is primarily about governance and integrity.

Deputy Jackie Cahill: Is the Minister of State claiming that members of the outgoing board were not members of various tracks?

Deputy Andrew Doyle: No, that is not the case. Once a person is appointed to the board, he or she will no longer be a member of a subsidiary board. The Deputy referred earlier to the Limerick issue. It is said that if we forget history, we are doomed to repeat it. We have to act on the lessons learned and ensure we move on.

The board will be eight plus one. The Deputy said earlier that all stakeholders should be represented. If we do that, we will have only stakeholders and will not have the financial, banking, legal and veterinary skill sets we need on the board.

Deputy Jackie Cahill: When the financial mistakes were made in Limerick, the chairman of the board was a well-recognised entrepreneur. The mistakes were at that stage when he was there. We will not agree on this. I am looking for an inclusive board. The mistakes made in Limerick were due to a lack of governance. However, that was several boards ago.

I am a board member of a private track. I know we will not have a voice at the board and will not get what we would consider a fair distribution of the resources. This will have an impact on the future of private tracks. It is regrettable that with the expanded board membership, no accommodation will be made for the private tracks.

Amendment put:

<i>The Dáil divided: Tá, 14; Níl, 34; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Butler, Mary.</i>	<i>Brophy, Colm.</i>	
<i>Cahill, Jackie.</i>	<i>Broughan, Thomas P.</i>	
<i>Calleary, Dara.</i>	<i>Bruton, Richard.</i>	
<i>Donnelly, Stephen.</i>	<i>Burke, Peter.</i>	

15 May 2019

<i>Kenny, Martin.</i>	<i>Canney, Seán.</i>	
<i>Mitchell, Denise.</i>	<i>Cannon, Ciarán.</i>	
<i>Moynihan, Michael.</i>	<i>Carey, Joe.</i>	
<i>O'Loughlin, Fiona.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Cuív, Éamon.</i>	<i>Deering, Pat.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Doyle, Andrew.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>Scanlon, Eamon.</i>	<i>English, Damien.</i>	
<i>Smyth, Niamh.</i>	<i>Farrell, Alan.</i>	
	<i>Harris, Simon.</i>	
	<i>Heydon, Martin.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Madigan, Josepha.</i>	
	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Jackie Cahill and Michael Moynihan; Níl, Deputies Tony McLoughlin and Seán Kyne.

Amendment declared lost.

8 o'clock

Amendments Nos. 3 and 4 not moved. **Deputy Thomas P. Broughan:** I move amendment No. 5:

In page 25, between lines 13 and 14, to insert the following:

“List of countries to which export is permissible

26. (1) On 1 January 2020 and annually thereafter, the Minister shall prescribe by regulation a list of non-EU countries which meet minimum standards with regard to

the welfare of greyhounds, and to which the licensed export of greyhounds from the State may be permissible.

(2) In making regulations under *subsection (1)*, consideration shall be given to the following factors—

(a) the past record of the relevant country relating to the welfare of greyhounds and the welfare of animals more generally,

(b) the existence in the relevant country of enforceable welfare protections for greyhounds which are equivalent to the protections available in the State,

(c) the monitoring and enforcement in the relevant country of the welfare protections referred to in *paragraph (b)*, and

(d) the standards of care and management to which the greyhounds are likely to be subjected to in the relevant country.”.

Amendment put.

Deputy Thomas P. Broughan: Vótáil.

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

Deputies Thomas P. Broughan, Martin Kenny, Denise Mitchell, Maureen O’Sullivan, Donnchadh Ó Laoghaire and Aengus Ó Snodaigh rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen I declare the question is defeated. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

Deputy Thomas P. Broughan: I move amendment No. 6:

In page 25, between lines 13 and 14, to insert the following:

“Export of Greyhounds

26. (1) It shall be an offence for a person to—

(a) export,

(b) attempt to export, or

(c) assist another person in the export or attempted export,

of a greyhound to a non-EU country which is not included in the white list which has been prescribed by the Minister.

(2) It shall be an offence for a person to—

(a) export,

15 May 2019

(b) attempt to export, or

(c) assist another person in the export or attempted export,

of a greyhound to a non-EU country which is included in the white list which has been prescribed by the Minister for the purpose of subsequently transferring such greyhound to a country not so included and unless that person holds an export licence which has been granted pursuant to *section 31(1)*.

(3) A person who commits an offence under *subsection (1)* or *(2)* is liable—

(a) on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both,

(b) on conviction on indictment to a fine of €100,000 or to imprisonment for a term not exceeding 3 years or to both.”.

Amendment put and declared lost.

Deputy Thomas P. Broughan: I move amendment No. 7:

In page 29, between lines 29 and 30, to insert the following:

“Reporting on export of greyhounds

30. The Minister, in consultation with the Board, shall produce and lay before the appropriate Joint Oireachtas Committee an annual report following the end of each calendar year, which shall include the following:

(a) the number of greyhounds exported from the State in the preceding calendar year;

(b) a list of every country to which greyhounds have been exported from the State in the preceding calendar year; and

(c) the given reasons for export.”.

Amendment put and declared lost.

Deputy Thomas P. Broughan: I move amendment No. 8:

In page 30, between lines 3 and 4, to insert the following:

“(2) (a) The Minister may, at his or her discretion, grant or refuse to grant a licence for the purpose of the export of a greyhound to a country which is included on the current version of the white list on such terms and conditions as may be specified in the licence.

(b) The Minister may make regulations prescribing all aspects of the license application process.”.

Amendment put.

Deputy Thomas P. Broughan: Vótáil.

An Leas-Cheann Comhairle: Will the Deputies dissenting who are claiming a division

please rise?

Deputies Thomas P. Broughan, Martin Kenny, Denise Mitchell, Maureen O'Sullivan, Donnchadh Ó Laoghaire and Aengus Ó Snodaigh rose.

An Leas-Cheann Comhairle: As fewer than ten Members have risen I declare the question defeated. In accordance with Standing Order 72 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

Bill received for final consideration.

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

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): I thank the Ceann Comhairle, the Leas-Cheann Comhairle and the Deputies for their contributions. I welcome that there has been such engagement on the Bill from the Members of this House and, indeed, in the Seanad beforehand, and the fact that we have progressed. I also take the opportunity to thank my diligent officials who cannot be here for this part of the process, but they know who they are. The Bill has been in gestation for a long time and gone through pre-legislative scrutiny. When I was Chairman of the then Oireachtas Joint Committee on Communications, Natural Resources and Agriculture, we produced a report on foot of the Indecon report and other reports. It is fitting that the Tánaiste is present because he was the man who commissioned the Indecon report. The Bill addresses issues identified in a number of reports on the greyhound racing sector related to governance and regulation. It addresses governance issues in Bord na gCon, strengthens regulatory controls in the industry, modernises sanctions, improves integrity, includes ensuring the welfare of greyhounds as one of the statutory functions of the new Rásaíocht Con Éireann and provides it with powers to make regulations related to integrity, anti-doping measures, administration and traceability to deal with the deficits which impact on the industry. The new Bill will strengthen the greyhound racing industry by enabling it to deal with the challenges it faces and maximise its potential.

I wish everybody involved the greyhound racing sector the best of luck. We have done a good job to allow them to grow the sector, enhance its reputation and achieve its real potential.

Question put and agreed to.

Teachtairacht ón Seanad - Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Civil Registration Bill 2019, without amendment.

The Dáil adjourned at 8.20 p.m. until 10.30 a.m. on Thursday, 16 May 2019.