



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 2 Iúil 2019

Tuesday, 2 July 2019

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Micheál Martin: I am sure the Minister for Communications, Climate Action and Environment, Deputy Bruton, will agree that the recently announced Mercosur trade deal has angered the Irish farming community no end, particularly the beef sector, and with good reason. It potentially signals the death knell of a sector that has suffered unduly in recent times as a result of the collapse in beef prices, the impact of Brexit and increasing pressures arising from the climate change issue. Among the farming organisations, the president of the Irish Farmers Association, IFA, described the trade agreement as “reckless” and “wrong” and the president of the Irish Creamery Milk Suppliers Association, ICMSA, said it was an “absolute disgrace” and “beggars belief” that millions of acres of rainforest will be chopped down to facilitate beef expansion, while sustainable, fully traceable beef in Europe is put to the sword. I put it to the Minister that this trade agreement is in many ways outdated. It is outdated in that it ignores the impact of Brexit on the beef sector, both now and into the future. It is outdated in not taking due note of the collapse in beef prices in recent years and the difficulty the sector is facing. Above all, it is outdated in terms of the climate change issue. It beggars belief that this trade agreement has been signed given the change of mindset around climate change across Europe, including in this country.

The Government seems to be quietly acquiescing to this trade deal. The Minister will recall that during the local elections, the Commissioner, Mr. Hogan, announced a €50 million package and the Government and Minister for Agriculture, Food and the Marine, Deputy Creed, took credit for what we were led to believe were very close dealings between the Commissioner and the Government. At the time, there did not appear to be any conditions attached. We subsequently learned from documentation published last week that there are significant conditions attached, one key condition being that the measures taken by Ireland shall be aimed at reducing production or restructuring the beef and veal sector along with other objectives. We have this incredibly contradictory position whereby beef is being allowed into Europe which is being produced in an environmentally unsustainable way, while at the same time Europe is putting a condition on compensating Irish farmers around reducing beef production. In today's *Irish*

Independent op-ed, Commissioner Hogan talks about how he would invite governments to do an environmental assessment, which is incredible. Why in the name of God did he and others not do an environmental assessment? I would point out to him the recent report from the BBC World Service indicating that the Trump of the tropics, President Bolsonaro, is accelerating rapidly the deforestation of Brazil and of the Amazon. There is only one conclusion. The BBC World Service report was aided by officials in the government of Brazil who are absolutely appalled with what is going on there. An area the size of a football pitch is being cleared every single minute, with devastating consequences for the world in terms of the climate change agenda and global warming. The response of Europe is to reward climate change deniers, essentially, and people who pay no heed to it, particularly President Bolsonaro, through this Mercosur trade deal, while hurting beef farmers who are among the most efficient in the world in terms of environmental production models and methodology. Does the Government accept that this is environmentally unsustainable as a trade deal? What strategy does it intend to deploy to deal with it?

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I thank the Deputy for raising this question. There is no doubt that it is of very significant concern. The Deputy will be aware that the Taoiseach, along with the President of France and the Prime Minister of Poland, made a very strong case even very recently. Ireland has been consistently raising this, indeed as far back as when I was Minister with responsibility for trade, and that goes back quite some time. This was an issue of very significant concern then and Irish Ministers never lost the opportunity to raise it. The original proposal sought 300,000 tonnes of beef and that would certainly have been devastating in its impact. The agreement we now have, which is only an agreement at principle level, provides for 99,000 tonnes of beef, 45% of which will be frozen. In addition, there are very clear statements that there can be absolutely no compromise on food standards that apply within the European Union markets.

The other thing that needs to be borne in mind, which is why the Taoiseach says we need a proper evaluation of the proposed deal at this stage, is that there are other benefits in it for Ireland. It includes 45,000 tonnes in the dairy sector and it includes many other sectors in which we have companies such as medical devices, pharma, chemicals, and food opportunities. Those sectors will see gains to be had in this. While the Deputy has remarked on the situation we face with Brexit as raising particular concerns, it also underlines the importance for small open economies like our own to have access to markets, particularly growth markets where we can look to the future to build opportunities. Another reason the evaluation will be important is that, contrary to what Deputy Micheál Martin is suggesting, the deal requires parties to subscribe to the Paris Agreement. It also includes specific issues around forest sustainability within these countries, so there are significant elements of environmental protection, and protection in respect of labour law and respect for international agreements such as that of the International Labour Organization. We need to take the time to evaluate this as a whole, as the Taoiseach has said. We have made our position abundantly clear throughout the very long negotiations that have taken place on it. We will continue to press those concerns. We need to undertake that evaluation and look at how to deal with it as it unfolds. Finalising the legal documentation will take a number of years and there will be a phasing period, over six years, in the context of implementation. We need to draw back. While we understand fully the concern of beef farmers, we need to evaluate it in the round and continue to press Ireland's very strong case.

Deputy Micheál Martin: The Minister might answer the question asked. Has the Government decided to oppose this deal? The Minister has responsibility for climate change response

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and he did not deal with the central point I made. A right-wing leader who favours development over conservation was elected in Brazil. A hectare of land is being cleared every minute there and the single biggest reason to fell these trees - according to any official figure in Brazil - is to make way to create new pastures for cattle. Countless herds are grazing on land that was once rainforest. I put it to the Minister that this is the uncomfortable truth. I ask him not to tell me that these political leaders are committed and pledged to the Paris Agreement because it means absolutely nothing to them.

Deputy Timmy Dooley: They are certainly not committed to Ireland.

Deputy Micheál Martin: There is documentary evidence in the form of satellite imagery which shows that there has been a rapid acceleration of the destruction of the Amazon rainforest in the past six months. Both Europe and the Government are being cagey. They are not highlighting this but it should be a showstopper. The behaviour of the Brazilian Government in respect of the Amazon rainforest should be a showstopper in the context of Mercosur. I put it to the Minister that pledging to the Paris Agreement in the never-never does not correspond with the reality of what is happening right now. The European Union's response is to reward this and incentivise the destruction of the Amazon rainforest to have more pasture for more beef that will come into Europe eventually.

Deputy Richard Bruton: The Deputy is distorting the reality. This trade deal has compliance with the Paris Agreement at its heart. If there is not compliance with the Paris Agreement, there is no deal.

Deputy Timmy Dooley: We do not even comply with the Paris Agreement. Ireland is well off its targets.

Deputy Richard Bruton: It contains specific provisions regarding multilateral environmental agreements-----

Deputy Dara Calleary: What about carbon?

Deputy Richard Bruton: -----so it deals specifically with these. For the first time, there will be governments which - as the Deputy rightly stated - may not have had a record of complying with these agreements.

Deputy Micheál Martin: It is going on now.

Deputy Richard Bruton: They may sign up as a precondition for the opportunity to gain the advantages of a trade agreement but they must comply with these arrangements.

Deputy Micheál Martin: They are not going to comply.

Deputy Richard Bruton: If they do not comply, there is, as the Deputy is aware, a six-year phasing period at any stage during which there can be interventions to block the progress of the agreement.

Deputy Micheál Martin: It should be a showstopper right now.

Deputy Richard Bruton: In addition, human rights and environmental groups have access to the documents that will be produced through this agreement. This is an open and transparent agreement under which people who are third parties can represent their views and bring to the

attention of the parties any failures in the context of compliance with the agreement. It provides for action if that happens. This is the first time we have had a trade agreement that includes respect for the Paris Agreement-----

Deputy Micheál Martin: Previous Brazilian Governments had a different policy.

Deputy Richard Bruton: -----for health and safety standards, for environmental standards and for food standards.

Deputy Timmy Dooley: The Minister has not even read it.

Deputy Micheál Martin: Previous Brazilian Governments had a different policy which was about conservation. This new guy is changing all of that.

Deputy Mary Lou McDonald: The Minister is making a very lame attempt to defend the indefensible, which is the Mercosur agreement. It should be remembered that Fianna Fáil agreed the mandate for negotiations for this deal back in 1999.

Deputy Timmy Dooley: Where was Sinn Féin in 1999?

Deputy Mary Lou McDonald: The Minister will be aware that Sinn Féin has spent the past five years calling on the Minister and Fine Gael to withdraw support for this mandate. Now we have this deal-----

Deputy Micheál Martin: The Deputy's party agreed peace in 1999.

An Leas-Cheann Comhairle: It is Leaders' Questions, Deputy McDonald-----

Deputy Mary Lou McDonald: I am sorry to offend by putting the facts of this matter on the record. Yet, here we find ourselves faced with this deal. The Taoiseach's position is that if it is good for Ireland, we will support it. That is the stated position of the Government. All of the main farming organisations and stakeholders across the island oppose the deal. They do not need any long-winded analysis or any fig leaf. They are well aware this is a bad deal, particularly in respect of beef, but also for the poultry and pigmeat sectors. Their criticisms are well-founded because tariff-free quotas amounting to 99,000 tonnes of beef, 180,000 tonnes of poultry and 25,000 tonnes of pigmeat are bad news for each of those sectors.

They are bad news in and of themselves but, when combined with the sustained decline in beef prices over the last number of years, and also, as the Minister has acknowledged, the unfolding risk of Brexit, farming families across this island are quite right to call the Government out on this bad deal. It can be best summarised as a sell-out of Irish farmers and their families, and of rural Ireland as a whole. Commissioner Phil Hogan, the Government's man in Brussels, despite all this, describes this deal as fair and balanced - those are his words and they beggar belief. It also beggars belief that at a time when this Dáil has declared a climate emergency, and from a Government that has encouraged people not to eat beef, unless, it seems, it is Brazilian-----

Deputy Heather Humphreys: What? That is nonsense.

Deputy Josepha Madigan: That is not true.

Deputy Mary Lou McDonald: -----that the Government would be prepared to sign up to a deal with Brazil, whose President has committed to destroying the Amazon and the indigenous

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communities who live there, in order to increase the profits of a few millionaire beef exporters, and that the Government would move to make it easier for Brazilian and Argentinian beef to come into the European Union, and for German car manufacturers to flog high-emissions cars in South America. That makes a mockery of this and calls out the hypocrisy of the Government in terms of any commitment to climate action or climate justice.

Will the Minister make himself abundantly clear on this deal? Has the Taoiseach made it clear to the European Commission that Ireland will oppose this deal? Has he indicated that the Irish State will vote against it? Will we have a binding vote in the Oireachtas on this deal? Will the Government afford to us the opportunity where it has failed to defend farming families, rural Ireland and our planet?

Deputy Thomas Byrne: Eamon Collins was shot in 1999 for speaking out.

Deputy Richard Bruton: I would make the same point to Deputy McDonald as I did to Deputy Martin. This is a trade deal where, over a very long period, Irish Ministers have stridently sought to reduce the originally sought 300,000 tonnes of beef from entering the European market. We have made that case consistently and we continue to be of the view that the 99,000 tonnes is a threat to our industry. However, we need to look at this agreement in the round. While the Deputy refuses to recognise this, it does contain significant opportunities for Irish workers and, indeed, for Irish farmers in the dairy sector. It also, for the first time, locks in countries with which we trade to principles, such as subscription to the Paris Agreement, which, as the Deputy knows, is the agreement that provides binding obligations on countries to tackle climate change. This is a new type of trade deal that locks in countries which are participating and which want access to our markets to those sorts of commitments. It also provides very strong protections in respect of food standards. I know many people, including farmers, have concerns that substandard products would be allowed into European markets under these agreements. Those are very strongly protected within the agreement.

In terms of the Irish Government position, the Deputy has probably heard the Taoiseach outline that he will undertake an evaluation of this deal and he has reserved his position until that evaluation is done, something Deputies in this House do not seem willing to do. There are checks and balances, and that is true of every trade deal. I have never seen a trade deal come before this House where certain parties, including the Deputy's party, would be stridently opposed to it but, nonetheless, trade agreements such as these have opened opportunities for Irish business. I have been on trade missions with Irish companies where we have had the chance to take advantage of that and to move away from our dependence on markets like Britain to having a more diverse base of trading relationships. This is really important to a small open trading economic like ours. We need to step back. We recognise that there are threats to a very important sector here. We need to use the timeframe between now and final ratification of the deal to examine it and make our case in a cogent way, because these documents have to be drawn up in detail.

My understanding as to whether the Dáil will have a role is that that depends on the legal interpretation of whether this is a mixed agreement or purely a trade agreement. If it is a mixed agreement, which is probably likely, then the Dáil will have a role in the ratification.

Deputy Mary Lou McDonald: The Minister is right to acknowledge that we have opposed this deal and negotiation from the get-go, from as far back as 1999 when Fianna Fáil agreed the mandate-----

Deputy Thomas Byrne: The Deputy's colleagues were shooting people in 1999.

Deputy Mary Lou McDonald: -----and, as I said, in the course of the last five years. We have urged Government to stand by farming families and rural Ireland and, also, to stand by that which is sustainable and sensible and things that protect our planet rather than underscoring wholesale vandalism in the destruction of the Amazon rainforest. It is laughable to hear the Minister try to explain away the destruction of the rainforest with verbiage around Paris commitments. The Paris commitments count for nothing insofar as the current Brazilian Administration is concerned, and well the Minister knows it.

The Government is going into this agreement with its eyes wide open. It knows that for the beef sector in particular, but also the poultry and pigmeat sectors, this deal is really bad news. It knows that, coupled with Brexit and the fall in beef prices, it is potentially calamitous. The Government has to know, because it has to have some level of common sense, that it is not a good thing to import Brazilian beef instead of supporting the production, sale and consumption of Irish traceable beef in Ireland.

An Leas-Cheann Comhairle: I call the Minister to respond.

Deputy Mary Lou McDonald: That is a matter of common sense. I again call on the Minister-----

An Leas-Cheann Comhairle: He got the question.

Deputy Mary Lou McDonald: He has hidden behind legal interpretations of the trade deal in terms of whether it is mixed or not. I have to insist that, as the elected representatives of the Irish people, we have our say on this matter.

An Leas-Cheann Comhairle: I call the Minister to respond.

Deputy Mary Lou McDonald: I have to insist that a Government-----

An Leas-Cheann Comhairle: There is not time left.

Deputy Mary Lou McDonald: -----that has failed Irish farming families and rural Ireland, at a minimum, allows us, the people's elected representatives in this House, the opportunity to defend their interests where it will not to do so.

An Leas-Cheann Comhairle: We will have to look at Leaders' Questions in the future because not only one leader, all leaders, are exceeding the time.

Deputy Brendan Howlin: Not all leaders.

An Leas-Cheann Comhairle: Some leaders.

Deputy Mattie McGrath: It is the same leaders every time.

Deputy Richard Bruton: I have listened to Deputy Mary Lou McDonald in this House for some time and I have seen her consistently oppose the Canadian agreement, the Japanese agreement, the Korean agreement, all of which we have had significant benefits from. The reality is that these trade agreements have helped Ireland, particularly at a time of very real difficulty, to be able to diversify away from reliance on some markets. As Britain is leaving the European Union, we need to diversify our export base. We also have to be conscious of our defensive

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interests, one of which is the beef sector. We have very successfully made the case defending the Irish beef sector.

It is beholden on the Deputy to evaluate this agreement in the round because we have not seen governments sign up to honour the Paris Agreement through trade agreements before. This is a strong incentive, and a significant loss, to these countries should they fail to comply with their responsibilities. It is important that we in this House recognise that if we want to tackle climate change, we need to do so not by isolating governments that we feel are not doing their bit but by putting more pressure on them to comply.

Deputy Micheál Martin: They are being rewarded.

Deputy Richard Bruton: This is an agreement that will put pressure on these countries to comply with their obligations.

Deputy Mary Lou McDonald: That is rubbish.

Deputy Richard Bruton: They are part of a multilateral strategy-----

Deputy Micheál Martin: The Minister is being dishonest.

Deputy Richard Bruton: -----to try to deliver the climate protections that we all crave.

Deputy Brendan Howlin: The Government has extended its rent pressure zones to another 19 areas in 11 counties. However, the policy is not working because the Government's limit of a 4% annual rise in rent is far too high. I said that when this was first introduced and it is still the case. The Government is engaged in Celtic tiger economics. It is totally removed from the reality facing most working people in this country. Rather than capping rents, the policy has given a signal to landlords to increase rents by 4% every year. They expect that every other landlord is increasing rents and so think that they should too. We now have rent inflation of 4% within the rent pressure zones and rents outside the zones are facing even greater increases because they take the 4% as the low benchmark. The European Central Bank has a target to ensure that inflation remains low within the euro area. The target is close to 2% over the medium term. This is not optional. It is set down as fixed European monetary policy and is binding for eurozone countries. If monetary policy has a 2% ceiling for inflation, how can the Government justify 4% annual inflation for controlled rents within its power which pushes non-controlled rent up even higher? This is clearly unsustainable.

The economy would have to see a year-on-year decline or marginal growth of most other costs to average out to the 2% that we are bound to have under the set eurozone monetary policy. Does the Government expect everybody else to help it to meet its binding target as it pushes up rents for renters across the country? There is no evidence that other inflation pressures are not also increasing. Wages are not growing at this 4% level. Affordability should surely be the benchmark of what is affordable for people and what is allowable for rent increases. We see thousands of people being pushed out of the rental sector and into homelessness because of this policy. Average annual earnings for full-time workers grew by 1.7% between 2016 and 2017. The national minimum wage, which the Government controls, has grown by less than 1.5% since July 2011. Will the Government undertake to raise wages to meet this notional 4% target or will it set rents properly at just 1% for three years to allow people to be able to catch up with rent increases and to be able to afford to stay in their own homes?

Deputy Richard Bruton: I thank the Deputy for raising this because the protection of rent pressure zones has been extended today to 19 new areas, including Athlone, Dundalk, Trim, Waterford, Limerick, Gorey, Arklow and several other places. This provides protection for people in those areas. The record of the rent pressure zones is that they have helped to contain the growth of rents.

Deputy Brendan Howlin: Four per cent.

Deputy Richard Bruton: The legislation that we have just passed, which has had broad support in the House, captures large institutions in the rent pressure zones. It provides new powers to ensure that these are respected, such as criminal sanctions against those who fail to respect them and stronger powers for the Residential Tenancies Board to sanction and investigate landlords. The legislation has helped to make rent pressure zones a more effective tool. Deputy Howlin will recognise that the key to the issue is increasing supply. It was the collapse of the housing market that led to the economic crisis that occurred here, with excessive borrowing for an excessive level of housing. That model cannot be restored. We have to rebuild a new model on a sustainable basis. The evidence from the last years is that, year-on-year, we have expanded the supply of social homes which will reach 10,000 this year, supported tenancies in which an additional 17,000 families will be supported this year, and private sector building which has to continue. The sorts of initiatives that are at the heart of the Government's Rebuilding Ireland programme, such as having its own Land Development Agency to put together sites and drive supply and having infrastructural investment and funding tools to put in the hands of those who will build the houses, are important to deliver the supply deficit that we face. Unfortunately, until we overcome the supply deficit, the weakest people in the market will have difficulties. We must bridge the supply as well as continuing to support the social investments that we are making.

That is the long-term solution. Rent pressure zones have a place but they are not the long-term solution, which is about ensuring that the market can again provide enough housing for the supply. That now is higher than the 25,000 that was originally stated because of the strength of the recovery. We must set our targets higher, which has been done in the Project 2040 plan.

Deputy Brendan Howlin: Of course supply is the issue and we need more houses. In the meantime, we cannot throw people out of the rented accommodation sector by virtue of unaffordable rents, which is what the Government is doing. The Government wants us to applaud the extension to 19 areas of a cap of 4% on increases in rent at a time when people's wages are increasing by less than half of that. How can that be just? How can it be right? If we accept what the Minister said in terms of the supply having to come up to meet demand, we must have an interim proposal to hold people in affordable rent. That means having a cap on rent increases, as my party suggested, until the supply comes into balance. The cap should at least be linked to the increase in wages across the State. Does the Minister agree that a 4% annual increase in rent, which is twice the rate of the increase in wages, is a wrong policy and is contributing to homelessness?

Deputy Richard Bruton: No. I do not agree with the Deputy. He rightly recognises that supply is the key. We are not seeing an increase in supply of landlords coming into the market; we are seeing the opposite. We are seeing landlords leaving the market. That is a real problem. If we want more affordable rents, we must have a model that sees more people entering the market to provide tenancies to people, as well as more provision of affordable homes. We are seeking to move on both of those fronts.

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Deputy Brendan Howlin: The Government is giving landlords twice the rate that the ECB considers appropriate.

Deputy Richard Bruton: As the Deputy is aware, 6,000 affordable homes will be rolled out under a programme that is starting this month. In my area, one of the first contracts for affordable homes will be signed later this year.

Deputy Richard Boyd Barrett: Where is the rent Bill?

Deputy Richard Bruton: We must have a balanced response of supply right across all the various areas, from private and public tenancies to the housing assistance payment, HAP, scheme and affordable supply. That is the only way we will get to grips with the situation. We are seeing progress in those areas. Contrary to what Deputy Howlin says, in the rental area we are not seeing a new supply of tenancies. We are seeing-----

Deputy Brendan Howlin: Is the idea that landlords will keep jacking up rents?

Deputy Richard Bruton: -----many landlords leave the market.

Deputy Brendan Howlin: We must attract more landlords.

Deputy Richard Bruton: We must find a model that will support that. In this agreed legislation, we are taking action to make it much tougher for landlords to abuse the provision. We are making it a criminal offence and giving greater powers to the RTB and allowing it to initiate cases without any third-party complaint.

Deputy Brendan Howlin: The Government is pushing people into homelessness.

Deputy Richard Bruton: We are pursuing those issues and trying to increase the supply which, as the Deputy acknowledges, is the only cure.

Deputy Michael Healy-Rae: With regard to the Mercosur deal, Argentina, Brazil, Paraguay and Uruguay will potentially put 99,000 tonnes of South American beef into our markets in Europe. This is at a time when Ireland produces the best beef in the world. The Minister can have no doubt about that. There are no hormones, full traceability and the highest of production standards. Irish beef is an excellent product. Our farmers are doing their best, yet at the same time they cannot make a proper profit on it. What is being proposed does not make sense. We in Ireland are being told to cut our stock of animals and plant trees. At the same time, the Mercosur deal is being done with countries that do not have the same level of traceability or production standards and they are felling thousands of acres of rainforest to raise the beef they want to trade into our economies. What is being proposed is crazy.

I want to give the Minister some hard facts. Today cattle prices are between €3.65 and €3.75 per kg. Heifers might be worth 10 cent more. In today's money, it should be €4.30 per kg coming off grass just to barely break even and pay bills. The Government is leaving our farmers down by not being outraged and fighting. We have a Taoiseach who said the other day that he could perhaps envisage a situation in which the Government might support the deal. I do not see how any Minister or backbencher could stand over that statement. To do so would be letting our farming community and economy down. It would go down in history as what I would consider a fairly bad decision. Having said that, it is the Taoiseach - I hate talking about somebody when he is not here - who came out with the statement that he was going to save Ireland by reducing his own meat intake. I cannot understand for the life of me how any person

representing Ireland, a Taoiseach, as he is supposed to be for all of Ireland, could come out with such a statement.

When there was a backlash over the past couple of days over what the Taoiseach said, the Government said it would support and encourage an economic assessment. I will tell you what an economic assessment is. Leave your ivory towers and go out and ask any farmer trying to produce beef, make a profit and keep the family farm open about an economic assessment and he or she will say he or she cannot make money as matters stand, before the deal. One can imagine what this deal will mean to such farmers and their families.

Let me ask the Minister about the €100 million cattle deal or beef deal being discussed. This is nothing more than a smokescreen because the farmer on the ground has got nothing, is getting nothing and probably will get nothing. If the Mercosur deal goes ahead, the land will not be stocked and our farmers will get poorer and poorer until they are driven out of existence. I ask the Government to remember this is predominantly a farming country. Our farmers have to be protected.

Deputy Richard Bruton: I thank the Deputy for raising this issue. I have consistently acknowledged, and the Taoiseach acknowledges, that the key Irish concern was associated with beef. Under the original proposal, 300,000 tonnes of beef would have come in from the Mercosur countries. The proposal that has emerged is based on 99,000 tonnes. Some 45,000 tonnes of that are frozen. One of the main concerns of Irish farmers is that premium cuts would be coming in. The decrease has helped to offer protection in that regard.

Another concern of Irish farmers is that the beef would be hormone beef or beef from cattle raised according to standards that would not meet European food standards. The European standards will not be diluted one jot and that has been nailed absolutely solidly into the agreement. All those standards have to be met if the Mercosur countries are to enter the European markets.

The Deputy represents a county that has not only beef but also dairy so he will know there are opportunities in the dairy sector under this deal. I do not believe Deputies could yet have had the opportunity to evaluate the various elements of this agreement. There are opportunities as well as threats and we need to use the time, between now and when the deal will finally go to the Council of trade Ministers, to go through the issues, raise specific concerns, carry out the necessary evaluations, consider, if necessary, any concerns over environmental standards, and ensure that in policing this agreement we will hold Brazil and other countries to the highest standards under the Paris Agreement, with which the trade agreement seeks compliance. We need to use this agreement to see that some of the benefits we are trying to achieve are realised and that any threats to our sector are minimised.

On the next Common Agricultural Policy, we all know the new policy will very decisively reward farmers for very high standards and improve them. It will be looking towards better methods of handling manures and fertilisers and rewarding farmers. Some 40% of the resources available under the new policy will be devoted to actions that demonstrably improve the environment and climate action associated with our farms. We are providing the framework within which Irish farming can continue to thrive in what is a high-quality sector. Let us not forget that in countries such as China there has been major growth in interest in and demand for beef. If we have a premium product and if we possess the highest possible credentials, then we can avail of opportunities in particular countries while also continuing to trade with those

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with which we already have trading agreements. There are opportunities as well as threats. A balance has to be struck. It is worth reading the text of the agreement in some detail. It is also worth recognising that there are threats and opportunities and that we need to work our way through them.

Deputy Michael Healy-Rae: What the Minister said is very interesting. Any person who tuned into what he said will be really interested. For the past three minutes, he has been trying to sell this deal. He has been trying to justify it, he has been trying to take the sting out of it-----

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: -----and he has been trying to say that there is no harm in this agreement. How can he, as a senior Minister of long standing, and a man highly respected across the political spectrum, spend three minutes saying what he has just said? He is trying to sell the unsellable and defend the indefensible. This agreement is a direct attack on our farming community. How in the name of God can the Minister and the Government try to justify it?

Deputy Mattie McGrath: Hear, hear.

Deputy Michael Healy-Rae: I ask him that question on behalf of the IFA, the ICMSA, and the various farming organisations. On behalf of every farmer I am pleading with the Minister, the Taoiseach and the rest of the Government to wake up and realise that our farmers need to be defended. They are watching what is going on here today and they wanted to hear the Minister's views. They knew that this issue was going to be raised by Deputies Micheál Martin and McDonald, among others. They wanted to hear what the Minister had to say. What they have heard is him defending a deal that is totally and indescribably bad for our farming community. If they were worried already, they will be extremely worried now.

Deputies: Hear, hear.

Deputy Richard Bruton: It is worth repeating that when the Comprehensive Economic and Trade Agreement, CETA, with Canada was introduced, the reaction in the House was exactly the same.

Deputy Micheál Martin: No. We put forward a motion welcoming the Canadian agreement.

Deputy Richard Bruton: The same comments to the effect that the Canadian agreement was a sell-out were a feature of the reaction to it.

Deputy Thomas Byrne: It has not been ratified yet.

An Leas-Cheann Comhairle: I ask that the Minister be heard, without interruption.

Deputy Richard Bruton: That agreement has proved beneficial. I am not stating that the agreement before us is perfect by any means; it is not. However, it is incumbent on all of us to look at it and at the protections that are built into it in order to assess how we can use them to benefit our farmers.

Deputy Micheál Martin: To benefit them.

Deputy Richard Bruton: We must also consider how we can strengthen the agreement in the coming two years. We must evaluate the agreement and both sides of the argument-----

Deputy Mattie McGrath: Ah, Minister.

Deputy Richard Bruton: -----in order to assess whether, in the overall interests of the country, we should oppose what is involved. It is dangerous for people in this House - scarcely after the ink on the agreement has dried and possibly without everyone having had an opportunity to read it - to draw conclusions.

Deputy Mattie McGrath: The ink is well dry.

Deputy Timmy Dooley: Has the Minister read the agreement?

Deputy Richard Bruton: As the Taoiseach stated, we need to take the time to evaluate the agreement. Having had that opportunity, we will then make a decision as to where Ireland's interests lie and how we will seek to protect Irish farmers. That is what we will do.

An tOrd Gnó - Order of Business

An Leas-Cheann Comhairle: I may be breaking with protocol but I think I should welcome the students who are here from the United Arab Emirates from the Al-Maktoum summer school. I met them earlier. They are accompanied by the Irish ambassador to the UAE, His Excellency, Mr. Aidan Cronin, and the students are being hosted by our colleagues Deputies Breathnach, Catherine Martin and Maureen O'Sullivan. They are all very welcome.

Deputy Brendan Ryan: The business this week shall be as set out in the first revised report of the Business Committee dated 1 July 2019. Regarding today's business, it is proposed that Nos. 13 and 14, motion re proposed approval by Dáil Éireann of the Amendment to the Articles of Agreement of the International Finance Corporation, back from committee, and motion re proposed approval by Dáil Éireann to instruct the committee on the Parole Bill 2016, shall be taken without debate and any divisions demanded thereon shall be taken immediately. No. 15, motion to instruct the committee on the Local Government (Rates) Bill 2018 shall conclude within one hour, if not previously concluded. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties or groups, or a member nominated in their stead, and shall not exceed 7.5 minutes each. Any division demanded thereon shall be taken immediately. The Dáil shall sit later than 10 p.m. and shall adjourn not later than 11 p.m. Should a division be in progress at 8 p.m., No. 230, motion re mental health, shall be taken on the conclusion of the division for two hours. Notwithstanding the provision of Standing Order 157 that a motion to recommit a Bill wholly may be made at the commencement of its consideration on Report Stage, the Parole Bill 2016 shall be recommitted in its entirety to a committee of the whole Dáil and the Bill shall be taken in Government time.

Regarding Wednesday's business, it is proposed that the Dáil shall sit at 9.30 a.m., questions to the Minister for Agriculture, Food and the Marine shall be taken at that time, and the Dáil shall sit later than 10.15 p.m. and adjourn not later than 11.45 p.m.. No. 38a, statements on the EU-Mercosur trade agreement shall conclude within one hour if not previously concluded. Statements shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, and shall not exceed seven minutes each, with a four-minute response from a Minister or Minister of State, and

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all Members may share time. Expressions of sympathy shall be taken immediately following Questions on Promised Legislation for a period not exceeding 15 minutes and shall be followed by Taoiseach's questions, and contributions shall not exceed two minutes each.

Regarding Thursday's business, it is proposed that the Dáil shall sit at 9.30 a.m., questions to the Minister for Communications, Climate Action and Environment shall be taken at that time, and the Dáil shall sit later than 8.03 p.m. and adjourn on the conclusion of the debate on the committee report on the wards of court. The proceedings on Second Stage of No. 1, Judicial Council Bill 2017 [*Seanad*], shall, if not previously concluded, be brought to a conclusion after one hour and 30 minutes and any division demanded on the conclusion of Second Stage shall be taken immediately. The speech of a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, shall not exceed ten minutes each. A Minister or Minister of State shall have a ten-minute response and all Members may share time. Proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion after 30 minutes by one question, which shall, in respect of amendments, include only those set down or accepted by the Minister for Justice and Equality. The Topical Issue debate shall be taken on the conclusion of Government business or at 9 p.m., whichever is the earlier.

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

Deputy Micheál Martin: We are concerned with the lack of time being given to statements on the Mercosur trade agreement. It amounts to an hour, or approximately seven minutes per party. We have 44 Deputies, but seven minutes means that we will have just one speaker. The deal is causing significant concern. We ask that more time be given to the debate this week or, failing that, more substantial time next week. Alternatively, consideration should be given by the Business Committee to extending the Dáil session by a further week. Seven minutes to discuss something of serious concern is not good enough because it has implications across the board in the context of other issues. The relevant Minister is being somewhat disingenuous regarding the behaviour of the Brazilian President, for example. To suggest that the deal ties Brazil to the Paris Agreement-----

An Leas-Cheann Comhairle: We are just dealing with the time factor.

Deputy Micheál Martin: What has been happening in the past six to nine months in terms of the acceleration of the destruction of the Amazon rainforest is extraordinary.

An Leas-Cheann Comhairle: We are only dealing with whether the debate will be for 60 minutes.

Deputy Micheál Martin: I apologise. I accept that, but this highlights the need-----

An Leas-Cheann Comhairle: We are not going into the content of the issue.

Deputy Micheál Martin: It is not good enough for the larger parties or, indeed, any party-----

An Leas-Cheann Comhairle: Deputy, please.

Deputy Micheál Martin: The debate should be open to Deputies who want to articulate

their views.

An Leas-Cheann Comhairle: We are deciding whether to agree Wednesday's business. There is a proposal that there not be more than 60 minutes for this debate. The Business Committee might be able to change that, but I cannot see how, because we will be sitting until 11.45 p.m. or 11.48 p.m.

Deputy Micheál Martin: Or next week.

An Leas-Cheann Comhairle: Or next week. Does Deputy McDonald wish to discuss the same issue?

Deputy Mary Lou McDonald: Yes, but with greater brevity. In addition to more time, it would be better if the Minister presented himself to answer questions.

Deputy David Cullinane: Hear, hear.

Deputy Mary Lou McDonald: It is not sufficient simply for the Minister to skate over this matter with a statement at the beginning and a statement from the Government at the end. This is a very serious issue. We need the Minister to answer questions as well as providing additional time for the discussion.

Deputy Donnchadh Ó Laoghaire: Hear, hear.

Deputy Brendan Howlin: On the same issue, I am not satisfied to simply have statements on this matter because Members come in, make a statement and that is that. This is an important issue. Deputy Micheál Martin referred to the extent of deforestation. Some 8,000 sq. km of rainforest were destroyed last year alone. That is an area the size of County Cork. These are fundamental issues if we are serious about climate change. I would like the Government to issue a motion on which the House can reach a determination, rather than Members coming in to make statements. In particular, the allocation of seven minutes to the larger parties to be divided between two or three Members is not the way to deal with an issue as important as this. I realise that time is very limited this week, but the Government should present a motion to the House next week and ask for the views of the House on it.

Deputy Richard Boyd Barrett: We must have considerably more time to discuss this matter because there are so many different aspects to it. There is an impact on farmers in this country and there is also significant detrimental impact on farmers and indigenous communities in Latin America.

An Leas-Cheann Comhairle: We are not going into detail on the matter.

Deputy Richard Boyd Barrett: I am making a point about more time being needed due to the various aspects of the issue. On transport, Europe sending gas-guzzling cars to Latin America and countries there sending beef thousands of kilometres across the sea have significant climate implications.

An Leas-Cheann Comhairle: We are not going into the content of the issue.

Deputy Richard Boyd Barrett: That needs to be discussed. We need several Ministers to answer questions on this issue. It is not just an agricultural issue. We need to be able to ask questions of those Ministers.

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Deputy Mattie McGrath: The Rural Independent Group is very concerned about this matter. We should deal with the matter in the manner suggested by Deputy Howlin, namely, that the Government would issue a motion and the House would have a proper and meaningful debate, including questions and answers, because this is a very serious issue for rural and urban Ireland.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): The proposal was for the Minister for Business, Enterprise and Innovation, Deputy Humphreys, to open the debate tomorrow and for it to be concluded by the Minister for Agriculture, Food and the Marine, Deputy Creed, after contributions from the various parties and groups. I would be happy for the debate to adjourn after an hour rather than concluding and that the Business Committee would decide on extra time to be provided for the matter this week or next week, including the option to sit this Friday or next. There is no problem with that.

An Leas-Cheann Comhairle: There is a proposal that-----

Deputy Brendan Howlin: Is there any possibility of the Government issuing a motion on the matter rather than having statements?

Deputy Seán Kyne: That would have to be agreed at Cabinet, so I am not in a position to state whether that would be possible. There is an hour scheduled tomorrow for statements on the matter.

Deputy Micheál Martin: We should let the Business Committee decide.

An Leas-Cheann Comhairle: Is the proposal that additional time will be provided for the matter next week? The Government will have to consider whether to go ahead with statements or issue a motion. That is a matter for it to decide. In the meantime, is the suggestion that the time provided tomorrow for the matter would be taken up with questions and a minute given to each-----

Deputy Micheál Martin: I do not think there will be sufficient time to ask questions on the matter tomorrow as each of the larger parties has only been allocated seven minutes. I agree that it could be adjourned to next week when the allocated hour elapses. The Business Committee should consider the facilitation of further debate on the matter in next week's session when more time will be available, and the Government should co-operate with the spirit of Deputy McDonald's point on questions. One hour tomorrow is not sufficient to have statements and questions. I agree with the suggestion of the Government Chief Whip.

An Leas-Cheann Comhairle: There is a suggestion that the House avail of the hour scheduled for tomorrow. The matter will be discussed at the meeting of the Business Committee on Thursday. It seems to be the view of the House that time should be provided next week, or perhaps the week after-----

Deputy Micheál Martin: Next week.

An Leas-Cheann Comhairle: The provision of additional time will be discussed on Thursday. There is goodwill on all sides in regard to additional time being provided next week.

Deputy Richard Boyd Barrett: I suggest that we drop Topical Issue matters tomorrow and provide an extra 50 minutes to discussion of this issue.

An Leas-Cheann Comhairle: The House will be sitting until 11.45 p.m. anyway. Subject to-----

Deputy Danny Healy-Rae: Can I ask-----

An Leas-Cheann Comhairle: No, the spokesperson of the Rural Independent Group has spoken.

Deputy Danny Healy-Rae: May I ask that-----

An Leas-Cheann Comhairle: No, you may not.

Deputy Danny Healy-Rae: -----a motion be issued next week and that there be a vote on the motion?

An Leas-Cheann Comhairle: Was the Deputy listening? That is in the mix for the Business Committee to decide. I am sure Deputy Mattie McGrath will reflect Deputy Healy-Rae's views when the committee meets..

Deputy Danny Healy-Rae: There should be a motion and a vote on the motion.

An Leas-Cheann Comhairle: There will be a vote on Thursday.

Deputy Mary Lou McDonald: At the risk of annoying you, a Leas-Cheann Comhairle, I think the better use of the hour would be to have questions and answers rather than statements in the time allotted to us on Wednesday. I think it is important that the Minister comes in and is initially held to account and subjected to questions.

An Leas-Cheann Comhairle: We have to decide on it. Can we get consensus?

Deputy Mary Lou McDonald: Statements is one thing, but questioning the Minister-----

Deputy Micheál Martin: The Business Committee agreed to statements. There is a useful purpose in parties setting out their positions albeit we have seven minutes on it tomorrow, but next week there can be further debate and questions. I envisage far more time next week than the hour allocated this week. I envisage a couple of hours next week.

An Leas-Cheann Comhairle: Tomorrow after 60 minutes the debate is to be adjourned. It will become clearer after the Business Committee meeting on Thursday.

Deputy Brendan Howlin: That is a new proposal.

An Leas-Cheann Comhairle: Is Wednesday's business agreed? Agreed. We are eating into the time.

Is the proposal for dealing with Thursday's business agreed to? Agreed.

Minister for Justice and Equality (Deputy Charles Flanagan): I wish to acknowledge the importance of the Business Committee. The Business Committee agreed last week to facilitate the placing on the agenda of five justice Bills and a justice motion. Members on all sides agree on the importance of these. My concern is that this may well unravel in the context of new demands. I ask the Leas-Cheann Comhairle to ensure, insofar as he can, that what was agreed by the Business Committee will not now unravel.

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Deputy Micheál Martin: That is all agreed. The Minister for Justice and Equality should talk to the Chief Whip.

An Leas-Cheann Comhairle: The intention would be that all this legislation would be taken. We have to find additional time if necessary. We all have to be pragmatic about this when we meet on Thursday.

Deputy Seán Kyne: I wish to reply to the Minister for Justice and Equality, Deputy Flanagan. There are three justice Bills listed for this week, including the Parole Bill, the Judicial Council Bill and the Courts (Establishment and Constitution) (Amendment) Bill.

An Leas-Cheann Comhairle: It is all in the document. It has been read out. No changes were made.

Deputy Micheál Martin: On a point of order, I note the unprecedented over-riding of a Government Whip by a Minister.

An Leas-Cheann Comhairle: That is not a point of order. We are going to move on.

I put it to all 20 Members on the list that we are taking about time-saving yet we are 20 minutes behind. We cannot have more slippage. I ask leaders to make short and concise answers. I will not get to all 20 Deputies so they should not be disappointed.

Deputy Micheál Martin: In the context of the programme for Government, climate change and the protection of biodiversity, most people would have been shocked and taken aback by the decision of Japan to leave the International Whaling Commission and recommence commercial fishing of whales. Albeit it was doing it for research purposes, the last commercial hunt was in 1986. This is further evidence of a growing unilateralism in international relationships and in the withdrawing by new leaders in countries from multilateral obligations and approaches to issues of this kind. We have had this with deforestation and now with Japan leaving the International Whaling Commission. Has the Government lodged a complaint and protest with the Japanese Government via the embassy in Dublin?

Minister for Communications, Climate Action and Environment(Deputy Richard Bruton): I will have to come back to the Deputy. I do not know what has been done but certainly I share his dismay at the decision of the Japanese Government.

Deputy Mary Lou McDonald: I wish to raise the Public Service Pay Commission report on pay and recruitment issues for the Defence Forces. It is unfortunate that consideration of the matter has been postponed due to the absence of the Taoiseach. I do not propose to rehearse the issues at play but I note that the last time these matters were debated last month the leaking of proposals to the media in advance of consultation with the Permanent Defence Force Other Ranks Representative Association and the Representative Association of Commissioned Officers, the representative bodies of the Defence Forces, caused some angst. Judging by the coverage in the media again today, it seems the lessons have not been learned from that episode. Why have proposals again been leaked prior to consultation taking place with soldiers and their representative bodies? Will meaningful consultation with them take place as soon as possible directly and not through the media?

Deputy Richard Bruton: It is a bit premature for me to comment on how this will be dealt with as the issues have yet to be considered at Cabinet. It is likely that the Minister for Public

Expenditure and Reform, Deputy Donohoe, will bring a report to Cabinet this week and the Government will make its strategy clear at that point.

Deputy Brendan Howlin: I am concerned that we are going to run out of time to have any meaningful discussion in this House on a matter of real concern, namely, the demoralisation in our Defence Forces. Members of the Defence Forces are totally demoralised by the lack of respect they have been shown by the Government. This peer review, which has been promised for six or eight months now and is to be published in the dying days of this Dáil term, if at all, is adding to that sense of alienation. Why did the terms of the review focus only on allowances and not on core pay when core pay is the kernel of the grievances of our serving men and women?

Deputy Richard Bruton: It is my understanding that the issue of core pay was negotiated across the public service.

Deputy Brendan Howlin: As the Minister knows, the Defence Forces were not represented at those negotiations.

Deputy Richard Bruton: Arrangements were put in place in that agreement for increases in pay ranging from 6.2% to 7.4% over the lifetime of the agreement. That agreement made provision for looking at specific areas, such as difficulty of recruitment and so on. It is under that clause, not a reopening of the pay settlement as a whole, that these specific concerns of the Defence Forces have been examined. That is why the matter has been dealt with in this way.

Deputy Brendan Howlin: Why are we waiting so long for the report?

Deputy Bríd Smith: In a significant development, Dublin City Council yesterday endorsed a motion from one of our councillors, Tina MacVeigh from People Before Profit, to re-municipalise waste management in the city. That means taking the waste management system back into public control and ownership. This very important development paves the way for addressing environmental concerns, the concerns of the city's population who have been paying inordinate charges to private waste management companies and the concerns of those who could not afford the charges when their waivers were removed. As the Minister for Communications, Climate Action and Environment and a representative of the Government, does the Minister agree that it is time the Government legislated to support this motion to take our waste management back into public control? The motion was also supported by the management of Dublin City Council. The current approach has been a disaster for the population and the environment. We have also seen the farce of plastic being shipped to China and back again, which was both unsustainable and unjust.

An Leas-Cheann Comhairle: Allow the Minister to respond.

Deputy Bríd Smith: We need sustainable waste management and we can only achieve that via public control.

An Leas-Cheann Comhairle: The Deputy should allow the Minister to respond and show some concern for her colleagues.

Deputy Richard Bruton: I am not saying one is on account of the other, but it is important that the Deputy recognise the significant improvements made in the quality of our waste management in recent years. We have improved our recycling rates and we are ahead of recy-

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cling targets in most areas. That is not to say everything is satisfactory. We need to improve significantly, specifically in the area of plastics. The difficulties have not been in collection but in other areas, including handling, prevention, reduction, recycling and outlets. While we need to make improvements, I suspect this measure is not one that will significantly contribute to improving our record on recycling.

Deputy Bríd Smith: The Minister is opposed to the re-municipalisation of waste management. He does not agree with it.

An Leas-Cheann Comhairle: Deputies may not ask supplementary questions. I call Deputy Mattie McGrath to ask a relevant question.

Deputy Mattie McGrath: Post is always relevant. What is the status of the post office in Thurles? The Save Our Square committee, business people in Thurles and the community in general are very concerned about the decision to move the town's post office. Rumours have been circulating lately that the move may not go ahead. As he is in charge of this area, will the Minister indicate the present and future status of Thurles town post office with respect to its current location?

Deputy Richard Bruton: As this has been previously raised on numerous occasions in the House, the Deputy will know that decisions in relation to individual post offices are a matter for the board of An Post. It is to the board that he should direct his questions.

An Leas-Cheann Comhairle: Perhaps the Deputy could raise it as a Topical Issue matter or in a parliamentary question.

Deputy Shane Cassells: Under the Minister's climate action plan, we will see the possible banning of cars from city and town centres but to achieve that a viable public transport system will be needed, yet only 20% of the transport budget goes on public transport and only 2.9% of journeys in Ireland are made by rail. The people of Navan would like to have a rail line, which would reduce car congestion on a road that the Minister knows well, given that he comes from Dunboyne. As a fellow Meath man, will he use his influence to bring about the possibility of bringing the Government review of the Navan rail line forward from 2021 because the Minister for Transport, Tourism and Sport has shown no interest in the project?

An Leas-Cheann Comhairle: Deputy Thomas Byrne has a question on the same issue.

Deputy Thomas Byrne: On the same issue, I completely agree with my colleague, Deputy Cassells, on the Dublin-Navan rail line. Yesterday, Fine Gael published a list of projects throughout the country for which it is claiming credit. None of those is in Meath. The Navan-Dublin rail line is not on that list. Meath is not mentioned at all on Fine Gael's list and the people of Meath want to know why that is the case.

An Leas-Cheann Comhairle: Is the Minister in a position to answer on that?

Deputy Richard Bruton: I am not in a position to answer. I can understand the Deputies' concerns for the royal county. There is significant investment in the national development plan but I will alert the Minister responsible to the Deputies' concerns.

Deputy Bernard J. Durkan: The Garda Síochána (compensation) Bill is promised legislation. At what stage of preparation is it and will it come before the House in the next session?

An Leas-Cheann Comhairle: That is the way to ask a question.

Deputy Charles Flanagan: Not this term.

An Leas-Cheann Comhairle: Excellent. I do not mean excellent in the sense that it will not be brought forward this term but the manner in which the response was given was excellent.

Deputy Jackie Cahill: Page 58 of the programme for Government refers to capacity with respect to an emergency disability fund. My HSE area was allocated €1.5 million at the beginning of the year to address cases where people with a disability could be moved out of acute care to rehabilitative care. Unfortunately, this fund was exhausted in a very short time. I have been dealing with the case of a 29 year old man with a disability who has been occupying an acute bed for almost four months after being discharged from hospital. His acute care is completed but due to his disability he is unable to return home. A residential rehabilitative care programme has been identified and organised. All he is waiting for is instruction from the HSE to proceed. I understand there is no funding available to deal with this case. It is economic foolishness to have a young man taking up an acute bed. Funding needs to be put in place immediately for an emergency disability fund.

An Leas-Cheann Comhairle: The Deputy has made the case. That would be a question for the Minister or a Minister of State at the Department of Health.

Deputy Richard Bruton: No. I do not know the details of the case so I will have to ask the Minister responsible to respond to the Deputy.

An Leas-Cheann Comhairle: I call Deputy Adams who I know will be concise.

Deputy Gerry Adams: In March, the Tánaiste stated the Government would introduce legally sound legislation to protect tenants and this morning it was announced that the entire county of Louth would be designated a rent pressure zone. This will give little protection to people struggling to find accommodation or to tenants trying to hold on to their homes. The average rental cost for Louth is €1,206, which is an increase of 7.6% since last year and an increase of 44% since the Government took office. Will the Minister outline to us the legally sound legislation the Government will bring forward and if it will include a rent freeze and tax credit for renters?

An Leas-Cheann Comhairle: We will have two for the price of one. I call Deputy Ó Laoghaire.

Deputy Donnchadh Ó Laoghaire: The rent pressure zone scheme is inadequate for several reasons. That it is not applied to the country as a whole is one of them and this has resulted in serious anomalies in some areas. There is a ward in Cork County Council where, as a result of the redrawing of boundaries, two thirds of it are in a rent pressure zone and one third of it is not. That is causing major confusion. It is the Tánaiste's ward and he told me that the issue would be sorted. There is no sign of that happening and it is causing major confusion for tenants and landlords because people are not sure where the boundary line is now.

An Leas-Cheann Comhairle: Deputy Fitzpatrick wishes to raise a similar issue.

Deputy Peter Fitzpatrick: I welcome the announcement of the new rent pressure zone areas especially in my county of Louth where we have Ardee, Dundalk south and Dundalk north. On numerous occasions I have raised the issue of the 60 vacant houses in Louth and the 50 acres

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of land we have there. We need to build social and affordable houses. The last time I spoke on this issue the Minister of State, Deputy English, said that if Louth County Council could bring something to him on the issue he would consider it. It has something to bring to him now. I ask the Minister if the Government will engage with Louth County Council to help get people into these vacant houses. It also has some land.

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputies for their questions. In respect of Deputy Adams's question, we just passed the legislation referred to by the Tánaiste. This is the legislation to change the qualifying criteria for rent pressure zones. As a result of that, we announced the largest expansion of rent pressure zones today. Nineteen new zones will come in under that. We have also lengthened the notice period for tenants and given greater powers to the Residential Tenancies Board, RTB, so that it can enforce rent pressure zones. That legislation had the support of all parties in this House because these are important protections that we need to put in place for renters. What we see are rents that are still too high and rents that are still rising unsustainably. These measures have just come into law in tandem with the changes for short-term letting. That will, we believe, have a positive impact on the rental sector. However, we need now time for that to bed down. We will see that then in the next RTB data index when that is published.

On Deputy Fitzpatrick's question, Louth has been leading the way on vacancy in a number of areas. It has a vacant housing officer and a national programme and plan. If the Deputy gets in touch with the local authority, it will share its numbers with him, the different properties it has identified and what it plans to do with them.

An Leas-Cheann Comhairle: I call Deputy Michael Moynihan.

Deputy Donnchadh Ó Laoghaire: Sorry, what of the anomalies?

Deputy Eoghan Murphy: On the changes that we made around the qualifying criteria, we have made two specific changes. We are seeing more areas come into rent pressure zones as a result of a change we made just last month because of the severe pressures that are being seen outside of places such as Dublin, the greater Dublin area, Cork and Galway.

Deputy Donnchadh Ó Laoghaire: The Minister misunderstood the question.

An Leas-Cheann Comhairle: There cannot a second contribution. I am sorry but I have no control over ministerial answers.

Deputy Donnchadh Ó Laoghaire: There was a ward that was previously designated and an area was brought in.

An Leas-Cheann Comhairle: I call Deputy Michael Moynihan.

Deputy Michael Moynihan: I note the report this morning on cuts in funding for transition beds. This is to allow people who are in acute hospital settings avail of funding to get into step-down facilities, either nursing homes or community hospitals. Is it true that the funding for the transition beds has been stopped? This will cause further delays or further issues in relation to acute hospitals. Has the funding dried up? Is there an instruction from the HSE to stop any funding for transition beds?

Deputy Caoimhghín Ó Caoláin: On the same issue-----

An Leas-Cheann Comhairle: Deputy Ó Caoláin is on my list.

Deputy Caoimhghín Ó Caoláin: -----Mr. Paul Reid, the newly appointed director general of the HSE, has just received a series of briefings from senior HSE managers, including the warning that there will be a deficit in relation to fair deal funding over the course of this year of up to €30 million. This will contribute to an ever-increasing backlog of elderly patients in hospital wards moving into long-term residential care. Would the Minister, Deputy Bruton, and his Cabinet colleagues not recognise that there is a crisis in terms of care of the elderly in the State and it needs to be addressed urgently, and with the prioritisation that it deserves? Will the Minister advise what steps will now be taken?

An Leas-Cheann Comhairle: On the same issue, Deputy Michael Collins may ask a question. There will be no statements.

Deputy Michael Collins: Following on from the restrictions to the home care service announced recently, another elderly care support will be restricted as the number of transitional care beds is to be capped. The restrictions to the transitional care beds together with the restrictions to the home help services are another attack on the elderly and will lead to delayed discharges and longer emergency department waiting times.

An Leas-Cheann Comhairle: A question.

Deputy Michael Collins: This is penny wise and pound foolish. With these types of decisions, it is little wonder the HSE is off budget. Will the Government reverse these restrictions immediately and treat older people with the respect that they are entitled to?

An Leas-Cheann Comhairle: I call the Minister, if he is in a position to answer. If not, he might get his colleague to do so.

Deputy Richard Bruton: The position is that there have been no cuts in any of these areas; far from it. Increased provision has been made in the 2019 budget. Compared to previous years, this has been repeated and expanded so that there is more support for home care, transitional care and the fair deal scheme. Of course, the HSE, like any other body, has to live within a certain allocation. When pressures arise, it has to try to manage those pressures as best it can. The report was that Mr. Reid was gaining information about the various pressures within the service so that he could take decisions to manage those budgets as effectively as possible in the interests of patients with care needs. That was the origin of this. It is managing within increasing budgets but it is still a pressure to do it.

Deputy Caoimhghín Ó Caoláin: The solution is no more talk of tax cuts.

An Leas-Cheann Comhairle: I call Deputy McConalogue.

Deputy Caoimhghín Ó Caoláin: Let us improve services provision.

An Leas-Cheann Comhairle: Deputy McConalogue, a quick question.

Deputy Richard Bruton: These are improvements in service provision.

Deputy Caoimhghín Ó Caoláin: They are insufficient.

An Leas-Cheann Comhairle: I call Deputy McConalogue.

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Deputy Richard Bruton: There has been a 50% increase in home care, and 7% extra for the fair deal scheme.

An Leas-Cheann Comhairle: The Minister will have to hold bilaterals outside. I call Deputy McConalogue.

Deputy Charlie McConalogue: It is a question for the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy. I seek an update on the situation with regard to the mica redress scheme. As the Minister will know, in last year's budget €20 million was allocated and the Government committed that by the start of this year houses would be fixed. There are some 5,000 houses affected in Donegal. As the Minister well knows, families are sitting in their houses wondering if the walls will fall down. Can the Minister update us on the progress with regard to it and can he give us a definitive date as to when homeowners will be able to apply and homes will get to be fixed?

Deputy Eoghan Murphy: I thank the Deputy for the question. I cannot give a definitive date to the Deputy today. As the Deputy will be aware, my officials have been in touch with officials in both Donegal and Mayo to do further work on how we roll out that initial €20 million that has been allocated this year for the scheme.

Deputy Martin Ferris: I have asked previously about a management plan for the brown crab fishery. There is no management plan there. It is being exploited at present and overfished, and it will be a disaster if something is not done about it. I am asking the Minister for Agriculture, Food and the Marine, Deputy Creed, and the Government whether they intend to bring forward a management plan for that inshore fishery.

An Leas-Cheann Comhairle: Will the Minister request his colleague?

Deputy Richard Bruton: I will have to organise a reply for the Deputy.

Deputy Margaret Murphy O'Mahony: I refer to the Mercosur deal. With any trade agreement there is give and take, but surely where one industry will be decimated, this is a no-brainer. I merely want to point out how badly the beef sector in my constituency of Cork South-West will suffer if this goes ahead. Can I ask the Minister the format that the economic impact assessment will take, when is it to start and what is the format?

Deputy David Cullinane: On the same issue-----

An Leas-Cheann Comhairle: Deputy Danny Healy-Rae was in ahead of Deputy Cullinane, but I will call the Deputy.

Deputy Danny Healy-Rae: I thank the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: On the economic impact assessment-----

Deputy Danny Healy-Rae: It is about the Mercosur deal, which is the same issue. A blind man could see here today that the Minister, Deputy Bruton, was in favour of this Mercosur deal. Does the Minister realise the impact that this will have on rural Ireland? Is this purely a Government for Dublin or does it realise there is life outside Dublin and that it needs to continue there?

An Leas-Cheann Comhairle: A question.

Deputy Danny Healy-Rae: I am asking the Minister to bring forward a motion on this next week, that we have a vote and that Fianna Fáil, which has supported the Government, to vote against it on this occasion.

Deputy Eugene Murphy: We do not want to interrupt the Deputy.

Deputy Danny Healy-Rae: I am asking for Fianna Fáil's support on this occasion.

An Leas-Cheann Comhairle: The Deputy cannot be taking advantage.

Deputy Danny Healy-Rae: The Government cannot let down the suckler farmers and beef farmers of Ireland. That is what the Government is doing.

An Leas-Cheann Comhairle: Deputy Danny Healy-Rae may not have been in the House earlier but it has been agreed that it will be discussed for 60 minutes tomorrow.

Deputy Danny Healy-Rae: We want a motion.

An Leas-Cheann Comhairle: Deputy Danny Healy-Rae will have to place his faith in the leader of his group who will represent him at the Business Committee. If they discuss it, I have no doubt he will reflect Deputy Healy-Rae's views.

Deputy David Cullinane: On the planned economic assessment of the Mercosur deal, the Minister, Deputy Bruton, was Minister for Jobs, Enterprise and Innovation in the past. He will know the south east is still an underperforming economy, although there has been some recovery. The Department will have carried out many economic assessments in that region given that it still does not have the same level of employment as other regions. The agrifood sector is hugely important to the south east as is the beef sector.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy David Cullinane: The region needs the agribusiness sustain the regional economy. I am sure the Minister is aware that this is a massive issue for farmers across the State, but particularly in some regions, such as the south east.

An Leas-Cheann Comhairle: Okay, we got the question. I call Deputy O'Keeffe.

Deputy David Cullinane: Given that the Department has already carried out numerous economic impact studies for all the regions, why is there a need for a further one on this issue when the Minister knows full well the importance of the agrifood sector to the south east?

An Leas-Cheann Comhairle: I call Deputy O'Keeffe on the economic impact assessment on Mercosur, bearing in mind there will be a debate tomorrow.

Deputy Kevin O'Keeffe: In the Government's defence, the Ministers state that the trade-off will mean we will get more value out of our dairy sector. The Government must remember that the dairy sector survives on the basis of new born calves, which go into the beef sector. One cannot lose sight of that. The economic impact will affect the dairy sector.

An Leas-Cheann Comhairle: As there are no more questions on Mercosur, I call on the Minister to flesh out the economic impact assessment if he is in a position to do so.

Deputy Richard Bruton: The economic assessment will take the pattern of previous ones.

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It will look on a sector-by-sector basis at each of the sectors that are likely to be affected by the reduction of tariffs in the case of new access to these markets and imports of quotas where quotas have been allowed in the various agricultural markets. They look at its impact on living standards, employment and the flows of imports and exports, and the net effects of that for regions and for the economy as a whole. That is the approach that has been taken previously and I am sure that will be the approach that will be taken again.

An Leas-Cheann Comhairle: That is very helpful.

Deputy John Brady: The N81 is one of the deadliest roads in the State. It has seven times the national average of head-on collisions and twice the national average for single vehicle collisions. After a ten-year site selection process to see the upgrade of the N81 over a 31 km stretch between Tallaght and Hollywood Cross, the scheme has been shelved. It is not included in the National Development Plan 2018-2027 and it is not in the national roads programme. I have asked the absentee Minister for Transport, Tourism and Sport about it numerous times. He has not even acknowledged correspondence or petitions containing thousands of signatures from people in west Wicklow.

An Leas-Cheann Comhairle: The Deputy is well over time. I remind him that his colleagues behind him are waiting.

Deputy John Brady: I ask that this project, which is essential not just in terms of road safety but also for the economic development of west Wicklow, be given priority and that the Minister correspond directly with his Cabinet colleague, the Minister, Deputy Ross, to get answers for the people in west Wicklow.

An Leas-Cheann Comhairle: The Deputy should not take advantage of the Chair.

Deputy Richard Bruton: I am not in a position to reply. I will have to organise a reply for the Deputy.

Deputy Eoin Ó Broin: My question is about the building control (construction industry register Ireland) Bill 2017, CIRI, which the Minister of State, Deputy English, has described as critical for the development of a culture of confidence and compliance in the construction industry. A story in *The Irish Times* by Niamh Toweey today reports on how the developer of an apartment block, Cathedral Court in Dublin 8, has now taken control of the management company and is trying to charge owners of properties with latent defects €5,000 a head, despite the fact that it was the developer that sold them the apartments. Will the Minister use this Bill to bring forward stronger protections for apartment owners with latent defects to remove conflicts of interest such as the one that is clearly present in this case in Dublin 8? Will he also introduce a latent defects redress scheme so that owners of apartments are not left carrying the can for failures of builders, developers and weak Government regulation?

Deputy Eoghan Murphy: We are finalising elements of the CIRI Bill currently between myself and the Office of the Attorney General. We are looking at what elements we can include based on the submission we received from the joint Oireachtas committee following the pre-legislative consultation.

Deputy Martin Kenny: I raised this matter with the Minister, Deputy Bruton, two weeks ago. This Friday, 5 July, is the closing date for submissions to the Department of the Economy in Northern Ireland in regard to an application for a fracking licence by a company called Tam-

boran. As Minister with responsibility for the environment, Deputy Bruton must recognise that this is an environmental issue which will have catastrophic implications for the Border counties and indeed for the whole country if it goes ahead. We have banned fracking in this jurisdiction. I appeal to the Minister personally to make a submission in his capacity as Minister for Communications, Climate Action and Environment, on behalf of the people on this side of the Border, suggesting that this is totally inappropriate and wrong and that it would have a detrimental impact on the environment. This needs to be done as quickly as possible.

Deputy Richard Bruton: I will ask the EPA to have a look at whether it is something on which Ireland would make a submission.

Deputy Charles Flanagan: Sinn Féin can do more about the institutions in Northern Ireland than anybody here.

Deputy Eoghan Murphy: They walked away.

An Leas-Cheann Comhairle: Deputy Buckley is next and must make it a short question. I have control of the microphones.

Deputy David Cullinane: The Leas-Cheann Comhairle is in bad form today.

Deputy Pat Buckley: Is there an update on the Mental Health Act 2001? It has seen very little progress or movement in legislative programmes over the last three years. Mental Health Reform has called for a draft to be published fairly smoothly. Will the Minister do this?

Deputy Richard Bruton: I understand that the heads are not expected until the end of the year on that Act.

Deputy Eugene Murphy: The Minister, Deputy Bruton, is the right man in the right place. Page 47 of the programme for Government refers to next generation broadband. I am beginning to wonder if there is going to be a new meaning given to “next generation” given the slow pace of development. On a more serious note, on the basis of an excellent presentation made here by Carolan Lennon, chief executive of Eir, and the fact that Eir has now submitted some detailed plans in respect of broadband, is it the intention of the Minister to meet with Eir, has he done so already, and has he gone through the documentation sent to him? I think at this stage they are entitled to a fair hearing.

Deputy Richard Bruton: The Deputy will be aware that the details of the procurement process for the national broadband plan were published at the end of 2015. They set out very important protections for users, the State and in respect of state aid to ensure fair competition. The proposals that have been put forward by Eir do not comply with those arrangements. When it entered that competition knowing the conditions, it made a bid of €2.7 billion. It subsequently withdrew from the contest. In the last couple of days, it announced at the committee that it could do it for €1 billion. It since produced figures for both €500 million and €1.5 billion. The Department is scrutinising its submission. However, it is important that the Deputy also reflects on the protections that exist such as making sure 100% of people get cover, making sure the charges are the same for urban and rural users, making sure there are fair competition and access rules and making sure State money has the proper governance to oversee its expenditure. These are the issues that are at stake.

An Leas-Cheann Comhairle: We have to move on. Members not reached today will be

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given priority tomorrow.

Articles of Agreement of the International Finance Corporation: Motion

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move:

That Dáil Éireann approves, in accordance with Article 29.5.2° of Bunreacht na hÉireann, a proposed amendment of Article II, Section 2(c)(ii) of the Articles of Agreement of the International Finance Corporation, being an amendment the terms of which shall read as follows:

‘Section 2. Capital Stock

“(c)(ii) in any other case, by an eighty-five percent majority of the total voting power”.’.”

Question put and agreed to.

Parole Bill 2016: Instruction to Committee

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

That, pursuant to Standing Order 154, it be an instruction to the Committee of the whole Dáil, to which the Parole Bill 2016 may be recommitted, that it has power on recommitment to make provision in relation to:

(a) the appointment of a Chief Executive of the Parole Board and associated provisions including the terms of such appointment, the accountability of the Chief Executive to the Oireachtas and related matters;

(b) the nomination of family members to make submissions to the Board where the victim is deceased;

(c) the notification process when a prisoner becomes eligible for parole;

(d) the procedures of the Board in the making of decisions on the granting, varying and revocation of parole orders and related matters; and

(e) any consequential matters arising therefrom.

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputies Maureen O’Sullivan, Joan Collins and Paul Murphy - to discuss the greyhound industry response to unwanted Irish greyhounds; (2) Deputy Micheál Martin - to discuss the imminent closure of the Little Island mail centre in Cork; (3) Deputies Dessie Ellis and Róisín Shortall - to discuss the future funding of the Finglas Centre on Cardiffsbridge Road, Dublin 11; (4) Deputy Éamon Ó Cuív - to discuss provision of a permanent coastguard base at Cleggan, Connemara, County Galway; (5) Deputy Michael Harty - to discuss the future of Shannon Airport; (6) Deputies Denis Naughten, Charlie McConalogue, Bobby Aylward and Jackie Cahill - to discuss the impact for Irish beef farmers of the Mercosur trade deal; (7) Deputy Thomas Pringle - to discuss access to SUSI grants for low-income families; (8) Deputies Pearse Doherty and Pat The Cope Gallagher - to discuss redevelopment of St. Joseph’s and Ramelton community hospitals in County Donegal; (9) Deputy Frank O’Rourke - to discuss the provision of dental and occupational therapy services in Celbridge and Maynooth; (10) Deputy John Curran - to discuss speech and language therapy access for young children in west Dublin; (11) Deputies Pat Buckley, Martin Ferris and Donnchadh Ó Laoghaire - to discuss the HSE plan to cap the number of transitional care beds in the Cork and Kerry region; (12) Deputy James Lawless - to discuss the Kildare District Court service and administration of justice workload; (13) Deputy Gino Kenny - to discuss the cuts to special needs assistant posts in Dublin mid-west; (14) Deputy Eoin Ó Broin - to discuss reform of the Multi-Unit Developments Act 2011 in light of recent developments at Cathedral Court, Dublin 8; (15) Deputy Peadar Tóibín - to discuss ways to address the commuter crises throughout Ireland; (16) Deputy Louise O’Reilly - to discuss the remediation works at Ardgillan College, Balbriggan; and (17) Deputy Brendan Smith - to discuss a proposal to close St. Bricin’s College, Belturbet and St. Mogue’s College, Bawnboy.

The matters raised by Deputies Maureen O’Sullivan, Joan Collins and Paul Murphy; Deputies Naughten, McConalogue, Aylward and Cahill; Deputy Brendan Smith; and Deputies Buckley and Ferris have been selected for discussion.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Question No. 42 replied to with Written Answers.

HSE Expenditure

43. **Deputy Stephen Donnelly** asked the Minister for Health the amount by which the HSE budget is overspent as of the end of quarter 2 of 2019; the projection for the full year overspend; the additional spending commitments he has made to date during 2019; his plans to seek a supplementary budget or bring full year healthcare expenditure in on budget; and if he will make a statement on the matter. [28086/19]

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Deputy Stephen Donnelly: My question is about the HSE budget for this year. My understanding is that we have quarter 1 figures showing an overspend. I would like to know how much the overspend is for the first three months of the year and also for the second three months, to the end of June. I imagine the Minister's officials and-or the HSE are projecting out what the full-year overspend is likely to be. What is the projection at this stage? Is the Minister in line with the new director general of the HSE saying that the budget will be brought in or does he foresee himself coming back to the House to seek a supplementary budget later this year?

Minister for Health (Deputy Simon Harris): The management of health services finances is always challenging, as we have seen since the HSE was set up. There is a range of supplementary figures going right back to the start of the HSE that I could put on the record of the House. The indications are that performance so far this year is better than last year and, as the Deputy has acknowledged, significant efforts are under way on the part of the HSE and the new CEO, Paul Reid, to manage available resources effectively. The HSE's latest income and expenditure position at 30 April 2019 shows a revenue deficit of €116.2 million, which represents 2.3% of the available budget. The main drivers of the deficit are acute hospitals; the primary care reimbursement service, PCRS, in other words, the medical card and demand-led schemes; disability services; and the treatment abroad scheme. Current gross expenditure on the Health Vote, year to date, is 6.8% higher than the same period in 2018. This compares with an overall increase in the Health Estimate compared to the 2018 outturn of 5.8%. This House budgeted for the health service to spend roughly 5.8% more this year than last year and the health service bill is, I think, so far 6.8% more. It is within a percentage point of what this House has budgeted.

Encouragingly and importantly, significant savings are profiled later in the year in line with the targets set out in the national service plan. I have heard this misrepresented on many occasions in recent weeks. When the service plan was being drawn up, the HSE was asked - and instructed - as is the norm in most health services, including the UK's NHS, to put a saving's plan in place. On the basis of current trends, however, there would still be a significant challenge. This is a matter of concern for the Government. My Department is working with the HSE to continue to obtain further clarity on the projected year-end position and to mitigate the deficit insofar as is possible. We are working closely with the Department of Public Expenditure and Reform. I do not yet have a projected year-end figure. I support Mr. Paul Reid, the new CEO of the executive, in his calls for people to live within their budgets and to come in on budget. I will share any further information with Deputy Donnelly when I have it.

I have emphasised to the HSE and its new board the need to address health spending urgently by means of the following measures: steps to ensure compliance with the staffing limits for 2019 - in other words, to hire more but only within budget; a reporting and monitoring structure around agreed savings targets in the national service plan, with responsible managers providing a monthly report; and a mid-year review of the HSE's performance on savings and staffing limits. In addition, the establishment on Friday last of a new HSE board governance structure with strong competencies across key areas will further contribute to strengthening the oversight and performance of the HSE pending its further reorganisation.

Deputy Stephen Donnelly: If I heard him correctly, the Minister gave a figure of €116 million for the period to the end of April. Does he have a figure for the period to the end of June? This would be the overspend to the end of quarter 1. If he does not have that figure, perhaps the Minister will indicate when he will have it. Has the Minister requested a projection to the end of the year? Given the enormous overruns during the past years and in light of the fact that we are overspending again - by more than €100 million for the first four months of the year - it

would seem prudent to request a forecast for the potential overrun. There is no contingency in the budget, which seems to be a mistake in the context of allocating resources for healthcare.

At budget time, the Minister announced a 10% increase in the assessment threshold with regard to means-tested GP visit cards. This was in line with the Sláintecare proposal. At the time, neither he nor his officials were able to cost this. Will the Minister indicate if this cost is included? Is the increase happening? If it is, when will it come into place? Does the Minister have a sense of how much it will cost?

I shall recap. Does the Minister have the figure to the end of June? Does the Minister believe that it is sensible to not have a contingency in the budget? Is the 10% increase in the assessment threshold for GP visit cards going to happen? Does the Minister believe that he will be able to drive the costs back down to be in budget for the full year or is he anticipating coming back to the House with a Supplementary Estimate?

Deputy Simon Harris: The 10% increase in the assessment threshold for GP visit cards was implemented at the start of April. The budget for this would have been held back as a reserve in my Department. I say that from memory. If my account is inaccurate, I will send a note to the Deputy.

My position is to allow the new CEO, Mr. Reid, who has only been in the office for a few weeks, and the new board, which has only been in office since Friday, to do their own due diligence regarding the actions the HSE can take. I have been very clear in my message to Mr. Reid and the board that we expect them to deliver everything in the service plan. It is not about cutbacks or doing less. It is about delivering all of the extra activity and all of the additional staff under the service plan; it is not about doing things that are not costed. There are already some things that we in this House have asked the HSE to do that are not costed, such as continuing Brexit planning, the CervicalCheck *ex gratia* scheme and the recent nursing agreement, which the Deputy supported. There are ongoing discussions with trade unions and I have seen the Deputy on the picket line in support of that.

I do not believe that a contingency has ever been held back in respect of the HSE but I will check this. I do not have a more up-to-date figure. The figure I have just given is the most up-to-date available. It is probably even more up to date than the figure previously presented by the HSE.

Deputy Stephen Donnelly: I accept the Minister's point that there is a new director general of the HSE and that he is sent a circular that everything needs to be brought back into budget. The question for the Minister and the Government is what direction they are going to take. We are halfway through the year. By the end of April there was an overspend of €116 million. Let us assume that this increased in May and June at the same rate. This would bring us broadly up to €140 million. On the current trend and if things continue as they are, we would be looking at an overspend of several hundred million euro. At a political level - and accepting that everybody will do everything they can to live within the budget - if the HSE comes back and states that the overspend will still be €150 million, €250 million or €350 million, will the Minister instruct it to do what is required to find the necessary savings in order to come in on budget or will he come back to the House with a Supplementary Estimate?

Deputy Simon Harris: Every Government of every hue monitors healthcare spending on an almost monthly basis in the run up to any budget. My message to the HSE is to deliver

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the service plan in full and, in parallel, to put in place greater controls in respect of individual managers. We have discussed this matter in the House. One cannot have individual managers recruiting without paying heed to the budget. In addition, they need to reduce the waste and inefficiencies in the system in accordance with the savings plans they were instructed to put in place as part of the service plan.

It is understandable that the Deputy is trying to project from now until the end of the year. It is important to note, however, that when one looks at how the savings are profiled in the HSE Vote, many of them are profiled for later in the year with those targets set out in the national service plan. At a political level I ask the HSE to come in on budget as close as possible while delivering the essential services people need.

At a political level, every day Deputies call on me to spend more on the health service, with calls for more for SIPTU workers, more for consultants and more for home care just in the past six weeks. Like my predecessors, I will try to balance the challenge between bringing the HSE in on budget - or as close to budget as possible - meeting the needs of our people and meeting the many demands this House understandably places on me in terms of improving Ireland's health service.

Hospital Consultant Recruitment

44. **Deputy Louise O'Reilly** asked the Minister for Health the number of consultant doctors operating in the health service, by hospital and speciality; the number of consultant doctor vacancies, by hospital and speciality; and his views on the shortage of consultant doctors across the health service. [27799/19]

Deputy Louise O'Reilly: With regard to the Minister's reply to Deputy Donnelly's question, I rarely ask the Minister to spend more. I ask that he reorient the spending away from expensive agency staff and outsourcing and towards directly employed staff instead. The Minister has agreed on a number of occasions that this represents the best value for money.

My question today is very simple and relates to consultant doctors and the shortages thereof that are being experienced across the State. Perhaps the Minister will make the distinction between those consultants who are eligible to be on the specialist register and those who are not. This is an emerging issue within the health service. It is important whenever we count those figures to do so on a realistic basis and only count consultants who are on the register.

Deputy Simon Harris: I thank Deputy O'Reilly for her question. The number of consultants working in the public health service continues to grow year on year. It increased by 125 whole-time equivalents, WTEs, or just over 4%, in the year to the end of May. I will get the clarification for the Deputy on these 125 WTEs and how many are on the specialist register. I do not have that information with me.

In the five years to the end of May, the number has increased by 533 - more than 20% - and now stands at 3,121 consultants working in the Irish health service. The details by hospital and specialty requested are being provided to the Deputy in response to this question and I have the tables here for the Deputy.

On vacancies, the national doctors training and planning division of the HSE has provided

figures up to 27 June. This identifies 362 posts, by hospital and specialty, that have been approved for filling. Of these, 151 have been identified as vacant by the hospital or agency concerned. The hospital or agency concerned have, however, not confirmed the status of the other 211 posts. Again, the detailed figures provided by the HSE in respect of this element of the question are also being provided to the Deputy.

The public health service operates in a global market for medical specialists, which is experiencing a worldwide shortage. Notwithstanding this fact, progress continues to be made in attracting and retaining consultants and in addressing improvements in the training, working environment and career pathways for non-consultant hospital doctors - our future supply of consultant candidates. A range of factors have been identified as contributing to the recruitment and retention challenge, of which pay is a part. I hope the Deputy will recognise that because I understand that in 2012 she wanted to cap consultants' pay and specifically referenced reducing their pay in a policy document. Research published last year by the Royal College of Surgeons in Ireland, RCSI, also identified excessive service demands and the quality and consistency of training as critical challenges; so it is about pay but not just pay.

The issue of new entrant pay is being addressed in general terms under the terms of the Public Service Stability Agreement 2018-2020 and has been examined by the Public Sector Pay Commission. The Deputy will be familiar with that. I have given a commitment to finding a process to now engage with consultants, such as we do with GPs and nurses, to find a way forward on pay issues.

Deputy Louise O'Reilly: If we are going back over old history, obviously I will refer to the billboard campaign of the Minister's party on ending the scandal of patients on trolleys. How is that working out? It is not going terribly well.

Deputy Simon Harris: We are making progress.

Deputy Louise O'Reilly: I will take on board what the Minister said in regard to a policy from seven years ago and I will remind him that it is 2019. We have a recruitment and retention crisis among consultants, which the Care Can't Wait campaign by the Irish Hospital Consultants Association, IHCA, is highlighting. My figures tell me we have 480 consultant vacancies across the State, which is an increase in the number of vacancies. While I am not disputing the fact there have been some hires, they are not keeping pace with demand.

The Minister referred to this being a worldwide problem. It is not a problem they are having in Perth, which is where our consultants and doctors are going, although they are being trained here. I go back to my earlier point that it is not about spending more money but about reorienting what we spend. A lot of the money we spend is spent abroad to recruit consultants, and much is wasted on agency staff and locums to fill the gaps that should be filled by directly employed staff.

Deputy Simon Harris: It is fair game, when the Deputy asks a question on wanting to recruit more consultants, to point out that the policies she puts forward would result in fewer consultants.

Deputy Louise O'Reilly: It is 2019.

Deputy Simon Harris: In 2012, Sinn Féin believed consultants were paid too much.

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Deputy Louise O'Reilly: Did the Minister end the scandal of patients on trolleys?

An Leas-Cheann Comhairle: Order, please.

Deputy Simon Harris: It is not like Deputy O'Reilly to be unruly. I tried to look at a document Sinn Féin published in November 2016 under the title, Framework for New Pay Agreement, but it does not seem to be available on its website today. I suppose the party wants to try to hide the fact it believed these people were paid too much and it wanted to tax them more and reduce their salaries. Let us see what that will do in regard to sending our doctors to Perth.

We have more to do in this regard. I believe pay is an element of this but I also believe work practice change is an element. I believe the Deputy agrees with me on the need to make sure we have more consultants working in the public health service rather than doing private practice. I will go to Government with the de Buitléir report on proposals in that regard in the autumn.

In direct answer to the Deputy's question on how we reduce the shortage of consultant doctors across the health service, we do it through engaging on the issue of pay and through a pay agreement and contracts, as I outlined at the IMO conference a few weeks ago. However, I also believe we do it through more radical reform, work practice change and the roadmap I expect the de Buitléir report to outline in line with the Sláintecare strategy.

Deputy Louise O'Reilly: I do not consider myself to be unruly but nor will I sit here and be misrepresented. As to the engagement the Minister speaks of, how does that manifest itself in his daily work? What is the level of engagement? As the person in charge, what is the Minister's level of engagement with, for example, the IHCA or the IMO? Has he sat down with them directly? Does he have a plan in place?

In recent weeks, both Susan Mitchell and Paul Cullen have quoted from the report to the national doctors training and planning project team on the employment of consultants not registered in a specialist division of the register of medical practitioners. That is a very serious issue and it is not being dealt with. It is not good enough to hide behind what the Minister says is an international crisis. I will get the document the Minister refers to. I have addressed the IHCA conference and I have spoken to the consultants in this regard. I have no difficulty with people being paid well for a job well done but we have a recruitment and retention crisis. Pay is a serious element of that and it needs to be addressed. However, at the moment, the Minister presides over a health service that is a deeply unattractive place to work. That is why we cannot recruit and retain consultants. That is why we are spending money, day in and day out, going abroad to recruit consultants and plugging the gaps with agency staff. I have not heard anything from the Minister today that leads me to believe it will be any different.

Deputy Simon Harris: As the Deputy says, I preside over a health service that has seen more than 90% of GPs - the front-line doctors in our communities - accept the new agreement and contract that I have put to them. It is probably unheard of to achieve such massive acceptance of a deal, in this case one which will invest €210 million more in general practice. I preside over a health service that has seen our nurses in overwhelming numbers vote in favour of a new nursing contract that will see their pay increase but will also see their work practices change. I preside over a health service that is seeing more consultants work in it this year than last year, and more than in the last five years, to the tune of several hundred.

We have more to do. I believe that, sequentially, much progress has been made with regard to GPs and nursing and midwifery. Consultants are the next issue. I have met the IHCA di-

rectly here in Leinster House in relatively recent weeks and my Department has had a number of follow-on engagements with it as well. I have met the IMO and I have addressed its conference in regard to the issue. I and Government colleagues now want to take the Public Service Pay Commission recommendation of putting a process in place to talk about how we address the recruitment issues but I am making the point that, as in any negotiation, both sides will have asks. There are views in regard to pay on the consultant side but there will also be views in regard to work practice changes and the delivery of Sláintecare on our side. I hope and expect to make progress on that in the autumn.

National Drugs Strategy

45. **Deputy John Curran** asked the Minister for Health if he will consider implementing a national multi-annual education and awareness campaign on drugs in view of the recent report from the European Monitoring Centre for Drugs and Drug Addiction; and if he will make a statement on the matter. [28087/19]

Deputy John Curran: The Minister of State will be aware that illicit drug use and prevalence is on the increase. It is obvious if one looks at the reports of illegal drug dealing on our streets and, more importantly, if one acknowledges the increased seizures the Garda is making, particularly, as the economy recovers, around the area of cocaine. In light of increased drug prevalence, my question is whether the Government will consider developing and implementing a national multi-annual education and awareness drugs campaign.

Minister of State at the Department of Health (Deputy Catherine Byrne): The European drug report presents an overview of the drug situation in Europe, covering drug supply, use and public health problems, as well as drug policy and responses. The drug problem across Europe is of great concern, with the growing problem of cocaine use a particular worry.

The national drugs strategy, Reducing Harm, Supporting Recovery, is our whole-of-Government, multi-annual response to drug and alcohol use. It commits to dealing with substance use as a public health issue. A specific objective of the strategy is to prevent the use of drugs and alcohol at a young age. Evidence suggests that comprehensive school-based programmes that combine social and personal development and provide information about substance use are more likely to be effective. This is a key component of the new Department of Education and Skills well-being policy statement and framework for practice, which is being implemented on an ongoing basis. In addition, the Department of Education and Skills and the HSE are in the final stages of developing an educational prevention programme for schools on drugs and alcohol for the junior cycle and the senior cycle called Know the Score. Again, this will be available on an ongoing basis.

Developing harm reduction interventions for at-risk groups is another objective of the national drugs strategy. The HSE has developed a number of early harm reduction responses for people attending festivals, students and people who use cocaine. These campaigns offer practical harm reduction information, as well as advice on how to reduce the risks of drug use.

My priority is to promote healthier lifestyles within society. Through the twin-track approach of Healthy Ireland and the national drugs strategy, I believe we can offer our young people positive alternatives to drugs and alcohol.

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Deputy John Curran: I thank the Minister of State for her reply. We need to go a step further than we have gone. We have changed attitudes and behaviours in this country around many issues. If we look at the work that has been done around drink-driving and our road safety campaigns, this has affected outcomes. Some 20 years ago, more people would have died on our roads than would have had a drug-related death. This year, there will be more than 700 drug-related deaths. It is a huge number. We need to approach the whole area much more radically. Our programme of awareness and education needs to be run on a national basis. While the Minister of State has spoken clearly about running programmes for those who are in education, it is important that people who have left education are part of that programme. It is important that people who may buy cocaine or any other illicit drug in a nightclub tonight realise not just the harm they are potentially causing themselves, but that they are fuelling gangland crime. A national education and awareness campaign is a necessity and it needs to be in addition to all the work that is being done in the national drugs strategy and the work being carried out by the drugs task forces.

Deputy Catherine Byrne: The Deputy is well aware of the strategy and what it is doing in regard to education in secondary schools and primary schools. A huge amount of work is also being done on the ground in communities through the drugs task forces which would not be possible without their input, as the Deputy knows. There are also other campaigns. As I said, the HSE has launched a harm reduction campaign for music festivals which commenced recently at the Body and Soul festival and was very successful on the ground. Last year, the Ana Liffey drug project launched a new national cocaine harm reduction campaign. This was aimed at young people, as well as older people, with a view to raising awareness of the dangers of taking cocaine and how it can affect not only them but the individuals around them and wider society.

I understand the problems at local level with the use of cocaine. This requires proper input at community level. We should be talking about how we can influence young people at community level. This can and is being done not only through our schools but through the community organisations. There has been a huge roll-back in the supply of funding into communities. As the Deputy will be aware the €1 million for the new drugs projects will be spent in communities. The drugs task forces and related organisations will have an input in that regard.

I do not agree with the Deputy on the need for a national campaign. There is a lot happening under the national drugs strategy, which was put together following public information meetings, to assist us on our journey of helping those who are young and old in reducing the harm that drugs cause.

Deputy John Curran: I thank the Minister of State for her response, but I regret I do not agree with her. I think we do need a national campaign. In her initial response, the Minister of State spoke about a number of individual campaigns, including the music festival campaign and the schools campaigns. They are fine but we need a co-ordinated national programme. Not everybody who is involved in taking illicit drugs is in education or school. Many people are recreational or casual users and they are not caught with those campaigns.

To be fair to the drug task forces, the level of funding they are receiving now in comparison with what they received a decade or more ago is not sufficient to run extensive, robust, educational awareness campaigns. The drugs task force in my area originally catered for a population of approximately 30,000. It is now catering for a population of over 100,000 people. This is not practical or feasible at the current level of funding. I acknowledge that the task forces are

getting an additional €20,000 this year but that is not sufficient. Given the number of drug-related deaths, the increase in prevalence, the evidence of on-street drug dealing and the seizures by An Garda Síochána, in addition to the work being done by the drugs task forces and the initiatives under the national drugs strategy, we need a national educational awareness campaign. We need this campaign, not in replacement of existing initiatives but in addition to them.

Deputy Catherine Byrne: The Deputy and I will have to agree to disagree. I do not believe we need a national campaign. As I said, there is a lot happening in this area.

The Deputy raised a number of issues in regard, in particular, to the task forces. Since 2008, funding has been reduced. We all acknowledge that but it is important to focus on the present rather than the past. We are working to fill the gaps in the drugs task forces. The level of funding has improved on what it was five or six years ago. As I said, there are a lot of initiatives happening. I agree with Deputy Curran that we need to target the funding to the right areas but I do not agree with him on the need for a multiannual educational awareness campaign because I think that is already happening through the Department of Education and Skills and other agencies and the oversight forum, of which I am member and into which all Departments have an input. There are many projects of work happening within the CHO areas under the auspices of the Departments of Education and Skills and Health and from across the board. The Departments and community groups are taking a multifaceted approach to how we can highlight the concerns around drugs issues. There is an obligation not only on politicians but on communities to make young people aware of what drugs and alcohol can do to them not only now but into the future.

The lapsed early warning and emerging trends network, which advised the Government on exchange information and new psychoactive substances, has been re-established and it is starting to make progress. There is a lot going on. I will talk to the Deputy at length about his question in the near future.

Rights of People with Disabilities

47. **Deputy Thomas P. Broughan** asked the Minister for Health his views on the right of persons with disabilities to a personal assistant; the steps he is taking to introduce same; and if he will make a statement on the matter. [27558/19]

Deputy Thomas P. Broughan: The Minister will be aware that in 2018, 2,535 people were in receipt of a personal assistance service. In this regard, the total number of hours was 1.6 million, which is an average of 1.73 hours per day per person in receipt of personal assistance. The Minister will also be aware that we have received extensive briefings in the past number of months from Independent Living Movement Ireland, as I am sure the Minister has as well. It would like an additional 500,000 hours per annum, at least, and would like Article 19 of the UN Convention on the Rights of Persons with Disabilities introduced here by way of legislation. We have also had excellent briefings from the Irish Wheelchair Association, which is headquartered in my constituency, and from a young journalist, Ms Niamh Ní Ruari, in regard to her experience of personal assistance.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Broughan for raising this important issue.

In line with Government policy, the HSE provides personal assistant, PA, services that are

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person-centred, equitable and transparent to people with a physical and-or sensory disability.

People with disabilities are now living longer and living with a range of complex needs. In line with national policy implemented under Transforming Lives, the focus in recent years has been to enable people with disabilities to live lives of their choosing. The provision of personal assistant hours is an essential component of this policy.

The HSE's National Service Plan 2019 commits to providing 1.63 million hours of personal assistance to 2,535 people with a disability, representing an increase of 170,000 hours over the 2018 target.

The HSE has consistently, year on year, increased the number of hours of PA service delivered, resulting in the overall number of personal assistance hours increasing by 26% between 2013 and 2018, an increase in real terms of 340,000 hours. Over the same period the number of people receiving PA services has increased by approximately 480 to 2,535.

The PA works on a one-to-one basis in the home and the community with a person with a physical or sensory disability. A vital element of this personalised support is the full involvement of the service user in planning and agreeing the type and the times when support is provided to them. Supporting independent living must enhance the person's control over his or her own life.

Article 19 of the UN Convention on the Rights of Persons with Disabilities states that disabled people should live where they wish and with whom they wish, should enjoy a range of community support services including personal assistance, should enjoy community life and its opportunities on an equal basis to non-disabled people and should not be subject to isolation or segregation. The PA service provided by the HSE adheres to these principles.

In the normal course of service delivery, an individual's requirements are constantly reviewed to ensure services meet changing need. An individual's personal assistant hours may be adjusted following a service review where demand can result in one individual's hours being reduced to address priority needs of other people with disabilities within that community.

Additional information not given on the floor of the House.

This much needed flexibility gives local community healthcare organisations the freedom to target personal assistant hours to maximum effect within their area.

Beyond the clear policy and operational arrangements which I have outlined and which facilitate the availability of appropriate and growing levels of personal assistant support, I have no plans for legislation governing the rights, entitlements and operations associated with this service.

Deputy Thomas P. Broughan: I thank the Minister of State for his response but he did not say whether or not he believes in the right to personal assistance. As the Minister of State is aware, in 2017 almost 85% of people in receipt of personal assistance services received less than three hours service per day. We have heard that some people receive as little as 40 minutes assistance per day, such that there is hardly time to get breakfast, showered and dressed to go to work or to an appointment. Some people are in receipt of a very little amount of time. We know the realities of this. Dr. Cathal Morgan sent me an excellent reply on foot of my question to the Minister, Deputy Harris, on this matter, in which he set out the small increases over

the years which the Minister of State outlined in his reply but he did not deny the fact that the funding for personal assistance has not increased since 2008. For 11 years, including the three during which the Minister of State, Deputy Finian McGrath, has been in office, there has been no increase in funding in this area. The reality is that a right to personal assistance is not being delivered. Joan Carthy of the Irish Wheelchair Association, who the Minister of State and I know, made the point that even with the additional 170,000 hours provided last year there are still a wide range of citizens who are not getting the personal assistance rights.

Deputy Finian McGrath: On the rights issue, as the Deputy knows, I am the person who ratified the UN Convention on the Rights of Persons with Disabilities-----

Deputy Thomas P. Broughan: The protocol has not been ratified.

Deputy Finian McGrath: -----which many people on the Opposition benches talked about doing for over 20 years.

Deputy Thomas P. Broughan: The protocol has not been ratified.

An Leas-Cheann Comhairle: The Minister of State, without interruption. Deputy Broughan will have another minute later.

Deputy Finian McGrath: I support Article 19 of the UN Convention on the Rights of Persons with Disabilities which states that disabled people should live where they wish and with whom they wish. That is my position. This Government ratified the convention. A lot of people in this House, including Deputy Broughan, sat on the pot for many years and did nothing about it.

Deputy Broughan spoke about hours. As I stated, the number of hours of personal assistance has increased by 200,000. In 2013, there were 1.291 million personal assistance hours.

4 o'clock In 2018, the figure was 1.63 million hours. I want to do more and there are people who could do with more hours but I also want to bury a myth. People who receive personal assistance regularly come to my office and I have yet to meet one who receives three hours of personal assistance per week. Most of those I meet get between 20 and 30 hours per week. If there are people who are excluded, I am determined to include them.

An Leas-Cheann Comhairle: I call Deputy Broughan to ask his final question.

Deputy Finian McGrath: There are 200,000 hours to do that. We have restored the respite care grant which is a significant help.

An Leas-Cheann Comhairle: The Minister of State will have another minute if he wishes to elaborate.

Deputy Finian McGrath: I will introduce a personalised budget shortly which will give more independence to people with disabilities.

Deputy Thomas P. Broughan: The Minister of State does not seem to accept the figures provided by the Independent Living Movement Ireland. The reality is that the Minister of State did not legislate for the optional protocol. If he was serious about the convention, he would have legislated for that and article 19, which gives the right to a personal assistant. He did not do that because his Fine Gael masters would not let him-----

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Deputy Simon Harris: Do not drag me into it.

Deputy Thomas P. Broughan: -----because they are not prepared to provide the finance. Three years have been wasted and the Minister of State has not delivered. I will go on the figures that I have in front of me-----

Deputy Simon Harris: It is the Battle of Clontarf.

Deputy Thomas P. Broughan: -----from the Independent Living Movement Ireland and the Irish Wheelchair Association. Will the Minister of State commit to legislating under article 19 to give a right to personal assistance? Will he also accede to the request of the Irish Wheelchair Association to have the Central Statistics Office find out how many hours are needed and to what extent the Government is providing for the right of persons with a disability to have a personal assistant?

Deputy Finian McGrath: The partnership Government ratified the UN convention and we are very proud of that. The optional protocol will be done when we have certain matters finalised.

Deputy Thomas P. Broughan: It will be done by us.

Deputy Finian McGrath: We are way ahead of other European countries with regard to the UN convention.

Deputy Thomas P. Broughan: We are not ahead of Sweden.

Deputy Finian McGrath: In this year's HSE service plan, €1.904 billion is provided for disability services. That is an increase of 7.5%, yet Deputy Broughan is telling Deputies and people on the north side of Dublin that I am cutting the service. It is a load of rubbish.

Deputy Thomas P. Broughan: I know what the Minister of State is doing.

Deputy Finian McGrath: Not only is the Deputy misleading the people but he ran away from going into government.

Deputy Thomas P. Broughan: I know what the Minister of State has done.

Deputy Finian McGrath: You did not have the bottle to go into government. You are sitting on the pot over there when you had a chance to help me to get more services for people with disabilities.

Deputy Thomas P. Broughan: You supported the Fianna Fáil and Fine Gael agenda.

Acting Chairman (Deputy Eugene Murphy): Members must address their remarks through the Chair.

Deputy Finian McGrath: Deputy Broughan does not know how to deliver. There is no point in him coming into the Dáil if he cannot stand up and represent the people.

Deputy Thomas P. Broughan: The Minister of State is a lap-dog.

Deputy Finian McGrath: I am proud to represent the people of Dublin Bay North, especially people with disabilities.

Deputy Thomas P. Broughan: What about the Irish Wheelchair Association?

Deputy Finian McGrath: It is essential that we support people with disabilities. I fully support article 19 and I will act on it, rather than talk about it, as Deputy Broughan does with all his hot air.

Acting Chairman (Deputy Eugene Murphy): We must move on.

Deputy Barry Cowen: I thought people sat on the fence, not on a pot.

Cannabis for Medicinal Use

46. **Deputy Gino Kenny** asked the Minister for Health if other conditions such as chronic pain will be considered for inclusion in the pilot of the commencement of the medical cannabis access programme; and if he will make a statement on the matter. [28227/19]

Deputy Gino Kenny: Will other conditions be included in the medical cannabis access programme?

Deputy Simon Harris: To break out a bit of harmony after the previous question, I thank Deputy Gino Kenny for his role in advocating for medicinal cannabis. We may not fully agree on the approach to take but I acknowledge the Deputy's sincere commitment on the issue of medicinal cannabis and helping people from a compassionate point of view. I also acknowledge Deputy Micheál Martin's work on this issue. Deputies Gino Kenny, Micheál Martin and I worked for a lengthy period on this issue, which is beyond politics. Other Deputies also worked on it. I was pleased to be able to sign into law legislation underpinning the medical cannabis access programme on 26 June. It is fair to say, as Deputy Kenny acknowledged, that this is a significant milestone and represents the outcome of more than two years of detailed work involving the Health Products Regulatory Authority, HPRA, an expert reference group of clinicians, since it was important to get clinical buy-in, the Health Service Executive and my Department.

With this legislation in place, for the first time in Ireland potential producers and suppliers can apply to the HPRA to have cannabis products assessed for suitability for medical use in this programme. The programme is intended for patients with certain conditions for whom conventional medicines have not worked. This is not the first line of treatment but for people who have tried everything else for these conditions where conventional medicine is not working and their treating consultant believes this to be an appropriate course of action. Once suitable products are available, it will be possible for a medical consultant to prescribe a listed cannabis-based treatment for a patient under his or her care for the following medical conditions where the patient has failed to respond to standard treatments, namely, spasticity associated with multiple sclerosis, intractable nausea and vomiting associated with chemotherapy, and epilepsy. Work on establishing this programme began in March 2017 and follows on from the roadmap laid out by the Health Products Regulatory Authority's expert report titled, Cannabis for Medical Use - A Scientific Review, published in March 2017.

The HPRA report did not recommend the inclusion of chronic pain in the access programme, but I reassure the Deputy, who has taken a close interest in the development of the programme, that this position will be kept under review and if better clinical evidence becomes available in

the future, the inclusion of conditions such as chronic pain can be considered. For patients with conditions such as chronic pain, the ministerial licence route is an option to access medicinal cannabis outside of the programme.

Deputy Gino Kenny: This has been a long journey and the end of that journey last Wednesday, when we finally saw the law being changed and people being given access, was one of the proudest days in my time in the Dáil. I am contacted daily by people who want to see progress on this issue. To be fair to the Minister, he wants to see progress. We probably differ on certain issues but we got there in the end. It has been a brutal, protracted process. An issue that has been raised over the last three years is the omission of chronic pain from the guidelines, especially from the HPRA's scientific report. The efficacy of cannabis for chronic pain has been well researched. It is viable as a substitute for opiate-based medicines. In the five-year pilot project, will other conditions, especially relating to chronic pain, be added to the programme?

Deputy Simon Harris: My approach to this, which the Deputy and I have discussed on many occasions, is that I have to be led by the views of clinicians. I take that approach because they are the people who have the medical expertise and we need them to buy into the programme. In some countries politicians have pretended to introduce programmes that had no clinical support whatsoever. The success of this programme so far, tortuous as it has been, is that there is significant clinical buy-in. Clinicians themselves have quite rightly drawn up the guidelines for it. Other conditions will be kept under review. We have the clinical expert group in place and it can be reconvened from time to time. I want to say to people who are not covered by the three conditions in the medical cannabis access programme that the ministerial licence scheme, under which a consultant may apply to the Minister of the day for access to a product that is not authorised, is still available. I have never refused an application and I do not think any of my predecessors or successors would do so either. If a consultant seeks access to a product, my Department generally recommends acceptance and the application is handled quickly. The consultant or treating doctor has to believe a person needs the treatment. We are happy to keep these matters under review. We have made significant progress in establishing this first programme.

Deputy Gino Kenny: The current licensing system, under which 21 licences have been granted, is cumbersome and is not workable. The majority of the licence-holders cannot be reimbursed. Last week, I raised the cases of two families who have to spend more than €10,000 a year. They have to travel to Holland four times a year to get a prescription. I do not think there is any other drug or substance for which people must leave the State if they wish to bring it in under licence. That is somewhat bizarre.

When Britain changed the law on 1 November, medical cannabis could be prescribed for chronic pain as part of the programme. Under the Danish system, which we are seeking to emulate, neuropathic pain is part of the programme. I know that chronic pain is a broad term. When one considers that one person in six suffers from chronic pain and 40% of those who suffer do not have any relief whatsoever from opiate-based medicines, because of the crisis in the over-use of opiates, not only in Ireland but across the world, medicinal cannabis should definitely be a viable option for the very many who suffer excruciating chronic pain.

Deputy Simon Harris: Different countries do slightly different things. If my memory serves me correctly, the Danish programme referenced by Deputy Gino Kenny does not include children and our programme does. Different countries are trying different things because we are at a very early stage in terms of continuing to assess the medical evidence. I approach the

issue from a very simple point of view; if one is sick and in pain and nothing else will work and a doctor believes medicinal cannabis will help, I want - as we all do - to be able to respond compassionately, but I must move with the clinical community, with the evidence and with the regulator as well. We have made good progress.

I wish to pursue the points the Deputy made about reimbursement and travel because I think we can make progress on both of those. With the changes I made to the law last Wednesday, it may be possible to now start stocking some of those products in pharmacies for patients who are authorised, which might reduce the need to travel. We have made some progress on the reimbursement, but I think we can do more. For people who are on the cannabis access programme, the cost of the cannabis product will be met by the HSE. If one has a medical card, one will just pay the prescription charge and if one is on the drug payment scheme it will be the same as any other trip to the pharmacy as well. I am happy to continue to interact with Deputy Gino Kenny for patients who need cannabis for a medical reason to lessen their pain after everything else has been tried. We can keep these things under review.

Ceisteanna Eile - Other Questions

Health Reports

48. **Deputy Martin Heydon** asked the Minister for Health the progress on implementation of the recommendations and findings of the report of the independent review group established to examine the role of voluntary organisations in publicly funded health and personal social services; and if he will make a statement on the matter. [27965/19]

Deputy Martin Heydon: The voluntary sector plays a key role around the country in the delivery of health and personal social services. The origin of many voluntary organisations was to provide a service at a time when the State did not. The value of their contribution is immense but given the variety of arrangements, all formalised at different times in the State's history, it is right that we review the relationship we have with organisations in the voluntary sector and the key role they play, and that we make sure the relationships are fit for purpose in the future and provide the very best service for all service users. I ask the Minister to comment on the independent review that was carried out, its recommendations and their implementation.

Deputy Simon Harris: I thank Deputy Heydon for this important question. The report of the independent review group established to examine the role of voluntary organisations in publicly funded health and personal social services was published by me in February this year. It makes 24 recommendations covering areas such as the governance of voluntary organisations; dialogue, engagement and contractual processes between the State and the voluntary sector; ethos, asset ownership and public capital investment; and broader issues related to health system development.

The recommendations are grounded in two key overarching findings. First, the report recognises, as does the Deputy, the important contribution voluntary organisations make and concluded that they should continue to play an integral role in the delivery of health and social

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care services. Second, it found a high level of mutual interdependence between the State and voluntary organisations and called for the development of a stronger relationship based on trust and partnership.

I fully agree with and endorse the findings. Voluntary organisations have an important role to play in the delivery of health services. I have already signalled my commitment to further strengthen the relationship between the State and voluntary organisations but I also think I have an important role, as does the Government and the Oireachtas, in setting out policy. It is a relationship that must mutually respect the responsibilities of each other.

As a first step, I have given approval for the establishment of a new dialogue process between the Department, the HSE and other relevant health agencies and representatives of voluntary organisations in the health and social care sector, as was recommended in the report. My Department is currently designing this process, including its terms of reference, membership and other practical considerations, and will be engaging with voluntary sector representative organisations in that regard.

I believe that this new dialogue process can provide a forum for engaging more effectively with voluntary organisations on key policies and initiatives. I also believe it can provide a forum for taking forward other recommendations in the report such as those relating to governance, but perhaps more importantly, it can provide the platform for developing greater levels of trust and partnership across the system. This must be a two-way process with recognition of the respective roles and mutual dependencies of both sides.

There is also a broad range of other recommendations in the report that are under consideration. The good news is that many of themes align with the Sláintecare programme and will be taken forward in that context. Some require collaboration with other Departments such as the Department of Public Expenditure and Reform and that work is ongoing.

Deputy Martin Heydon: I am conscious that we have remarkable voluntary organisations such as KARE in my constituency. The Minister is aware of it, as it is also involved in west Wicklow as well as Kildare. It was established in 1967 by parents and friends of children with intellectual disabilities who wanted their children to be able to live at home and to go to school locally. KARE is a fantastic organisation that has since seen the development of two great schools in St. Anne's in the Curragh and St. Mark's in Newbridge. I was a member of the board of management in St. Mark's for some time. They provide a very good service. I am aware of the challenges they face on an ongoing basis. What the Minister said is very important about the future relationship between the Department, the HSE and voluntary organisations such as KARE. The Department, the Minister and Members of the Dáil are responsible for setting policy and we cannot abdicate that responsibility.

I recently attended the KARE AGM and I was struck by what many of the service users said about their desire to live alone instead of in group houses in the community. In order for them to be able to do that it requires multi-annual funding and long-term planning. I note there is a key policy recommendation on multi-annual funding.

Deputy Simon Harris: The Minister of State, Deputy Finian McGrath, and I support Deputy Heydon in that regard. I am aware of the very good work of KARE in the Deputy's constituency and in mine, and the very good work of so many voluntary organisations across the country which are an integral part of the health service. We could not do without them. They

were providing services long before the State bothered to do so. My Department did not exist until the 1940s. We had a State without a Department of Health because we were reliant on the voluntary sector and the church. In addition, some of the largest hospitals in this country are also voluntary. I respect the role of voluntary hospitals. Many countries have them, but they must modernise, be more transparent and open and they must provide a seat at the table for public policymakers and representatives of the State.

In the excellent report we are discussing, Ms Catherine Day made some good recommendations about having a public interest director or whatever we wish to call him or her. We can and must respect the voluntary ethos, which I very much do, and the good work that is being done, but there is only one forum that sets public sector policy and health policy and no ethos should prevent people from accessing healthcare. That is the type of discussion we need to start having with the sector in terms of how we can help by providing certainty of funding and multi-annual funding and how they can help us by making sure we can implement public policy.

Deputy Martin Heydon: The Minister is dead right. At the heart of the issue is addressing service level agreements and making sure they are fit for purpose. In many ways, that will involve the agreements being reviewed and simplified so that they focus on service provision as much as possible. I come across issues in my constituency all the time, which I have raised with the Minister of State, Deputy Finian McGrath, regarding challenges for school leavers with intellectual disabilities when they reach the age of 18. I am thankful that KARE is not among them, but we have voluntary organisations around the country that are constantly in deficit. Recommendation 8.8 in the report is to assess if an organisation is adequately funded in the first place and if there are better ways to manage its budget. If an organisation is in a constant cycle of deficits year-on-year, it will never get out of the cycle. Such organisations are then hamstrung and cannot provide the service we need.

Recommendation 8.3 relates to official recognition through a charter of the legally separate status of the voluntary sector reflecting its public service role. Ultimately, it is about due recognition. The report produced by the review group chaired by Ms Catherine Day is excellent. It is a great opportunity for us now to drive on, show the voluntary sector that it is a dual relationship, that we are interdependent on each other and we must work together in order that we can better provide a service for people in the future that is fit for purpose.

Deputy Simon Harris: I agree with Deputy Heydon that it is an excellent report. I thank Ms Catherine Day, Ms Jane Grimson and Ms Deirdre Madden for doing that body of work. In the report we heard from the voluntary sector that the organisations do not mind complying and providing information but they object to the level of bureaucracy and want us to make it simpler, in particular for smaller organisations, and not constantly ask them for the same information in multiple formats. We must reduce the bureaucracy and form filling while making sure that we have the right level of oversight as well.

I accept that we will have to address the funding issues. The Minister of State, Deputy Finian McGrath, and I will have to look at the legacy issues with Government colleagues. I am sure Deputy Heydon will agree that alongside any funding there must be reform. I refer to such things as personalised budgets. I do not believe the provision of disability and social care services is likely to be confined just to block grants, but will be more about personalised budgets and empowering the person with a disability as well. Like any conversation with any interest group we will have to speak about appropriate levels of funding and certainty of funding but also how we reform and modernise the delivery of the services.

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Primary Care Centres Provision

49. **Deputy Anne Rabbitte** asked the Minister for Health the timeframe for the provision of primary care centres in Portumna, Gort and Headford, County Galway; and if he will make a statement on the matter. [27815/19]

Deputy Anne Rabbitte: I wish to ask the Minister for Health the timeframe for the provision of primary care centres in Portumna, Gort and Headford in County Galway and if he will make a statement on the matter.

Deputy Simon Harris: I am pleased to be able to inform the Deputy that the development of the primary care centres in Portumna, Gort and Headford is being progressed. Planning permission has been obtained for the Portumna development, and the HSE expects to enter into a lease agreement with the developer in quarter 3 of this year, which is quite shortly.

Previous efforts to develop primary care centres in Gort and Headford have not been successful. However, Gort was included in a recent national advertisement seeking expressions of interest from developers for the delivery of the next tranche of 47 primary care centres. We have gone back to the market through advertisement. Submissions have now been received by the HSE and they are currently being considered. The Headford site was re-advertised locally in 2018, and the project has since progressed to a stage at which short-listed candidates have been invited to submit a priced offer.

Unfortunately, it is not possible at this stage to provide an estimated operational date for any of the three centres. Nonetheless, the HSE and the primary care sector are very determined to deliver on these projects. There are now 127 primary care centres in operation across the country, and a further nine are expected to open in 2019. I am aware, however, of how important the three in question are to the people of Galway East. The Deputy has raised this with me on an ongoing basis. We now have the planning permission for Portumna, and we will have the lease agreement in quarter 3. Gort will, I hope, attract some interest through the current expression-of-interest process, and suitable candidates have now been short-listed for Headford. I will undertake to revert to the Deputy on all three as we continue to see progress on them.

Deputy Anne Rabbitte: I thank the Minister for his response. It is very welcome because, as he knows, throughout the whole county there are only five primary care centres. It is important, therefore, to have primary care centres spread not just across Galway East but also across the rest of the county.

My main concern about primary care centres is probably related to the fact that Galway is such a large county. The centres in Loughrea, Athenry and Tuam are very welcome. This time last year, the Minister and I were at the opening of the primary care centre in Tuam. It was very welcome but, at the time, it appeared that the X-ray department was omitted from the original plans. While it is not within the scope of my question, what is the current position on the X-ray department at the Tuam site? It is important to the people of the area.

Deputy Simon Harris: I thank Deputy Rabbitte. She is correct that we had an excellent day at the Tuam primary care centre. It is a really state-of-the-art centre of which I am aware the community in Tuam is very proud. There are now requests from that primary care centre to put in X-ray facilities. This is the next big step. We have over 120 primary care centres open. The big prize is getting the diagnostic facilities into the centres with the appropriate popula-

tions. That obviously keeps people out of hospital. I saw centres in Athlone and Castlebar recently that resulted in incredible redirection of people from the hospital setting to primary care. The HSE is working locally to secure capital for the Tuam X-ray facility. This is not covered in the Deputy's question so I will have to revert to the Deputy directly in regard to it.

With regard to Galway, there are now primary care centres operational in Tuam, Mountbellew, Loughrea, Athenry, Galway city east, the Aran Islands, Ballinasloe and Moycullen. The centre in Inishbofin is now under way. The one for Portumna is in early planning, as are those for Oranmore and Moycullen. Another, for Galway city west, is in early planning. Headford is at stage 3 of the operational lease process, and the price offer has been submitted. For Gort, we sought interest through national advertisement on 3 May. Therefore, we have a quite ambitious programme for primary care centres for Galway. I understand, however, particularly from a geographical point of view, the importance of the three in question. I will keep in touch with the Deputy.

Deputy Anne Rabbitte: I am glad the Minister addressed in his response the matter of diagnostics. Just before I came here, I got figures on orthodontic and dental care. We want more primary care centres and further expansion because it is hard to believe that in County Galway, over 14,000 children have been waiting for dental screening for more than 12 months. Considering that anaesthetics are involved, we must remember those who are waiting are in pain. There are 58 young people waiting more than 52 weeks to have a filling or a tooth removed. That is hard to believe. If in pain, we would like to have the tooth removed. It would be beneficial to have diagnostic facilities attached to primary care centres. Maybe we have such long waiting lists because people are working and cannot get time off to bring their kids to the city centre, to Newcastle. Therefore, the opening of more primary care centres with attached diagnostic facilities would be very welcome.

Deputy Simon Harris: On the broader issue of dental services in the country, as the Deputy probably knows, I launched our new dental strategy, Smile agus Sláinte, a couple of weeks ago. The previous dental strategy was published in 1994 and was working from dental data from the 1980s. Another reason we end up with such dental difficulties is cost. Regarding the plan to roll out free dental care to children, children are currently seen only on a couple of occasions in primary school. Therefore, trying to expand free dental care to children, starting with the under-sixes, will also be a budget priority for me.

The Deputy is correct that collectively, her party and mine have invested an awful lot in trying to roll out primary care centres. Fine Gael is doing so with its Independent colleagues in government on this occasion. We also need to make sure we put the diagnostic facilities in place so we can take people out of the hospital setting.

Cancer Screening Programmes

50. **Deputy Alan Kelly** asked the Minister for Health if he or his officials understood that the second Scally report was to be delivered in February 2019; and if he will make a statement on the matter. [27723/19]

69. **Deputy Alan Kelly** asked the Minister for Health if he or his advisers received communications in January or February 2019 confirming the Scally report was imminent; and if so, if he will publish same. [27452/19]

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Deputy Alan Kelly: I return to this topic. Was the Minister or his officials of the understanding that the second Scally report, published a couple of weeks ago, was actually due in February 2019? As the Minister knows, I have taken a deep interest in this because it was my understanding that it was due in February of this year and to be presented.

Deputy Simon Harris: I propose to take Questions Nos. 50 and 69 together.

Deputy Kelly has taken a deep interest in this. As he will be aware from responses to previous parliamentary questions, I met Dr. Gabriel Scally to discuss the progress of his supplementary report on 31 January, following an excellent meeting I had in my Department with members of the 221+ patient support group, which Dr. Scally kindly attended. Following this meeting, I understood from Dr. Scally that the supplementary report would be finalised shortly thereafter. This continued to be my understanding and that of my officials up until 14 February, when Dr. Scally met officials in my Department to discuss the progress of the supplementary report. He indicated at that meeting that the work would take longer than expected. He wrote to me on the following day, 15 February, advising that the breadth and complexity of the issues involved in the supplementary report required further time for analysis. Neither I nor my advisers received any further communication, written or oral, from Dr. Scally on this issue. The supplementary report of the scoping inquiry was received in my Department on Tuesday, 4 June, and Dr. Scally briefed me on its content on 7 June. I then brought the report to the Government, and I published it on the website of my Department following the Government decision on 11 June. Dr. Scally is attending the health committee meeting on Thursday and will have an opportunity to expand further on these points.

Deputy Alan Kelly: I thank the Minister. On 12 February, the Minister answered a question by me saying he was awaiting Dr. Scally's report, which he was expecting shortly thereafter. The following day, at a meeting of the health committee, the Minister's Secretary General said the report was imminent. Obviously, the Secretary General of the Department would have been in touch. Dr. Scally was in Ireland the following day. If the Secretary General was saying the report was imminent at the meeting of the health committee, his understanding was that the report was going to be given to the Minister and published. I understand from patient advocates, to whom the Minister referred and to whom we both speak, that the report was due in February. They understood it was coming out in February. I really want to know what happened such that it took four more months to be issued. It was to be nine months in total. I took four months longer than expected, however. What changed on 12, 13 and 14 February?

Deputy Simon Harris: The timeline works logically. On 12 February, I answered a parliamentary question stating I expected to receive Dr. Scally's report shortly thereafter, because I did. On 13 February, my Secretary General was at a committee meeting and reiterated that, because he too expected it. On 14 February, Dr. Scally visited my Department and said he would require a longer period. On 15 February, he put that in writing to me. I am aware he has been communicating with the Deputy also. On the last occasion we had statements on Cervical-Check here, the Deputy raised questions in regard to this. Dr. Scally stated that, as the Deputy knows, he had hoped to complete the supplementary report on laboratories fairly soon after the publication of the final report and that the discovery of additional laboratories, particularly the four revealed in January, added considerable complication. He stated he had hoped to be able to deliver a report to the Minister by the end of February or the beginning of March. This very much ties in with my timeline. He said the late availability of data on laboratories, combined with the necessity of engaging in due process around the issues dealt within the report and his analysis of these matters, rendered that an undeliverable timescale. He said he was sure the

Deputy would appreciate the importance he attaches to accuracy and also to his being able to comment in an honest and forthright fashion on what has been uncovered. He stated the Deputy will also appreciate that he attaches equal importance to his independence.

Dr. Scally took longer because, according to him, the laboratories were not forthcoming regarding the data. As the Deputy knows, Dr. Scally discovered four more laboratories, most disappointingly, in January. He is extraordinarily independent in his business and takes that independence very seriously.

Deputy Alan Kelly: I do not doubt that. What the Minister quoted is a letter from Dr. Scally to me that I was not aware he had.

Deputy Simon Harris: Dr. Scally sent me a copy of it. We all have the same information.

Deputy Alan Kelly: Interesting. The real issue for me is that I asked Dr. Scally when he found out about the laboratory in Manchester and its lack of accreditation. One of the main issues from the first report was the fact that Dr. Scally felt that the accreditation issue was appropriate. He found that the issue regarding Manchester was surprising and disturbing. I want to find out when Dr. Scally found out about the non-accreditation of the lab in Manchester. Was it sometime in January? If it was in January, then what the Minister understood on 31 January, and the complexities, would have been known already. All the issues that have been outlined as an explanation for the delay would have been known at that time. Patient advocates still understood, however, that this report was coming out in February. This is a very important question. I have asked Dr. Scally but I have not got a satisfactory answer.

Deputy Simon Harris: It is an important question. I accept Deputy Kelly's bona fides regarding this matter. All I can tell him about is the chain of correspondence, meetings and parliamentary questions regarding my situation. Dr. Scally made it clear that he expected to give me a report at the end of February. That was the information I relayed to these Houses. It then took Dr. Scally longer to complete the report. He wanted to get it right. He wanted to get all the data and analyse those so that he could deliver the report with the assertiveness that we all expect from him and that the patient representatives respect. It took him some time longer to do that. The timeline concerning when the report arrived in my Department, when I went to Government and when I published it is all a matter of public record as well. Dr. Scally will be before the health committee. He is best placed to answer these questions and Deputy Kelly is best placed to ask them. Dr. Scally is before the committee on Thursday and I am sure he will be delighted to expand further on this issue.

Autism Support Services

Acting Chairman (Deputy Eugene Murphy): Question No. 51 is in my name and I seek the permission of the House to ask Deputy O'Rourke to take the Chair for a few minutes. Is that agreed?

Deputy Finian McGrath: Agreed.

Deputy Eugene Murphy: I thank the Chair.

Acting Chairman (Deputy Frank O'Rourke): I am sure that Deputy Eugene Murphy will comply with the timing.

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51. **Deputy Eugene Murphy** asked the Minister for Health if a full review will be undertaken of services provided for children with Down's syndrome in County Roscommon in order to determine the number of therapists required to provide a service fit for purpose in relation to the improvement of fine motor skills, gross motor skills and speech therapy; if the recommendations of such a review will be implemented with immediate effect; and if he will make a statement on the matter. [27451/19]

Deputy Eugene Murphy: I certainly will. The Acting Chairman will be surprised and I hope he gives me credit at the end. This question is to ask the Minister for Health if a full review will be undertaken of the services provided for children with Down's syndrome in County Roscommon to determine the number therapists required to provide a service fit for purpose regarding improvement of fine motor skills, gross motor skills and speech therapy; if the recommendation of such a review will be implemented with immediate effect and if he will make a statement on the matter.

Deputy Finian McGrath: I thank Deputy Eugene Murphy for raising this important issue. I also thank him for the warm welcome I was given last week in Creggs in County Roscommon. I visited the Creggs national school where I met all the neighbours and families. They have a lovely service and it is a brilliant community. It is a very inclusive school where there are children with special needs. I thank Deputy Eugene Murphy again for that warm welcome and for his particular interest in all children with disabilities.

In Ireland and in our policy view, disability service provision promotes a non-condition-specific approach with services based on need rather than diagnosis. In Roscommon multidisciplinary services for children with Down's syndrome are provided by the Roscommon early intervention service for children up to six years and the school age disability team for children aged six to 18 years. Multidisciplinary services including occupational therapy, physiotherapy and speech and language therapy, continue to be provided to all children with disabilities regardless of condition, based on their specific needs. The requirement for additional resources to provide appropriate and timely services for children and young people with complex needs has been identified by the Health Service Executive, HSE, and formal approval to proceed with the recruitment of 100 new therapy posts was issued last month.

All community healthcare organisations, CHOs, are now in the process of recruiting these posts. CHO 2, which includes Roscommon, has been allocated 3.5 whole-time equivalent posts. Nationally, including Roscommon, multidisciplinary services with children with Down's syndrome are provided through the disability services. I refer to early intervention services for children up to six years and the school age disability team for children aged six to 18 years. The multidisciplinary services include occupational therapy, physiotherapy and speech and language therapy. A review of services provided to children with Down's syndrome has not been undertaken as the current policy is to assess and provide services to children based on need. A review based on diagnosis would not be appropriate. We need to see what the needs are and then put in the teams.

Deputy Eugene Murphy: I welcome that there is some good news in that statement from the Minister of State. I acknowledge that he takes a personal interest in this situation as well. I want to be fair about that. We have had meetings about such issues and we will have more. The difficulty I have is that the parents of children with Down's syndrome in my county, and I can say the same for the parts of Galway that I represent, is that they are having much difficulty accessing occupational therapists, speech therapists and physiotherapists. Many parents are find-

ing that they have to finance that provision themselves. It is causing much financial distress for those parents. It is an area that we have to examine in general. I say that because the Minister of State is well aware of the July provision situation and what happened in the courts not too long ago. I am sure that Minister of State will agree that the goal posts have changed and that we are going to have to take an overall look at this situation. I welcome the fact that we have some good news but we have a long way to go.

Deputy Finian McGrath: I accept fully the sincerity of Deputy Eugene Murphy's points regarding the therapy services. That is why in last year's Estimates the Minister for Health sought these new therapy posts. I accept that is a start and that we have to move on that. I welcome the fact that the Roscommon area will get 3.5 whole-time equivalent posts. It is also, however, important to realise that there are 56 children's disability network teams already established with a further 82 such children's disability network teams to be reconfigured from the existing services. It is important too that we note that all HSE areas that are planning reconfigurations continue to have significant early intervention and school aid services in place. Those are provided either directly by the HSE or by the voluntary service providers which are funded by the services such as Rehab, Enable Ireland, the Muiríosa Foundation, St. John of God community services, the Brothers of Charity services, St. Michael's House, the Cope Foundation, the Central Remedial Clinic, CRC, and the Daughters of Charity services. We are also funding those early intervention services.

Acting Chairman (Deputy Frank O'Rourke): I thank the Minister of State. He will have a further chance to respond.

Deputy Finian McGrath: I will make the final point that a key enabler of the establishment of the children's disability network is the recruitment of children's disability network managers. There are some human resource issues but hopefully they will be resolved very soon.

Deputy Eugene Murphy: I welcome the work done by the HSE staff in this area but they will say themselves that because they have so many children to treat and are so understaffed that the visits are infrequent. It is viewed as piecemeal-type therapy. Those staff are not happy. I will give some figures to let the Minister of State realise what we are dealing with in the county. These figures come from a parliamentary question I tabled recently. The number of people waiting to access occupational therapy in adult services in County Roscommon is 196. The number of priority one cases waiting is 20, priority two is 176 and there is no priority three. The number of children waiting to access occupational therapy in County Roscommon at the moment is 226. The waiting periods range from 12 weeks minimum to 36 months. That is three years. It is a shameful situation and it is something we all have to rectify. I am sure that the Minister of State acknowledges that.

Deputy Finian McGrath: I acknowledge that. Efforts are being made to resolve that particular issue regarding the waiting lists. The children's disability network teams are being put in place and that is another issue slowing down the process. We, of course, have to ensure that every child gets access to one of those therapies, whether speech and language or occupational therapy. That is a solution. At the same time, however, we can fix the figures mentioned by the Deputy with some of the constructive solutions coming on stream in the next couple of months. I am optimistic that we will see major progress by August. We will continue to drive that and we will need to continue to examine this issue.

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Disability Support Services Provision

52. **Deputy Seán Haughey** asked the Minister for Health the way in which he plans to address the increase in CHO 9 of the number of overdue first assessments under the Disability Act 2005; and if he will make a statement on the matter. [27768/19]

Deputy Seán Haughey: This question is to ask the Minister for Health the way in which he plans to address the increase in community healthcare organisation, CHO 9, of the number of overdue first assessments under the Disability Act 2005; and if he will make a statement on the matter.

The Minister of State will know that under the Disability Act 2005 an assessment of needs must begin no later than three months after receipt of the completed application and the assessment of need should be completed within a further three months from the date upon which the assessment commenced.

Deputy Finian McGrath: I thank the Deputy for raising what is an important issue for our area. I have been advised by HSE officials that there is a delay in completing assessments of need in the Dublin north city and county community healthcare organisation, CHO, due to the increasing number of referrals. A number of factors are driving this demand, those being, the growth in the child population and an increase in children presenting with complex needs. All applications and assessments of need are dealt with strictly in order of date of application. Under the Disability Act 2005, an assessment of need should begin not later than three months after receipt of a completed application and should be completed within a further three months.

Plans are in place to increase staffing levels in therapy disciplines to support the assessment of need process for children in the Dublin north city and county CHO. We are pushing this strongly. Funding for an additional 100 therapy posts was secured as part of budget 2019 - I thank the Minister, Deputy Harris, for his strong support in that regard - to improve waiting times for assessments of need nationally. The HSE is committed to the recruitment of these 100 therapy posts in its 2019 national service plan, with the Dublin north city and county CHO allocated 16 of these posts. The CHO is actively drawing from existing panels with a view to having these posts filled by the end of 2019.

The filling of these critical posts is designed to have a positive impact on waiting times for assessments of need around the country. The 16 posts will make an impression and will be filled over the next couple of months.

Deputy Seán Haughey: I hope the Minister of State is right. The issue of children who are overdue assessments under the Disability Act has been a running sore for some time. Colleagues in the Dáil, including my party's spokesperson on disability, Deputy Murphy O'Mahony, have put sustained pressure on the Government in this regard, which has resulted in some improvements, especially in Cork and Kerry where the number waiting at the start of 2018 was scandalous. In CHO 9, which covers the north side of Dublin, we have seen the number going the opposite way. There were 442 overdue assessments in the second quarter of 2018. That increased to 707 by the second quarter of this year, representing a significant increase of almost 60%. The Minister of State will agree that to have so many children unable to receive their legal entitlement within the statutory timeframe is wrong. Why has this happened and what has been done to address it? It is all very well intending to fill the posts in question, but will the Minister of State assure the House that they will be filled in order to improve this drastic situation?

Deputy Finian McGrath: The number of new applications under the Act has increased steadily since its enactment. For example, 1,138 applications were received in 2007 whereas 5,839 were received in 2017. During that time, a total of 43,521 completed applications were received by the HSE. The number of children aged five and over and otherwise of schoolgoing age has risen steadily as a percentage of all applications received. At the end of 2011, the figure stood at 26%, while at end of 2017, it was 51%.

The level of recruitment is an issue, but funding for the therapy posts has been allocated. The HSE has told me that it is committed to recruiting for these posts and rolling them out. All CHO areas have been advised to proceed with the recruitment for all such posts immediately. All CHOs are activating their panels via the HSE's health business services, HBS, and section 38 providers. Some posts have been allocated to section 38 and section 39 organisations. It is anticipated that recruitment for these posts will proceed quickly. For example, CHO 4 has three posts filled. There is a target for all posts to be filled by the end of 2019. This is something that we must drive strongly. I will continue to do so.

Deputy Seán Haughey: In our constituency, there is a 27-month waiting time for the early intervention team. There is also a waiting time of between 36 and 40 months for the school age disability team. Parents have gone to the Minister of State's advice clinic and they have come to mine. They are distraught trying to get the services their children require.

Does the Minister of State accept that disability services for children are in crisis on the north side of Dublin? Consider occupational therapy. In CHO 9, the most recent figures we received show that 1,967 under 18s are waiting, with 881 waiting for longer than a year. When a child must wait a year or two, can it really be called early intervention? The Minister of State is aware of the situation. I appreciate that he has set out the reasons for so many people presenting for services, but there is a crisis and parents are distraught. The Minister of State has responsibility for disability services and this is his constituency. We must address the issue.

Deputy Finian McGrath: I agree that there is an issue. It is essential that we deal with the early intervention situation. There is no debate about that. It is why our constituency of Dublin Bay North has been allocated 16 posts. Will they make a dent in the assessments of need? Will the service be accessible to the families that are waiting? I know many of them. As the Deputy mentioned, they come to our clinics regularly. The bottom line is that 16 posts have been allocated, which will make a dent in the waiting list.

As we approach the Estimates in the coming months, I will be seeking more money for therapy posts. In that regard, I would appreciate the same support I received from colleagues in Fianna Fáil last year, including Deputy Haughey. It is essential that we accept the reality that children with disabilities and their families need support.

Industrial Disputes

53. **Deputy Gino Kenny** asked the Minister for Health his views on the perceived negative impact that low pay and poor conditions have on the recruitment and retention of staff in the healthcare system; the steps he will take to resolve the pay claims of the 10,000 healthcare workers who have shown good faith by deferring two days of strike action; and if he will make a statement on the matter. [27802/19]

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111. **Deputy Lisa Chambers** asked the Minister for Health if his attention has been drawn to the strike action due to take place by 10,000 hospital support staff; and his plans to resolve the matter in order to avoid further strike action. [25570/19]

Deputy Gino Kenny: I wish to ask about the recruitment and retention of staff in the healthcare system, particularly in light of last week's strike by 10,000 healthcare staff. Will the Minister comment on this issue?

Deputy Simon Harris: I propose to take Questions Nos. 53 and 111 together.

I thank the Deputies for raising this important matter. I will answer the questions in the context of the Labour Court tomorrow starting three days of intensive hearings and engagements on this dispute regarding some of the staff in our healthcare service represented by SIPTU.

It is important to say that staff in the public service are already in receipt of a series of pay increases and pay restoration measures under the public service stability agreement, which will see public servants receiving an average 7% increase in their salaries over the lifetime of the agreement. By the end of 2020, there is a commitment to restore 90% of the pay reductions experienced under the FEMPI legislation introduced after the economy was crashed by previous Governments. Staff also benefit from a public sector pension, something that is highly valuable to the employees, as well as other benefits, such as flexible working, sick leave and maternity leave, that workers may not have in other areas of the economy.

In terms of recruitment and retention of health service grades, the Public Service Pay Commission is continuing its work on assessing roles in the public service that have been identified as experiencing recruitment and retention issues. The commission has already made recommendations in respect of nurses, consultants and non-consultant hospital doctors, NCHDs, and the Government has accepted these findings.

Regarding the industrial action that took place on 26 June by SIPTU support staff grades, I was pleased that talks between the parties resumed at the Workplace Relations Commission, WRC, last Thursday. It is fair to say that some progress was made, but it was not possible to reach agreement on all issues. As a result, the matter has been referred to the Labour Court for an early hearing, which will commence tomorrow.

While I acknowledge that SIPTU acted in good faith by deferring two days of its planned industrial action, for which I thank it, we cannot forget that one day of action went ahead involving 10,000 staff across 38 healthcare facilities. In advance of the action, contingency plans were put in place to provide emergency cover. I thank those involved in that. Given the broad range of roles involved in the dispute and the fact that work practices can vary between sites, the majority of contingency planning had to be negotiated locally, which made the situation even more complex. Maintaining essential daily care for our patients in areas such as nutrition, hydration, patient transfers, cleaning and infection control posed an immense challenge. Despite the best efforts made around the contingency plans and trying to provide as complete a service as possible, however, it was the patients and their families who were disrupted most as a result of the industrial action.

I remind the Deputies that, prior to the dispute, constructive and positive engagement by the parties involved took place at the WRC. I am disappointed that the issue did not go to the Labour Court before the industrial action went ahead, but it will be before the court tomorrow and I hope for a resolution. I call on both parties to redouble their efforts.

Deputy Gino Kenny: I am a former hospital worker, and the Minister will appreciate it when I say that hospital workers are the glue that holds hospitals together. Clerical staff, porters, care assistants, chefs and other hospital workers of that magnitude keep hospitals afloat. The crux of the dispute relates to moneys owed to these 10,000 workers. The matter goes back to 2015 and the job evaluation scheme introduced under the Lansdowne Road agreement. The HSE and the Department of Health agreed that the pay increases recommended under the job evaluation scheme should be paid to the workers. The workers are asking for moneys owed to them in respect of changed job responsibilities and descriptions over that period. They are asking for the money to be paid to them now, rather than at a later date.

Deputy Simon Harris: I agree with the Deputy on the integral part support staff grades play in our health service. He knows of it from his personal experience and we all know of it from our use of the health service. Whether it is moving patients from an emergency department to a ward, helping to discharge a patient, keeping our hospital clean or providing a good hot meal, these staff are integral members of our health service. There is much discussion of doctors and nurses, but I agree with the Deputy that the staff to whom he refers are the gel that keeps our health services together.

There has been significant movement by the management. I do not wish to say anything provocative or that will in any way impede the work of the Labour Court tomorrow - the Oireachtas has a protocol in this respect - but there has been movement by management. In fact, much of the claim has been accepted. The debate now relates to implementation and the timeline for implementation such that it is affordable and makes progress. As the Deputy will appreciate, it is fair to say that there are differing views in that regard. He is correct that there was a job evaluation scheme. It was advised that the question of implementing the outcome of the exercise would be considered by the parties at its conclusion. The dispute centres on the timeline for implementation of the outcome of the first two phases. Phase 3 involved home help and homecare workers and phase 4 is made up of other support staff grades. Phase 3 is complete, but has not yet been officially reported on. Phase 4 is under way. I hope and believe that if all sides to the dispute redouble their efforts and use the mechanism of the Labour Court, we can try to find a resolution over the next three days.

Deputy Gino Kenny: There is significant frustration among healthcare staff, many of whom I know. They are very frustrated with the process. They held off and took the pain over the years of austerity. They want what is owed to them. The HSE and the Department of Health stated that they agree with the outcome of the job evaluation scheme. The money is owed to the workers. One way or another, the matter will be resolved. It must be resolved by giving the workers the money owed to them because if it is not, strike action will continue. If the Department of Health and the HSE stated that under the job evaluation scheme the workers are entitled to the money, why is the money not being given to them?

Deputy Simon Harris: I agree that significant pain and hardship was inflicted on many people in this country as a result of the economic crash. We have been working to try to rebuild the country from that point. We increased the minimum wage several times, particularly after it was cut by €1. We prioritised low-paid workers in the public service stability agreements and nearly all the reductions under FEMPI will have been returned to workers by the end of next year. Wages are rising and, from a metric point of view, inequality is beginning to reduce. Those are not my figures; rather, they were published independently.

The Deputy is correct that a job evaluation scheme was carried out and that the workers are

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doing complex and changed jobs. They are reforming their practices and working differently. I recently launched a new nutrition and hydration policy which involves our chefs going above and beyond their duty in terms of the types of meals they provide to meet the individual needs of patients. That is not the issue in the dispute. Rather, it is around the timeline, implementation and the phasing of payments. It is not beyond us to resolve this matter. We were making significant progress before the strike went ahead. The Labour Court is the appropriate forum to resolve the dispute.

Hospital Services

54. **Deputy Barry Cowen** asked the Minister for Health the status of the implementation of the trauma strategy; if the Midland Regional Hospital, Tullamore will provide the trauma unit for the midlands; and if he will make a statement on the matter. [27771/19]

Deputy Barry Cowen: As the Minister is aware, the report of the trauma steering group published in February 2018 highlighted that 16 acute hospitals, including the Midland Regional Hospital in Tullamore, which could potentially meet the designation criteria for trauma units. There is an overwhelming case for a trauma unit to be located at Tullamore hospital, given that it is the only one of the 16 hospitals to be located in the midlands. It was stated by Fianna Fáil on the publication of the report that the onus was on the HSE and the Minister to implement its findings quickly and sanction the resources for units to fulfil their role. Some 17 months on, we would like to know what progress has been made. Not much, it appears. Why is that so and when can we expect decisions to be taken in that regard?

Deputy Simon Harris: The report of the trauma steering group was approved by Government in 2018 and a HSE interim implementation group is currently progressing its four immediate actions, the first of which was the recruitment of a national clinical lead. Mr. Keith Sinnott has been appointed to that position. The second action relates to orthopaedic trauma and major trauma bypass protocols, the third relates to the selection of a major trauma centre for Dublin and the fourth relates to detailed implementation planning. I am pleased to state that significant progress is being made on the four immediate actions.

On 21 June, the formal process for the designation of the major trauma centre for the central network commenced, with each of the Dublin hospital groups invited to make a submission which will be reviewed and scored by an independent assessment panel comprising local and international experts. On 1 July, the national clinical lead for trauma services assumed his position. In order that decisions are made that ensure the best configuration of trauma services from a population health perspective for the Dublin region and the wider central trauma network, of which Tullamore is part, the submissions will also be considered for designation as Dublin trauma units. It is expected that a final recommendation to my Department will be made in autumn. There are 16 acute hospitals which could meet the criteria for trauma units, including the Midland Regional Hospital, Tullamore.

It is expected that further detailed implementation planning, including the designation of trauma units nationally, will be required to fully implement the trauma strategy, and this will be led by the newly appointed national clinical lead and the office for trauma services. On foot of the Deputy's question, I will ask that the new clinical lead, Mr. Sinnott, meet management of Tullamore hospital as it is one of the 16 potential centres.

Deputy Barry Cowen: I thank the Minister for his reply, particularly his final point that, further to that process having commenced, he will ask the clinical lead to meet representatives of the relevant hospitals, particularly Tullamore. The steering group in its report and recommendations pointed out that many of the 16 hospitals currently provide acute trauma care and that there are some resource deficiencies which need to be further enhanced in order to ensure the level of provision required to meet their current roles in addition to fulfilling the designation criteria. Can the Minister confirm that there is provision within the capital programme to ensure that whatever improvements are necessary to meet current delivery are made, let alone what might ensue on foot of the designation in the autumn?

Deputy Simon Harris: The Deputy is correct that this will involve revenue and capital costings. The overall estimated maximum staffing requirement suggests that an indicative estimate of revenue costs of €53.6 million on the cost of developing orthogeriatric fracture liaison services is included. This can be considered as a gross cost which carries a need for careful examination because there are existing staffing levels and opportunities to optimise efficiencies. The national service plan 2018 provides for seed funding, mainly for the establishment of a national office for trauma services and the national clinical lead for trauma services. That office will prepare its estimate bid in regard to our existing trauma services. There will also be capital requirements and I am considering them in the context of a capital plan I am finalising with the HSE. I am happy to share with the House an indicative estimate of a capital cost of approximately €28 million over a seven-year period.

Deputy Barry Cowen: I wish to reaffirm that there is provision within the HSE and hospital services estimate to provide for improvements over a seven-year period notwithstanding another commitment which will ensue once the nomination in respect of the allocations has been made by the clinical lead for trauma services. I am conscious of the fact
5 o'clock that the major trauma centre may be placed in Dublin along with a satellite to serve the wider region. I hope that due consideration will be given to all relevant hospitals in the process of selecting the site of the satellite unit and that a Dublin hospital is not selected by way of compensating it for not being selected as the location for the major centre.

Deputy Simon Harris: The Deputy will agree that it is important that this decision will be made by clinicians and an independent assessment panel and independent of me and the House. Deputies regularly raise with me the cases of constituents who are in hospital as a result of a very bad trauma and need to be transferred to another hospital which can better deal with their complex needs.

This is about ensuring that we can get the patient to the most appropriate hospital. For a limited number of trauma procedures, this is not about altering the significant footfall that goes into hospitals; it is about the small number of patients who have undergone severe trauma. It is about getting them quickly to the appropriate hospital. That is the right thing to do. This will not be a Dublin-centric model though. While there will be a major trauma centre in Dublin - that will not come as a surprise to anyone - there will also be trauma units at other locations throughout the country. These will be able to deal with all but the most complex cases. I am happy to keep the Deputy updated as the plan advances.

Written Answers are published on the Oireachtas website.

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Saincheisteanna Tráthúla - Topical Issue Debate

Greyhound Industry

Acting Chairman (Deputy Eugene Murphy): The Deputies should remember that they have one minute each. Then we will have the reply. The Deputies will have a further minute subsequently.

Deputy Maureen O’Sullivan: I pay great credit to the “RTÉ Investigates” team for their work. I was dreading the programme because I knew what it was going to show. I knew because practically everything in the programme has been raised by me and other Deputies continually for a number of years. I feel like saying “We told you so”.

Recently, our amendments to ban the export of greyhounds to countries such as China and Pakistan, which have no animal welfare, were defeated. Our arguments were based on evidence and facts.

I wish to refer to a letter written to the Minister in 2016, copies of which were sent to Bord na gCon, as it was then, and the Chinese ambassador. It contained information from the three main welfare groups in Ireland and international welfare groups about how any greyhounds going from here to places such as Macao were going to certain death, not to mention the cruelty and abuse they would suffer beforehand. I made reference at the joint committee and in the Chamber to the numbers of Irish greyhounds on studbooks and breeding establishment books in China. I mentioned the fact that rescue groups which take our greyhounds back from these countries do not want them to come back to Ireland such is the possibility of abuse here. It was the Irish Greyhound Board that looked for export permissions in 2011. We are not talking about a minority group here; it is the majority of greyhound owners who are abusive towards their animals.

Deputy Joan Collins: I also wish to thank those involved in the “RTÉ Investigates” programme on exposing what, as Deputy Maureen O’Sullivan stated, we already knew. The culture of animal cruelty has not been addressed in this country. Existing legislation and regulations have been found wanting. Apart from the reputational damage caused by the latest scandal involving the greyhound racing industry, serious welfare issues need to be addressed as a matter of urgency.

Ministers pay only lip service to the issue and are not joining the dots when it comes to the links between cruel and illegal activities and the way in which dogs are being bred. It is no wonder they are not joining the dots: animal welfare is currently divided among four Departments and the legislation relies heavily on self-regulation rather than robust enforcement of animal welfare laws. I want to hear from the Minister of State that will change things. I hope this is the last nail in the coffin for the greyhound industry. We must see an end to the cruelty to these dogs, the way they are being treated and exported as well as the way hares are treated in the industry. We must have a serious look at investigating these organisations on the basis of the RTÉ programme. I want to hear the Minister of State state that now and, if necessary, to withdraw the funding given to these organisations pending change. We should stop greyhound racing. It is gone. Since 2007 only 50% of people have been turning up to greyhound stadiums.

Deputy Paul Murphy: Every year, the Minister comes to the House when we raise objec-

tions in respect of public funding of €16 million per year for the greyhound industry. Every year, the Minister has responded by saying what an important role the industry plays in our social, cultural and sporting landscape. A small number of Deputies have been consistently raising the issues highlighted in the “RTÉ Investigates” programme. The issues include the question of the killing of up to 6,000 greyhounds per year because they are not fast enough and the question of animals being exported to countries such as Macao, where protections are almost non-existent. We have horrific situations like the boiling alive of greyhounds when they are no longer useful. We have raised the question of drugging, which is widespread. We have raised questions in respect of mutilation and cruelty. Significant protests are taking place because people are appalled by what they see. There has to be action by the Government now. We cannot hear more words defending this industry, which is based on profit and exploitation. There is a need for an end to public funding of the greyhound industry and we need action.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle): As Minister of State at the Department of Agriculture, Food and the Marine with responsibility for the greyhound sector, I have already expressed my deep concern at the issues highlighted in the RTÉ programme broadcast on 26 June. I wish to again reassure the House that the Department takes any allegations of breaches of animal welfare rules very seriously and will thoroughly investigate and take the necessary enforcement actions to deal with such offences.

The new Greyhound Racing Act 2019 passed through both Houses of the Oireachtas, with the assistance and input of Deputies, recently and was signed into law last month. I am confident the new Act will: improve the governance of Bord na gCon; strengthen regulatory controls in the industry; modernise sanctions; and improve integrity within the sector. Under the Act, Bord na gCon may make regulations to require the registration of greyhound owners, the registration of racing greyhounds and the notification by owners, breeders and trainers of greyhounds of many more life events compared with those currently captured on existing stud-book and microchipping databases. These regulations will support the board in its ambition to establish and maintain a new comprehensive tracing database for racing greyhounds and will provide greater powers to deal with areas such as anti-doping, integrity and sanctions, the need for which has only been further underlined by what we saw recently. It is deeply frustrating that the breaches of animal welfare that were highlighted by RTÉ have come to light in the year that saw the largest ever allocation of funding, of €2,751,000, to animal welfare organisations. A total of 108 organisations are benefitting under these arrangements and I appreciate the valuable work these organisations do to protect the welfare of animals on a daily basis. An animal welfare lo-call helpline is in place, along with a dedicated email address, which facilitates the reporting by members of the public of any suspicion that animal cruelty is taking place. All calls received are treated in confidence and are followed up by authorised officers of the Department of Agriculture, Food and the Marine. I urge anyone who has witnessed a breach of animal welfare rules to use this facility.

I take this opportunity to highlight some of what has been achieved for animal welfare by this Government. The Government has demonstrated a strong and consistent record regarding the enforcement of animal welfare rules, including the review of 100 years of animal welfare legislation, leading to the enactment of the Animal Health and Welfare Act 2013. Since then, a total of 73 successful prosecutions have been taken under the Act, with a further 30 prosecutions for welfare abuses currently being processed. The use of wild animals in circuses was banned in 2017 and this week, the Government has taken the decision in principle to ban fur

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farming over a phased period. The Minister for Agriculture, Food and the Marine, Deputy Creed, will bring forward the general scheme of a Bill to the Government to provide for this ban without delay.

I stress that the Department does not issue certificates for the export of greyhounds to China or Pakistan and no certificates have been issued for the export of greyhounds from Ireland to either of those destinations since I was appointed as Minister of State. I can also confirm that the Department is engaging in a review of the licensing conditions in knackeries, with regard to the practices seen on RTÉ's "Prime Time Investigates" programme. All allegations will be examined to determine the appropriate actions needed. I also understand that coursing activity on Whiddy Island will be investigated by the National Parks and Wildlife Service, NPWS, and will be pursued by the relevant authorities. I fully understand and empathise with the views and concerns of members of the public and their response to the contents of this programme, which undermined our deeply felt national attachment to the care and welfare of all animals. In recent days, Bord na gCon, the IGB, has published the first steps of its action plan to strengthen traceability, re-homing and welfare standards by improved regulation, more inspections and the use of greater resources in these areas.

Acting Chairman (Deputy Eugene Murphy): I thank the Minister of State.

Deputy Andrew Doyle: One minute.

Acting Chairman (Deputy Eugene Murphy): In all fairness-----

Deputy Andrew Doyle: I will be visiting the headquarters of Bord Na gCon shortly to meet with its chair and board members to discuss welfare standards in the industry. In addition, I will discuss the swift implementation of the board's action plan, with a view to identifying what further tangible measures are required to address the serious public concerns raised in this programme.

Acting Chairman (Deputy Eugene Murphy): I want to point out to the Minister of State that there is a time slot, and it is up to the Chair to tell him when that time is up.

Deputy Andrew Doyle: I appreciate that, but this is an important issue and I feel strongly about it.

Acting Chairman (Deputy Eugene Murphy): I know it is important but the other Deputies had to share far less time, so I want to be fair to everybody. The Deputies have a minute each to respond, starting with Deputy Maureen O'Sullivan.

Deputy Maureen O'Sullivan: My first question is why the Minister of State, the IGB, and the Department had to wait for this programme to air. We were telling them all this already. Italy and France have banned the export of their dogs to countries like China, the US and Australia, and commercial airlines will not take greyhounds if they know that is where they are going.

I refer again to coursing. My Bill to ban live hare coursing was defeated, but it was based on the same evidence of what is going on that we saw on "Prime Time Investigates" the other night. We have seen appalling injuries inflicted on hares as well. It was said that it was better to have coursing licensed, but we all knew there was unlicensed stuff going on and the programme also noted that a number of people from the licensed coursing clubs were attending those meetings. There was a big hoo-ha about the Government funding granted to the FAI and Repak, but why

is the same standard not being applied to the IGB and the amount of funding it is getting? The funding should be withheld until these particular issues are addressed. We are not dealing with it because they are animals. The IGB was aware that injured dogs were being forced to run in races and were being given morphine so they could run. This industry is an absolute disgrace.

Deputy Joan Collins: I am appalled by the Minister of State's response, because there is no urgency in what he is saying. We knew this was taking place. The Minister of State and the Minister behind him have known for a number of years about the greyhound industry and the treatment of hares in hare coursing. Steps have to be taken, clinically and quickly, to show the industry that these practices will not be tolerated at all. We are talking about 6,000 greyhounds being brought to knackeries each year, and being beaten to death because they cannot run fast enough. This is not livestock: these are animals that should be treated with respect. I am asking the Minister of State to tell the Irish greyhound industry immediately that its funding will be stopped if these issues are not dealt with. We should only issue passports to greyhounds going to countries with welfare conditions of a standard as high as our own and that should be double-checked. Licences for hare coursing and netting should be stopped immediately until they are investigated. These sorts of things, and not the weaselly words I have heard from the Minister today, will have an impact. It is not good enough.

Deputy Paul Murphy: I agree that it is not good enough. The Minister of State has expressed his deep concern at the issues that have been highlighted. However, those issues have been highlighted for years and it should not take an RTÉ exposé to make people aware or suddenly make the Government concerned. I have a letter here from 2016 that outlines these precise issues, which the ISPCA, Dogstrust Ireland, the Irish Blue Cross, and The Irish Council Against Blood Sports have also raised repeatedly. These issues have been raised repeatedly in this Dáil as well. The idea that the Minister of State did not know about it until it was on RTÉ is simply not credible.

The Minister of State stated that the Department does not issue certificates for the export of greyhounds to China or Pakistan. However, the Minister of State knows that greyhounds are first exported to the UK and then exported to those countries from there. The Minister of State and his Department know who is involved in that, because particular people are going around buying up greyhounds specifically for export to those countries.

I refer to knackeries. A knackery belonging to John Styles and his daughter featured in the RTÉ programme. He stated recently that he would not shoot any more dogs, which is an admission that he has done so in the past. The funding should be cut.

Deputy Andrew Doyle: I appreciate the Members' contributions. Deputy Maureen O'Sullivan, in fairness to her, participated in the Greyhound Racing Act 2019 and the record will show that she commended me on my ongoing efforts to bring that legislation forward, almost three years to the day since I was appointed Minister of State. I set about modernising the regulations around greyhounds-----

Deputy Joan Collins: The only regulations-----

Deputy Andrew Doyle: I did not interrupt the Deputy when she was speaking. I am sincerely trying to bring this industry into focus and into shape. I will be meeting the chair and board members of the IGB this week to go through its action plan and to see to its immediate implementation.

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Italy has banned the export of dogs to China and so on and while we could do that too, unless every country we export to that has good welfare standards adopts the same approach it will not be effective. We cannot control what happens in the UK on our own, but we can work with it and re-emphasise the need for it to have stricter controls on how animals exit the country. If every country in a community, such as the EU 27 plus the UK, has the same ring of steel around their exports, then no dogs will end up in countries such as China or Pakistan. We cannot do that unilaterally. We need co-operation and that is why we need to engage with the international greyhound forum to make sure that becomes a reality.

Beef Industry

Acting Chairman (Deputy Eugene Murphy): The next Topical Issue matter, the impact on Irish beef farmers of the Mercosur trade deal, has been the subject of much discussion in recent days. One of the four Deputies who raised this matter, Deputy Denis Naughten, is not present but we will allow him to contribute if he arrives.

Deputy Charlie McConalogue: It is disappointing that we are discussing a deal approved in recent days that will be disastrous for the Irish beef sector and makes no sense from a number of points of view. From an economic point of view, farmers in Europe are getting prices of as little as €3.65 per kg for prime quality beef. Europe is currently 102% self-sufficient in beef. We have enough beef and facilitating the import of more will place considerable pressure on beef prices. The European Union's 2016 impact assessment on trade deals shows that a trade deal with Mercosur could result in a 16% fall in the price of beef in the EU. From a climate change point of view, this deal flies in the face of efforts to reduce our carbon footprint. It will result in beef produced in a much more carbon intensive manner elsewhere being shipped across the world to this country where we can produce beef in a much more carbon efficient manner. What steps does the Minister propose to take to push back this beef deal? The agreement reached between the EU and Mercosur last weekend is a tremendous political failure on the part of the Minister, the Taoiseach and the Government.

Deputy Bobby Aylward: Like my colleagues, I am deeply concerned about the impact the Mercosur deal will have on Irish farmers. We all know the position with respect to beef prices, to which my colleague referred. Farmers are under pressure to survive as matters stand. The climate change plan and Brexit are coming down the line. Brexit will have a serious impact on Irish farmers, including on beef exports. I ask the Minister to take that on board. If we allow this deal to proceed, farmers will come under more pressure. I am worried about what will happen to the Irish beef industry and our beef farmers. They will not survive what is coming down the road. The Minister and the Taoiseach must ask the European Union to put a stay on this deal at least until we see the outcome of Brexit. Perhaps then, we will know what will be the future of the beef industry and whether beef farmers will survive. Will the Minister and the Taoiseach ask the EU to hold off on this deal at least until we know the results of Brexit?

Deputy Jackie Cahill: Our beef industry is under major financial pressure. Since my election in 2016, the House has discussed the economic crisis facing the beef industry numerous times. The Taoiseach recently told people the Government would always have their back. That statement rings extremely hollow in light of the agreement with Mercosur, which will be the final nail in the coffin of the beef industry. The point raised most consistently with me by farmers over the weekend was the challenge they will face as a result of climate change. The Commis-

sion is talking out of the other side of its mouth on this issue by allowing beef to be transported halfway across the world to displace European beef from European shelves. Brexit will pose a major economic challenge for us. We will be 116% self-sufficient in beef when Brexit takes place, yet the Commission is selling out our beef industry. The only way to describe this agreement is that it is a sell-out by the industrial powers of Europe.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Deputies McConalogue, Aylward and Cahill for raising this matter. The agreement reached on 28 June on an EU-Mercosur trade deal marks the end of 20 years of negotiations between the two blocs. While I acknowledge the importance of balanced international trade deals for Ireland's economy, including its agricultural sector, I am very disappointed that the agreement includes a significant tariff rate quota that would allow the importation of beef from Mercosur to the European Union at preferential tariff rates at a time when the beef sector in Europe is facing significant uncertainty because of Brexit. I have worked hard with other Ministers and the Taoiseach, and with colleagues in other European member states, to mitigate the potential impact of an EU-Mercosur agreement on European agriculture. While the outcome is disappointing, the length of time it has taken to arrive at this point is at least in part due to the concerted efforts over many years of Ireland and other like-minded member states to protect the European Union agricultural sector to the maximum extent possible.

In addition to pointing out the considerable difficulties that the concessions of a significant beef tariff rate quota would create for the Irish beef sector over a period when the European beef market is likely to continue to be very delicately balanced and against the backdrop of a potentially very damaging impact from Brexit, Ireland repeatedly called for coherence between the European Union's trade policy objectives and its climate change responsibilities to be demonstrated by not extending more favourable conditions to beef imports from trade partners that are producing in a less environmentally sustainable manner. We have focused not only on the EU's market impact and sustainability aspects but also on the size of the quota, the technicalities associated with quota management and the cumulative impact of potential concessions under the range of current and future negotiations in order to mitigate the outcome of these negotiations. It is worth noting in this regard that the beef tariff rate quota agreed is considerably less than that which had been sought by Mercosur countries which, at one point, were demanding a quota of 300,000 tonnes. In addition, the tariff rate quota is split between fresh and frozen product and will be phased in over a period of years. Therefore, the full impact of the agreement is unlikely to be felt for a considerable period.

We must also acknowledge that there may be some opportunities for the Irish dairy sector and drinks industry. In addition, our colleagues at the Department of Business, Enterprise and Innovation estimate that a potential doubling of annual goods and services exports from Ireland is possible over the period to 2030.

It is early days and there are still a number of steps to be taken before the agreement can be implemented. It will be first put through a process called legal scrubbing and translation which could take up to two years. It will then be submitted to the Council of trade Ministers for approval by qualified majority vote and to the European Parliament for its consent. If provisionally applied at that point, it would still take a number of years to come into full effect. The Oireachtas and other national parliaments may also ultimately have a role in ratification. We will examine the text carefully to assess its impact on the Irish economy and the agrifood sector generally and reflect on the appropriate steps in the context of both engaging further with member state colleagues and examining ways to diminish the potential impact of the agreement.

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Deputy Charlie McConalogue: As with the Minister for Communications, Climate Action and Environment, Deputy Bruton, during Leaders' Questions this morning, I do not detect any significant push-back from the Minister in respect of this deal. Speaking recently on the issue of climate change, the Taoiseach indicated he intended to eat less beef. It appears that while people are being encouraged to eat less beef, there is no issue at European level with people eating South American rather than European beef. It defies logic that this deal is being proposed at European level. The bottom line is that it constitutes a political failure on the part of the Minister, the Taoiseach and, in particular, Commissioner Hogan who was so central to this process at European level. I know it will be subjected to the legal scrubbing process but the horse has bolted to some extent.

Acting Chairman (Deputy Eugene Murphy): I ask the Deputy to conclude.

Deputy Charlie McConalogue: It is now a case of trying to retrieve the situation. The beef element should have been scrubbed from the deal before we found ourselves in this situation. We need to see a stronger line from the Minister and the Taoiseach in terms of ensuring this deal is resisted.

Acting Chairman (Deputy Eugene Murphy): I ask Deputies to obey the rules on time. I have a job to do.

Deputy Bobby Aylward: Government members like to be good Europeans. We like to be the good boys who will do whatever is asked of us in Europe. This is a serious issue. Agriculture and its offshoots are the biggest indigenous industry in Ireland. Beef is one of the main offshoots of the agricultural sector. We consume 10% of the beef we produce and export the remaining 90%. Half of our beef is exported to Britain, with 40% exported to the rest of Europe. Brexit is coming down the line in the next three months and we do not know where 50% of our beef production will go. The 40% we export to Europe will be undermined by the Mercosur deal. Something has to give here. Rather than being the good boys of Europe, the Minister and the Taoiseach must go back to the EU and say enough is enough and we must protect the beef sector, our biggest indigenous industry.

Deputy Jackie Cahill: The pig and poultry sectors are also undermined by this deal. Some 25,000 tonnes of pigmeat imports will be allowed into Europe at a reduced tariff and 180,000 tonnes of poultry meat imports will also be allowed in. That will have a huge impact on the European meat market.

Commissioner Hogan, who was appointed by the previous Fine Gael-led Government, has allowed this to happen. When Ray MacSharry was Commissioner, he tailored CAP reform to suit Irish farmers. I regret that we now have an Irish Commissioner who has sold out our beef industry. A 22-month premium introduced during Mr. MacSharry's time suited steer production. It was a vital economic lifeline for the Irish beef industry. We gained billions of euro from it. Here we have all that work now being undone by the Commissioner, Mr. Hogan.

Deputy Michael Creed: The constraints of this particular debate do not allow for a full articulation of all of the issues.

However, I do not accept Deputy McConalogue's assertion that this is a done deal. This is a high-level agreement at a political level between the Commission and Mercosur member states. It is a deal that has not been approved by any Government, the Commission, the European Parliament, Council of Trade Ministers or, indeed, national parliament.

Deputy Bobby Aylward: Has it not been written as a done deal?

Deputy Michael Creed: I did not interrupt the Deputy.

I consider there to be a considerable distance to travel before we have an inked deal that bears the *imprimatur* of Europe. What we have is a proposed deal.

Certainly, we intend to use the time between now and then to influence in whatever way. In the context of this issue, we are not without friends in Europe. For example, we have made common cause with the French, the Poles and the Belgians. As I said, this is not a done deal.

In the cut and thrust of political debate, I appreciate Deputy Cahill thinks Commissioner Hogan is in play for this, but I would remind the Deputy that this deal was negotiated by the Commissioner, Dr. Malmström, who is a member of Alliance of Liberals and Democrats for Europe, ALDE, in Europe which is the group that Fianna Fáil is aligned with.

Schools Amalgamation

Deputy Brendan Smith: I am glad that the Minister of State, Deputy Mitchell O'Connor, is here to reply.

In November 2018, the Cavan and Monaghan Education and Training Board made a shock announcement that it proposed to close two schools, namely, St. Bricin's College, Belturbet and St. Mogue's College, Bawnboy, and provide a new amalgamated school in Ballyconnell, County Cavan. Oireachtas Members and local councillors for that electoral area were told that at a briefing by the ETB that afternoon and later that day the ETB put the proposal to the full ETB board, which approved the proposal, unfortunately. Subsequently, the representatives of teachers and the boards of management were informed of the ETB proposal. This came completely out of the blue.

It is an area that I know well because I am from Bawnboy. There was no indication of any such proposal being considered by the education and training board. Packed public meetings were held in Bawnboy and Belturbet, where the organisers of the meetings asked for the communities' views on the ETB proposal. There was a very clear message from both meetings that the local community in each school area absolutely opposed the closure of the schools and proposed so-called amalgamation.

The meetings were representative of the school community in both cases. Speakers on the night included students, past pupils, former teachers, representatives of local sporting and voluntary organisations, and local business. Testimonies were given that night by past pupils who had gone to forge very successful careers in many different disciplines of the important influence the schools had on their development as persons and in their chosen careers. Those testimonies were from people working in our own country and people working abroad as well.

I have received correspondence from numerous past pupils of both schools who outlined clearly their appreciation of the schools' role in their education and in preparing them for careers. It was clear that these schools have had great accomplishments over the years with their students.

Both Bawnboy and Belturbet are located in north-west Cavan, as the Acting Chairman,

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Deputy Eugene Murphy, would know. Students travel over considerable distances to attend both schools. One has to look at the geography when one considers amalgamation or providing services in a different location than where they have been provided up to now. If a school was provided in Ballyconnell, the students furthest west of Bawnboy would be lost to a school in an adjoining catchment area, in a neighbouring county and in a different province. Similarly, the students in the Belturbet catchment area adjoining the Cavan town catchment area would be most likely to travel to Cavan town to source their second level education rather than Ballyconnell, also for distance reasons. Cavan town post-primary is already heavily subscribed with all second level schools there with full enrolments.

Detailed submissions have been made to the Department and the Minister, Deputy McHugh, in respect of the role of the schools and their accomplishments over the years. Those submissions detailed the many national award winners and scholarship winners from both schools and the participation by both of those schools in all-Ireland competitions, in European competitions and, indeed, in other international competitions where they brought great honour and glory to our country.

I am anxious that the detailed submissions are given very serious consideration by the Department of Education and Skills. I fully believe that if an amalgamated school were to proceed in Ballyconnell, it would not have the confidence or support of the local communities.

Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor): I am aware this is a serious issue for Deputy Brendan Smith and for the school community. I am taking this matter on behalf of the Minister, Deputy McHugh. In responding, I will comment on this matter because I know quite a bit about amalgamations of schools and was responsible for the amalgamation of two schools.

I thank the Deputy for raising this matter as it provides me and the Minister, Deputy McHugh, with the opportunity to clarify the position on the proposal by Cavan and Monaghan Education and Training Board, CMETB, to amalgamate St. Bricin's College in Belturbet with St. Mogue's College in Bawnboy, west Cavan.

I am aware that there is significant interest in this proposal from interested stakeholders in the area. Both schools are post-primary co-educational schools operating under the auspice of CMETB. St. Bricin's College in Belturbet has an enrolment of 195 students in the current academic year. This is a slight decrease from 222 pupils in 2014. St. Mogue's College enrolment is 227, which is an increase from 197 in 2014.

The Minister, Deputy McHugh, wishes to advise the Deputy that the initiative for any amalgamation may come from a variety of sources, such as parents, staff, boards of management and patrons. Any such proposal to amalgamate schools must involve consultation with all the relevant stakeholders and follow decisions taken at local level. If I can just comment on that, stakeholders have to buy into an amalgamation for it to be a successful one. In that regard, any proposed changes must be well planned and managed in a manner that accommodates the interests of parents, teachers and local communities and contributes to an inclusive education system. Students' views must also be taken into account. Any proposals are then subject to the approval of the Department of Education and Skills.

The Minister, Deputy McHugh, can confirm that the Department received a proposal from CMETB to amalgamate St. Bricin's College in Belturbet and St. Mogue's College in Bawnboy

in December last following the unanimous approval of the proposal by the board of CMETB on 26 November 2018. The ETB proposes locating a new school entity in Ballyconnell. The Department subsequently sought further information from the ETB on the amalgamation proposal.

The ETB recently advised the Department that a series of meetings with stakeholders has taken place and further consultation meetings are planned. The object of the consultations was to provide additional information on the proposed amalgamation of both schools and to ensure that any concerns raised are heard and taken into account. I have given an example of all those the ETB has met in the meantime.

The Department has not given a specific commitment of funding to Cavan-Monaghan ETB to develop a new second-level school. The Department looks forward to continued engagement with Cavan-Monaghan ETB relating to the amalgamation proposal. On behalf of the Minister, I again thank the Deputy for the opportunity to clarify the current position in respect of the potential amalgamation.

Deputy Brendan Smith: I thank the Minister of State for her reply. It is obvious from her response, particularly when she went off script, that she understands that amalgamation can only be brought about when there is buy-in from all stakeholders. There is no buy-in from any stakeholder regarding this proposal. Meetings and consultations are being held now that should have taken place before November 2018. In replies to a number of my parliamentary questions, the Department has stressed that there has to be detailed consultation by the patron of the school with all stakeholders before any proposal would go to the Department. That is the way it should be but, unfortunately, it is not how this has come about. I know the area very well because I am a native. There is absolute opposition to the proposal. The staff in the schools, parents of students attending both colleges, past pupils and the wider school community are all in favour of retaining the two schools. I have outlined the geographical considerations as well. Some pupils who attend those schools at present would, if they closed, go to schools in adjoining catchment areas, some of them in different counties and provinces. That is not the way to deliver second-level education in north-west Cavan.

I appeal to the Minister of State to go back to the Minister as she stated she would. For a relatively small capital investment at each school, a range of additional facilities could be provided. I have attended awards nights in the schools and have listened to people like the directors of schools at the ETB or, prior to that, the VEC, as well as guest speakers. They laud and praise the schools for the quality of the teaching and leadership, for their achievements from an educational and extracurricular point of view, for their participation in sports in so many disciplines and for their active role in many cross-Border projects. The Minister gave me a commitment some months ago that he would meet a deputation from both schools. I hope he will be able to do so before August. I appeal to the Minister of State to bring that message back to him.

Deputy Mary Mitchell O'Connor: I thank the Deputy. The ETB has advised the Department that the series of meetings which the Deputy talked about has taken place. The object of the consultation, according to the ETB, was to provide additional information on the proposed amalgamation of both schools and to ensure that any concerns raised are heard and taken into account. Of the meetings held with the stakeholders to date, the general consensus expressed is that the proposed amalgamation is the only means of rectifying the deficiencies within both school buildings.

The Department's view on amalgamation proposals generally is that every case needs to be

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considered by all involved on its own merits. In areas of mature population where enrolment numbers are reducing over time and school buildings are not being utilised to full capacity, or where there is a separate single-sex school, amalgamation can also be merited. Equally, it has to be recognised that there can be significant sensitivities involved. These are best addressed through a process of local dialogue and consultation aimed at ensuring that any proposal meets the interests of the communities concerned. The ETB has considered that a new school catering for the enrolment of 500 students would better serve the educational needs of the area and provide improved facilities for both schools. A new school would also strengthen the continuance of a post-primary school provision in the west Cavan area.

Those are the notes that I have from the Minister's office. I will absolutely raise with the Minister the very succinct points the Deputy has made.

Nursing Home Accommodation Provision

Deputy Pat Buckley: There has been a decision by the HSE to cap the number of transitional care beds that it funds for patients waiting for places in nursing or convalescent homes. In the Cork and Kerry region, as the HSE has stated, the knock-on effect of this would be that it would add to bottlenecks in acute hospitals. HSE officials have indicated that this will result in additional delays to discharges. We already know that the HSE does not have the bed capacity in acute or community hospitals to manage the volume of patients requiring care. It is all to save money and balance the budget. The national care office has stated that if it is to reach a break-even position, unfortunately there is no choice. In creating another waiting list, what will be the outcome for these people? What impact will there be on the nursing home system and hospital system, and what is going to be the overall impact on society? Last week, Sinn Féin received cross-party support in respect of a Private Members' motion for significant change to elder care provision. There are over 6,000 people already on waiting lists for home help. I appeal to senior HSE management to stop now and to reverse the decision to cap services for the sake of money.

Deputy Martin Ferris: Everybody in this House recognises the importance of the fair deal scheme and that it has served our society so well in the past. The €30 million deficit in the scheme this year is having a detrimental effect. The consequences are that beds in hospital for people who are ill are being taken by healthy patients. I refer to elderly individuals who are in hospitals and have nobody to take them home. They are kept in hospital because of a lack of funding in order to ensure that the fair deal scheme can be operated and to take that pressure off it. There is an impact on the nursing homes as well with beds vacant and no funding there to take people who would be qualified applicants. At the moment there are 6,000 people on the waiting list for home help. There is a lack of resources for home help packages. The number of people over 65 years of age is increasing by 20,000 each year. More and more people will be looking for nursing home packages and the resources have to be put in place to meet that demand as a priority.

Deputy Donnchadh Ó Laoghaire: A lot of what is happening runs contrary to what the Government says it wants to do and what it says is needed, namely, taking the pressure off the acute system and investing in community care, home care and nursing homes. However, we see a cut in respect of new people getting home help. There has also been a cut to the number of transitional care beds and there are issues regarding potential capital projects as well. This

is going to cause serious problems, and not only for nursing homes and patients. It is going to put further pressure on the acute system further up the chain. If these beds are not provided, a significant number of people will not be able to leave hospital to go into a transitional care bed and on into a nursing home. Investment in community care and community health facilities is being undermined and it is going to have a real impact.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputies Buckley, Ferris and Ó Laoghaire for raising this very important issue. I shall take this matter on behalf of the Minister of State, Deputy Jim Daly.

The overarching policy of the Government is to support older people to move to a more appropriate care setting following treatment in acute hospitals and ultimately either to return to live as independently as possible in their own homes and communities, or for those who need it to move to residential care.

The National Service Plan 2019 provides an overall financial allocation of €1.8 billion of which €862 million is available for older persons' services and more than €985 million is available for the nursing home support scheme. In 2019 some 53,000 people will receive 17.9 million home support hours. This includes supporting 550 patients to leave hospital over the winter period. A further 235 people will receive 360,000 hours through intensive home care packages. More than 10,900 people will be supported to leave hospital through transitional care funding. We take this important issue very seriously.

The provision of transitional care beds assists with patients in acute hospitals who are ready for discharge, but who need nursing home care or a period of convalescence up to a maximum of four weeks. The scheme funds these patients in private nursing home beds, thereby facilitating the discharge of the patients from the acute setting and allowing their beds to be used for other patients. The system of transitional care provision has been in place since 2015 and is available to all public hospitals in the State.

Under the HSE's National Service Plan 2019, a budget of €28.5 million has been allocated to support discharges from acute hospitals to transitional or step-down care. Despite this significant level of funding and service provision, the demand for services continues to grow. The allocation of funding across the system, though significant, is finite and services must be delivered within the funding available.

Up to May 2019, approvals were being allocated on a demand-led basis, as requests for this type of care normally tend to decrease over the summer months. This, however, has not been the case in 2019 and the number of requests for transitional care has continued to increase. The highest expenditure for the year occurred in the months of April and May 2019. The waiting time for transitional care at present is approximately one week. As of today, there are 23 people on the waiting list for transitional care funding who have applied for the fair deal scheme.

Transitional care funding is a national support service and there is no specific allocation for any region such as the Cork/Kerry Community Health Organisation. It is administered taking account of the available resource envelope, with funding distributed accordingly across the regions over the entire year. By the end of May, funding approval was provided for 378 transitional care beds in CHO 4. Preliminary data from June indicates that about a further 60 approvals were provided for CHO 4 in that month.

The HSE is required to deliver services within its available budget. To ensure there is suf-

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ficient funding available for the remainder of the year and to ensure that expenditure is in line with the transitional care funding allocation at the end of the year the HSE is managing its allocation of funding approvals having regard to the significant volume of approvals released in the first five months of the year. This means that since the start of June the rate of approvals has reduced compared to the early part of the year. Approvals will continue to be monitored closely and funding will be adjusted on a monthly basis to ensure a balanced budget for 2019.

Deputy Pat Buckley: I thank the Minister of State for his reply. I do not have much time so I will touch on just two points, the first being that once again we are talking about money versus people. The Minister of State appears to be very supportive of the Sláintecare report, the introduction to which states that patients are treated on the basis of need rather than means. It should not be a money thing.

In his reply the Minister of State said that “Preliminary data from June indicates that about a further 60 approvals were provided for CHO 4 in that month.” I had learned that it was actually in June when the social care division started to cap the transitional care approvals. I am not sure whether or not these are the blank cheques or the thanks one cashes in the banks. The Minister of State’s reply also said that “the rate of approvals has reduced compared to the early part of the year.” Of course it has, when they have capped it; nothing is happening.

We want this situation resolved. How we are currently treating our elderly people is disgraceful. We know there is another tsunami coming down the road.

Deputy Martin Ferris: Angela Fitzgerald, a senior manager overseeing acute hospitals, has highlighted a growth in delays releasing healthy patients from hospitals. She has said that a National Service Plan 2019 target of having fewer than 550 beds subject to the so-called “delayed discharge” is being missed. This is Ms Fitzgerald saying this, not me. The number recorded from Ms Fitzgerald’s briefing from April stood at 639. Ms Fitzgerald has said that further deterioration was expected due to a funding limit. It is basically coming down to funding being made available.

The Minister of State said:

Under the HSE’s National Service Plan 2019, a budget of €28.5 million has been allocated to support discharges from acute hospitals... Despite this significant level of funding and service provision, the demand for services continues to grow.

Obviously, the money available for this is not adequate to meet demand. Beds are badly needed in hospitals for seriously ill patients but no beds are available because they are being taken up by healthy patients who are waiting for a discharge. This is inexcusable and it needs to be looked at further.

Deputy Donnchadh Ó Laoghaire: The Minister of State will, I have no doubt, be aware of how severe the situation is in our hospitals, even in the middle of summer. Dr. Conor Deasy of Cork University Hospital, CUH, is reported in *The Echo* this week as saying that some 300 deaths per year can be partially attributed to overcrowding in our hospitals. There were 834 people on trolleys in CUH in June. It is absolutely incredible. A big factor is that nearly 54% of the bed capacity is taken up by 10% of patients. This is through no fault of their own. It is due to a lack of a place for the patient to go to. This scheme would allow those patients to get into nursing homes. The fair deal scheme is complicated, it can take time to bring things together and some people may not qualify for it. This scheme allows people, where they are fit

and healthy, to leave hospital to go into another bed. The scheme should be funded adequately to ensure that every available nursing home bed, through whatever scheme, is taken up and that every potential space in the hospital system is created. As with home help, this scheme is not being funded properly. If it was funded properly it would ensure that pressure is taken off the acute system.

Deputy Finian McGrath: I take on board the points raised by the Deputies and I will bring them to the Minister of State, Deputy Jim Daly. A person who has a delayed transfer of care is a person who has been deemed clinically fit for discharge from the acute bed, but whose discharge is delayed because he or she is waiting for some form of ongoing support or care following the discharge. There has been a substantial focus in recent years on reducing the delayed transfer of care, commonly known as delayed discharges, and enabling patients to be discharged from hospital sooner. This year the HSE aims to support some 10,900 people to leave hospital through the transitional care funding. Between 1 January and 31 May there were 4,861 approvals nationally, equating to approximately 231 per week, which is 20 per week ahead of target.

Given the increase in approvals over the first part of the year, approval rates must now reduce during the summer months to ensure the service stays within its budget.

Deputy Buckley spoke of the needs of patients, which absolutely must be addressed in line with Sláintecare. Deputy Ferris pointed to the figure of €28.5 million in funding. Deputy Ó Laoghaire referred to deaths and overcrowding, which is not acceptable. We also have to deal with the bed capacity issue. The plan is to invest in more capacity in our health service.

The Independent Expert Review of Delayed Discharges report was published in November. The review recognised the points raised and that delayed discharges are caused by a multitude of factors. The review made nine recommendations that include the development of a national policy to provide for a more consistent approach to recording delayed discharges, strengthening data collection, standardising the definitions and ensuring consistent discharge guidelines.

Following publication of the report immediate focus was on reducing delayed discharges as we entered the winter season through mobilising additional resources that were made available and in ensuring that social care measures were effected without delay.

I will bring the points raised to the attention of the Minister of State, Deputy Jim Daly. We need to develop the services and deal with the capacity issue.

Local Government (Rates) Bill 2018: Instruction to Committee

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): I move:

That, pursuant to Standing Order 200, Standing Order 154 is modified to provide that it be an instruction to the Committee, to which the Local Government (Rates) Bill 2018 may be recommitted, in respect of certain amendments that the Committee has power to make provision in the Bill in relation to:

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(a) technical amendments to the Planning and Development Act 2000 to;

(i) provide one-off transitional arrangements to ensure that the Minister may issue a Direction to Regional Assemblies, if required, regarding their Regional Spatial and Economic Strategies, where the process commenced prior to establishment of the Office of the Planning Regulator; and,

(ii) underpin the special provisions for Cork City and County Councils to extend the period for review of their county development, for the purpose of incorporating the National Planning Framework and Regional Spatial and Economic Strategy into their development plans;

(b) amendments to the Residential Tenancies Act 2004 and the Residential Tenancies (Amendment) Act 2019 relating to;

(i) an exemption from the rent increase restriction in rent pressure zones in respect of the first rent setting only following works effecting a substantial change to the nature of a dwelling that is within or is a (proposed) protected structure where that dwelling has not been rented in the previous 12 months;

(ii) the provisions that apply to tenancies and licences in student-specific accommodation, and,

(iii) transitional arrangements for the commencement of provisions connected to student-specific accommodation and approved housing bodies, and

to change the title of the Bill and make other consequential amendments required to take account of these changes.

The core purpose of the Bill is to modernise various enactments that govern the powers of local authorities to levy and collect commercial rates. The Bill should make the commercial rates regime more efficient and effective for ratepayers and local authorities. Commercial rates are a vital source of local authority income, making up approximately one third of local government current income every year, making them the single largest source of income for local authorities and providing income to the sector of almost €1.5 billion per annum. This income provides between 16% and 53% of total funding for local services at individual local authority level and makes a vital contribution to the delivery of local services that businesses and communities benefit from.

The core objective of the Bill concerns improvements in commercial rates and further proposed amendments will include making additions to the valuation list immediately effective for rating. Furthermore, there are proposed critical and time-sensitive amendments to other legislation. For reasons of efficiency and urgency, it is proposed to include a number of additional amendments in the Bill. These were signalled on Committee Stage and members of the select committee were briefed by my officials.

As the House is aware, the Residential Tenancies (Amendment) Act 2019, enacted on 24 May, introduces a number of key measures and reforms designed to enhance enforcement powers for the Residential Tenancies Board, RTB, provide greater security of tenure for tenants and underpin further the operation of the rent pressure zone, RPZ, arrangements, along with further targeted priority measures. While the majority of the provisions in the Act have already been

commenced, it is the Minister's intention to commence the provisions relating to student accommodation in July, ahead of the upcoming academic year. The remaining provisions, relating to annual registration, are scheduled for commencement in the first quarter of 2020, when the RTB is in a position to roll out annual registration.

The Minister has worked closely with the Minister of State with responsibility for higher education, Deputy Mitchell O'Connor, the Attorney General and members of the Joint Committee on Housing, Planning and Local Government to deliver these important protections for students, living in student-specific accommodation. It is important that the 4% per annum rent increase restriction in RPZs applies in this sector and that there is recourse for students to the dispute resolution services of the RTB. Students in both private and public residential accommodation are deserving of equal protection. Tenancy and licence registration requirements and the new RTB sanctioning regime for improper conduct will also apply to the student-specific accommodation.

The changes relating to the recently enacted student-specific accommodation provisions, including section 37, of the Residential Tenancies (Amendment) Act 2019 are primarily technical. The amendment to section 37 also has the effect of closing off a potential means of circumventing the application of aspects of the Act of 2004 to student-specific accommodation occupied under licence. Technical amendments are also proposed to clarify that the student-specific accommodation provisions and the provisions requiring annual registration can come into force separately and to replace "include" with "apply to" in the new section 3(1A)(a) that was inserted into the Act of 2004 by section 3 of the Act of 2019. The student-specific accommodation provisions are intended to commence in mid-July, prior to the later commencement of the provisions requiring annual registration that are expected to commence in quarter 1 of 2020, hence the urgency to address this issue before the summer recess.

The Act of 2019 also amended section 19 of the Act of 2004 to specify the types of works, including energy rating improvement works, that could qualify for the exemption from the RPZ rent increase restrictions that apply where a substantial change in the nature of the rental accommodation has been achieved that warrants a greater rent level. As protected structures are unable to qualify for this exemption on the basis of works to improve their building energy rating, it is proposed to further amend section 19(5)(a) of the Act of 2004 to allow the first rent set under the tenancy of a protected structure dwelling not rented in the previous 12 months to be the market rent.

I move now to the planning amendments referred to in the motion. An amendment is required to the Planning and Development Act 2000 to provide for transitional arrangements that are required, following the recent establishment of the Office of the Planning Regulator. This is a time-critical amendment in the context of the preparation of regional spatial and economic strategies, RSES, by the three regional assemblies, which are at an advanced stage. As currently enacted, the legislation provides only that the Minister can issue a direction in regard to the strategies on foot of a recommendation made to him by the planning regulator on the basis of the regulator having already been involved in the RSES process from the outset and having made submissions on the draft RSES document. However, the requirement relating to the planning regulator being involved from the outset cannot be satisfied for the current strategies as the process for all three had formally commenced prior to the establishment of the office. In all three cases, a draft regional strategy was published prior to the establishment of the Office of the Planning Regulator and submissions have already been made by the Minister.

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The amendment now proposed provides for transitional arrangements to ensure that the Minister has a robust legal basis to issue a direction to a regional assembly, if necessary, that is not dependent on a recommendation by the planning regulator. The amendment will allow the Minister to issue a ministerial direction to the regional assemblies, if required, to ensure that the RSES is consistent with the national planning framework or other key Government strategies and national policies. This amendment has the effect of reverting back to the position that pertained prior to the establishment of the Office of the Planning Regulator. However, in the spirit of the Act, and in recognition that the new office has since been established, the proposed transitional arrangements include provision for the regulator to be requested by the Minister to enter into the RSES process in an advisory capacity. To facilitate this advisory engagement in the context of the current RSES process, the four-week timeframe for the Minister to issue a draft direction, which was the norm prior to the establishment of the Office of the Planning Regulator, is being extended to six weeks.

A further minor technical amendment is also being proposed to section 11(1)(b) of the Act to underpin the special provisions for Cork city and county councils to extend the period for review of their development plans, in order to incorporate the regional spatial and economic strategy into their plan. This ensures consistency in section 11(1)(a) and 11(1)(b) provisions.

In light of the urgent nature of the proposed amendments I have described, I commend the motion to the House.

An Leas-Cheann Comhairle: I call Deputy Cassells, who is sharing time with Deputy Casey.

Deputy Shane Cassells: I thank the Minister of State for his contribution. I welcome the opportunity to speak on this rates Bill as we see it come to its final stages. I appreciate that, following on from committee last week, there are a number of additional areas that the Minister of State has outlined he wishes to see included.

When I speak on this matter, I always stress the fact that this is a huge part of our local government system. Our councils would not function without the moneys that are raised from local businesses in each county, and this always needs to be said. Some €1.5 billion was raised in revenues last year and, over the course of this decade, we have seen the cumulative total raised by some 14%, which should never be forgotten. I am always conscious of the role businesses play through their payment of rates in ensuring we have councils that can offer services. As the Minister of State said, anything that helps the system work more efficiently is to be welcomed and, therefore, many of the proposals being brought forward are to be welcomed. I am disappointed that amendments brought forward last week on Committee Stage by Fianna Fáil were not accepted, in particular our proposals regarding the phasing of multi-annual payments in the case of a business that has been hit by a rates revaluation which leads to a significant increase in the rates payable by it. We believe businesses hit with a substantial increase should be afforded the opportunity of phased payments. I am even more disappointed that our proposals around an inability to pay clause were not accepted. Outside of the booming city of Dublin and other cities, there are towns that are struggling. There are main streets in which a huge proportion of properties are vacant. This issue has to be grappled with. Without money coming through the door, businesses do not have money to pay rates bills to the county council or to the rates officers looking for their pound of flesh. The insertion of an inability to pay clause would have been a positive move. I am disappointed that the Government, supported by Sinn Féin in this new right wing coalition of friends, voted it down.

Fianna Fáil has put forward an amendment in regard to the public consultation process and rates abatement to allow for a more transparent process, which, I hope, will be accepted. I understand the time sensitive nature in terms of many of the issues outlined by the Minister of State. Fianna Fáil will work with the Government over the next couple of days to ensure the passage of the Bill.

Deputy Pat Casey: I thank the Minister of State, Deputy Phelan, for his statement and his engagement over the last number of years in regard to this Bill. My colleague, Deputy Cassells, outlined the critical role that commercial rates play in our local authorities. Fianna Fáil welcomes the majority of the provisions in this Bill, which seeks to modernise the commercial rates system and give our local representatives the power to introduce incentive schemes where they believe they are need, which is good for the democratic process. Equally, I welcome the amendment we discussed last week in committee in regard to the global and national revaluations. Local authorities such as Wicklow County Council will not be affected because it is having a national revaluation in the same year as a global revaluation but the council will not miss out. One of the controversial issues that arose last week was the revaluations by Irish Water which will commence this year, the impact that process will have on local authorities and how receipts will be divvied out to ensure that local authorities which have been rating their water infrastructure will not lose revenue because of the Irish Water valuation.

On the planning provisions of the Bill and the proposed amendment, my understanding is that this is required because the planning regulator office's was not established in time in regard to the process of the regional assemblies being brought forward and that it seeks to give the planning regulator an additional two weeks to review the draft plans with a view to confirming to the Minister that they are consistent with all national and regional policies but the Minister retains the power to take action, if required, to have the regional assemblies review them. Perhaps the Minister of State would confirm if my understanding of the amendment is correct.

Deputy Cassells mentioned the issue of inability to pay and the need for harmonisation of commercial rates in the case of properties that have not been revalued for 20 or 30 years and are hit with a revaluation. This is not the fault of the property owners. Rather, it is the fault of the system yet the property owner is asked to meet the cost of the revaluation, which in some cases can be a 200%, 300% or 400% in one year. Fianna Fáil's proposal, which was not supported, sought to harmonise payments over a number of years to remove the initial hard hit. Fianna Fáil's proposal on public consultation in regard to alleviation or abatement schemes is important. As a commercial ratepayer I know that a lot of commercial ratepayers do not understand the system. Anything we can do to bring transparency to the system and a greater understanding of how it works has to be welcomed. I am delighted the Minister has agreed with our amendment. I thank the staff for their work on the wording of the amendment.

The elephant in the room, which we all have to address at some stage, is the antiquated valuation process. I understand the Minister of State proposes to do work on it in the autumn. We need to bring an understanding to the valuation process because businesses cannot get their heads around it. Trying to explain that under zones A, B and C, the first 1 m in the door is rateable at a particular rate and the next 5 m is rateable at another rate and so on and how the value is calculated is complicated. This is the aspect that we still need to address going forward.

In general, Fianna Fáil is happy with the Local Government (Rates) Bill 2018 and we are willing to support it.

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Deputy Eoin Ó Broin: The motion before us is a technical one that seeks to give the Minister permission to introduce amendments to the Local Government (Rates) Bill 2018 that have nothing to do with that Bill but are related to the Residential Tenancies Act 2004, the Residential Tenancies (Amendment) Act 2019 and the national spatial strategies. I do not propose to speak to the Local Government (Rates) Bill 2018 or the substance of the amendments being proposed because I can do that on Report Stage later in the week but I do want to comment on this practice. This is the third time detailed technical amendments have been introduced to legislation on Report Stage by the Department of Housing, Planning and Local Government. This is not a good practice. I support some of the amendments and I do not support others but the Minister of State and I can tease out them on Report Stage tomorrow or Thursday.

There is a reason we have Committee Stage followed by Report Stage. It gives Members, including the Opposition, time to tease out with the Minister and the officials not only the intent of the legislation but the implications of it. Where a provision is allowed to pass on Committee Stage, we can discuss and reflect on it with colleagues or third parties before making a final decision on Report Stage. None of us objects to amendments being introduced on Report Stage to legislation in respect of which there is urgency. The fact this is the third time this has happened in the case of a Department that has not had to draft that much legislation in the past two years shows it is becoming a trend. I know this is not the responsibility of the Minister of State, Deputy Phelan, or the officials who are here diligently paying attention to this discussion, because they are dealing with the Local Government (Rates) Bill 2018 but this is a real concern.

For example, one of the amendments the Minister of State is seeking permission to introduce by way of this motion is an amendment to try to close a loophole to the definition of student-specific accommodation in legislation we recently dealt with. This suggests to me that officials in the Department when drafting that legislation were probably put under a significant amount of pressure from the Minister to meet the deadline for that Bill, which was substantially later in its passage through the Oireachtas than the Minister originally proposed despite the fact that it was facilitated in a collegiate way by the Oireachtas committee. That makes me nervous because if there was a mistake, error or something not noticed under pressure in that legislation what is to say the same has not happened with some of the legislation by way of the amendment that we are dealing with today?

This is not in any way a criticism of any official. I do not envy the job of the officials having to do a lot of this work under extreme time pressure. The fact we will not have had the opportunity to properly consider the text of the amendments on Committee Stage is bad practice. I acknowledge the officials who attended the Joint Oireachtas Committee on Housing, Planning and Local Government to brief it on the intent of the amendments. While it was very welcome, it is not good practice. I urge the Minister of State, Deputy Phelan, to bring back my views to the Minister, Deputy Eoghan Murphy, which, I think, are widely held views on the housing committee. I say that as somebody who supports most of the amendments the Minister of State is bringing forward.

On the technical motion before us, Sinn Féin will not oppose it. We will also facilitate the amendments but on behalf of the housing committee, I ask that it not become standard practice where with all legislation in the future, we deal with other technical details. For example, the amendment in regard to the spatial strategies was a big issue for us. The officials provided a clear explanation but it is a very technical amendment. It is eight pages long. That is as long as some entire Bills. I do not question the intent behind it but I have less time as an Oireachtas Member to go through the technical detail and be confident in my view before I vote in favour

or against it than I otherwise would. I appeal to the Minister of State not to make this standard practice. Of course we will facilitate him today as we have done before but let us not be here in a few months, if this Government is still in place, dealing with the same problems. Strictly speaking, Report Stage is for amendments to the Bill that are consequential to what we have already discussed. There is a rule that we have to raise those issues on Committee Stage so that it is all flagged in advance. I am increasingly uncomfortable with the way in which additional amendments, some of which are as long as entire Bills, come before us on Report Stage. It is not great.

Deputy Jan O’Sullivan: We will not obstruct this motion either because these are things that need to be done. I share Deputy Ó Broin’s concern about the process. We did not deal with the issues at the appropriate time. I am especially concerned about student accommodation, a relatively recent issue for the Houses of the Oireachtas, which we all campaigned for and welcome. Dealing with it in this way is not ideal in the context of how we do business. I am not a member of the Joint Committee on Housing, Planning and Local Government so I have not been involved as much in the detail as others, although I recognise that I have the right to attend, but I am a member of the Joint Committee on Education and Skills, which takes up a great deal of my time.

I am concerned about the process. The elements of it that the Minister of State outlined are understandable, relating to the Office of the Planning Regulator, for which the timing is important, the issue of Cork City Council and Cork County Council, which is self-explanatory, and student-specific issues. We want to ensure that the parts relating to student-specific matters work well because we have all seen protests outside Leinster House about the provision of student accommodation, where rents were substantially increased. We want to see them included in the rent pressure zones. While I am talking about rent pressure zones, I welcome the extension to include the rest of Limerick city, something for which I had been campaigning for a long time. There are many other things that I could say about what we need to do in the context of rent protection but I welcome the fact that Limerick city north and Limerick city west will join Limerick city east on the list of rent pressure zones. There are other areas just outside some of the zones, including some of the counties represented here, that will come under pressure. That is not relevant to what I am supposed to be speaking about so I will go back to the motion.

What the Minister of State said about protected structures concerns me somewhat. I know that this is about the content of amendments rather than what we are doing right now. I understand that the owners of protected structures cannot avail of some of the measures relating to energy ratings, etc., but I am concerned that the first rent set for a tenancy in the previous 12 months is deemed to be the market rent. The Minister of State will presumably explain the position during the debate on the Bill but I am concerned that this is an open-ended way to set rent. Other than that, I think the issue of regional assemblies, etc., is understandable. I will not try to stop this from happening but we certainly need appropriate debate on all of these issues, especially where long amendments are being proposed at this stage in the legislative process. We will have an opportunity to address the matter but it would have been better if we had more scrutiny and if we did not deal with complex Bills by adding provisions that do not deal with the relevant issue, which is the case with some of the proposed amendments.

Deputy Thomas Pringle: I echo some of the comments made by previous speakers regarding the method being to facilitate these amendments. That method makes matters difficult when scrutinising amendments and having a proper debate on them. It also affects the primary legislation and has an impact on getting it passed in a timely fashion and ensuring that it is

workable. Some of the amendments relating to the Residential Tenancies Act and student accommodation are worthwhile but they are very detailed and complex and should be dealt with specifically in that context of that legislation. The Residential Tenancies (Amendment) Act 2019 is the measure that this amendment will change. It is worrying that these Acts have been passed while these things are still missing and that the way to get it back in again is to add it to this Bill rather than having it as a stand-alone measure so that it could be the subject of proper scrutiny and discussion. The latter would have been far more preferable. It would probably cause a certain amount of embarrassment for the Government to have to amend an Act that has just been passed. Perhaps that is why this is being done. It appears that we are discussing the Local Government (Rates) Bill but we are not; we are discussing the other two Acts that the Government is amending. That probably covers it as far as the Minister of State is concerned. These should be subjected to the scrutiny and discussion that they deserve. Who is to say that more anomalies or problems will not be identified further down the line that will require amendments to amendments? We do not know because this will not be looked at fully.

The primary Local Government (Rates) Bill has some potential and there are good aspects to it. The Minister of State is keen to pass it. Putting the Bill through the Committee Stage process again will delay implementation. Local authorities deserve better than that. This legislation should be implemented as needs be. We will not stand in the way of this happening but I share the concerns of other Members about the problems with this. These amendments do not really relate to the Bill, they have been tagged on.

Deputy Mattie McGrath: I welcome the opportunity to speak on this motion. Rates have been a vexed issue for local authorities and local businesses for many years. We all accept that the system is essentially broken and requires urgent reform. I have been working for some time to have Tipperary County Council urgently reconsider its operational approach to the delivery of the N24 Davitt Street road improvement contract in Tipperary town and in respect of many other towns in which work has to take place on badly needed infrastructure. Some consideration must be given in drawing up the contract to temporary bypasses that could be introduced. We should stand behind the counters of the businesses and understand, from the point of view of their owners, how hard it is to keep the doirse ar oscailt - the doors open. Little or no consideration is given to that, however. Given the scale of the adverse impact on the financial viability of local commercial premises in Tipperary town, I also requested that the local authority apply an immediate reduction in respect of chargeable commercial rates. This would be a temporary, once-off measure. It is a matter of deep regret to me that the council has confirmed that it intends to refuse this request. It is a real punch in the teeth for hard-pressed ratepayers. I am talking about ratepayers who want to pay and who have a good record of paying, not the fly-by-nights that do not want to pay for anything. I salute the business people.

As part of its reply, the council noted that it is disappointed to hear that the businesses are being affected so badly. It stated that the contractors involved are making every effort to reduce the impact on businesses as they carry out works throughout the town. I am sure that, like me, the Minister of State will find the council's use of the word "disappointed" very revealing. Disappointment is no good. The council is in charge and should have consulted, engaged and tried to work with the ratepayers. After all, they are their customers. A business person who treated a customer like that would be out of business. The connectivity is very poor. The council betrays an extraordinary level of detachment from the commercial reality in the town since the commencement of works several months ago. If the work extends down the entire street, it will go on for two years.

On a related matter, at the start of this year I called on the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to clarify the reason his Department has failed to conduct a review of the economic impact of local authority rates on small and medium-sized businesses. That was after the Minister confirmed the absence of the review to me despite acknowledging that the annual rate of valuation, ARV, increased each year from 2016 to 2018. We now know that from 2015 to 2017 local authorities collected more than €4 billion in rates nationally, with €1.34 billion of that coming in during 2017 alone. That is an enormous amount. The latest available figures for County Tipperary, from 2016, showed that while €34.1 million in commercial rates was due to be collected, only €26.4 million was actually collected, leaving arrears of €7.07 million. We know the reason for that was that business is so dismal in the county. It clearly demonstrates that businesses are struggling to pay existing levels of commercial rates, never mind having to deal with year-on-year increases such as those confirmed by the Minister today.

It is vital that businesses and SMEs are supported, especially in light of the challenges that Brexit will inevitably have on them. For this reason, I welcome many of the measures in the Bill. I ask the Minister of State, Deputy Phelan, to clarify the issue of rates calculation for service stations. That is a major issue. The Minister of State is nodding and looking at his officials. I hope he will clarify the position. I am aware of a wonderful young businessman, Mr. Alan O'Donnell, his father Noel and his family, who have a service station in Cahir. He undertook a significant expansion and gives much employment and service to the public. On the basis that he is selling petrol on the forecourt, his rates this year jumped fourfold from €5,000 to €21,000. Such an increase could not be factored into the borrowings and investment on such a major project. Many other long-standing motor factors and service station businesses in Cahir are similarly affected. They cannot sustain the increases. There are high costs attached to the sale of petrol and diesel and the turnover is low. Something must be done to help such businesses. Was an impact analysis carried out as to how the decision on forecourts and service stations was reached? We cannot have such issues arising. I seek a reply in that regard from the Minister of State.

What does the Bill propose? Among the measures included are provisions to allow local authorities to restate a charge or rate to be levied on each relevant property for which the current occupier or owner of the property will be liable. That is very important because people change. We want to rejuvenate towns. If the rates continue to be punitively high, we will not get rejuvenation and we will not get living towns back again. The uptake of the living city initiative is very slow because it has not been marketed. I am aware that people applied for certain schemes but the response from Tipperary County Council was totally lethargic and inept. The council was slow in giving approval for schemes and it found every reason in the world to deny access to schemes. Long delays were experienced when worthwhile projects were put forward for disused premises, some pubs and shops. The scheme should be simplified. If premises are closed for a certain period, applicants should be able to get a break. That would do two things. It would boost the living environment of the town and bring footfall back and it would also deal with the housing crisis. The Minister of State, Deputy Phelan, is a junior Minister in the Department of Housing, Planning and Local Government. We must encourage people to develop units into apartments or promote schemes such as the previous living over the shop scheme. The schemes should be made more accessible and more effort should be put into them to encourage people to move back into town centres and to get rid of the blight of disused buildings.

The Bill proposes to provide greater enforcement powers by local authorities in their col-

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lection of rates through the appointment of an authorised officer with the necessary powers to carry out certain duties under the proposed Act. I am concerned about the proposal because we do not want too much power to be provided. The vast majority do not mind paying rates. We paid them. My late father paid them when there were rates on farms. Rates were always paid. With the stroke of a pen, as an election gimmick, a party of which I was a member at the time just wiped them away. We never recovered. I celebrated the abolition of rates at the time but it was foolish. It was devised by Professor Martin O'Donoghue at the time. He was the first of the so-called messiahs that came along and left us in the mess we are in now. I do not know where he is now but I hope he is alive and kicking.

Deputy John Paul Phelan: It is good to repent even 40 years later.

An Leas-Cheann Comhairle: The time is up.

Deputy Mattie McGrath: I repented long ago because we do not have the money to spend.

Deputy Pat Casey: Does Deputy Mattie McGrath want farmers to pay rates again?

Deputy Mattie McGrath: Farmers always paid their way. It was a folly at the time, as was the car tax. We need to have a reasonable look and adjustment. We must support the ratepayers who are paying. I seek clarity from the Minister of State on what will happen with forecourt retailers and service stations. The significant increase in their rates this year cannot be sustained.

Deputy John Paul Phelan: May I respond?

An Leas-Cheann Comhairle: No. There is no provision for a response.

Deputy Eoin Ó Broin: We are back in the House tomorrow to discuss the Bill.

An Leas-Cheann Comhairle: I am sure the Minister of State is anxious to speak but he will have to find another opportunity.

Deputy John Paul Phelan: We will be back for the debate tomorrow. I am very anxious to respond to Deputy Mattie McGrath. I will do so tomorrow.

An Leas-Cheann Comhairle: Perhaps the Minister of State could arrange a bilateral meeting.

Deputy John Paul Phelan: On a forecourt near you.

Question put and agreed to.

Courts (Establishment and Constitution) (Amendment) Bill 2019: Order for Report Stage

Minister of State at the Department of Justice and Equality (Deputy David Stanton):
I move: "That Report Stage be taken now."

Question put and agreed to.

Courts (Establishment and Constitution) (Amendment) Bill 2019: Report and Final

Stages

An Leas-Cheann Comhairle: As there are no amendments on Report Stage, we proceed to the Order for Fifth Stage. When is it proposed to take Fifth Stage?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): Anois.

Bill received for final consideration.

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

Minister of State at the Department of Justice and Equality (Deputy David Stanton): On behalf of my colleague, the Minister for Justice and Equality, Deputy Flanagan, who is occupied in the other House on Government business, I am pleased to commend the Courts (Establishment and Constitution) (Amendment) Bill 2019 to the House. No amendments to the Bill were proposed on Report Stage.

The Minister has asked me to acknowledge in particular the co-operation and support that has been given to this Bill by colleagues and party spokespersons across the House. It is hoped that, subject to the completion of today’s proceedings and the conduct of business as may be agreed by the Houses, the Bill can be completed for enactment before the summer.

As the House is aware, the purpose of the Bill is to provide for an increase in the maximum number of ordinary judges of the Court of Appeal from nine to 15. The Bill, therefore, provides for an amendment of the Courts (Establishment and Constitution) Act 1961 to increase the statutory number of ordinary judges of the Court of Appeal from nine to 15.

At present, the court comprises a President and not more than nine ordinary judges as set down in statute. There has been no change in this configuration since the court’s establishment in 2014. The Court of Appeal plays a pivotal role in dealing with a whole range of appeals arising from both civil and criminal proceedings across a number of court jurisdictions. However, we are now at a point where it is clear from the current trend in waiting times that, without additional judges, the Court of Appeal, before too long, will be facing the kind of delays which necessitated its establishment back in 2014.

Information received from the Courts Service confirms that, as matters stand, hearing dates for civil cases before the Court of Appeal have already been fixed, up to and including May 2021. While some allocation has also been made within that schedule so that more urgent appeals can also be dealt with, the time available for civil appeals is essentially fully allocated up to that time. The President of the Court of Appeal has also highlighted the need for this Bill with the strong support of the Chief Justice.

On behalf of the Minister, I thank my colleagues for facilitating this Bill and for their co-operation and support.

Deputy Jim O’Callaghan: The Minister of State is correct that no amendments were tabled on Report Stage. We have been supportive of this legislation since it was introduced in the House. It is important. As the Minister of State has said, the Court of Appeal is an extremely busy court. Since it was established, it has been very efficient in dealing with appeals from the High Court and in taking the pressure of work off the Supreme Court, which primarily deals with constitutional cases. It is worthwhile increasing the number of judges in the Court of Ap-

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peal to the 15 provided for in this legislation. At present, there is a delay in hearing a case in the Court of Appeal. One would be lucky to have a case heard in 2021. One could probably have a case heard at the end of 2021 if one were seeking it now. There is a considerable delay in the court and it is important that we do not turn the court into one where there are very lengthy delays. Individuals are entitled to have their cases heard promptly. They are also entitled to have their appeals heard properly. We support the legislation and welcome it.

I was thinking of tabling an amendment in respect of the retirement age of judges. I did not do so because I believed it might be complicating for the Government and we want to get the legislation through promptly. As I said previously to the Minister, Deputy Charles Flanagan, there is a strong argument that the retirement age of judges should be increased from 70 to 72. Previously the age was 72 for judges at the superior courts. It has been reduced to 70. Sometimes people do not apply to become a judge until their mid-50s but this results in a disincentive because they do not get their full pension entitlements if they serve only 15 years in the superior courts. It is a matter that the Government should examine. People are living longer and are more sprightly. We should consider allowing judges to serve until they are 72. I welcome the legislation, however, and we support it.

Deputy Donnchadh Ó Laoghaire: I have not much to add beyond what has already been said. This is useful, simple and important legislation. There is clearly a very significant backlog in the Court of Appeal. We support extending the number of judges to try to deal with the backlog. We will constantly be supporting the legislation and will allow it to proceed.

Deputy Sean Sherlock: We are also supporting the Bill.

Question put and agreed to.

Land and Conveyancing Law Reform (Amendment) Bill 2019: Order for Report Stage

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

Question put and agreed to.

Land and Conveyancing Law Reform (Amendment) Bill 2019: Report Stage

An Leas-Cheann Comhairle: Amendment No. 1 is out of order.

Amendment No. 1 not moved.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 2:

In page 3, between lines 10 and 11, to insert the following:

“Amendment of section 108 of Land And Conveyancing Law Reform Act 2009

2. Section 108 of the Land And Conveyancing Law Reform Act 2009 is amended by

the insertion of the following subsection after subsection (1):

“(1A) (a) In the case of a housing loan mortgage, notwithstanding the terms of the mortgage agreement or anything to the contrary set out in subsection (1), a mortgagee may not appoint a receiver without the permission of the Circuit Court.

(b) An application to appoint a receiver pursuant to paragraph (a) shall be made to the Circuit Court on notice to the mortgagor. In considering an application for an Order to appoint a receiver the Court may make such enquiries as it considers necessary to determine whether the appointment of a receiver is necessary for the purpose of receiving any income or other property as set out in subsection (1)(c) deriving from the property. Having made such enquiry, and heard the parties to the proceedings, the Court may refuse the Order sought or may grant an Order on such terms as it considers appropriate in the circumstances.”.”.

We discussed these issues on Committee Stage but I wish to raise them again because they are important. They pertain to individuals who would not enjoy the protections of this legislation or any other Act concerning repossession because they would fall within the ambit of receivership. Free Legal Advice Centres, FLAC, has experience of the problem, which has the potential to escalate. It relates to those who bought a property with a mortgage with a view to its being the family home but who, for whatever reason, had to leave it and let it out with a view to using the rent to make mortgage repayments, with every intention of returning to the home in the medium to longer term. Very often, these individuals are trying their very best to keep up to date with their repayments. We are trying, through our amendment, to rectify the problem so they will be in a position to benefit from the system. They have very little protection and are not covered because, since they are not in the property, a receiver can move in. The proposition is very reasonable. I realise the Minister has made statements about delays but I do not believe that is the way this process should work. I understand this is useful legislation and we support it. It offers vital protection to those it covers. If the amendment is not accepted, there may not be another appropriate opportunity soon to deal with this issue. It is important that it has been tabled. I will be pressing it.

Deputy Sean Sherlock: I wish to speak in support of the amendment. I acknowledge the work of FLAC on this and its submission on the Bill. With the permission of the Leas-Cheann Comhairle, I will refer to its submission. It states the issue of the appointment of receivers to properties that are the principal private residence of the borrower has become contentious in recent months, particularly in light of the increasing number of loans that have been sold by the pillar banks to investment and vulture funds. FLAC has noted this particularly where the borrower has, at some point following the occurrence of arrears, moved out of the property and rented it to a tenant in order to stem the arrears problem and/or attempt to resolve it. Typically, the borrower will move back to his or her original family home or try to source cheaper accommodation with friends and relatives. In the cases FLAC has seen, the borrower subsequently pays the full amount of the rent directly to the lender and therefore the appointment of the receiver is arguably unnecessary. Indeed, as the receiver is deemed to be the agent of the mortgagor or borrower under section 108(2) of the Land and Conveyancing Law Reform Act 2009, though appointed by the mortgagee or lender, the appointment of the receiver may lead to less money being paid to the lender as the costs of the receiver would be deducted from the rent paid by the tenant to the landlord or borrower. FLAC believes that in some of these cases the appointment of a receiver is a prelude to evicting the relevant tenants, obtaining vacant possession of the property and then selling it without having to bring legal proceedings to the

Circuit Court to repossess it in the normal manner envisaged by the Act of 2009. This strategy robs a borrower who has acted in good faith, has attempted to deal with the arrears problem and has credible proposals to solve that problem of the opportunity to convince a court that the possession order should not be granted, and it effectively undermines the role of the courts to administer justice. It also undermines the intention of this Bill, which is to empower the Circuit Court to make the decision as to whether such an order is granted, according to a specific statutory criterion. The mortgage deed, according to FLAC, will generally provide for the power of the lender to appoint a receiver on the occurrence of specific events, including a default in the payment of instalments. This is currently backed up by section 108(1) of the Act of 2009, which allows the lender to appoint a receiver in the event of arrears or other breaches of the agreement. No other conditions are imposed on the exercise of this right. Subsection (3) allows the receiver to “exercise any powers delegated by the mortgagee or other person”.

In essence, we are supporting the amendment on the basis of the grounds set out, where there is an intervention whereby the mortgagee may not appoint a receiver without the permission of the Circuit Court. We believe this complements the Bill and speaks to the spirit of the Bill proposed originally by the Minister of State, Deputy Moran. It is on that basis that we support the amendment.

Deputy Jim O’Callaghan: I tabled amendments similar to those tabled by Deputy Ó Laoghaire on Committee Stage. I did not press them on that Stage. I recollect they did not proceed to a vote. I did not press the amendments because the Minister of State, Deputy Moran, very sensibly informed me that if we did, it would delay the progress of the legislation and mean it would not be enacted. I openly expressed my concern about that on Committee Stage and, for that reason, withdrew my amendments, which were the same as those of Deputy Ó Laoghaire and which, in fairness, were brought to my attention by FLAC. I am sure it is the same for Deputy Ó Laoghaire. I am conscious, however, that we are here on the Final Stages of this legislation which will be enacted this evening. There is no doubt about that. This amendment is a useful one for people who are property owners, particularly where that property is their primary residence. We have a situation where under a deed a receiver can be automatically appointed over a residential property without any recourse to the courts. It has the effect, although that may not be the intention, of circumventing the requirements of going to court for a repossession order. That is because the receiver’s powers simply kick in on foot of a contract entered into by the two parties prior to the appointment of the receiver. Subject to what the Minister of State has to say, and as always I will listen to him carefully, my inclination at this stage is to support this amendment since the Bill is going to be enacted this evening.

Deputy Kevin Boxer Moran: The Government is opposing this amendment. The basic objective of the Bill is to provide adequate protections for people in mortgage arrears in respect of their principal private residences. This amendment will not help such people in any way for the simple reason that receivers are not appointed to principal private residences. In this case, as there is no rental income from principal private residences the appointment of the receiver would be of no benefit to the lender. The rationale behind the proposed amendment appears to be an intention to assist certain borrowers who, for whatever reason, rent their principal private residences with the view of servicing their mortgages. I should point out that such action may, in itself, be a breach of the mortgage contract entered into by the borrower and the lender. Such contracts may preclude the renting out of the principal private residences.

Having said that, I have to add that it is not clear to me how often such a situation arises. It is clear, however, that the proposed amendment would cover all instances of lenders appointing

a receiver and that would include all buy-to-let mortgages. That would cause difficulties to the Courts Service regarding the demands on the courts' time and the cost of processing applications for court orders. Requiring lenders to apply for a court order prior to the appointment of the receiver would lead to increased demands on time and costs for the Courts Service. It should be added that, apart from any statutory powers to appoint a receiver, mortgages usually reserve the contractual rights of the mortgagee to appoint a receiver with the conditions in section 108(1) satisfied. This amendment seeks to set out the terms that may be contained in the mortgage arrears contract. It could, if enacted, lead to legal challenge. If the amendment is passed the Minister has indicated that it will be necessary to obtain legal advice on the matter prior to the Bill returning to the Seanad. That would, without doubt, delay the passage of this Bill. I am opposing the amendment for those reasons.

Deputy Donnchadh Ó Laoghaire: On one hand, the Minister of State has said that it is not clear that this is going to affect many people but on the other hand, he states that it will be a drain on the resources of the courts. Which is it? If it is going to place further demands on the Courts Service and if that means the difference between a case being heard, a case involving people in danger of losing their home or a home to which they hope to return, then I have no issue with that going before the courts. I think that is the kind of issue that should be tried before the courts. That is the very point that this amendment draws us into, of trying to get around the courts by using the approach of a receivership. FLAC is coming across that and it is a reality, whatever the number of cases involved, be it a dozen, 200 or a greater number. It is important that those families and individuals involved be protected.

I understand the Minister of State's point regarding delaying this Bill. I do not want to delay it either. If we are, however, stating that we cannot pass any amendments because it could delay legislation then that is a way of stating that certain areas will not be dealt with at all and we will come back to them at some unknown date in the future. This is the place where we can deal with it and we should deal with it. I am, therefore, pressing this amendment.

Deputy Jim O'Callaghan: I want to give some indication of my thinking on this issue. I will not say that we hold the balance of power but we have a significant influence regarding this amendment. I am in the same position now as I was before the committee. Regarding what the Minister of State just said, I do not think it is a good point to claim that we should oppose this amendment simply because people are going to have to apply to the courts and the Circuit Courts are going to get busier as result. That is not a good enough reason. It is a reason to provide greater resources to the courts and to ensure they have sufficient resources to be able to apply the laws we pass in the Houses of the Oireachtas. I said on Committee Stage that the reason I was not going to push these amendments was that would delay the enactment of this legislation. It is important legislation and I am concerned that if this amendment is passed, then the Bill will be delayed.

The Minister of State's best point was his last one, although it was not a legal point but a political one. I am referring to the Minister of State's comment that if this amendment is enacted that it is going to delay the legislation. This legislation is useful. It will be of benefit to people in the difficult and terrible position of having their houses repossessed and facing those applications before the courts. We may be able to gain a victory here tonight, be able to state that we managed to get a provision inserted into the Bill and then state that has worked well for Fianna Fáil, Sinn Féin or the Labour Party. The Minister of State, Deputy Moran, is not a Fine Gael Minister. I am concerned, however, that the passing of this amendment would provide the perfect opportunity for Fine Gael to state that this Bill cannot be enacted because there is a

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necessity to get further legal advice. Having listened to the Minister of State's last point, and his stance in respect of it, I will not be supporting the amendment. I may abstain but I will not support it. I just wanted to say that so that people have an awareness of where the votes will go, should this amendment be put to a vote.

Deputy Eamon Scanlon: I want to comment briefly. I am glad that the amendment is not going to be supported by my party. If this was passed then the Bill would have to go back to the Seanad and we would be looking at next October or November before this Bill could be brought back into the Dáil. I compliment the Minister of State for the great deal of work that he has done on this legislation. We will do whatever we can to help stop people's homes being taken from them. We read in recent days that some 3,200 mortgages with Ulster Bank are to be sold off to vulture funds. That is if what we are reading is true.

These are homeowners, in owner-occupied properties, doing their damndest to try to stay in their properties. They are doing deals with the banks but still finding it difficult to comply with the stringent terms being applied. We will do anything we can in this House and in the other House to try to help people who are struggling. I am referring to genuine people living in their homes and doing their damndest to try to keep those homes. They are working extremely hard to try to meet the demands of the banks. We should be doing anything we can to help. This is a step in the right direction but not the full journey. It would be detrimental to delay this Bill passing until next October or November.

Deputy Sean Sherlock: We have to talk about this Bill in the context of what it means for the owners of family homes. Taking the announcement today from Ulster Bank regarding its plans to sell a €900 million loan book with 3,200 homes, we can safely state that common sense dictates that if a property goes into receivership, then that is a precursor to taking possession of the property. This amendment merely seeks to provide some sort of a buttress to protect further the family home and it is in keeping with the original spirit of the Bill. It just seeks to add another piece of equipment or another tool to the Bill to protect the homeowner. I understand the spirit of where the Minister of State is coming from regarding his intention in respect of the Bill. We have, however, the ability within this House to fast track legislation if we so wish. I do not think that using the defence of an undue delay in regard to the legislation is adequate.

The amendment should be considered further, particularly as it and what it seeks to do stand up to scrutiny.

Deputy Kevin Boxer Moran: I appreciate where the Deputies are coming from. While I understand what Deputy Ó Laoghaire is seeking to do, this Bill has been three years in the making. Many Deputies have stated that the Government has been slow to act and help people who are in mortgage arrears. This Bill addresses that issue. As Deputy O'Callaghan stated, the amendment would delay the Bill. If we are lucky and get it through tonight, however, there is nothing to stop us from adding to it in future. I stated that in the Seanad and on Committee Stage. This is important legislation that many people are seeking.

Amendment put:

<i>The Dáil divided: Tá, 28; Níl, 43; Staon, 25.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Broughan, Thomas P.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>

Dáil Éireann

<i>Buckley, Pat.</i>	<i>Barrett, Seán.</i>	<i>Brassil, John.</i>
<i>Collins, Joan.</i>	<i>Breen, Pat.</i>	<i>Butler, Mary.</i>
<i>Collins, Michael.</i>	<i>Brophy, Colm.</i>	<i>Cahill, Jackie.</i>
<i>Cullinane, David.</i>	<i>Bruton, Richard.</i>	<i>Calleary, Dara.</i>
<i>Doherty, Pearse.</i>	<i>Burke, Peter.</i>	<i>Casey, Pat.</i>
<i>Ellis, Dessie.</i>	<i>Byrne, Catherine.</i>	<i>Connolly, Catherine.</i>
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	<i>Curran, John.</i>
<i>Healy-Rae, Danny.</i>	<i>Carey, Joe.</i>	<i>Dooley, Timmy.</i>
<i>Healy, Seamus.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Lawless, James.</i>
<i>Howlin, Brendan.</i>	<i>D'Arcy, Michael.</i>	<i>MacSharry, Marc.</i>
<i>Kelly, Alan.</i>	<i>Daly, Jim.</i>	<i>Martin, Micheál.</i>
<i>Kenny, Martin.</i>	<i>Deering, Pat.</i>	<i>McGrath, Michael.</i>
<i>McDonald, Mary Lou.</i>	<i>Doherty, Regina.</i>	<i>Moynihan, Aindrias.</i>
<i>McGrath, Mattie.</i>	<i>Donohoe, Paschal.</i>	<i>Moynihan, Michael.</i>
<i>Mitchell, Denise.</i>	<i>Doyle, Andrew.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Munster, Imelda.</i>	<i>Durkan, Bernard J.</i>	<i>Murphy, Eugene.</i>
<i>Murphy, Catherine.</i>	<i>English, Damien.</i>	<i>O'Callaghan, Jim.</i>
<i>O'Reilly, Louise.</i>	<i>Farrell, Alan.</i>	<i>O'Dea, Willie.</i>
<i>O'Sullivan, Jan.</i>	<i>Flanagan, Charles.</i>	<i>O'Keeffe, Kevin.</i>
<i>Ó Broin, Eoin.</i>	<i>Grealish, Noel.</i>	<i>O'Sullivan, Maureen.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Griffin, Brendan.</i>	<i>Pringle, Thomas.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Harris, Simon.</i>	<i>Rabbitte, Anne.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Heydon, Martin.</i>	<i>Scanlon, Eamon.</i>
<i>Ryan, Brendan.</i>	<i>Humphreys, Heather.</i>	<i>Smith, Brendan.</i>
<i>Sherlock, Sean.</i>	<i>Kehoe, Paul.</i>	
<i>Stanley, Brian.</i>	<i>Kyne, Seán.</i>	
<i>Tóibín, Peadar.</i>	<i>Madigan, Josepha.</i>	
	<i>McGrath, Finian.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</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>Ring, Michael.</i>	
	<i>Stanton, David.</i>	

<i>Zappone, Katherine.</i>

Tellers: Tá, Deputies Donnchadh Ó Laoghaire and Sean Sherlock; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 3:

In page 3, to delete lines 19 to 21 and substitute the following:

“**2A.** (1) This section applies to any proceedings brought by a mortgagee, irrespective of when the mortgage was created, seeking an order for possession of land to which the mortgage relates and which land is land to which section 2 applies—”.

This amendment, which was previously discussed at length on Committee Stage, proposes the insertion of a new section 2A into section 2 of the Land and Conveyancing Law Reform Act 2013. It is not clear that the relevant provision of the Bill applies retrospectively. Sinn Féin believes that the amendment is essential to avoid potential challenges to the legislation on the basis that it is not retrospective. We believe that those seeking to repossess homes will argue that this section does not apply retrospectively. Free Legal Advice Centres, FLAC, also reached that conclusion. We do not know exactly how many people are in mortgage arrears and in fear of repossession, but there may be as many as 12,000 or more. The key purpose of the Bill and, I am sure, the intention of the Minister of State, Deputy Boxer Moran, is to provide protections for those people. He stated that such protections are contained in the Bill but I am not convinced that is the case. The amendment aims to provide certainty in that regard and ensure that any potential court challenges arguing that the provision does not apply retrospectively are minimised by clearly stating in the section that it applies to all repossession proceedings.

Deputy Kevin Boxer Moran: I intend to take amendments Nos. 3 and 4 together.

The Government is opposing these amendments. The intention behind the amendments is unclear and seems to be based on the desire that the Bill should have retrospective effect. Amendment No. 3 proposes the insertion of “any proceedings brought by a mortgagee, irrespective of when the mortgage was created”. I consider the amendment unnecessary since it is clear from the current wording that the section applies to any and all proceedings brought by a mortgagee for possession of land to which section 2 applies. The amendment adds nothing. On the contrary, by departing from the existing words in section 2(2), it seems to suggest that the range of mortgages to which section 2A applies is somehow wider than the range to which section 2 applies. There is a danger that the amendment will create uncertainty in respect of the scope of the Bill. The wording is inconsistent with the wording of section 2(2) of the 2013 Act. Any revision in the manner suggested by the amendment could create confusion over the scope of the existing section 2(2) of the 2013 Act. This is the reason we are opposing the amendment.

Deputy Donnchadh Ó Laoghaire: I cannot think of a single instance of how the amendment might create confusion or any two sets of circumstances where one provision could be argued to be in conflict with the other. The Minister of State seems to be suggesting the effect of the wording corresponds to “any and all” and we are saying it applies to all mortgage cases regardless of when they were created. That seems to be the situation the Minister of State is suggesting. The advice we have received, and the view of Free Legal Advice Centres, is that we are uncertain the legislation would be immune from court challenge unless we provide for

it to apply retrospectively.

It is worth remembering that a great deal of legislation does not apply retrospectively. It is difficult to make legislation apply retrospectively. The fact that the Bill does not state this clearly, concisely and frankly is a concern for us. We believe it needs to be rectified. I cannot think of a single set of circumstances in which one provision could be argued to be contrary to the other. We will be pressing the amendment. It is important for the provision to apply retrospectively.

Deputy Pearse Doherty: I want to come in on this issue because my colleague, Deputy Ó Laoghaire, is raising an important issue. I am raising the matter with the insight drawn from my No Consent, No Sale Bill 2019, which is receiving scrutiny at the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach. The purpose of that Bill is to prevent banks from selling loans to vultures without the consent of the borrower. We were given clear advice as a result of case law that legislation intending to apply retrospectively must state explicitly that it is intended to apply retrospectively. That is based on case law and a court ruling. The presumption by the courts is that if that is not done, then it will be presumed not to apply even though the language may suggest that it does. The issues being raised need to be taken on board.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I wish to take this opportunity to commend the driving force behind this Bill, namely, my colleague, the Minister of State at the Department of Public Expenditure and Reform, Deputy Boxer Moran. In fairness to him, he has built his political career by being in tune with and responsive to the people he serves in his communities.

I agree wholeheartedly with the Bill. Repossession of family homes should absolutely be in every instance the last resort. I do not believe the legislation requires amendments Nos. 3 or 4. The Bill, as it stands, fits perfectly well with existing Government initiatives designed to assist people who are in mortgage distress. Some of the initiatives we have already undertaken include the Abhaile scheme and the Personal Insolvency Act 2012, which has modernised the regime for personal insolvency and brought Ireland in line with best international practice. This legislation will fit perfectly alongside the laws the House has already passed. I commend the Bill to the House.

Deputy Pearse Doherty: The issue here is clear. I welcome the Bill - the Minister of State knows that. The Government needs to deal with this issue properly because the intention of the Bill, as put forward by the Minister of State, is for it to apply retrospectively. In *Bupa Ireland v. The Health Insurance Authority and Others* Mr. Justice Murray stated: "Again, where the Legislature is enacting provisions, however sound the reasons for them may be, which have potentially serious implications for legal rights, including constitutional rights, of persons or corporations, one must expect that the intended ambit or application of such provisions will be expressed in the legislation with reasonable clarity." That relates to the retrospective nature of legislation. There has to be clarity. This has already been adjudicated on by the courts. I say as much because the legislation I drafted intends to be applied retrospectively just as this legislation does. However, this legislation does not state as much with clarity. Given the court rulings on previous occasions there is a serious question, to say the least, over the retrospective nature of it.

With that in mind, given that we are on Report Stage and the intention is that it would act

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retrospectively, the submission by Deputy Ó Laoghaire should be listened to and taken on board by Government.

Deputy Michael Healy-Rae: I commend the Minister of State, Deputy Kevin Boxer Moran, on bringing this important issue before the House. The protection of the right of people to be in their homes and everything that can be done to enhance the protection of family homes are terribly important.

I truly appreciate the amendments proposed by different Members of the House, but I have a concern about the amendments. While they are well-thought-out and genuine in thrust, the question of whether they will delay the Bill arises. This legislation is so important. I do not want to say it should be rushed through the House because rushed legislation is sometimes not good legislation, but this Bill is good in its entirety. If there are to be amendments, I am not keen for the Bill delayed too long. The people in their homes will benefit from the protection that this legislation would afford. That is what I would like to see.

I thank the Minister of State genuinely on behalf of the people I represent and the people who might be affected positively by this legislation being enacted. I thank him for doing this because it means a great deal. It is like everything in life: if it only helped one person, would it not be a big thing? That is not to mind the number of people it will help. If it only helped one family, would it not be a good day's work by us? We know it will obviously help a great many people. It would be wrong not to thank the Minister of State and his staff for preparing the legislation and bringing it before the House. It deserves to be supported. I know that the amendments are being put forward with nothing but good intentions, and I appreciate that. I do not want to be taking up time save to say those few words.

Deputy Jim O'Callaghan: I reckon everyone here shares the same objective. What happens when a court comes to consider the new section 2A of the 2013 Act? The legislation, as drafted at present, seems fairly clear to me. The proposed section 2A(1) states: "This section applies to proceedings brought by a mortgagee seeking an order for possession of land to which the mortgage relates and which land is land to which section 2 applies". Any judge hearing an application under this section will say it does not matter whether the mortgage was made after the enactment of the legislation. What planet would judges think we are living on if we introduced legislation to deal with the difficult situation that people face where there are applications for repossession of their properties? That is not a perspective issue we need to deal with in the context of future mortgages. It is clearly to deal with existing mortgages. For that reason I do not think it is necessary to amend it. I understand the point Deputy Ó Laoghaire is making. I can appreciate that its purpose is to ensure clarity, but I would be astonished if a Circuit Court judge, or any judge hearing an application, told someone whose house was being repossessed that the legislation did not apply to him or her because the mortgage was created before its enactment. I am also concerned that inserting language such as "irrespective of when the mortgage was created" could have an impact on other legislation which clearly apply to mortgages created before their enactment. Financial institutions could then potentially claim that other legislation does not apply to mortgages that existed prior to its enactment because it does not have the words "irrespective of when the mortgage was created" in it.

I acknowledge the point Deputy Ó Laoghaire is making. However, on balance, I am concerned because I think there is politics behind this as well. The Minister of State, Deputy Moran, has done well to get this legislation through, and I do not think he has the universal support of all members of the Government in that, the Minister for Employment Affairs and

Social Protection, Deputy Regina Doherty, excluded. I would be concerned that if an amendment is made to this Bill, the more powerful side of the Government will say it has to be looked at again, and it will hand it back to the Attorney General and delay it. This relates to the whole section because it is on the first part, section 2A(1), so while I accept the points that have been made, Fianna Fáil will be abstaining on this.

Deputy Michael Fitzmaurice: I compliment the Minister of State, Deputy Moran, on bringing this Bill forward. We spoke about it many times, but in fairness to him, he got it through the back corridors, through Committee Stage and so on, fairly quickly, and I compliment him on that. Deputy O’Callaghan, in fairness to him, is trained in looking at this type of legislation while many of us are not. Everybody puts down amendments in good faith because they may see a flaw, and they are fully entitled to do so. That is an important feature. We have to make sure legislation is right, but we also need to ensure that it moves on as quickly as possible for the people, providing that it is correct. If it saves even one family, then it has been a help.

Deputy Kevin Boxer Moran: There is a danger that the amendment will create uncertainty in relation to the scope of the Bill. The current wording is based on the wording in section 2(2) of the Land and Conveyancing Law Reform Act 2013. Amending this provision in the manner suggested could create confusion as to the scope of the existing section 2(2) of the 2013 Act.

Deputy Donnchadh Ó Laoghaire: A few issues have been raised. Deputy O’Callaghan noted how a judge might react if this legislation were to come before him or her. However, we should think first of the lawyer who might take a case on behalf of a bank or vulture fund, and how he or she would potentially argue it. A judge has to take a number of things into consideration when evaluating legislation. First and foremost is the text and letter of the legislation. However, there is also previous jurisprudence, and much of the previous jurisprudence says that if legislation is to be retrospective, it has to explicitly say so. This legislation does not explicitly say so. There is a presumption against retrospectivity. That sounds like a strong enough case for a lawyer to make to me. I am sure judges can also take the intention of the legislature into account. However, as far as I am concerned, it is a strong factor that a barrister advising a bank or vulture fund might tell them that there is an avenue to argue that a particular repossession case does not fall within the legislation.

I take the points Deputies Michael Healy-Rae and Fitzmaurice made regarding the Minister of State’s good intentions on board. I respect that, and this is decent legislation. I acknowledge the good motivations from which the Minister of State works, and I hope the legislation achieves its intended outcome. However, we are trying to get this Bill through to ensure it helps people, and we are tabling this amendment because we are not sure the Bill applies to all the people we think it should apply to, namely, the tens of thousands of people facing repossession. We are not confident of that, and if we are proven to be correct in our concerns, then this legislation is unfortunately not worth a great deal. This could be rectified relatively easily by making it explicitly clear that the legislation applies retrospectively, and the reasons that have been given for not adopting this amendment seem weak. The Minister of State is essentially saying that the text does not fall within the exact structure the Department of Justice and Equality generally likes. The wording of the amendment is crystal clear that this legislation would apply to all mortgages regardless of when they were created. We need that clarity in order to ensure the tens of thousands of people we want this legislation to protect are covered by it.

Amendment put:

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<i>The Dáil divided: Tá, 29; Níl, 45; Staon, 19.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Broughan, Thomas P.</i>	<i>Barrett, Seán.</i>	<i>Aylward, Bobby.</i>
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	<i>Brassil, John.</i>
<i>Collins, Joan.</i>	<i>Brophy, Colm.</i>	<i>Butler, Mary.</i>
<i>Collins, Michael.</i>	<i>Bruton, Richard.</i>	<i>Cahill, Jackie.</i>
<i>Connolly, Catherine.</i>	<i>Burke, Peter.</i>	<i>Calleary, Dara.</i>
<i>Cullinane, David.</i>	<i>Byrne, Catherine.</i>	<i>Casey, Pat.</i>
<i>Doherty, Pearse.</i>	<i>Cannon, Ciarán.</i>	<i>Curran, John.</i>
<i>Ellis, Dessie.</i>	<i>Carey, Joe.</i>	<i>Dooley, Timmy.</i>
<i>Ferris, Martin.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Lahart, John.</i>
<i>Healy-Rae, Danny.</i>	<i>Creed, Michael.</i>	<i>Moynihan, Aindrias.</i>
<i>Healy, Seamus.</i>	<i>D'Arcy, Michael.</i>	<i>Moynihan, Michael.</i>
<i>Howlin, Brendan.</i>	<i>Daly, Jim.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Kelly, Alan.</i>	<i>Deering, Pat.</i>	<i>Murphy, Eugene.</i>
<i>Kenny, Gino.</i>	<i>Doherty, Regina.</i>	<i>O'Callaghan, Jim.</i>
<i>Kenny, Martin.</i>	<i>Donohoe, Paschal.</i>	<i>O'Dea, Willie.</i>
<i>Mitchell, Denise.</i>	<i>Doyle, Andrew.</i>	<i>O'Keeffe, Kevin.</i>
<i>Munster, Imelda.</i>	<i>Durkan, Bernard J.</i>	<i>Rabbitte, Anne.</i>
<i>O'Reilly, Louise.</i>	<i>English, Damien.</i>	<i>Scanlon, Eamon.</i>
<i>O'Sullivan, Jan.</i>	<i>Farrell, Alan.</i>	<i>Smith, Brendan.</i>
<i>O'Sullivan, Maureen.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Ó Broin, Eoin.</i>	<i>Flanagan, Charles.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Grealish, Noel.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Griffin, Brendan.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Harris, Simon.</i>	
<i>Pringle, Thomas.</i>	<i>Healy-Rae, Michael.</i>	
<i>Ryan, Brendan.</i>	<i>Heydon, Martin.</i>	
<i>Sherlock, Sean.</i>	<i>Humphreys, Heather.</i>	
<i>Stanley, Brian.</i>	<i>Kehoe, Paul.</i>	
<i>Tóibín, Peadar.</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>Moran, Kevin Boxer.</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>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Donnchadh Ó Laoghaire and Sean Sherlock; Níl, Deputies Seán Kyne and Tony McLoughlin.

Amendment declared lost.

Deputy Donnchadh Ó Laoghaire: I move amendment No. 4:

In page 3, line 19, after “to” to insert “any”.

Amendment put and declared lost.

Bill received for final consideration.

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

An Leas-Cheann Comhairle: The Minister of State, Deputy Boxer Moran, wants a minute and I think he deserves it.

Minister of State at the Department of Public Expenditure and Reform (Deputy Kevin Boxer Moran): Before I came into the Dáil three years ago, I met so many people out there. I came in here with no legal background in bringing forward legislation but when I met so many people who found themselves in mortgage arrears, I felt I had to do something. I came in here to get the support of the House, not only on this Bill but on my previous Bill, and I thank each and every Member from the bottom of my heart. I thank the Members also on behalf of the people who have knocked on our doors or come into our clinics who need support in legislation like this.

I note Sinn Féin tabled amendments and we ruled them out. I feared a delay on the Bill. The people I represent and those I have met over the past three years have constantly emphasised getting this Bill passed in the House to help them in the future.

I particularly thank those who helped me write the Bill: my political adviser, Mr. Eugene Deering, Dr. Padraic Kenna and also the solicitor, Ms Julie Sadlier.

I thank the Minister for Justice and Equality, Deputy Flanagan, for his support over recent months - I mean that sincerely - to get this Bill through the House. It means a great deal. I also thank the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, who as then Government Whip helped me bring the Bill to where it is today.

I thank our colleagues on the other side of the House. I appreciate Deputy O’Callaghan’s support over the past number of months.

As I say, this is my second piece of legislation, but just to let the House know I have a third piece on the way.

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Deputy Jim O’Callaghan: Show the Minister, Deputy Ross, how to do it.

An Leas-Cheann Comhairle: There is no provision for conferring a doctorate.

Question put and agreed to.

An Leas-Cheann Comhairle: A message will be sent to the Seanad acquainting it accordingly.

Sitting suspended at 7.55 p.m. and resumed at 8 p.m.

Mental Health Services Reports: Motion [Private Members]

Deputy James Browne: I move:

That Dáil Éireann:

welcomes:

— the recent annual report of the Mental Health Commission and the report of the Inspector of Mental Health Services;

— the comprehensive nature of the reports and their contribution to building a culture of transparency in mental health services; and

— the recognition and reporting given to improvements, as well as deficits, within the services monitored;

notes:

— the findings and warnings from the Mental Health Commission which highlight significant governance and management deficit within mental health services;

— concerns about seclusion, physical restraint and services for young people;

— likely obstacles to the registration of some of the country’s in-patient mental health units without significant improvements in levels of compliance;

— a serious concern with hygiene and maintenance in a significant number of approved centres;

— mental health services where the degree of dirtiness and shabbiness is unacceptable and shows disrespect for patients’ dignity;

— that 70 per cent of approved centres (in-patient mental health services registered by the Mental Health Commission) remained dirty, malodorous and poorly maintained;

— that a number of centres remained unsuitable and not fit for purpose;

— that a significant number of approved centres have, on a consistent and sus-

tained basis, failed to provide the most basic and fundamental aspects of a service;

— that more than 40 per cent of approved centres were non-compliant on the need for individual care plans; and

— that residents in long-term care are not being adequately monitored for serious physical illness and there was widespread lack of access to essential healthcare such as physiotherapy, speech and language therapy, dietetics and seating assessments;

further notes that:

— the Mental Health Commission annual report also highlighted ongoing concerns around child and adolescent mental health services;

— while the total number of admissions of people under the age of 18 to approved centres in 2018 was 408 (down from 439 in 2017), there were 84 admissions of children and adolescents to 18 adult units during the year;

— children and young people in crisis are left with the unacceptable ‘choice’ between an emergency department, general hospital, children’s hospital, or an adult in-patient unit;

— there are only Child and Adolescent Mental Health Services (CAMHS) units in three counties – Dublin, Cork and Galway – and they generally do not take out-of-hours admissions; and

— in April 2019 the number of CAMHS clinical staff nationwide stood at 57 per cent of the level recommended by *A Vision for Change*;

agrees that:

— while policy creates hope, the evidence gathered by the Mental Health Commission indicates that it is only well-governed, well-managed and well-resourced services that deliver for the public;

— the absence of regulation of State-provided mental health community residences leaves residents open to the risk of abuse;

— there is no justification for some of the low levels of compliance evidenced in the Inspector of Mental Health Services’ report;

— there are significant governance and management deficits within our mental health services;

— it is difficult to see how some of the lowest compliant centres could be registered in the future without significant improvement;

— hope and dignity are key elements of any mental health service and that not all approved centres are providing that, either through the service itself, or the physical buildings in which they operate;

— it is necessary to respect the wishes of service users and their families/carers in facilities such as the Rosalie community psychiatric unit in Castlerea, Co. Roscom-

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mon;

— a planned, costed and funded capital investment programme is required to bring a significant number of Health Service Executive (HSE) buildings up to date, make them fit for purpose and ensure that they are registrable;

— the placement of any child in any adult unit indicates a gap in service provision; and

— a child or adolescent's first introduction to mental health care should not be through a service or building which is not specifically equipped to deal with their needs; and

calls for:

— a system of governance that drives best practice across the whole country;

— measures to ensure that the specialist in-patient approved centres are up to standard;

— the continued movement of the treatment and recovery model to specialist professional community care;

— the introduction of a system of regulation to protect the more than 1,200 people who live in State-provided mental health community residences;

— adult safeguarding regulation to be put on a primary legislative basis;

— a planned, costed and funded capital investment programme to bring a significant number of HSE buildings up to date, make them fit for purpose and ensure that they are registrable;

— an urgent implementation strategy to ensure that the CAMHS services provided match what is recommended under *A Vision for Change*;

— the recognition of the rights of 16 and 17 year olds to have the equivalent say over their mental health as they currently do over their physical health;

— the establishment of a national advocacy service on a statutory footing for adults and children under eighteen;

— the establishment of a statutory right for patients to information on their treatment;

— the updating of the Mental Health Act 2001 in line with the Report of the Expert Group on the Review of the Mental Health Act 2001 and to include guiding principles for children; and

— the right of involuntary patients to have any advance healthcare directives respected.

I am sharing time with my colleagues. It is unfortunate that I need to propose this motion in respect of the Mental Health Commission's annual report and the report of the Inspector of Mental Health Services with the intention of keeping mental health on the agenda. I hoped

there would not be a need for it to be kept on the agenda but the reports indicate that there is such a need. They are comprehensive and highlight some serious areas of concern and failure within our mental health services. They point to a number of positives as well. However, in 2019, some 13 years into A Vision for Change, a lot of these issues are totally unacceptable and unnecessary. They make for stark reading.

One of the key issues to highlight is that of unregulated facilities. Similar facilities relating to disability care and physical health are regulated by the Health Information and Quality Authority, HIQA, but, in terms of mental health, they are unregulated. I am concerned about the potential for serious issues to arise in some of these facilities. There is no reason to fail to have them regulated and assessed. The reports refer to centres being unfit for purpose or unsuitable. We had the first ever prosecution under our mental health services in respect of St. Luke's in Kilkenny, which had to be prosecuted because of the lack of care for some of our most vulnerable people. There is no justification for many of these faults.

I want to focus also on child and adolescent mental health services, CAMHS. As the Ministers of State will know, this is where the 10% of the most acute circumstances arise that affect our young people's mental health services. These services again remain seriously understaffed 13 years into what was to be a ten-year plan, A Vision for Change. Only 57% of staff were found to be *in situ*. In two areas, CHO 5 and CHO 7, less than 50% of the necessary staff are in place. Similarly, only 7.6% of the necessary staff are *in situ* in CAMHS for children with intellectual disabilities. There are no staff to care for such children in three areas - CHO 1, CHO 3 and CHO 6 - comprising almost a third of the country. This affects children who suffer from autism or Down's syndrome. Children with intellectual disabilities are four times more likely to suffer a mental health issue and are least able to cope. There continues to be a long waiting list for children, with 2,500 on it. The numbers of children admitted to adult units were 84 last year and 68 three years ago; the trajectory is unfortunately in the wrong direction. I was contacted by a parent whose child was admitted to the Waterford department of psychiatry, DOP, last night and had to be kept on a trolley. He had been on a hard chair all day because not only is there no place in a child unit but there seems to be no place even in an adult unit for him. We have the continued situation of no after-hours access. We have unqualified consultants and we have been waiting a number of years for the Mental Health Act 2001 to be updated; we do not even have the heads of a Bill yet.

On the consequences, in Temple Street Hospital and my local hospital, Wexford general hospital, the number of children being admitted to the emergency department has increased significantly. Suicide remains the greatest cause of death among young people aged between 15 and 24. Antidepressant prescription is increasing because general practitioners, GPs, are seeing no other options and there are no other pathways out there. I am not questioning the *bona fides* of the Minister of State as I know he is doing his very best but I do not get a sense of urgency from the Government. I do not get the sense that it is prioritising mental health, putting the necessary funds in place or giving him the support he needs. In a country of 4.5 million people, there should not be a postcode lottery. We have a population approximately the size of greater Manchester and there should not be such large differences, even in Dublin, between what someone on one side of a street can access and what someone on the other side can.

A clear implementation strategy needs to be rolled out in order that everybody across the country has equal and fair access to services. The key issues I have highlighted need to be addressed.

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Deputy Jackie Cahill: Our mental health services are one of the greatest issues of concern to people. There is increasing concern for the well-being of our young people in particular. The tragedies that are visiting them in all too great numbers are a worry, with solutions that are too vague and not properly resourced. The recent annual report of the Mental Health Commission and the report of the Inspector of Mental Health Services make for difficult reading. The reports are comprehensive and contribute to building a culture of transparency in the mental health services. They give recognition to improvements as well as deficits within the services monitored. Nonetheless, the reports highlight many areas of concern and the failures of the mental health service make for stark reading. There has been significant under-investment in mental health services in recent years. This must change. The future of our mental health services cannot be allowed to fall off the Government agenda.

There is also the ongoing crisis in the children's mental health services. Thirteen years after the publication of *A Vision for Change*, the services are understaffed. Too many children continue to be admitted to adult units. Waiting lists and waiting times are too long and renewed focus is needed to reduce these service deficits. While early intervention for children with mental health issues is critical, for children with an intellectual disability such as autism or Down's syndrome who also have mental health issues, a lack of early intervention is nothing short of cruel. Children and adolescents with an intellectual disability are four times more likely to be diagnosed with a mental health problem compared to others their age. They may find it more difficult to deal with those mental health problems because of their intellectual disability.

I refer to the growth of drug use in our communities. This is both a cause and a result of mental health issues. In my constituency of Tipperary, there is growing evidence of a serious problem in this area and of its direct link to suicide. We need acute mental health beds in our county. We need proper and after hours mental health services in Tipperary. We need a focused attack on the reasons young people are using illegal drugs to mask their problems and we need proper counselling supports for them and their families to get them away from drugs and into a mental health service that is fit for purpose.

Deputy Eugene Murphy: I have been working for some time with my colleagues to bring a motion like this to the House. Both Ministers of State, Deputies Catherine Byrne and Jim Daly, have answered questions in the House on more than one occasion in respect of the Rosalie unit in Castlereagh, County Roscommon. I am glad that the motion states it is necessary to respect the wishes of the services users and their families and carers in facilities such as the Rosalie community psychiatric unit. The Minister of State, Deputy Byrne, will know from answering parliamentary questions that people in this unit are mildly mentally handicapped. They are mainly old and they have been there for many years. I acknowledge the Minister of State, Deputy Jim Daly, who has come down and has met us. We have had many a hard battle with him but he is a listener and he does try to help. There are 11 people left in that centre, which initially had 33. It has been made clear to us that the centre is closing and a new service will start up. However, throughout this process, families have been forced into a situation that they do not accept. It is a beautiful building, as the Minister of State knows. It is not a dilapidated building and it is not a condemned building. It has been the home of these people for many years. Despite the best efforts of the politicians and the families, we find that the HSE did not take into account the state of the people, who are vulnerable and need assistance. The Ministers of State will say the clinicians are the people who know and we cannot contradict them but this motion asserts that in such situations, we must have a better way of doing things. I believe the Minister of State acknowledges that point. I will always make the case that it is our job to come into this Cham-

ber to stand up for those who are vulnerable. In similar future situations, I hope we have to look after people in places such as the Rosalie centre. I request that the Minister of State allow the 11 people who are still there to live out the rest of their lives there. They are older people and their families are very happy to have them stay there.

Deputy Margaret Murphy O'Mahony: I commend Deputy Browne and others on bringing the motion forward this evening. It is 13 years since the publication of *A Vision For Change*. Unfortunately, I put it to the two Ministers of State present, Deputies Catherine Byrne and Jim Daly, that nothing much has actually changed. There are still too many children being admitted to adult wards and our waiting lists are still far too long.

In my constituency office in Cork South-West, I recently met the parents of a young man who are at their wits' end and are in an extremely distressed state. Their son should be enjoying college life, life in general, and looking forward to his future. Instead he literally has given up and has thrown in the towel. He was admitted to Cork University Hospital for one week and while this helped him enormously - I commend the staff there - unfortunately there was no follow-up and no plan made for his future. The family are now back to square one with nowhere or no one to turn to.

I know of another patient who presented at a hospital in the last week having attempted to take his own life. The family, understandably, are distraught. Situations such as this could have been avoided if community staff and ward staff were not under so much pressure. It is even more alarming that the two cases brought to my attention in the past two weeks are both young people with families.

What of the welfare and mental health of staff members? From my conversations with these staff members, I am aware that morale is at an all-time low. They undoubtedly are bringing their work home with them and there is no way they could detach themselves from such a predicament. This is very cruel. The matter is not going to go away and it cannot be brushed under the carpet. It needs to be addressed immediately.

Deputy Aindrias Moynihan: I acknowledge Deputy Browne for highlighting the issue and for bringing forward the motion. In its 2018 annual report, the Mental Health Commission highlighted the ongoing crisis around child and adolescent mental health services, CAMHS. While the total number of admissions of people under the age of 18 to approved centres last year fell, there were 84 admissions to 18 adult units during last year. In the report, the commission chief executive Mr. John Farrelly stated that "the placement of any child in any adult unit indicates a gap in service provision". A place that is not equipped for their needs should not be the first introduction of a person in a distressed state to a service.

The long waiting lists for CAMHS stem from the service having barely more than half the staff required. It seems it is not the only mental health service suffering due to problems in recruitment; waiting lists and bed shortages are common throughout the service. It suggests there is a postcode lottery. Tá dúshlán mór ann maidir le sláinte meoin agus an tseirbhís atá á gcur ar fáil, go háirithe do dhéagóirí agus do dhaoine óga. Caithfimid dul i ngleic leis seo, rud atá léirithe arís agus arís eile. Feicimid é arís san tuarascáil bhliantúil go gcaithfimid tabhairt faoin dúshlán seo le fuinneamh gan a thuilleadh moille.

Deputy Anne Rabbitte: I thank Deputy Browne for giving me the opportunity to speak on this motion on mental health services. I will begin by complimenting the Minister of State,

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Deputy Daly, for holding the audiovisual room session with Jigsaw some weeks ago. It was a very welcome opportunity for that organisation to present its stall. It was also welcome for Oireachtas Members to engage with Jigsaw. We acknowledge the wonderful work they do. We need to see that model replicated throughout the State, however that is managed. Deputy Cahill spoke earlier about Tipperary. As long as I have been in the House, we have been talking about Tipperary as a model that needs to be rolled out. Tipperary borders with my native county - we have just a bridge separating us - and mental health issues know no boundaries. Such a service, be it based in Nenagh or wherever, would be very welcome for the people in Portumna to be able to cross the bridge. It would free up a huge gap.

On the motion and the Mental Health Commission, I was very startled to hear yet again that young people being admitted to psychiatric units is on the agenda and that yet again, we are listening to their experiences. We have no idea what it is like to be in those young people's shoes or to be in those particular horrors or what it is like for their mothers, their fathers or their relatives to have to walk away at night leaving their child in an adult unit. I have first-hand experience of knowing what adult units are like. It is soul destroying when one walks away and leaves an adult behind but I cannot imagine what it is like to have to leave a child.

When the Minister of State, Deputy Jim Daly, takes to the floor later, will he please indicate what he is going to do about beds, because it is about beds? Galway has a CAMHS centre but it has only so many beds while supporting 11 counties.

We are fantastic now at talking about wellness and mental health. There is huge awareness around the issue now. People know about it and gone are the days of it being a taboo. People are now able to say that they need help and to ask how they can access help and get support. People are open to the interventions on offer. Parents are open to being told that the best thing they can do is walk away and leave it to the professionals if an intervention is required. They are open to being told they can do no more, they have done the best they can at home but now it is time to let their little ones come in, as the professionals can give them the wraparound supports and by getting that intervention, they can get the young people back on their feet, back into the community, back into school and pushing forward.

It is very hard, however, to do this when there are not enough beds. Parents are very reluctant to avail of getting that next level of support. The reason they do not want to get that next level of support is they do not want to have to walk away, leaving their child in a 50-bed unit in University Hospital Galway. They do not want to leave their child on a stretcher in the accident and emergency department. Why would they? If a child is having a particular episode and thinks the whole world is against him or her, then parents are not going to expose the child to an overcrowded accident and emergency room, while telling the child this is the best they have to give him or her. This mentally scars the children a hell of a lot more. We actually do the child more harm than good. We are not giving them support and we are holding them back by donkey's years compared with where we could bring them. I put it to the Minister of State that early intervention is key. Consider a young child of ten or 11 years of age with attention deficit hyperactivity disorder, ADHD. We are aware that intellectual disabilities and mental health issues are four times more likely when coupled together like that.

We also need to support the staff who really want to help but who are constrained by the facilities around them and by the fact that they cannot give that help. Earlier I spoke with the Minister for Health, Deputy Harris, with regard to primary care settings. I am a serious advocate for it. I appreciate that we have made leaps and bounds since 2012 in the delivery of primary

care settings. The first intervention, however, is where it needs to be at. A situation should not have to become acute where the person might need to get into a hospital bed. Early intervention is key, especially when one does it through the primary care centre and setting. One does not need to have all the staff; there is e-health also. We have moved on. We do not need to run around looking for the psychiatrist or psychologist. We can have that space in a proper primary care setting, where that family are totally engaged, switched on and know what is going on. I was in Australia late last year and I saw exactly how it is done there. Jigsaw is going out there to look at the best ideas. My God, it was amazing when I walked into their rooms and saw all they have done. We can do that too. We are spending the money but we could put that into the primary care centres. It is normal for people to talk about their mental health and well-being. Why would we not integrate that really well within our primary care setting?

I thought the year we spent on the mental health committee in the bowels of Leinster House was a year well spent. It was a year spent trawling through the issues, asking questions and getting to understand not just what has come out in this report, but also the Prison Service and so many other services. It would help any Minister who is in that position to hear it being teased out.

Minister of State at the Department of Health (Deputy Catherine Byrne): I thank all of the Deputies who have spoken. On behalf of the Minister of State, Deputy Daly, I welcome the motion as it highlights the Mental Health Commission's role in holding to account our mental health services. The improvement of mental health services is an important priority for the Government. The Government supports the commission, providing funding to it of almost €14 million this year. These reports will help to improve outcomes for service users.

Despite the identified areas of concern, compliance rates have increased over the last two years. However, we acknowledge that further improvement is needed and the Department of Health will continue to monitor progress made by the HSE in improving compliance. I would like to take this opportunity to welcome the new board of the HSE, which held its first meeting last Friday.

It is unacceptable for approved centres to be dirty, and the HSE must ensure that all residents are provided with clean facilities. We all agree they deserve the best and that this is a basic right. Seclusion and physical restraint should only be used for the purposes of treating a patient, or to prevent patients from doing harm to themselves or others. While compliance with seclusion rules is still low, this is improving year-on-year. The same applies to individual care planning. The Government will support the HSE and the commission to work together to further improve compliance in these areas.

The Government notes with concern the findings with regard to the provision of mental health services for children and adolescents. All referrals are assessed on their clinical presentation and need, and those deemed urgent will be seen as a priority. Placement of children and adolescents in adult units should only happen where this is the best care option, bearing in mind all circumstances. The HSE closely monitors such admissions to minimise these. The HSE is reviewing existing levels of service provision and will examine international models of best practice on the most appropriate models of delivery for use in Ireland. As has been said, there are problems in recruiting and retaining specialist staff in child and adolescent services. Efforts are ongoing but there is a shortage of staff at both national and European levels.

The safety and protection of adults who may be at risk of harm is a key objective of the Gov-

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ernment. This is why the Government has approved the development of a national policy on adult safeguarding in the health sector, together with any required legislation. Work has been ongoing on updating the Mental Health Act 2001 for some time. The Minister of State, Deputy Daly, is pleased to note that, today, a draft of heads of Bill, based on recommendations of the expert group review of the Act, was sent to the Mental Health Commission for its consideration. This draft represents a detailed and comprehensive piece of work, which aims to improve and modernise certain aspects of the Act in line with international standards. It is important to stress that this is a phase in a process, with the commission likely to require a period of approximately six months to study and comment on the draft heads.

Included in the draft heads are new provisions to allow for regulation by the commission of mental health community residences. I should point out that while such residences are not currently subject to regulation, the commission has the authority to inspect them and recommend improvements which, where possible, the HSE will respond to. In addition, the updated Act will include new text on the provision of information for voluntary patients, given access to such information for involuntary patients is already provided for in the Act. Furthermore, the draft heads include the recognition of rights of 16 year olds and 17 year olds to have an equal say over their mental health care as with physical health.

The motion refers to the Rosalie unit in Roscommon. The HSE consulted widely with patients and families on the provision of alternative care arrangements, as well as taking account of an independent clinical and evidence-based report. On modernisation of care settings, €3 million was allocated for minor capital works in 2018 to help improve mental health facilities. Almost €1 billion was allocated to the HSE's mental health services for 2019 and funding has increased by over €270 million since 2012. A Vision for Change has provided the framework for mental health policy since 2006. A refresh of this policy is nearing completion and will provide a roadmap for the future of mental health policy in Ireland.

I reaffirm the Government's commitment to the continued development of a high-quality mental health service for all. While we all agree there is some way to go on this, it is not true to say nothing has been done. The Minister of State, Deputy Daly, has worked tirelessly on many mental health issues since he came into office and I am sure that, in his closing remarks, he will be able to address some of the issues raised by Deputies. We will not be opposing the motion.

Deputy Pat Buckley: I move amendment No. 1:

To insert the following after "advance healthcare directives respected;":

“- the reinstatement of the post of National Director for Mental Health to provide accountability, transparency and strong national leadership for mental health;

- the development of an information system for mental health, starting with basic indicators so that outcomes can be tracked and monitored;

- a statutory footing for the right to a care plan;

- the publication, before the end of 2019, of a costed implementation plan for the provision of 24/7 CAMHS;

- no freeze on recruitment or overtime for psychiatrists, nurses, psychologists and other essential staff;

- an immediate commencement of the Mental Health (Amendment) Act 2018 in whole or in part so that people's basic rights are protected; and

- an immediate commencement of the sections of the Assisted Decision-Making (Capacity) Act 2015, relating to Advance Healthcare Directives and the extension of that right, through new legislation, to involuntary patients.”

I wish to share time with Deputies Cullinane, Martin Kenny, Ellis and Ó Laoghaire.

Acting Chairman (Deputy Alan Farrell): Is that agreed? Agreed.

Deputy Pat Buckley: I thank Fianna Fáil for using its Private Members' time to raise these extremely important matters. I would also like to take the opportunity to commend the proposed Sinn Féin amendment, which I believe is very much in keeping with the spirit of the motion and adds positively to it, with policies for which Fianna Fáil has recently expressed support. I thank Deputy Browne and Fianna Fáil for accepting our amendment. We will see the value in these additions, which were developed in conjunction with mental health campaigners.

There are deep-rooted societal impacts on mental health which can only be addressed fully by policies which pursue an end to the economic and political model which enshrines inequality, poverty and isolation. That said, I believe that all in this House, from all political perspectives, can and should agree at least that mental health services deserve investment and that people who use those services deserve dignity and effective care within the service.

I was not shocked at what I read in the Mental Health Commission report because it is something which my work in mental health for many years has made me all too aware of. At the core, this is an issue of rights. We talk about patients' rights in this context but, really, they are simply the rights of all people to care, should they need it. We do not have that system today, as this report and this motion remind us. There is no dignity in a dirty, smelly, broken down ward. There is no dignity in a four-bedroom dorm with no privacy for adults in mental health distress. There is no dignity in a child being placed in an adult ward or, worse still, sleeping on a chair, as has happened for lack of an appropriate bed. Where is the care and dignity when over two thirds of patients do not have care plans in compliance with regulation?

With no dignity comes no hope. There is no hope when long-term patients have no rehabilitation teams, as is the case for 39% of them. There is no hope in waiting lists for care which put lives at risk and see children become adults before an appointment is met. In that indignity and hopelessness, we find staff who have trained for years to dedicate their lives to care being let down by a system and a Government that, quite frankly, undervalues them, overworks them and does not listen to them.

Many things can impact a person's mental health negatively but mental health services should not be one of them for patients, families or staff. We cannot continue down this road. The solution is not simple or cheap, but the cost of not acting will be greater. We need accountability with, as promised, a new director of mental health in the HSE, a new Oireachtas committee on mental health and a new mental health Act, which enshrines dignity, respect and hope as the right of all who seek care in the services. We demand clarity on the progress towards 24-7 services, with an implementation process that sets out funding and has firm but ambitious deadlines. We need a statutory right to a collaborative and empowering care plan and to advanced healthcare directives for all patients with capacity.

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Nurses, psychologists, psychiatrists and other therapeutic professions demand the respect their work deserves, the ability to do that work in Ireland, to live in comfort at home and to safety at work. I ask the House to support the motion and the Sinn Féin amendment.

Deputy David Cullinane: I support the motion and the Sinn Féin amendment. It is always good to debate mental health services in this House. I want to focus on child and adolescent mental health services, CAMHS, in University Hospital Waterford, UHW, and the lack of facilities in that service.

The south east lost a number of adult psychiatrists over the past number of years. One of them resigned his post because he recognised that the services were lacking and that the building and services in place were not what children who need the supports of a child psychiatrist and CAMHS should get. The Mental Health Commission, on a number of occasions, found that the inpatient mental health facility at UHW was high risk and, critically, that it was non-compliant with regulations relating to the maintenance of records and the use of their selection. It also found in a previous inspection that children and adults were being placed in what it called “a dirty and dusty seclusion room”. It was not fit for purpose. We have had reports of children in adult wards, including a report in 2017 of a 16 year old girl who was left in a chair overnight in an adult psychiatric ward and who was horrified by her plight. I am sure her family were as well. All of this demonstrates a lack of capacity in the system.

I do not blame the Minister of State, Deputy Jim Daly, for every problem in the mental health service, no more than I do not blame the Minister, Deputy Harris, for every problem in our health service but there are serious capacity issues. The regulator, in this case the Mental Health Commission, has made it known time and again, year after year, that there are serious problems in terms of capacity, buildings that are not fit-for-purpose, children in adult words and a lack of psychiatrists. Psychiatrists are leaving UHW because they cannot work in that environment. When St. Senan’s Hospital in Wexford closed, patients were sent to Waterford for services, but because no additional capacity had been put in place, the Waterford services became overcrowded and patients throughout the south east were told to attend the services in Cork. These people need supports immediately when they are having an episode or when there is a risk to their lives. They need immediate access to services but it is not available to them in most cases. This is the reality for many patients. Much more needs to be done. The Government needs to wake up on this issue.

I commend the authors of the motion and I support the amendment.

Deputy Martin Kenny: Over the past couple of years, I have raised many issues with the Minister of State, Deputy Jim Daly, in regard to mental health services in the north west, in particular CAMHS. He is well aware of the situation there. It is probably at 50% capacity and has been that way for a long time. This is having a major impact on families and young people who run into difficulties. The service is, at best, a skeleton service. Often, nobody answers when people telephone the service.

A gentleman spoke to me recently about his child who is on medication that has to be reviewed every six months. He cannot even make contact by telephone with the CAMHS unit to make an appointment to have that medication reviewed. When he made contact, he was told to contact his GP. The GP told that him that because he did not prescribe the medication, he could not review it. This is the type of problem that exists in our mental health services.

We also have a serious issue in regard to the school-age psychiatrist service. It is non-existent as well. When a psychiatrist is available, he or she is only available for a short time. A child might meet a psychiatrist once a week for six or eight weeks and having built up trust, the psychiatrist is replaced by a locum to do the same job again. This inconsistency is causing significant difficulties.

On adult services, I welcome the proposed new mental health unit for Sligo University Hospital. It is hoped it will be open this time next year. However, there will be 12% fewer beds in that unit than currently exist, which means a decrease in capacity. At the same time, owing to staffing issues, there has not, and will not be, a service in the community. When I talk to officials in the HSE and the mental health services, they say they cannot find staff to fill vacant positions. They are very frustrated with the situation. We need a new focus and a redirection of energy and, particularly, resources to ensure that we provide for the people who need this service, particularly those in the north west and the Sligo region, which is in serious crisis in regard to mental health services. I have spoken to the Minister of State, Deputy Daly, about this and I know he is doing his best but, at the end of the day, somewhere or other there is a blockage in the system that is not delivering for people. That blockage needs to be removed.

Deputy Dessie Ellis: I dtús báire, ba mhaith liom tacaíocht a thabhairt don rún seo agus na leasuithe atá againn. We can all agree that the results of the annual report of the Mental Health Commission should give us cause for concern. Unfortunately, it comes as no surprise that there are serious problems in the mental health services. We should be especially concerned about the continuing inadequate service for children and adolescents. It is unacceptable that children under the age of 16 are still being placed in adult units. This needs to be addressed urgently. In general, the services that are available are poor in quality and, very often, vary in standards. Progress in improving these services has been slow or has not happened at all.

We should also be concerned that the existing services are badly funded and are not responding adequately to the needs of the children or their families. These vital services are further constrained by the moratorium on recruitment. We also have a retention crisis in mental health services. I have been told that there are more staff leaving the mental health service than any other area in the health sector. There are insufficient numbers of qualified staff, such as psychiatrists and psychiatric nurses. The Government's commitment to delivery of a 24-7 mental health service has not been met.

In general, mental health services are available Monday to Friday on a 24-7 basis, but they are not available round the clock on Saturdays and Sundays. There have been many instances of people with suicidal ideation being turned away from emergency departments. The Government gave a commitment that there would be a psychiatrist available these departments on a 24-7 basis. Those who present with mental health issues, however, generally have to wait a number of hours before being seen by a psychiatrist. In my experience, during the time the individual waits to see the psychiatrist their condition may change and improve, which leads to the possibility of him or her being sent home without before being seen by the psychiatrist in their original distressed condition. This can lead to a false analysis of the individual's true mental state. This also can happen when he or she presents at a Garda station.

There are many other issues I could highlight if I had the time. Staff in mental health services work hard under difficult circumstances. The staff and those who use the services need the best supports and the best facilities in place. Unfortunately, this is not the case at the moment. I commend Mental Health Reform, Dr. Shari McDaid and her team, who have been to the fore

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in highlighting mental health issues over the years. We are indebted to them.

Deputy Donnchadh Ó Laoghaire: I recently had a meeting with some of the leadership team of HSE south-southwest. I asked people on my social media network what issues I should raise. There were others but one of the most common was mental health. It is an issue of significant concern to a wide range of the population. There are significant issues in adult services, with waiting times and the frequency with which people are seen. There was significant concern about the child and adolescent mental health services, CAMHS. Approximately 650 children are on the waiting list in Cork, of whom 115 were waiting for more than one year at the end of last year. There is obviously prioritisation, but it is unconscionable and unacceptable that a child is waiting for more than 12 months to be seen. We are putting people at risk with such waiting times. They are facing difficult circumstances and concerned. Their families are worried and they need to be seen and receive the support they are not getting. I accept that there is increased demand and I am sure it can be said there is a need for a whole-of-government and perhaps a whole-of-society approach, but the way society is developing is causing increased mental health problems. There is also the stark fact that the resources are not available. In north Lee there is a gap. There has been no psychologist in place since early 2017. The team in the south west of Cork is operating at approximately 42% of the strength at which it should be operating under A Vision for Change. The numbers and staff are not available. That is causing the waiting lists people face and the follow-up is not always to the standard people expect. Sometimes people are seen, but it is very rushed. Then they are dissatisfied, which is a serious issue.

I want to give credit where credit is due for the work HSE south-southwest is doing with a new initiative in CAMHS for people with eating disorders. It is positive and I commend it.

An issue has been raised with me anecdotally, for which I cannot provide statistics. We are producing many psychology graduates. The route to becoming a clinical psychologist is very difficult and expensive. To gain the experience and training required, a person often has to engage in an unpaid placement. That issue needs to be looked at since it means that only people from a wealthy background or the very talented can gain that experience. That is a blockage which needs to be examined and removed. Many want to be clinical and consultant psychologists, but it is a difficult route, rightly so to a point. However, there are blockages with which we can deal.

Deputy Alan Kelly: I commend the motion on behalf of the Labour Party. We have tabled an amendment in a genuine attempt to strengthen the motion. The findings made in the Mental Health Commission's report go a long way towards highlighting the significant governance and management problems in services, but the report deals primarily with the top tiers of the pyramid of mental health care services. These should be the services of last resort, but recently they have tended to be the only service delivered, which is a problem. I speak regularly to providers and practitioners on the ground who tell me the same story about people who are forced to present at acute services such as CAMHS owing to the absence of primary care services. In many cases, they have reached a crisis point owing to the absence of early intervention services. We see this not only in mental health services but across all services. Our motion on carers last week was yet another example of the overuse of expensive acute services and the underuse of cost-effective and efficient primary care services. We then wonder why Ireland has one of the highest health spends in the Organisation for Economic Co-operation and Development, OECD, yet it has some of the worst health outcomes among advanced countries. The problem is not with the quality of staff in the HSE or overall resources, as evidenced by the current overruns. The problem is that we lack an holistic strategy for mental health services at Government

level and a coherent system to match the objectives set out in A Vision for Change.

Young people are experiencing unprecedented levels of anxiety and stress in their everyday lives. Everything has changed in the past ten years. Up to one third now experience mental health difficulties and, shockingly, suicide remains the most frequent cause of death among those aged 15 to 24 years. We need to ask why these difficulties are arising among young people. The increase in inequality is one reason. The evidence shows that unequal societies have greater rates of mental distress. As the gap between rich and poor in society continues to widen, so too does the number experiencing mental health difficulties. There is also obviously a serious social cost.

Perhaps it is better to speak in a language the Government will understand. Economically, the cost of the mental health crisis was put at €8.3 billion by the OECD in 2018. To put it in context, that is approximately half the total health budget. We need a radical change of direction. We need to see expenditure on mental health services not as a cost but as an investment. That is why the upcoming budget should, at a minimum, increase mental health spending in line with what was set out in A Vision for Change.

The amendment calls for a paradigm shift in the delivery of mental health services. We need to move from a reactive approach based on expensive acute care to a preventive and proactive approach based on community-led, cost-effective early interventions. That is the most important thing I will say to the Minister of State, Deputy Jim Daly, and I think he agrees with me. To achieve this, we need an holistic, integrated approach by the Government that moves beyond narrow economic measures to focus on societal well-being. A simple but relevant example is trees in a city. Researchers have repeatedly found evidence of improved mental health from exposure to nature. We all know that a walk in the park reduces our stress levels and improves our mood and mental health. Ultimately, more trees means reduced treatment costs and improved worker productivity. That is just a tiny example. As part of the BusConnects plan, more than 1,000 trees will be felled. Where is the joined-up thinking? Meanwhile other European cities such as Paris are planning the development of urban forests in city centre locations. The Government's approach shows a lack of joined-up thinking in these measures.

We need to redirect spending to primary level interventions that have nipped problems in the bud. Let me give an example. I recently attended a CAMHS briefing which I think the Minister of State may have hosted. This figure was prominent and is worth emphasising. According to the HSE mental health division, 90% of mental health needs could be successfully treated within a primary care setting. That is a fraction of the cost and would reduce the burden on top-tier psychological services.

Let me give another example from another briefing I attended. I recently spoke to representatives from Jigsaw, of which I am a supporter and about which I have spoken to the Minister of State. It provides an excellent early intervention service for young people. Some 71% of those aged 17 to 25 years who came through its doors saw a reduction in the levels of their psychological distress. We have spent a long time trying to roll out these excellent services. I hope there will soon be an announcement of a location for the Jigsaw service in County Tipperary since a decision was made to provide one there. The service has supported more than 30,000 young people and upskilled more than 200,000 adults to foster support of young people's mental well-being. The models are in place and we know that we can produce results if we can expand the services provided. The Minister of State should turn the ship around in the port, let the service be community led and ensure it is facing the community, rather than concentrating

on acute services.

Services suffer from the silo effect within the system in which they operate in the HSE. Let us consider, for example, a person who is aged over 18 years who presents to Jigsaw but needs a referral to CAMHS. Under the current system, he or she will need to be sent back to his or her doctor for a referral letter. This means another layer of bureaucracy, a day off work, another €50 to be paid in general practitioner fees, etc. The Minister of State sees where I am going with this. I do not think that is necessary. In reality, the person may never present again to his or her doctor for a referral letter. Is there any way the Minister of State can quantify the number of such events? I am not sure if it is possible to do so, but it would be interesting to know. What is happening is that they will present again later with a more severe problem because they will be lost in the loop.

We should not put bureaucratic or cost barriers in the way of people in mental distress. It should not matter which door a person walks in through. He or she should not have to worry about the convoluted way in which he or she will access services. He or she should just be able to access them. The mental health service should be seamlessly integrated, with different providers having the ability to refer to the most appropriate service in a timely manner.

The Labour Party generally supports the findings by the Mental Health Commission and the implications outlined within the motion, but we believe it is time we moved beyond painting over the cracks. We all know the old adage that prevention is better than cure. It is very simple. Staffing resources and adequate governance must be addressed at every level of mental health care, but as I have repeatedly said, we need to turn the ship around, get rid of bureaucracy and make it face towards the community rather than its current top tier, which is acutely driven. The service does not work to the level required and is also overtly expensive.

Deputy Denis Naughten: I welcome the opportunity to speak on this motion. I could address many issues concerning the mental health services in the Roscommon-Galway constituency but I wish to focus specifically on one issue that is referenced in the motion. That relates to the Rosalie home in Castlerea in west Roscommon. Back in 2015, the Health Service Executive and the then Minister of State with responsibility for mental health, Kathleen Lynch, apologised to the residents of the unit for the manner in which a clinical assessment was carried out without their knowledge or the consent of the next of kin. The assessment was used as a justification for the closure of the long-stay residential unit.

In 2018, a similar clinical assessment was carried out with the same purpose in mind, again without consent. In fact, the next of kin were specifically informed by the clinician that it was not a clinical assessment. The Minister of State, Deputy Jim Daly, stated he was satisfied with the way in which the HSE had handled the situation. In a reply to me, dated 21 June, he stated it was in line with best professional practice. That is not in line with best professional practice. That is not the case and an immediate stay must now be put on any transfer of residents, pending a full, independent review of the treatment by the HSE of the residents over the past four years. The debacle must be addressed once and for all.

Deputy Michael Fitzmaurice: I welcome the opportunity to speak on the motion, which I support. This is probably our tenth debate on mental health and, unfortunately, as a previous speaker pointed out, things do not change. That is especially the case in the Roscommon-Galway area where we have had nothing but closures and services being taken away. Day care centres were closed, hostels were closed and then we had the news about the Rosalie unit. This

debacle has gone on for four or five years. There has been indecision and families have been treated in an abhorrent way. The manner in which patients and their families have not been given information and things have not been done in a transparent way is disgusting. The people in the Rosalie unit, which is a fine facility, have been there for many years and deserve to stay there. On top of that, we also have a situation in the acute unit in Roscommon in that step-down facilities are not provided. Unfortunately, it seems that people in the services in Roscommon get promoted for closing places. That is what seems to be emerging. They are putting middle-aged people in nursing homes who should not be there.

It is great if one can have the services in the community, but while we talk about it we are not resourcing it or supplying the service in the community. At the same time we are closing the different facilities that made life that little bit easier, be it in Ballaghaderreen, Athleague, Strokestown or wherever else in the county. I ask the Minister of State to have a comprehensive look at what is going on. He should take an overview of what has happened in Roscommon especially and give people dignity and treat them with respect. I do not blame the Minister of State but everything is pushed over to clinicians. They seem to be the saviours of the world. Unfortunately, my reading of it is that families and the patients know more than many of the so-called experts.

Deputy Gino Kenny: I am pleased we are having a debate on this topical issue, which has been debated at length in this Chamber. It is good that we are having the debate today.

The Mental Health Commission's report makes for very sombre reading. About an hour ago I read some of the observations made by the commission. I will refer to four. If they do not worry people, then nothing will. The first relates to physical restraint and seclusion. The report states that just 19% of centres were compliant with the relevant code of practice. The second is that 40% of approved centres were non-compliant with the regulations on the need for individual care plans. The third relates to a shortage of mental health staff, which comes under the narrative relating to the retention of staff. Even more worrying is what was said about 24-hour supervision in approved centres for young people. The commission's observation is that the residences are not regulated and leave residents open to the risk of abuse. The report, to say the least, is unbelievably grim. I do not blame the Minister of State, Deputy Jim Daly, personally, because I do not make things personal. The report is very worrying for young people when they access mental health services.

The observations get worse. The report stated that 70% of approved centres were poorly maintained. Some of them were not even fit for purpose and 40% were non-compliant on the need for individual care plans. Something is dramatically wrong if individual care plans are not provided for the young people in the care of the centres. Nearly 84 children and adolescents were admitted to 18 adult units this year. It is quite incredible that this is going on. The levels of compliance and deficits in care are very worrying. The absence of regulation leaves residents open to abuse. The report makes bad reading for young people listening to the debate tonight. As other Members have said, there is a crisis in the health service and in mental health services in this country. In some ways the staff are trying to do their best, but the lack of retention of staff is having a big effect on the delivery of the service.

In my constituency we received two pieces of bad news about mental health services. The adult mental health services in Clondalkin is due to close and to move to Tallaght. To compound that, the Jigsaw youth mental health service in Clondalkin is also to move to Tallaght. Along with other Deputies from the constituency, I indicated that it was a significant mistake to

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move Jigsaw from Clondalkin. It is a successful service and it does not make sense to move it to a different area. I hope the decision will be reviewed.

A Vision for Change was visionary in some ways, although it was gathering dust for 13 years. It was visionary to state what we need to have in a mental health service that complies with the 21st century. We are nowhere near that. Having read the observations, the onus is on the Minister of State, Deputy Jim Daly, to review fully mental health services for young people in this country because the report is damning. It is up to the Government to address it.

9 o'clock

Deputy Maureen O'Sullivan: Progress has been made on mental health issues. I refer to correspondence from Mental Health Reform in which it acknowledges that the Minister of State will send a draft update of the mental health legislation to it in July.

It outlines the work it has been doing on guidelines relating to ethnic minorities and improvements in building a culture of transparency. I feel, having been here for ten years now, that we are saying the same things and going around in circles when it comes to mental health.

The outstanding issue is A Vision for Change and its full implementation. It was so lauded when it was introduced but we are still waiting on implementation. There has been very slow progress on implementing every aspect. There was an independent review mechanism that worked for two terms. We are looking at all this but it has now gone. Where is the independent review?

It is the survivor groups from the institutions who have the phrase, "Nothing about us without us." That could also be applied to those with mental health issues so they can be part of whatever services are being provided.

Yesterday I attended a seminar addressing substance use and misuse in the north-east inner city. The HSE was outlining the improvements planned for health services, covering factors such as a new case management tool and a new inclusion hub where a range of services will be provided. It was using terms such as "outcomes-based accountability" and "ensuring the service is making a difference". This represents a positive way forward but the theory must be applied to individual cases and to the reality. It is as if we know what to do but that doing it is problematic.

An area of need I wish to refer to is dual diagnosis. This is a very real issue for those with both an addiction and mental health issue. When a person presents with an addiction to an addiction service, the service is not provided once it is realised there is a mental health issue. Likewise, when a person presents with a mental health issue to a mental health service and it is realised that an addiction is involved, that is the end of the service. The mental health issue could range from psychosis or bipolar disorder to depression or an anxiety disorder. The difficulty is that mental health and addiction services are not treating people holistically because they are treating the condition instead of the person. I acknowledge there is work and research taking place in DCU, but in the meantime, people with both a mental health issue and an addiction are just not receiving the service they need. The reality is that two thirds of those who have died by suicide had both an addiction and mental health issues.

The last point I wish to make is about child and adult mental health services. The staffing level is 57% of that recommended in A Vision for Change. I once mentioned talking to some teaching friends about their experience of the child and adult mental health services. One said

the experience is positive once the child is assessed and is in the service. Another asked what a child has to do to be guaranteed access to the service in a swift manner. That teacher said the service is more reactive than preventive. Of course, the communication leaves schools at a distance because the referral is made by a general practitioner, yet the child is probably attending school and the school is left out of it. As others have said, it is about joining the dots on this.

Deputy Thomas Pringle: Unfortunately Ireland has a dark and disturbing history when it comes to the mass institutionalisation of people with mental health problems. It is only in recent history that the State has begun a broad shift away from this model of care. However, according to the Mental Health Commission, the law in its current form is still outdated and outmoded and is not based on a progressive rights-based approach to mental health care. The commission's most recent report highlights significant governance and management deficits within mental health services. Other concerns relate to hygiene and maintenance levels, levels of compliance, the use of physical restraint of young people, seclusion, and 70% of approved centres registered with the Mental Health Commission remaining dirty and poorly maintained.

On upgrading legislation, it is vital that there be reform soon. Advocates have continued to call for legislation to be published no later than the end of this year. Irish legislation is still without key aspects. Specific guiding principles for children are not in the 2001 Act. Individuals do not yet have a statutory right to individual care or recovery plans. Voluntary patients still do not have basic rights to information or advocacy. While those aged 16 and 17 can consent to or refuse physical healthcare decisions, this right does not apply to mental healthcare decisions. Most poignantly in the context of this debate, involuntary patients do not have the right to have their advance wishes about treatment respected, leading every year to the detention of between 2,000 and 2,500 people against their will in psychiatric facilities where they can be forcibly injected with medication, physically restrained by staff and locked in isolation. It is clear that despite reforms made in recent years, the State retains a disproportionate amount of power over individuals with mental health issues. The use of control and coercion must be examined as a matter of urgency.

The Mental Health Commission has repeatedly called for serious attention to be paid to the human rights of mental health service users in terms of capacity and consent to treatment. The main obstacle to greater reform is the fact that State funding has been in crisis, largely due to decades of chronic underinvestment and the inability to recruit and retain staff providing the care. If we decide on everything based on money, we will have serious problems and have them continuously. Waiting lists are long and demeaning. The longer people have to wait to receive mental healthcare, the more problems they face. The commission's annual report also revealed that 84 children were admitted to adult mental health centres in 2018. This is absolutely unacceptable over 13 years after *A Vision for Change* was published.

Furthermore, the number on the waiting list for child and adult mental health services in Donegal is at an all-time high, with no sign of it dissipating. This is due to inadequate staffing levels. Some are waiting more than a year to be assessed, and that is before they get into the system to receive proper care. We should be at a stage where 24-7 child and adult mental health services are in full effect and fully resourced but we are far from that reality. The current services are not meeting the needs of young people and their families. They have been shockingly underfunded for quite some time. The failure to recruit and retain staff is hampering efforts also, yet the Government does not seem to be doing anything to address this crisis.

Let us not forget the young people in third level education. Record numbers of third level

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students are receiving counselling for mental health problems, such as anxiety. However, the number of counsellors per student, one for every 2,600, is very low by comparison with the recommended ratio agreed by the International Association of Counselling Services, which states there should be one counsellor for 1,000 to 1,500 students. This means students often end up waiting for weeks before they can gain access to a counsellor. The latest figures show waiting times vary, between seven and 40 working days, depending on individual colleges.

One reason for the dire state of our mental health services is ideological. The Government does not believe in the right to healthcare based on need rather than ability to pay. That is the crux of the problem. Instead, the Government continues to invest in a two-tier health system that consistently undermines public services. Despite this, the Government continues to support the structure as opposed to winding it down, and staff are moving away from public care to private care.

It took over a decade for Ireland to ratify the UN Convention on the Rights of Persons with Disabilities. I hope it is not taking another decade to reform our mental health services so the human rights of all those with mental health issues can be protected. The Minister of State must address this on a human rights basis, focusing on the right to treatment and not the cost of treatment. That is the only way to sort this out once and for all. I would love to hear in the Dáil the actual cost of having a health service that is fit for purpose rather than one that meets the arbitrary budgetary figures picked every year for it. That would be refreshing in itself.

Deputy Michael Harty: With regard to the Mental Health Commission report, particularly in respect of CHO area 3, the mid-west, the acute psychiatric unit in Ennis had a compliance rate of 73% and that in Limerick had a rate of 72%. This is very disappointing. It relates to pressure of work, old infrastructure and staff shortages. I do not believe it relates to professionalism. The shortcomings relate to cleanliness, of course, but also to a lack of dignity, privacy, respect and safety. I refer not only to the safety of patients but also to the safety of staff. The contributing factors are the volume of acute admissions and the lack of inpatient beds. Ireland has 22 beds per 100,000 members of the population whereas the EU average is 70. The Joint Committee on the Future of Mental Health Care recommended that the ratio be increased to 50:100,000 by 2021, and to 70:100,000 in 2023. There is a great need for capital investment to improve our infrastructure. With our improved infrastructure, we will attract staff into our service. Unfortunately, we are not doing that at present.

Not only does Ennis cover the catchment area of County Clare but also the catchment area of south Tipperary since the acute unit in south Tipperary was closed a number of years ago. Unfortunately, the bed complement in Ennis has not increased even though the catchment area has.

Nationally there are 100 vacancies for permanent consultant psychiatric posts. This can lead only to a reduction in services. Some posts are filled by agency staff who are transient locums, and this leads to a lack of continuity and tenure that does not allow the service to develop. Some posts are filled by agency staff who are transient locums. This leads to a lack of continuity and tenure, which does not allow the service to develop. It is only filling a gap. In other cases, non-specialists are acting up to fill a gap. That is not an ideal solution and not the solution to the staffing crisis. The other issues that pertain are in respect of community services. Community psychiatric services are lacking community nurses, occupational therapy, psychological therapy, counselling and social work support. This also pertains to the Kilrush area, where there is a great lack of staff within the community team. This is unsustainable and

also leads to an over-prescription of medication. Instead of talk therapy, we are prescribing medication, quite often unnecessarily.

Deputy Michael Healy-Rae: I thank Fianna Fáil for bringing forward this motion. I thank the Minister of State for being actively interested in County Kerry. He has come down on a number of occasions connected with different aspects of his portfolio. I will welcome him any time he wants to come down. I invite him now because there are other issues with which we want him to deal in County Kerry and I look forward to seeing him visiting as soon as possible. I especially compliment the people who work in the mental health services in County Kerry. I served for seven or eight years on the psychiatric services committee of the old Southern Health Board. During that time I got to know, appreciate and understand the workings of mental health care and all the different plans that were formulated over 15 years. We had A Vision for Change and all of the different models that were brought in regarding how to deal with mental health care and issues arising out of that.

I have one thing to say about County Kerry and the whole country at present. A gap arises in the services where a person is going into adulthood but is perhaps neither a child nor an adult. The Minister of State knows as well as I do that there is a deficiency in the service in that respect. Parents are left in a traumatised state with a young person in the house under their care who is neither a child nor an adult. Those people need very special care and attention. We are failing to give them that care. There are failings in the system and it is not the fault of the people working in the service. It is us as legislators, the HSE and the governance that needs to be addressed to ensure that facilities and services will be put in place to take care of those youngsters and to mind them every day. That is needed because we could lose them in a shot and we do not want to lose anybody. Losing one person is too much. Every county and every family is affected by suicide and similar issues. We want to protect people in those situations.

Deputy Danny Healy-Rae: I also thank Deputy Browne of Fianna Fáil for bringing this important motion forward. I am glad to get the opportunity to speak on this important subject. We all know too many people, young and old, who have lost their lives due to severe mental health problems and suicide. I believe that the HSE and the Department of Health are not at the races at all in delivering a proper service. I compliment the staff working in the services, however. They are working to the best of their ability amid the constraints of the environment with which they have to deal. It is very clear that when an unfortunate person presents at the weekend, in many instances there is no assistance available and that person is then sent home.

That has resulted in the loss of lives and that is not good enough. As Deputy Michael Healy-Rae stated, youngsters from the age of 13 or 14 up to the age of 22 or 23 should not be treated as adults or put into a ward with adults who have a long history of mental health problems. It is wrong to put those youngsters into that environment. We should be striving to get away from that situation. All of our hospitals should be examined and new systems put in place to deal with these scenarios. Some of these young people need one-to-one professional care and to talk with trained psychiatrists. Invariably, those services are not readily enough available. Instead, sedation may be used and that is not good enough. I have gone into someone else's time.

An Leas-Cheann Comhairle: That is so unusual for Deputy Danny Healy-Rae.

Deputy Danny Healy-Rae: I thank the Leas-Cheann Comhairle. It is hard enough to get any time at all here.

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Deputy Michael Collins: Mental health services in west Cork for young and old people leave much to be desired. Only last week, I broke a story I had known about for some time. It concerned our mental health facility known as the centre for mental health care and recovery in Bantry. It is an acute admission unit, which services the west Cork population of more than 50,000 people. The service also has a community mental health team, consisting of community-based mental health nurses, psychologists, psychiatrists etc. In recent weeks, I have spoken about the real facts concerning the conditions in that facility where staff numbers are at an all-time low and the staff members are stretched to the limit. I am blowing the whistle on what can only be called awful management at the centre for mental health care and recovery in Bantry.

There is a major staffing crisis in the unit. The answer to that problem from management was to pull staff from working in the community. The community staff ensure that people stay out of hospital. I am referring to people who need a multitude of different support systems. Agency staff are being brought from Cork city and being accommodated in a local hotel to fill the staff shortages. The morale on the ward has never been worse with many staff going off sick with stress. Those who have spoken to me have no one to turn to. They know that they would be in danger of being sacked if they are traced or their identity becomes known.

Only last week, the Mental Health Commission released a report, which I have to hand, on Bantry mental health services. A drop of 10% in areas across the services has been recorded since another report was carried out in 2017. If we look closely at the report, and I have looked as closely as I can in the time I have had, it is easy to see why. It is simply down to staff shortages. I will be keeping a very close eye on how this issue will be dealt with in future and watching to ensure that no witch-hunt takes place. The wrong that is ongoing in the centre for mental health care and recovery in Bantry should be rectified. The great pressure on the staff should be eased and the happy working atmosphere that used to exist in the unit should be restored.

I know that recruitment and retention of staff in an area like west Cork can be challenging for management. It might help to alleviate the situation if certain steps were taken. Are contracts being offered to each group of students graduating? Are they being offered the opportunity to work in areas like west Cork? Is there a policy to protect community services? Can staff be reassured that if they make a complaint in good faith that they will not be penalised?

Deputy Seamus Healy: I commend Deputy Browne on bringing forward this important motion. I confirm my support for it and for the amendments tabled by Sinn Féin. It is important to state we have come a long way. Both of my parents were psychiatric nurses who started in the service in the early 1930s at St. Luke's Hospital, Clonmel, which was then known as a lunatic asylum. At its height, that institution had more than 1,200 patients. It was a very different place in those days than it is today. My dad joined the service as a warder. There were no nurses in those days. He qualified as a nurse afterwards, as did my mother. Restraint was then the treatment method employed at the time. Indeed, my father often said that he regretted the restraint methods they had to use in those early days.

That generation, however, was also the one that started challenging the whole idea of stigma surrounding mental health. That was the generation that removed the huge walls around psychiatric hospitals. They took down the gates, welcomed in the community and invited it into the hospital. I remember well that there was a local pitch and putt club on the grounds of St. Luke's Hospital. Members of the public were invited in and patients in turn began to go out into the community. They went on day trips to the cinema and to the circus. Eventually, some patients came to live independent lives in houses in the community. That was the beginning of

community-based services. Staff in mental health services, both past and present, have been exceptional, but current staff are under immense pressure due to underfunding and a lack of personnel. As a result, it is difficult to recruit and retain staff.

It is important to refer to the various volunteers whose work in this area is considerable and valuable. Our area has organisations such as Community Suicide Awareness Workers, C-SAW, the River Suir suicide patrol and Taxi Watch, and there are many others around the country. We should recognise the essential work that they do. They should be supported.

I acknowledge the involvement of the Minister of State, Deputy Jim Daly, his engagement with local issues on the ground, and, in particular, his approval of the Jigsaw project for Tipperary. I spoke to those involved in the project recently. We will shortly meet them to discuss the programme's implementation on the ground.

It is a case of a lot done but an awful lot more to do. The report of the Mental Health Commission as well as the reports on individual acute units are very disturbing, in particular against the background of increasing mental health issues in the community generally, especially among young people where self-harm and suicide are increasing at an alarming rate. The reports are also disturbing in light of the fact that there is a plan for a seamless mental health service. That plan, *A Vision for Change*, has been there since 2006. Unfortunately, that document is still not implemented 13 years later. It was a far-seeing policy and might have been before its time. It addressed all of the various areas, for example, early intervention, 24-7 services, community care, talk therapies, day care, crisis services, emergency services and acute beds. It is a pity that *A Vision for Change* has not been implemented. That policy is the key to putting in place good quality health services for the community.

The Minister of State is well aware of it, but I must refer to a particularly difficult situation in Clonmel in Tipperary where services were devastated in 2012 following the closure of the St. Michael's acute unit. When it closed, south Tipperary patients were sent to Kilkenny and north Tipperary patients were sent to Ennis, but those units were overcrowded and not fit for purpose. The Kilkenny unit has been prosecuted and convicted in recent times following a Mental Health Commission report. It is also difficult for south Tipperary patients to be admitted to that unit. Even when they are, they are discharged early. Due to the need to travel, family support is almost non-existent, despite the fact that it is key to helping patients improve and recover. At the time, we were promised a Rolls-Royce community service, but that did not happen either. We now have community teams that are significantly understaffed. For instance, 19 nursing posts and a number of other healthcare professional posts are vacant. We were promised a new crisis house. Seven years later, we appear to be no nearer to it. As other Members have stated, there are particular difficulties in respect of patients with mental health issues attending emergency departments of our general hospitals. Young people are being admitted to adult wards. At one point not so long ago in Tipperary, one third of our paediatric beds were taken up by young people with mental health issues.

These are some of the issues affecting Tipperary. They need to be addressed urgently. The bigger national picture needs to be addressed as well. *A Vision for Change* should be the foundation for that.

An Leas-Cheann Comhairle: Go raibh maith agat. Téimid ar ais anois go dtí Fianna Fáil, agus tá deich nóiméad acu. Glaoim ar An Teachta MacSharry, who is sharing his time with Deputy Troy.

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Deputy Marc MacSharry: I might go second, if that is okay.

An Leas-Cheann Comhairle: That is an internal matter.

Deputy Robert Troy: I welcome the opportunity to contribute to the debate. I congratulate Deputy Browne on his tireless efforts advocating on behalf of patients and the families of those who suffer mental health issues. Not only has he repeatedly pointed out the failures on the part of the Government, he has been to the fore in proposing solutions. For example, last year's Bill would have ensured that greater emphasis was placed on the autonomy of individuals than on the reliance on the principle of best practice as set out in the 2001 Act.

The recent report from the Mental Health Commission is worrying and highlights major deficits within mental health services, including issues of seclusion and physical restraint of young people. Last year, 84 children and teenagers were admitted to adult units. That is an appalling figure by any stretch of the imagination. Last week, there was a debate at the Council of Europe on ending coercion in mental health services and the need for a human rights-based approach. The Commissioner for Human Rights referred to how "a coercion-based mental health system perpetuates the isolation of the very persons who need the support of their community the most, which in turn fuels more stigma and irrational fear". The report's rapporteur pointed to the fact that there was "not enough scientific evidence to prove the usefulness of coercion in reducing harm, whereas there [was] abundant evidence for the harm – and sometimes irreparable harm – that involuntary placement and treatment can cause for patients". We need to reduce the stigma around and barriers to the provision of mental healthcare so that persons are empowered to seek and participate fully in treatment as early as possible.

Staffing levels remain a serious concern. Services in some parts of the country have fewer than half the recommended number of staff required for CAMHS as set out in A Vision for Change. This is simply not good enough. More than 300 people have been waiting a year or more for access to mental health services. The House is failing on this issue. The Government is abysmally failing this most vulnerable sector of society.

I acknowledge the good work done by many community groups such as Good 2 Talk in Mullingar. Were it not for their work, the waiting lists would be far longer. It is high time to accelerate recruitment and work towards full implementation of A Vision for Change because if we do not, the long-term consequence will be irreparable damage, as stated last week by the Council of Europe Commissioner for Human Rights.

Deputy Marc MacSharry: Mental health remains the poor relation in the health service. The health service overall is an omnishambles. Cost overruns were estimated at approximately €400 million based on current figures at the meeting of the Committee of Public Accounts last week at which the director general of the HSE appeared. The Department of Health has always been starved of the resources it needs. That is what leads to statistics such as being 2,671 staff short of what was envisaged in A Vision for Change, a policy that is now 13 years old. We are not taking the issue of mental health seriously enough. The 1916 Proclamation is made a mockery of in terms of the treatment of children. Children are not treated equally. Some are treated far more equally than others depending on whether there is cash in their parents' pockets or they have access to private care. These Houses turn out report after report without any thought of implementation, costs or resources to ensure that we get the services we need.

There are only three or four hospital-based child and adolescent mental health services,

CAMHS, units, with none in the north west. We do not have 24-7 CAMHS care, which is unacceptable. The annual report of the Mental Health Commission highlighted that 40% of approved centres were not compliant with regulation 15, which relates to individual care plans. That is shocking in the extreme. Of the 27 centres that continued to use seclusion in 2018, 67% were non-compliant with the rules, while of the 52 approved centres that used physical restraint during the year, just 19% were compliant.

It is a damning indictment of all Members of this House that in each debate on mental health we bemoan the fact that we are failing miserably all people with mental health needs, particularly children. I ask the Minister of State, Deputy Jim Daly, who is present, to be honest with the House and tell us how badly he, his colleagues and officials are being treated in terms of the provision of adequate resources to put the correct governance in place, get an adequate number of staff and attract them from abroad if necessary, although I cannot imagine why we would have a problem recruiting and training our own staff, and ensure that we move to 24-7 CAMHS services as a matter of the utmost urgency along with the provision of a full-time unit in the north west, similar to those located elsewhere in the country.

Deputy Éamon Ó Cuív: More than two and a half times as many people die from suicide in this country as die in road accidents. Many of them are young people whose lives are taken away and whose families are devastated as a consequence. It is a national crisis. As my colleague, Deputy MacSharry, stated, continuing care, especially in the area of mental health, tends to be the Cinderella of services. However, it is of significant importance. For some reason, it does not seem to get attention in terms of getting the same amount of finance as other health services or, for example, that has been invested in reducing the horror of car accidents.

Members encounter this issue most often day to day in their clinics, where they are visited by people who are queueing to get into CAMHS. No matter how acute the case may be, the CAMHS list is taken in sequence. One gets on the list and one waits because it only has a fraction of the staff it needs. The reality is that in some parts of the country there are only half the number of staff required to provide the service. We do not seem to be able to understand that this is important and urgent and that the lack of staff is causing ongoing problems. Many people with an intellectual disability also suffer from mental health issues. People suffering from these disabilities and their parents must deal with that horrendous combination. Again, there are not sufficient staff to treat them. People are told that they must wait.

I believe that a stitch in time saves nine. It is far better to treat people as outpatients than inpatients. Obviously, inpatient care is needed, but it should be the last resort. We must question whether we have been penny wise and pound foolish in not ensuring adequate first-call services in CAMHS and other services to try to reduce the number of people who need a full-time residential service. Those who need such a service should get top-class provision. We need to get away from the Victorian ideas and conditions that bedevilled mental health services in the past. Of course, putting an underage person into an adult service should be taboo.

Minister of State at the Department of Health (Deputy Jim Daly): I thank Deputy Browne for tabling the motion, bringing this issue to the House and giving us an opportunity to discuss and debate it. I thank him for his continued interest, as acknowledged by all of his colleagues present, his professionalism, and the very constructive spirit of co-operation in which he has always approached the issue of mental health. It has been welcomed on this side of the House. I thank all those who spoke on the motion. I always find that debates on mental health issues are non-partisan because people's genuine passions come to the fore and, for the most

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part, they leave politics at the door, notwithstanding the responsibility of Opposition Deputies to hold the Government to account.

I confirm that the Mental Health Act 2001 went to the Mental Health Commission. That is a very welcome step which is long overdue. The Act finally made that journey, which is a step in the right direction.

Many speakers referred to capacity, beds and issues arising in that regard. Obviously, we will not tolerate governance issues, which are unacceptable. Deputy Rabbitte's comments could have been a template for my closing speech. I could not agree more with everything she said, and she said it very well. We can look at capacity. There is nothing more heartbreaking than to see a parent admitting his or her child to a CAMHS unit. It is devastating to witness and we should try to avoid parents having to do so. Deputy Ó Cuív noted towards the end of his contribution that such admissions are to be avoided at all costs. As he stated, it is far preferable to treat people as outpatients than as inpatients. All Members agree on that.

We want to move to a more proactive space. Thankfully, that is happening in the area of young people. Last year, we introduced 114 assistant psychologists managed by 20 psychologists and overseen by ten advanced nurse practitioners. That addition to the primary care service for young people was aimed to build infrastructure at a lower level to help prevent people having to go to CAMHS. I could have decided to carry out an initiative aimed at reducing CAMHS waiting lists and throw a couple of million euro and additional resources at it, but I pulled back and decided to be more proactive and try to get to people earlier and to get intervention working at a lower level. That is why we introduced those staff. That is working well and capturing many of these issues earlier. Like any initiative in health worth its salt, it will take time to show real tangible results. Despite this, it has been independently evaluated already by the University of Limerick and it is showing significant decreases in waiting times for primary care psychology services for young people. Of course that will have a knock-on impact on the child and adolescent mental health service list. That is to be welcomed.

In the coming weeks we will have a €3 million community fund. It is a small fund initially but it is the first time we have taken some money away from the HSE on the basis that we want to support some of the wonderful initiatives in place in the community. I will be launching the fund this side of September. I hope that €3 million will grow next year to €5 million and then €10 million. Ultimately, that is a sea change and a move away from the more reactive spending of the HSE towards trying to deal with issues more proactively and recognising the work of community groups. We need to support these groups if they demonstrate their work is proactive and preventative in nature. That €3 million will begin in the coming weeks.

One of the most significant tranches of work we have done in the Department in recent times is the refresh of A Vision for Change. We consulted extensively and widely. It is the single most important job because it will determine the policy long after I am in this position and regardless of whoever occupies this chair afterwards. All of us as stakeholders and vested interests will determine the policy. That will go to Cabinet in September. It will be published subsequently. It will set a new direction for us and will be far more outcome focused than the previous version. A Vision for Change served many good purposes but was of its time, some 13 years ago. It needs to be refreshed in recognition of changes and whatever. In particular it needs to be more outcome focused rather than prescriptive like its predecessor, perhaps.

Reference was made to capacity and the opening of the hospital in Portrane. There is much

talk of the children's hospital. There is much negative commentary, and rightly so, as well as much concern around it. Despite this, under the radar the new forensic central mental hospital that we are building is coming. It is a €170 million project. It is on budget and on time. It is being delivered by the HSE to the credit of those involved. Often those in the HSE do not get credit for what they do right when they do it. We will be getting the keys to that in September or October of this year and it will be open next year. There will be additional capacity of approximately 70 beds there, which is a significant contribution to the overall service.

We had 20,000 acute psychiatric beds in the country in the 1960s. Deputy Healy talked about his parents and their time. It was probably before the 1960s when they were psychiatric nurses. I often wondered about his interest in this area, and his background answered that question. Today there are 1,000 inpatient psychiatric beds. We have come a long way. We do not want to let the stick back into that, as it were. We want to avoid that at all costs. That is why we have to put a focus on this work. That will come under the refresh of A Vision for Change. We have day hospitals to allow people to live in their homes at night but to go into day hospitals to receive the necessary treatment. This treatment does not need to be part of a stay-over service.

Deputy Rabbitte spoke about online services and I was delighted to hear her say it. Today I was in Sligo. Deputy MacSharry is gone now but I was there with my colleague, Deputy McLoughlin. I looked at an online pain clinic. The consultants in the pain clinic in Sligo University Hospital are reaching out to their patients online. Patients do not have to trek into hospital to meet the staff. They do not have to queue up, wait for hours or travel for hours. They can literally pick up their handheld devices and speak to the consultants about managing their pain and prescriptions. If they need a procedure, then obviously they have to come in for it, but the initial assessment is done online. That is very positive and interesting. We have several pilots running in the mental health area as well as psychology and psychiatry. Where there are waiting lists, we are writing to people to ask whether they would like to avail of online psychiatry. I have always said that mental health is an obvious service that can be delivered online. I am delighted that Deputy Rabbitte recognises this. This has been done in Australia and it is the future for us.

I have spoken about signposting. I was two years in the job last week. I have spoken about how we have 1,027 services funded by the HSE throughout the country. It is difficult to know the most appropriate service or where to go. People are clamming up, as it were, and joining the wrong queues, and there are long queues too. If people were signposted more effectively and appropriately, we would avoid much of the queueing system. The website *yourmentalhealth.ie* is up and running. I appeal to all Deputies to promote it. It is an exceptional website run by the HSE. All a person has to do is put in his or her geography and issue and the website will tell the person the list of services available, whether in person, online, digital or whatever technologies are in place to support it. That is in place.

I am going out to the National Ambulance Service tomorrow morning. A telephone line is to be established. I aim to have it up and running for World Mental Health Day. The line is a one-stop telephone number and it is as recognisable as 999. People can phone in and talk about their issues. An appropriately trained person will be at the other end and will refer the person to the proper service and tell him or her where to go.

Approximately 600 calls per month coming into the National Ambulance Service are mental health related. The service cannot do anything with them. The staff do not know what to do with them. They send out ambulances in many of these cases because that is all they can do,

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but that is not appropriate. These calls will be captured under this telephone line. Callers will have an appropriate person trained in mental health who will advise them on the service most appropriate for them, explain where it exists geographically and give the details. We have several pilots in psychology and psychiatry.

The substance of the motion relates to the Mental Health Commission. I acknowledge the work done by the commission. I find the body highly constructive. I heard Deputy Noonan speak about the Irish Fiscal Advisory Council one time. He said there is no point in having a dog if it does not bark, as he said in his own inimitable way. It is the same with the Mental Health Commission. We fund it to the tune of €14 million to enable it to challenge the services. I welcome every challenge the commission puts our way. Of course we have to work harder and better for our most vulnerable citizens, some of whom are detained in some of our facilities. They need to have their rights protected. The Mental Health Commission is on their side and we have to support its work and continually challenge the HSE, which is responsible for the delivery of those services. It is not acceptable in any way shape or form that individual care plans are not available for each person or that they are dirty, untidy, unkempt or smelly. That is deplorable and not acceptable on any level whatsoever. I commend the work of the Mental Health Commission. I assure all parties and none in the House that I will continue to support the very important and good work done by the commission.

Deputy Mary Butler: I thank the Minister of State for his comprehensive outline. I compliment my colleague, Deputy Browne, on the work he has done to date.

The recent report, regardless of what we have heard, highlights many areas of concern. Some of the failures make for stark reading. There is an ongoing crisis in mental health services for children. As the Minister of State is well aware, early intervention for children with mental health issues is critical. Too many children continue to be admitted to adult units. One is one too many. They are already vulnerable or scared and it is far from ideal and potentially more damaging to them to be admitted to an adult unit.

The report states clearly that the first introduction of a child or adolescent to mental health-care should not be through a service or building that is not specifically equipped to deal with his or her needs. Last year, 84 children and teenagers were admitted to adult units. I have dealt with many cases myself in my constituency of Waterford. One teenager was in a hospital bed miles from home for months on end waiting for placement. Another teenager was admitted to an adult ward and that really proved to be a barrier to his recovery. I find that not only are the children and young teenagers affected, but there is a knock-on effect on the family, including the parents, grandparents and siblings. It would be remiss of me to stand here tonight and not acknowledge the help I have received from the Minister of State, Deputy Daly, in securing the correct facilities for both young teenagers whose cases I have mentioned. I thank the Minister of State for that and for the help that he engaged in both cases. This is the nub of the issue. We can talk about it all night long. There are not enough adolescent beds in the system in the State for these young people. It is very difficult to have to place someone in a mental health institute that is no longer fit for purpose and that is for adults.

The waiting lists and waiting times are too long. I am calling for a renewed focus to reduce these service deficits. I welcome what the Minister of State has said about the new 170-bed hospital at Portrane. I am sure that will make a difference. If there is one thing that we can take from tonight it is that we will do our level best. I know the Minister of State has no wish to put a child into an adult facility. He has told me as much and I believe him. We need to get the

message across to the Department and the HSE loud and clear that we will have zero tolerance when it comes to putting a young child into an adult facility. If that is all that comes out of this debate tonight, then it will have been a job well done.

Deputy Eamon Scanlon: I thank my colleagues for giving us the opportunity to speak on this important issue. Child and adolescent mental health services as an issue have been raised several times. According to A Vision for Change, the number of staff needed for CAMHS in the community healthcare organisation, CHO, 1 area, which is my area, is 108, and at the moment we are 40 people short. That is creating its own difficulties, and while circumstances have improved over the past number of months, it is still an issue. The Minister of State will be familiar with St. Cecelia's school in Sligo, where there are issues as well. A number of young children and young adults need speech and language therapy. Unfortunately, a member of staff is about to go on maternity leave and the school is finding it difficult to get a replacement. Can something be done to encourage people into that type of work? At the moment, people are not available, and that is causing serious problems. If those young children do not get an opportunity to speak with the help of a professional, they will have no chance as they become young adults.

I welcome the new 27-bed unit in progress at Sligo University Hospital. The Minister of State was there today, and I am sorry I could not be, but I had to be here. A commitment for that unit was given to the then Minister, Jimmy Devins, and me ten years ago, and I am glad it is progressing.

As Deputy Butler said, no mother or father wants to have to bring an 18 year old child into a mental institution. I once went with a set of parents when they did it, so I know what it is like and what the parents went through at that particular time. It is devastating, both for them and for the person going into the institution.

Another issue relates to parents of children with severe disabilities such as autism and other types of disabilities. These are young adults aged 18, and they need to be placed somewhere because their parents, who are sometimes elderly, are not in a position to care for them. They are not physically able to do it. I am dealing with a number of cases at the moment in my area. I acknowledge that there is a finance issue, and that it is expensive, but some of those parents are in danger. They are not physically able, because these young adults are physically strong and need to be looked after. I wonder if the Minister of State might examine that. Having spoken to the HSE representatives in that area, I know that it is difficult, and that the money for the HSE CHO 1 area for 2019 has been spent already, but he might examine that.

Deputy James Browne: I thank the Minister of State, the Leas-Cheann Comhairle, and all the contributors to the motion. It arose out of the reports of both the Mental Health Commission and the Inspector of Mental Health Services, which highlighted some of the progress that has been made in mental health, but also many of the deficiencies and unacceptable situations in facilities for people with mental health issues. I thank the Mental Health Commission and Mental Health Reform for their excellent work on mental health over a consistent period. I also acknowledge the important work they do in highlighting issues relating to mental health services to ensure that what we are doing, or are trying to do, will be beneficial to people suffering from mental health issues. Mental health staff acknowledge that they are under significant pressure and that their own mental health can also suffer when there is a serious shortage of staff.

I acknowledge the families and service users who this is all about. I speak to parents regularly, including today in Wexford, who are often dealing with difficult situations, perhaps with

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their children but sometimes with their parents or other family members. They find it distressing, frustrating, and at times devastating to have to deal with these situations every day. They also experience frustration in trying to access the services they need for their children, who find it difficult to understand or comprehend the situations they find themselves in.

Rates of self-harm are on the increase. That is not the Government's fault. It is a reflection of modern society, and of social media in particular, whether it is from body dysmorphia through Instagram, or bullying. When I was young, if someone was being bullied, it stopped at the school gates or on the way home, but now bullying follows people all the way home, up the stairs, and into their bedrooms. For many young people suffering from anxiety, depression, or bullying, sleep deprivation seems to be a massive issue, because they are stuck on their iPads or phones. It is hard for them not to do that, but social media is having a major impact. It is a great experiment in some ways, because no generation before them has had to go through it.

Suicide remains the biggest cause of death among young people aged 15 to 24, and prescription of antidepressants is on the increase. I have no doubt it is being prescribed where necessary, but in the past year, €400 million was spent on antidepressants while only €10 million was spent on talk therapies. The Minister of State is strong on early intervention, but that balance needs to be changed, so we can achieve earlier intervention as quickly as possible. Everything escalates when the services are not there, and children then end up in emergency departments. There has been a significant increase in the number of children attending emergency departments in my county as well. We have to find a way to progress, because we all want the same thing. I do not question the Minister of State's bona fides for one second. He has worked hard in the Department to try to achieve the necessary changes in services, but I sometimes wonder whether mental health is given the seriousness and focus it needs within the higher echelons. More and more money is being put into mental health services but we are not seeing the outcomes we need.

I thank the Minister of State, and all the contributors to the debate. We have used up all the allocated time and many other people would have liked to contribute.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 July 2019.

The Dáil adjourned at 10 p.m. until 9.30 a.m. on Wednesday, 3 July 2019.