



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	292
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	292
Performing Arts	292
Arts Council.	294
Arts Funding	296
Hare Coursing	298
Údarás na Gaeltachta	300
Ceisteanna Eile - Other Questions	303
Heritage Projects.	303
Seirbhísí trí Ghaeilge	304
Acht na dTeangacha Oifigiúla	306
Heritage Projects.	308
Departmental Advertising Data	310
Turf Cutting	312
National Raised Bog Management Plan	314
Ceisteanna ó Cheannairí - Leaders' Questions.	315
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation	324
Broadcasting (Amendment) (Protection of Journalism) Bill 2019: First Stage	332
Trade Union Bill 2019: First Stage.	334
Estimates for Public Services 2019: Motion	335
Messages from Select Committee	345
Estimates for Public Services 2019: Message from Select Committee	345
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	345
Rent Freeze (Fair Rent) Bill 2019: Second Stage (Resumed) [Private Members].	346
Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Order for Second Stage	348
Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Second Stage	348
Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Referral to Select Committee	372
Racism Affecting Ethnic Minorities in Ireland: Statements	372
Saincheisteanna Tráthúla - Topical Issue Debate	381
Garda Stations	381
Felling Licences Applications	384
Fire Service Staff	386
School Accommodation Provision	389
Teachtaireacht ón Seanad - Message from Seanad	391
Pensions (Amendment) (No. 3) Bill 2017: Second Stage [Private Members]	392

DÁIL ÉIREANN

Déardaoin, 12 Nollaig 2019

Thursday, 12 December 2019

Chuaigh an Cathaoirleach Gníomhach (Deputy Eugene Murphy) i gceannas ar 10.30 a.m.

Paidir.

Prayer.

Ceisteanna - Questions

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Acting Chairman (Deputy Eugene Murphy): I welcome Deputies to the House and wish them a good day on behalf of the people. I understand that Question No. 3, in the name of Deputy Calleary, will be taken last, which means that the priority questions of Deputies Barry and Maureen O'Sullivan will be taken third and fourth. Is that agreed? Agreed.

Performing Arts

1. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the work she is undertaking to promote and protect the theatre industry; and if she will make a statement on the matter. [52380/19]

Deputy Niamh Smyth: What work is the Minister for Culture, Heritage and the Gaeltacht undertaking to promote and protect the theatre industry? Will she make a statement on the matter?

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): Primary support for the arts is delivered by the Arts Council, funding for which has increased steadily in recent years and will reach €80 million in 2020. The figure for 2020 will be €5 million, or an increase of 6.7% on that of 2019. The Arts Council, which is independent in its funding decisions under the Arts Act 2003, operates within a published ten-year strategic framework entitled Making Great Art Work. The strategy prioritises support for artists throughout their careers by the involvement of many agencies in cultural provision, the impact of the arts on the creative

economy and the depth and breadth of people's engagement with the arts. The additional funding will allow the council to enhance its support for all artists and arts practices, including theatre. The Abbey Theatre, the Gate Theatre and the Druid Theatre Company receive significant financial support from the Arts Council.

The allocation to the Arts Council in 2020 should be considered in conjunction with the significant funding in 2020 of more than €7 million from my Department to support the 2020 European City of Culture, Galway. This is a significant sum to support artistic and creative activities in 2020.

The remit of Culture Ireland, a division of my Department, is to promote and advance Irish arts worldwide, thus strengthening Ireland's cultural profile and global reputation. Strategic priorities include providing support for the international presentation of Irish artists and arts organisations, developing new and diverse international audiences and markets for Irish arts, and linking culture into the Government's international promotion strategy in tandem with other relevant State agencies.

Total funding for the arts and culture sector will increase by more than 2% in 2020, from €189 million to just under €193 million, comprising €153 million in current expenditure and €39.7 million in capital. My Department and I will continue to work with all my Government colleagues to deliver on the commitment to increase Government spending on arts and culture and double funding for the sector by 2025. I am already delivering additional funding to the arts and culture sector, building on the €1.2 billion earmarked for culture, heritage and the Irish language under Project Ireland 2040, thus leading to increased activity and employment in all sectors under the remit of my Department.

Deputy Niamh Smyth: I appreciate what the Minister stated about the investment and the money spent on theatre. Nevertheless, I am sure that she, too, read *The Irish Times* article by Peter Crawley at the weekend, in which he wrote about a crisis in the theatre world and dwindling opportunities for artists, who are being squeezed out of the frame by disappearing venues, rising rents and faltering subsidies. In March 2019, Theatre Upstairs, a venue committed exclusively to new work, announced its closure after nine years, while at the end of November, the Collapsing Horse theatre company announced it was calling it a day, another great loss to Irish theatre. In announcing its closure, Theatre Upstairs succinctly highlighted the importance of protecting theatre. It stated:

It is unquantifiable to know what Irish Theatre would look like now without this seedbed for rising artists... More artistic seedbeds need to exist in Ireland and they need to be supported. Failure has to be allowed if success is to be achieved and it is not for audiences to tell us what they want to see, it is for us to create something that they can't even imagine.

The point is that we are losing our venues for new work.

Deputy Josepha Madigan: It is very important that, as Irish people and as a Government, we support the theatre sector. There have been a number of initiatives over the past two years since I have been Minister to strengthen the sector, attempting in some way to bring forward new proposals and ideas. Some examples include the launch of gender policies for ten of Ireland's most important theatre companies and an €80 million redevelopment programme for the Abbey Theatre, for which I announced preliminary appraisal in September. Importantly, in March 2018, I held an event with the theatre sector at the Irish Theatre Institute to launch Speak

Up & Call it Out, which sought to establish a code of conduct to address the abuse of power in the Irish and international theatre sectors. Furthermore, I spoke at the Youth at the Centre seminar on theatre, which was held in Blanchardstown.

Deputy Niamh Smyth: It is not enough to support established theatre, that is, plays that we know will have commercial success and actors who we know will draw audiences because they are well known. My point is about new works, and venues that provide new works and allow artists to investigate, explore and interrogate themes relevant to the Irish psyche and culture, and that allow experimental works to happen. In the first instance, we must recognise the improvements of the financial circumstances of the Abbey Theatre. Nevertheless, Irish artists should not be sidelined by our national theatre. The Minister is acutely aware of the issues raised by theatre professionals in their open letter of 7 January 2019, in which the signatories criticised the production model of the Abbey Theatre and the over-reliance on staging co-productions, which has led to fewer actors being directly employed by the theatre and fewer in-house productions. They stated that this had a knock-on effect throughout the theatre sector. The issue was discussed at length at the Oireachtas Joint Committee on Culture, Heritage and the Gaeltacht but I hasten to add that, unfortunately, it seems the commitments made by the Abbey Theatre at the time to employ actors directly and to produce new works have not come to fruition.

Deputy Josepha Madigan: I will try to deal with the three main points raised by the Deputy. The Arts Council supports and develops theatre in Ireland through grant funding, project awards and supports to individual artists, venues, publications and resource organisations. This year, for the very first time, we have provided €250,000 to amateur theatre, drama and musical societies in the budget. Such funding has not been provided for more than ten years. It will help new productions that have a gap in their Arts Council funding. The capital culture scheme that has been launched is a capital scheme for arts venues. It will enable them to expand and facilitate better projects into the future. I have closely monitored the situation at the Abbey Theatre since the letter was originally sent to me in January. I have been updated on all the discussions. Considerable progress has been made, but some issues still need to be sorted out. I will write to the Abbey Theatre, to the theatre practitioners and to the Writers Guild of Ireland to see if we can find a solution that is palatable for everybody.

Arts Council

2. **Deputy Aengus Ó Snodaigh** asked the Minister for Culture, Heritage and the Gaeltacht if her attention has been drawn to the fact that the Arts Council is set to move offices to a less appropriate building; if her attention has been further drawn to the fact the proposed new building has substantially higher rent and an atypical buy option; if her attention has been further drawn to the fact that if the deal is completed, it will involve the breaking of its existing lease (details supplied); and if she will make a statement on the matter. [52179/19]

Deputy Aengus Ó Snodaigh: Is the Minister aware of the Arts Council's plan to move its head office to a less appropriate building? If so, does she believe this move is appropriate in light of a protected disclosure that I have sent on to her and to the Chairman of the Joint Committee on Culture, Heritage and the Gaeltacht, as instructed by the person who made the protected disclosure to me?

Deputy Josepha Madigan: I assure the Deputy the Department has been kept fully in-

formed of this issue at all stages. Under the Arts Act 2003, the Arts Council is a statutory body under the aegis of my Department. As such, it is obliged to observe the 2016 code of practice for the governance of State bodies, which requires such bodies to “serve the interests of Government as shareholder, the taxpayer, and all other stakeholders, and pursue value for money in their endeavours”. The council’s obligations under the code of governance are encapsulated in an annual oversight agreement and an annual programme delivery agreement with the Department. The oversight agreement and the delivery agreement are signed each year by the chair and the director, respectively.

All of the Arts Council’s expenditure is subject to value for money concerns. This includes the cost of the premises occupied by the council. It is incumbent on the council to keep expenditure on all outgoings under constant review to ensure best value for taxpayers’ money. If the business case for any decision on the Arts Council’s accommodation has been properly prepared by the time it reaches the board, it will include at least three options. It would be unrealistic and simplistic to assume that the decision revolves around the annual rent only. A proper business case should cover all the costs arising over an extended period of up to several decades. It would properly incorporate all costs including but not confined to rent, energy, insurance, repairs and maintenance, changes in regulations and service charges. In addition, every State agency should have due regard to sustainability and accessibility.

The Arts Council is a body corporate under section 8 of the Arts Act 2003. It has the power to acquire, hold and dispose of land and property with my consent and that of the Minister for Finance. To date, the council has not applied for such consent. I am confident that the Arts Council will comply with all requirements in appraising available options for its future accommodation needs. If the council does not examine options for alternative accommodation when the opportunity presents itself, it will not meet its obligations under the code of practice for the governance of State bodies.

Deputy Aengus Ó Snodaigh: Like the Minister, I presume the Arts Council and any other statutory agency would comply fully with the guidelines that have been laid out for the renting, leasing and disposing of property. According to the whistleblower in this instance, a business case has not been made. Has a business case been presented to the Minister, or to officials in the Department, with regard to the Arts Council’s move? I have been told, subsequent to the protected disclosure being sent to the Minister, that this move is imminent. I understand that the negotiations on the new property are at such a heightened stage that the leases are being drawn up. Given that the new property seems to involve an increase of more than 30% in the annual rent, I suggest that this move is not as appropriate as it has been presented to the board of the Arts Council. Has a business case been made? If not, have the Minister and the Department instructed the Arts Council to prepare such a case before the attempt to move the council’s head office goes any further?

Deputy Josepha Madigan: I understand that a business case was presented to the Arts Council in September, following a discussion with the Department in August. I think that answers the Deputy’s question about the business case. It is important to say that the Arts Council considers itself to be fully compliant with its governance procedures and statutory obligations under sections 8 and 9 of the Arts Act 2003, which relate to property acquisition and disposal. When a decision to enter any new lease or purchase is agreed, the council will proceed to seek the consent of the Minister in accordance with section 8(3) of the 2003 Act before any new lease is signed or any future purchase options are proceeded with. As I said, that consent has not yet been sought. The Department has been aware of this matter for several months. The Arts

Council is required to examine its accommodation options to ensure the best value for money is obtained. There are many complex issues to consider when such a decision is being made. This decision will have an impact on the council for decades to come. As I said earlier, it is not sufficient to compare annual rents.

Deputy Aengus Ó Snodaigh: Basically, the Minister is saying that a business case to allow the Arts Council to purchase or lease another building has not come before her or before the Department in the appropriate format. The council will not be fully compliant until a decision is made. The Minister might decide in the future that the business case and the proposal are not fully compliant. I ask her to look at the protected disclosure when she is considering this matter. She should ask the Arts Council to make a full case that deals with the fact that it is in negotiations with the existing landlord on a further extension to the leasehold on No. 69 at the same time as it is negotiating the purchase of a new building. As part of the negotiations with the landlord, consideration is being given to major alterations to the building to make it fully accessible. That would be a much cheaper option for now and into the future. Given the state of the finances, it would be better to spend money on the arts than on buying a building to house the Arts Council.

Deputy Josepha Madigan: According to the chair of the Arts Council, Professor Kevin Rafter, the council has been examining the options with regard to its future location for the past six months. This issue was the subject of detailed discussions at five recent meetings of the council. The Department of Culture, Heritage and the Gaeltacht has been informed of these discussions. Arts Council staff were briefed on them last week. The Arts Council has been undertaking significant property searches since 2013. It has viewed several options over the intervening years. This process has identified four property options for the council. First, it can extend the leases on Nos. 69 and 70 and the mews without taking any extra space. As the Deputy will be aware, these properties are the subject of a rent review at present. Second, it can extend the leases on Nos. 69 and 70 while taking the full building in the case of No. 69. Third, it can lease a new building in a city centre location. Fourth, it can purchase a new building in a city centre location. As I have said, the Arts Council is in protracted lease renewal discussions with its current landlord. The timing of this process has coincided with the recent identification of a new property option. Unlike other options that have been explored in the past, this option substantially meets the existing and evolving needs of the Arts Council, particularly with regard to new policy areas that have been identified and prioritised by the council. In June 2019, it was agreed that the Arts Council needs a public-facing, accessible, greener and more modern work environment.

Arts Funding

4. **Deputy Mick Barry** asked the Minister for Culture, Heritage and the Gaeltacht the measures she is taking to double arts funding by 2023; and if she will make a statement on the matter. [52178/19]

Deputy Mick Barry: I ask the Minister to set out the position with regard to the Government's plan to double arts funding.

Deputy Josepha Madigan: Primary support for the arts in Ireland is delivered by the Arts Council. Funding for the Arts Council has been increasing steadily in recent years and will reach €80 million in 2020. The increase in 2020 is €5 million or 6.7% on 2019. The Arts

Council, which is independent in its funding decisions under the Arts Act 2003, operates within a published ten-year strategic framework entitled Making Great Art Work. This strategy prioritises support for artists throughout their careers by the involvement of many agencies in cultural provision, the impact of the arts on the creative economy and the depth and breadth of people's engagement with the arts. The additional funding will allow the Arts Council to enhance its support for all artists, arts festivals, street arts and family events.

The allocation to the Arts Council in 2020, should be considered in conjunction with the significant funding in 2020 of more than €7 million from my Department to support the 2020 European City of Culture, Galway. This is a significant sum to support artistic and creative activities in 2020.

The remit of Culture Ireland, a division of my Department, is to promote and advance Irish arts worldwide, thus strengthening Ireland's cultural profile and global reputation. Strategic priorities include providing support for the international presentation of Irish artists and arts organisations, developing new and diverse international audiences and markets for Irish arts, and linking culture into the Government's international promotion strategy in tandem with other relevant Government agencies.

Total funding for the arts and culture sector will increase by over 2% in 2020 from €189 million to just under €193 million composed of €153 million in current expenditure and €39.7 million in capital. My Department and I will continue to work with all my Government colleagues to deliver on the commitment to increase Government spending on arts and culture and double funding for the sector by 2025. I am already delivering additional supports to the arts and culture sector, building on the €1.2 billion earmarked for culture, heritage and the Irish language under Project Ireland 2040, thus leading to increased activity and employment across all sectors under the remit of my Department.

Deputy Mick Barry: Funding for the Arts Council will increase from €75 million in 2019 to €80 million 2020. Is it not the case that only €1.25 million of the increase is a new injection of money in that €3.75 million, or three quarters of it, has been rejigged from one corner of the Department to another, in this case the Arts Council? It is a sham, therefore, to speak of €5 million in extra funding.

Culture Ireland had funding of €4.6 million last year. Is it not the case that funding this year is €4.1 million and has, therefore, been cut? My question referred to the doubling of arts funding by 2025. The Minister referred to a 2% increase this year. Can she show us the roadmap for moving from funding of €158 million in 2017, when the commitment was made, to €316 million by 2025? If she increases spending by 2% every year, it will fall a long way short.

Deputy Josepha Madigan: The chair of the Arts Council, Dr. Kevin Rafter, has welcomed the increase, particularly given the difficult budget we had in the context of Brexit. That should be acknowledged. The budget for the Arts Council increased by €5 million to €80 million, or 6.7%, in the budget and has increased by 23% since 2017.

On Culture Ireland, we are still finalising figures for the Revised Estimates but I am confident funding for Culture Ireland will remain the same as it has been.

On the trajectory for doubling funding to the arts sector, we are fully committed to doing this. Funding for the arts stood at €303 million in 2018, so doubling that figure by 2025 would mean increasing arts funding to €606 million. We increased funding to €339 million and it will

be €354 million next year. We are, therefore, consistently increasing funding. There are still a few years to go to acknowledge and implement the commitment.

Deputy Mick Barry: Workers in the arts in this country are trying to survive on scandalously low incomes. Does the Minister accept that is a stain on the record of her Department? Last year, 75% of arts workers had an income of less than €30,000, 64% or nearly two thirds had an income of less than €20,000, and 39% or nearly two in five had an income of less than €10,000. Will the Minister comment on that?

The Minister stated that the Government is fully committed to doubling arts spending by 2025. Does she accept that if she continues to increase arts spending at the current rate, she will come nowhere near doubling it by 2025? Does she accept that substantial annual increases are needed to come anywhere close to the target?

Deputy Josepha Madigan: The answer is in the Deputy's question. As he stated, the commitment is to double funding by 2025. We have not reached 2025. The Government did not give a commitment to front-load funding in the early years.

Deputy Mick Barry: I am not asking for front-loading.

Deputy Josepha Madigan: We are on an upward trajectory and we will fulfil our commitment by 2025. The approach by Solidarity-People Before Profit to arts funding does not make sense because it wants to increase funding for the arts by €100 million in 2020, while also seeking to abolish the universal social charge and local property tax. That does not add up. I am acutely aware of the decades long difficulties faced by those who wish to engage in artistic pursuits. For this reason, I brought in new initiatives this year. For example, I extended the job-seeker's allowance under the social welfare scheme for artists and others who were previously unable to avail of it. This will allow them to continue with their work without being penalised or subject to the normal labour activation measures. I also expanded the bands that apply under the percent for art scheme to give more work to artists. Spending on artists has never been as high. We are, however, conscious of the issues facing artists and we are always trying to find new ways to support them.

Hare Coursing

5. **Deputy Maureen O'Sullivan** asked the Minister for Culture, Heritage and the Gaeltacht if the practice of licensing live hare coursing will be reviewed in view of recent opinion polls (details supplied) and the fact that RHD2 disease is present here, which is a threat to the survival of the Irish hare; and if the views of many persons that live hare coursing has no place in modern civil society will be accepted. [52177/19]

Deputy Maureen O'Sullivan: My question relates to hare coursing, the RHD2 virus and also the results of a recent opinion poll which relates to hare coursing having no place in a modern civil society. What are the Minister's views on the matter?

Deputy Josepha Madigan: The control of live hare coursing, including the operation of individual coursing meetings and managing the use of hares for that activity, is carried out under the Greyhound Industry Act 1958, which is the responsibility of my colleague, the Minister for Agriculture, Food and the Marine. My responsibility relates to the conservation status of

the hare. While the regulation of hare coursing is not under my statutory control, licences are required by the Irish Coursing Club under the terms of the Wildlife Acts on behalf of its affiliated clubs to facilitate the netting and tagging of hares for closed park meetings. The annual licence to capture and tag hares for the 2019-20 coursing season was issued by my Department on 9 August this year. The licences granted by my Department in such instances include a range of conditions in relation to coursing hares which are designed to provide as much protection as possible to the conservation status of the hare.

The Deputy is aware that the RHD2 virus, which affects both rabbits and hares, was discovered in a number of rabbits and hares around the country during the summer. Based on these results RHD2 appeared at the time to be widespread in Ireland. The scientific advice available to me following the issuing of the annual licences indicated at that point that the virus was highly contagious and easily spread. In these circumstances, given my responsibility in relation to the conservation status of the Irish hare, I decided to suspend the licences issued to the Irish Coursing Club on 9 August until we had a clearer understanding of the extent, spread and implications of the RHD2 virus. In mid-October, I issued revised and restricted licences to the Irish Coursing Club last month to allow the netting and tagging of hares but there are specific limitations and strict conditions attached to the issue of those licences. The Deputy tabled a Topical Issue matter on this subject and in my response, I reiterated the details regarding those trials and how we are conducting them.

Deputy Maureen O’Sullivan: The Minister is correct that we have discussed this matter before. The RHD2 virus was not considered enough of a threat to ban live hare coursing, although it should have been, as should the well documented injuries to hares that occur before and during coursing.

11 o’clock

The practice is banned in almost every advanced country in the world, with only three allowing it. All of that should have been enough to ensure a ban on live hare coursing, yet it continues to be permitted.

My question relates to the finding in a recent RED C poll that 77% of Irish citizens want to see an end to live hare coursing, with only 9% supporting its continuation. In addition, there has been extensive correspondence to the Minister’s office, which was released via a freedom of information request, indicating overwhelming support for a ban on live hare coursing. Coursing involves the bleeding of the greyhound. Otherwise, why would such a gentle animal chase a hare with such ferocity? There have been convictions for illegal hunting of hares, including two in Offaly some months ago, and we know what happened on Whiddy Island. It is time to stand up to the 9% minority on this matter. If no licences are issued by the Minister, then there can be no live hare coursing.

Deputy Josepha Madigan: The Deputy referred to a RED C poll. My understanding was that the research was done by the Irish Society for the Prevention of Cruelty to Animals, ISPCA.

Deputy Maureen O’Sullivan: There were two polls.

Deputy Josepha Madigan: The ISPCA has welcomed the introduction of a testing regime and field studies on hares and rabbits. We should bear in mind that polls commissioned by an organisation usually reflect the views of that organisation. I appreciate the Deputy’s concerns. I must ensure that there is a balanced response from the Government to this issue, but the pro-

tection and conservation of the hare is my primary concern. The strict conditions we have set down should assuage the Deputy's concerns somewhat. The Irish Coursing Club vet has to certify in writing that all the captured hares are healthy. The number of courses will be reduced proportionately, as will the numbers of hares that can be coursed. The ongoing trials and field tests should give us a clearer picture as to the status and condition of hares and rabbits. It is important to note that no new hares have tested positive for RHD2 since the beginning of October.

Deputy Maureen O'Sullivan: Respect should be accorded to the findings of the RED C poll. We are told that live hare coursing is important for the rural economy, but I do not accept that. Before the American Civil War, the southern states argued that ending the slave trade would affect their rural economy. Banning live hare coursing will not damage the rural economy in this country because there is a viable alternative available in drag coursing. If the greyhounds will pursue a mechanical lure in racing, why cannot the same be tried in coursing, instead of causing pain and harm to timid wild hares? My late colleague, former Deputy Tony Gregory, observed in March 1996, "The only way to eliminate the cruelty is to have drag coursing where there is no live bait used." We must take a responsible attitude to the sensitivity of animals. This is a debate about cruelty versus compassion and I am asking the Minister to consider setting up a working group to look at the alternatives. Those alternatives are being used in other countries and are proving viable and lucrative for local economies.

Deputy Josepha Madigan: I conveyed to my Department officials the information on drag coursing which the Deputy provided on a previous occasion. In addition to the 29 conditions that are associated with the licence in general terms, we now have the other conditions which I set out. Field tests are ongoing in Limerick, Tipperary, Cork and Cavan town and will take some ten weeks to conclude. It was important to have the involvement of the Irish Coursing Club and the Department of Agriculture, Food and the Marine in those trials. I am satisfied with the procedures for swabbing, tagging and microchipping and that the certification is done in writing. We are constantly monitoring the situation and my door is always open to people on both sides of the argument with a view to finding a solution.

Údarás na Gaeltachta

3. D'fhiafraigh **Deputy Dara Calleary** den Aire Cultúir, Oidhreacht agus Gaeltachta cén soláthar airgeadais a cuireadh ar fáil d'Údarás na Gaeltachta don bhliain 2020; an ndéanfar socrú maidir le toghcháin dhíreacha do bhord Údarás na Gaeltachta a aisiriú; agus an ndéanfaidh sí ráiteas ina thaobh. [52286/19]

Deputy Dara Calleary: Is mí an-tábhachtach an mhí seo mar táimid ag comóradh an chéad toghchán díreach do bhord Údarás na Gaeltachta, a tharla 40 bliain ó shin. Is mí thábhachtach í don Ghaeltacht freisin mar gheall ar cháinainéis an údaráis. Tá a fhios agam go raibh ardú beag faighte tar éis na gearáin mhóra a rinneadh le deich mbliana anuas. Táimid ag iarraidh cáinainéis an údaráis agus toghchán díreach go dtí a bhord nua a phlé.

Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Seán Kyne): Gabhaim buíochas leis an Teachta. Dírim a aird ar an bhfreagra a thug mé ar Cheist Uimh. 23 ar 6 Samhain 2019 maidir le maoiniú Údarás na Gaeltachta. Mar a thug mé le fios san fhreagra sin, fógraíodh i mbuiséad 2020 go mbeidh ardú de €1 mhilliún á chur ar fáil do chiste caipitil Údarás na Gaeltachta in 2020. Fágfaidh sé seo go mbeidh ciste de €10 milliún ar fáil don eagraíocht. Is ionann sin agus méadú de bhreis agus 11% le hais an tsoláthair atá ann

sa bhliain reatha.

Chomh maith leis sin, cuirfear €200,000 breise in airgead reatha ar fáil d'Údarás na Gaeltachta don bhliain seo chugainn le dáileadh ar na heagraíochtaí pobalbhunaithe agus na comharchumainn Ghaeltachta. Is ionann seo agus ardú 25% le trí bliana anuas ar an gciste seo. Fágann sé sin go mbeidh soláthar iomlán de €4.05 mhilliún ar fáil don údarás in 2020 le dáileadh ar na heagraíochtaí pobalbhunaithe agus ar na comharchumainn Ghaeltachta. Ina theannta sin, beidh teacht ag Údarás na Gaeltachta ar chiste faoi leith sa chás go dtarlóidh Breatimeacht gan ord gan eagar. Sa bhreis air sin ar fad, beidh soláthar €9.602 milliún san iomlán ar fáil don eagraíocht in 2020 le haghaidh costais riaracháin a chlúdach. Beidh na sonraí iomlán maidir le soláthar Údarás na Gaeltachta ar fáil sna Meastacháin Athbhreithnithe do 2020 a fhoilseofar roimh dheireadh na bliana.

Maidir le toghcháin díreach do bhord Údarás na Gaeltachta, faoin socrú a tháinig i bhfeidhm faoi Acht na Gaeltachta 2012, tá bord reatha Údarás na Gaeltachta, a ceapadh anuraidh, comhdhéanta de chúigear comhalta a d'ainmnigh na húdaráis áitiúla ábhartha a bhfuil ceantar Gaeltachta faoina gcúram acu chomh maith le seachtar comhalta eile a roghnaíodh bunaithe ar chomórtas poiblí a eagraíodh faoi scáth na Seirbhíse um Cheapacháin Phoiblí. Cinntíonn an córas reatha seo faoina gceptar ionadaíocht na húdaráis áitiúla go mbíonn bunús daonlathach le bord Údarás na Gaeltachta agus cinntíonn ceapacháin na seachtar comhalta eile go bhfuil daoine leis an saineolas agus na scileanna ábhartha cuí á roghnú don chúram - rud atá ar leas fíoriomlán an údaráis agus an phobail a ndéanann sé freastal air mar fhoras Stáit.

Is fiú dom a mheabhrú don Teachta go bhfuil roinnt inniúlachtaí caighdeánacha ann a aithnítear a bheith tábhachtach sa lá atá inniu ann chun a bheith mar chomhalta ar bhord Stáit ar nós Údarás na Gaeltachta. San áireamh anseo, tá dearcadh straitéiseach anailíse, obair foirne, cion tairbhe agus iarracht, agus cumarsáid agus tuiscint ar chúrsaí airgeadais. Is ionann go deimhin an líon reatha comhaltaí atá ar an mbord faoin gcur chuige reatha agus an líon comhaltaí a mholtar, de réir taighde idirnáisiúnta, ar chóir a bheith ar bhord den chineál atá i gceist le hÚdarás na Gaeltachta.

I bhfianaise seo uile, ní léir dom go bhfuil cúis ann go ndéanfaí aon athrú ar an gcur chuige reatha maidir le struchtúr an bhoird, a thagann go hiomlán go deimhin le treoirlínte an Rialtais maidir le ceapacháin do bhoird Stáit.

Deputy Dara Calleary: Aontaím go bhfuil an dá rud ceangailte. Gabhaim buíochas le gach duine a bhí ina bhall nó ina ball de bhord an údaráis nó a d'oibrigh don údarás le linn an 40 bliain. Tá poitéinseal iontach ag an údarás ach tá sé soiléir nach dtuigeann an Rialtas an poitéinseal sin. Deich mbliana ó shin, bhí €15 mhilliún ag an údarás gach bliain. Níl an méid sin aige anois, fiú leis an €1 mhilliún breise. Caithfidh mé a rá gur oibrigh an tAire Stáit go crua chun an €1 mhilliún sin a fháil. I gcomhthéacs an phoitéinsil atá ann agus an t-airgead a tugtar d'Fhiontar Éireann agus IDA Ireland, níl a dhóthain airgid ag dul go dtí an t-údarás chun an jab a dhéanamh, jab atá an-tábhachtach do cheantair Ghaeltachta. Tá an easpa airgid sin ceangailte leis an easpa toghchán díreacha. Tá difríocht mhór idir duine a bheith ainmnithe chun a bheith ar bhord agus duine a bheith tofa. Tá muinín ag daoine i ndaoine tofa. Beidh díospóireacht sna Gaeltachtaí faoi chúrsaí a bhaineann leis an údarás. Ba chóir don díospóireacht sin a tharlú. Tá faitíos ar Fhine Gael roimh dhíospóireacht sna ceantair Ghaeltachta faoi cháinainéis agus poitéinseal an údaráis. Ba cheart go mbeidh toghcháin ann. Bheadh díospóireacht ann leis na toghcháin sin.

Deputy Seán Kyne: Ní aontaím go bhfuil ceangal ann idir buiséad an údaráis agus toghcháin chuig bord an údaráis. Mar Aire Stáit, déanaim iarracht breis airgid a chur ar fáil d'Údarás na Gaeltachta nuair atá sé ann. Gabhaim buíochas do mo chomhghleacaí, an tAire, Teachta Madigan, as ucht an tacaíocht a bhfuair mé uaithi i gcomhair bhuiséad 2020. Ní aontaím go bhfuil an ceangal sin ann. Tá gach uile Aire riamh ag lorg níos mó airgid do bhord an údaráis agus do gach uile eagraíocht eile. Is é sin an chaoi ina n-oibríonn cúrsaí. Bíonn gach uile Aire agus gach uile Rialtas ag lorg breis airgid. Bhí muid in ann breis airgid a chur ar fáil. Tá ardú de 11% ar an maoiniú d'Údarás na Gaeltachta i mbliana. Tá an ceart ag an Teachta go raibh buiséad mór ag an údarás i rith an Celtic tiger ach bhí laghdú ann ó €25 milliún, go €16 mhilliún, agus go €10 milliún nó €9 milliún nuair a bhí Fianna Fáil sa rialtas. Bhí an laghdú sin ann mar gheall ar an drochghuilleagar a bhí againn sa Stát.

Deputy Seán Kyne: Bhíomar in ann cur leis an mbuiséad caipitil don údarás ar feadh cúpla bliain anuas.

Deputy Dara Calleary: Léiríonn sé sin nach raibh an t-airgead ann. Chuir muid an t-airgead go dtí an t-údarás agus bhain sé úsáid as. Níor chuir an Rialtas an t-airgead go dtí an t-údarás. Tá siad ceangailte. Dá mba rud é go raibh an Rialtas faoi bhrú sna ceantair Ghaeltachta, agus dá mbeadh toghcháin agus díospóireacht ann, bheadh i bhfad níos mó airgid ag dul go dtí an t-údarás toisc go mbeadh an Rialtas faoi bhrú polaitiúil. Níl aon bhrú ann faoi láthair toisc go n-ainmnítear comhaltaí ag an Aire nó ag an gcomhairle áitiúil. Tá a fhios ag an Aire Stáit go raibh an t-údarás ag iarraidh i bhfad níos mó airgid, agus airgead caipitil ach go háirithe, mar tá sé faoi bhrú. Tá foirgnimh ag éirí sean. Caithfear athrú a dhéanamh maidir le cúrsaí meán cumarsáide agus cúrsaí teicniúla. Ba cheart go mbeadh go leor airgid ann chun é sin a dhéanamh. Bhí lá iontach againn in oifig an Aire Stáit le gteic a chur ar an mbóthar. Léiríonn gteic cé chomh tábhachtach is atá an t-údarás agus an jab a dhéanann sé nuair atá an t-airgead aige. Ba cheart go mbeidh gteic i ngach ceantar Gaeltachta ach ní bheidh mar níl an t-airgead ag an údarás. Tá a lán projects eile a mbeidh an t-údarás in ann a dhéanamh chun daoine a choimeád sa Ghaeltacht, chun obair a chur ar fáil dóibh agus chun iad a fhostú dá mbeadh an t-airgead aige.

Deputy Seán Kyne: Aontaím leis an Teachta go bhfuil an-phoitéinseal ag an údarás. Tá a fhios ag chuile dhuine go bhfuil sé ag lorg breis airgid chaipitil. Táimid ag déanamh chuile iarracht breis airgid a chur ar fáil. Bhí muid in ann €1 mhilliún breise a chur ar fáil i mbuiséad 2020. Tá comhpháirtíocht idir Údarás na Gaeltachta agus an Roinn Forbartha Tuaithe agus Pobail. Fuair Údarás na Gaeltachta airgead ó choiste athghiniúna na Roinne sin. Is é sin an chaoi ina raibh sé in ann infheistíocht a dhéanamh i gteic sa Spidéal, mar shampla. Tá an-phleananna aige chun moil gteic a oscailt trasna na tíre. Bhí muid i mBaile Átha an Ghaorthaidh chun mol gteic a oscailt ansin. Tá a fhios againn go bhfuil pleananna eile ag an údarás chun moil gteic a bhunú trasna na tíre, na hoileáin Ghaeltachta san áireamh. Tá an-obair á déanamh ag an údarás laistigh den bhuiséad atá aige ach aontaím leis an Teachta go bhfuil an-phoitéinseal aige agus go bhfuil sé ag lorg níos mó airgid. Beidh mé ag cur brú ar mo chomhghleacaithe chun breis airgid a fháil.

Ceisteanna Eile - Other Questions

Heritage Projects

6. **Deputy Bernard J. Durkan** asked the Minister for Culture, Heritage and the Gaeltacht the important cultural and heritage projects of 2019; the extent to which she expects these and other projects to progress in 2020; and if she will make a statement on the matter. [52084/19]

Deputy Bernard J. Durkan: This question seeks to identify the most prominent cultural and heritage projects of 2019.

Deputy Josepha Madigan: I thank the Deputy for his question. Under Project Ireland 2040, €1.188 million in capital expenditure has been allocated to my Department. Of this, €460 million has been allocated to the redevelopment of our national cultural institutions. Progress has been made in delivery of this ambitious investment programme. Already this year my Department has supported the completion of the first phase of the redevelopment of the National Library of Ireland. The second phase will continue in 2020. In partnership with the Office of Public Works, OPW, the planning phase of the National Archives of Ireland project has also been completed. This will see the capacity of the institution increase significantly as well as meeting modern archival standards. In 2020 the tender will be awarded for the construction elements of this project.

Work is continuing with the other national cultural institutions and the Office of Public Works to progress the other projects included in the investment programme. These are currently being appraised and planned in accordance with the requirements of the public spending code. In 2019 I approved several preliminary appraisals for these projects and it is my intention to see these projects complete the business case phase in 2020.

My Department is also investing €265 million in culture and creativity. September 2019 saw the launch of a significant programme of events under our Galway 2020 European Capital of Culture programme. Another flagship project within this investment strand is the Beyond 2022 project, which I launched with An Taoiseach last week and which will see the important records of the 1922 Public Records Office digitally recreated. My Department is also delivering several regionally-focused investment schemes to enhance cultural facilities across the country.

As part of our €285 million heritage investment programme, 2019 has seen my Department support a wide range of important built heritage restoration and maintenance projects across the country under both the historic structures fund and the built heritage investment scheme. We will continue these vital supports in 2020. Just last month I announced total funding of up to €4.3 million for the coming year.

Regarding natural heritage, my Department is progressing a broad range of projects and programmes which protect our unique landscapes and enhance all our well-being through our national parks and nature reserves. This year saw a significant programme of trails upgrades across this network. We will continue and expand this programme to further enhance our visitor facilities in 2020. In line with this Government's commitment to climate action, my Department is also working towards a major expansion of our peatlands restoration programme in 2020 and beyond. We are also working with the Heritage Council, Waterways Ireland, Screen Ireland, Údarás na Gaeltachta, Fáilte Ireland and local authorities on a broad range of projects,

programmes and schemes to enhance our culture and heritage.

Deputy Bernard J. Durkan: I thank the Minister for her very comprehensive reply. By way of a supplementary question I would like to ask the extent to which she and her Department monitor the various projects with a view to maximising their impact and appeal from the points of view of tourism, education, school tours and instilling in the new generation the importance of relating to their history and heritage.

Deputy Josepha Madigan: We keep a very close eye on the benefit of our projects in the culture and heritage section as well as those pertaining to Gaeltacht matters under the management of the Minister of State, Deputy Kyne. They are constantly monitored to ensure that we are providing adequate facilities, that we are ahead of our game and that we are in touch with what tourists want to see and enjoy. There have been some interesting projects in Kildare in the last several years as part of the built heritage investment scheme and the historic structures fund. Applications can be made under the new schemes for Kildare no later than 31 January in the case of the built heritage investment scheme and 14 February 2020 in the case of the historic structures fund.

Deputy Bernard J. Durkan: I thank the Minister for the broad scale of her projects. I would like to ask if she has identified suitable projects throughout the country which might have a major beneficial impact on the local community and the nation as a whole.

Deputy Josepha Madigan: I thank the Deputy. The local authorities are closely involved with the Department's work and receive funding for heritage and cultural projects which can be applied for under various schemes. We will be funding up to 500 projects under the built heritage investment scheme, which is currently open for applications through the local authorities. We are also funding heritage-led regeneration projects, which will benefit six other towns under the historic towns initiative. This will be done in collaboration with the Heritage Council. That is also currently open for applications.

Next year we will publish the new national heritage plan. We will hold a heritage forum in Dublin Castle in May 2020. We will run a public consultation process for a new national policy on architecture in early 2020 and progress the drafting of this policy by the year's end. We will also progress objectives on the climate change adaptation sectoral plan for built and archaeological heritage. It is of supreme importance that we protect what is already *in situ* and under our control for future generations. We will obviously support the OPW in conservation projects around our national monuments and historic properties. We will also publish two more surveys as part of the national inventory of architectural heritage, Dublin phase 15 and Dún Laoghaire-Rathdown phase 4.

Seirbhísí trí Ghaeilge

7. D'fhiafraigh **Deputy Aindrias Moynihan** den Aire Cultúir, Oidhreachta agus Gaeltachta cé mhéad oifigigh óige atá ag freastal ar na ceantair Ghaeltachta éagsúla; an bhfuil siad lánaimseartha nó páirtaimseartha; an bhfuil folúntais ann; agus an ndéanfaidh sí ráiteas ina thaobh. [52144/19]

Deputy Aindrias Moynihan: Tá ról an-tábhachtach ag oifigigh óige i ngach pobal ar fud na tíre. Sna Gaeltachtaí, tá ról breise acu toisc go bhfuil teanga agus cultúr le tabhairt chun cinn

chun glúine nua. Mar sin, teastaíonn uaim a chinntiú go bhfuil oifigeach óige ar fáil sna pobail Ghaeltachta éagsúla go léir ar fud na tíre agus go bhfuil an córas ag feidhmiú.

Deputy Seán Kyne: Is Óige na Gaeltachta, faoi chúram Mhuintearas Teoranta, an eagraíocht a dhéanann forbairt ar sheirbhísí agus iad a chur chun cinn, trí mheán na Gaeilge, do dhaoine óga sa Ghaeltacht. Is fochuideachta de chuid Údarás na Gaeltachta é Muintearas teoranta. Sa chomhthéacs sin, tá Óige na Gaeltachta tiomanta chun réimse leathan seirbhísí tacaíochta a chur ar fáil do chlubanna óige, do ghrúpaí pobal agus d'eagraíochtaí deonacha a sholáthraíonn seirbhísí tábhachtacha do dhaoine óga sa Ghaeltacht. Ceann de bhunaidhmeanna Óige na Gaeltachta ná seirbhísí óige pobalbhunaithe atá dírithe ar pháistí idir seacht agus 18 a fheabhsú, agus úsáid na Gaeilge sna heagraíochtaí seo a chur chun cinn agus a mhéadú.

Ina thaobh sin, tá sé curtha in iúl ag Údarás na Gaeltachta go bhfuil bainisteoir óige lánaimseartha ag Óige na Gaeltachta, lonnaithe i gceanncheathrú Mhuintearas teoranta i dTír an Fhia, Contae na Gaillimhe. Ina theannta sin, tá oifigeach forbartha óige lánaimseartha lonnaithe ar an láthair chéanna, a fheidhmíonn i gceantair Chonnacht agus Laighean. Tuigim go bhfuil oifigeach forbartha óige lánaimseartha a fhreastalaíonn ar Dhún na nGall fostaithe ó mhí Lúnasa 2019, atá lonnaithe in oifig Mhuintearais i nGaoth Dobhair, Contae Dhún na nGall. Maidir le cúige Mumhan, tá oifigeach forbartha óige lánaimseartha fostaithe ó mhí na Samhna 2019, atá lonnaithe in oifigí Údarás na Gaeltachta i mBaile Mhic Íre, Maigh Chromtha, Contae Chorcaí.

Mar sin, tá bainisteoir amháin agus triúr oifigeach forbartha óige lánaimseartha fostaithe ag Óige na Gaeltachta. Tá cúigear oifigeach forbartha óige páirtaimseartha fostaithe ag an eagraíocht freisin - ceathrar lonnaithe i nGaeltacht na Gaillimhe agus duine amháin i nGaeltacht Dhún na nGall. Níl dabht ach go bhfuil forbairt mhór déanta ag Óige na Gaeltachta le tamall anuas ag forbairt clubanna óige, agus tá líon na gclubanna sin tar éis méadú ó 37 go 43, de réir na bhfigiúirí is déanaí ó Údarás na Gaeltachta.

Deputy Aindrias Moynihan: Gabhaim buíochas leis an Aire Stáit. Tá sé soiléir ó na figiúirí sin go bhfuil bearnaí ann agus nach bhfreastalaítear ar phobail áirithe, mar iad siúd i gContae na Mí nó Contae Mhaigh Eo. Is léir go mbeidh brú ollmhór ar phé duine a fhreastalaíonn ar chúige Mhumhan, agus iad ag déileáil le gach rud idir Phort Láirge, Chiarraí agus Chontae an Chláir. Is ceantar mór fairsing é, agus is ceantar ollmhór é Dún na nGall freisin. Tá ról an-tábhachtach ag na daoine seo agus tá sé an-tábhachtach go bhfuil a ndóthain daoine ann agus foireann ar fáil chun freastal ar na pobail éagsúla.

Cloisimid i gcónaí go bhfuil Muintearas teoranta ag cur brú ar an údarás maidir le maoiniú. An bhfuil an tAire Stáit tar éis féachaint ar na figiúirí sin agus an bhfuil sé sásta go bhfuil go leor airgid ann? Ní bhfuair Údarás na Gaeltachta ach ardú beag i mbliana i gcomhair cúrsaí reatha. An bhfuil srian ann, nó an féidir an maoiniú sin a scaoileadh chun freastal ar na pobail Ghaeltachta ar fad ar fud na tíre?

Deputy Seán Kyne: Tá dul chun cinn suntasach déanta agus mar a luaigh mé, tá cuid de na bearnaí líonta le cúpla mí anuas, ceantar an Teachta i gCorcaigh ina measc. Tá scéimeanna eile ar fáil agus tá ciste eile ag an Roinn chun tacú le cúrsaí óige agus daoine óga. Tá €7.37 milliún ar fáil in 2020 chun caitheamh ar thograí reatha, mar scéim na bhfoghlaimoirí Gaeilge, scéim na gcúntóirí teanga, scéim na gcampaí samhraidh, agus cúnaimh d'eagraíochtaí eile Gaeltachta mar Acadamh na hOllscolaíochta Gaeilge, Coláiste UISCE, agus Oideas Gael. Ritheann mo Roinn a lán scéimeanna eile chun feidhmiú ar dhaoine óga agus cabhrú leo. Tá mé sásta go bhfuil dul chun cinn á dhéanamh agus go bhfuil cuid de na bearnaí líonta le cúpla mí anuas.

Deputy Aindrias Moynihan: Fáiltím go bhfuil oifigeach roghnaithe agus tosaithe i gcúige Mumhan. Guímis gach deá-rath ar an obair agus go n-éireoidh go geal léi. Tá jab mór gnóthach amach roimpi.

Tá bearnaí sa chóras. Pléann Comhchoiste na Gaeilge, na Gaeltachta agus na nOileán leis na coistí pobail ar fud na tíre, agus arís agus arís eile tagann an cheist chun cinn maidir le riachtanais i gcomhair freastal ar phobail óige. Caithfear rudaí cosúil le hionaid bualadh isteach agus a leithéid a chur ar fáil sna ceantair éagsúla. Chun a leithéid de rud a chur i bhfeidhm, theastódh duine lánaimseartha sna ceantair éagsúla chun freastal ar na pobail sin. Níl aon oifigeach ainmnithe do phobail áirithe go fóill, agus tá bearnaí ann fós. Caithfear cinntiú go mbeidh oifigeach óige ar fáil do na pobail Ghaeltachta ar fud na tíre. Ní hamháin an freastal ar dhaoine óga atá i gceist, ach an obair bhreise ó thaobh cultúr agus teanga a thabhairt chun cinn chomh maith. Níor chóir scaoileadh leis an bhfreagracht sin.

Deputy Seán Kyne: Chuir muid acmhainní breise ar fáil d'Údarás na Gaeltachta le cúpla bliain anuas agus tá sé suas don údarás é sin a roinnt amach do na heagraíochtaí, mar Mhuintearas teoranta, atá ag freastal ar chúrsaí óige trasna na tíre. Déanfaidh an t-údarás cinneadh ó thaobh chuile Ghaeltacht.

Chuir an Teachta fáilte roimh an mhéid atá déanta i mbliana. Tá súil agam go bhfuil pleananna ag Muintearas teoranta breathnú ar na Gaeltachtaí eile, i Maigh Eo agus i gContae na Mí, an bhliain seo chugainn, nó go bhfuil pleananna aige chun na bearnaí sin a líonadh síos an bóthar. Tá dul chun cinn déanta le cúpla bliain anuas agus tá acmhainní curtha ar fáil ó thaobh rudaí eile i gcúrsaí na hóige. Tá mo Roinn ag cur seirbhísí ar fáil tríd an Údarás, Muintearas teoranta, agus trí na scéimeanna a ritheann siad.

Acting Chairman (Deputy Eugene Murphy): We have done seven questions at six and a half minutes each, taking just over 45 minutes. We are 12 minutes behind schedule, because some Members refuse to accept the time constraints. Two Deputies will not have their pertinent and relevant questions answered because of that. I appeal to Deputies to follow procedure. They have 30 seconds to introduce their questions and the Minister has two minutes to reply. Deputies have one minute for a supplementary question, and the Minister also has one minute. There is then a final minute for another supplementary question, and a final minute for the Minister. The last thing I want to do is interrupt people, but we must be fair to all Members.

Question No. 8 replied to with Written Answers.

Acht na dTeangacha Oifigiúla

9. D'fhiafraigh **Deputy Catherine Connolly** den Aire Cultúir, Oidhreachta agus Gaeltachta cad é stádas Bhille na dteangacha oifigiúla (leasú), 2017; cén dáta a fhoilseofar an Bille; agus an ndéanfaidh sí ráiteas ina thaobh. [51989/19]

Deputy Catherine Connolly: Mar is eol don an Aire Stáit, tá dráma Bhille na dteangacha oifigiúla ar siúl ar feadh breis agus bliain anois. An bhféadfadh an tAire Stáit cinntiú go bhfoilseofar an Bille inniu?

Deputy Seán Kyne: Ar 10 Nollaig 2019, fuair mé cead ón Rialtas Bille na dteangacha oifigiúla (leasú) 2019 a fhoilsiú. Tá Oifig na mBillí ag déanamh na socrúithe cuí anois chun é a

fhoilsiú agus tuigtear dom go ndéanfar é seo go han-luath. Faraor, ní bheidh sé foilsithe inniu, ach beidh amárach.

Is é príomhchuspóir an Bhille Acht na dTeangacha Oifigiúla 2003 a leasú chun soláthar seirbhísí poiblí trí Ghaeilge a mhéadú agus a fheabhsú. Beidh sraith forálacha mar chuid lár-nach de na hiarrachtaí seo agus é mar aidhm acu líon na gcainteoirí Gaeilge a earcaítear chuig an tseirbhís phoiblí a mhéadú. Féachfar, leis an mBille, cuspóir foriomlán a bhaint amach ionas gur cainteoirí Gaeilge iad 20% de na hearcaigh nua chuig an tseirbhís phoiblí, agus gur trí mheán na Gaeilge a oibreoidh gach oifig phoiblí atá suite i limistéir Ghaeltachta.

Tá sé i gceist coiste reachtúil, an coiste comhairleach um sheirbhísí Gaeilge, a bhunú chun tacú leis an obair seo. Leagtar amach feidhmeanna an choiste sa Bhille, lena n-áirítear plean náisiúnta a fhoilsiú ar mhaithe le soláthar seirbhísí poiblí trí mheán na Gaeilge a mhéadú.

Gné shuntasach eile den Bhille ná caighdeáin teanga a thabhairt isteach do chomhlachtaí poiblí agus iad a chur in ionad córas na scéimeanna teanga, chun go mbainfidh na comhlachtaí poiblí sin, ar mó an t-idirghníomhú a bhíonn acu leis an bpobal, caighdeáin níos airde Gaeilge amach.

Cuirfidh príomhfhóralacha eile iallach ar chomhlachtaí poiblí é a dhéanamh níos éasca do dhaoine a n-ainmneacha agus a seoltaí a úsáid i nGaeilge nuair a théann siad i dteagmháil le comhlachtaí poiblí. Chomh maith leis sin, ceanglófar ar gach comhlacht poiblí nua ainmneacha agus lógónna Gaeilge nó atá dátheangach a bheith acu.

Léiríonn an Bille seo tiomantas an Rialtais chun an Ghaeilge a chur chun cinn. Tá muid ag iarraidh timpeallacht a chothú ina mbraitheann daoine muiníneach ag úsáid a gcuid Gaeilge, cuma cén leibhéal cumais atá acu. Sílim gur céim mhór chun tosaigh an Bille seo chun cuidiú leis an sprioc seo a bhaint amach.

Deputy Catherine Connolly: Gabhaim míle buíochas leis an Aire Stáit. Faraor, leanann an dráma ar aghaidh. Níl an Bille le foilsiú inniu ach go luath - amárach nó an tseachtain seo chugainn. Tuigim go bhfuil a lán oibre déanta ag an Aire Stáit agus go n-oibríonn sé go crua ach d'fhoilsigh an coiste ár dtuarascáil i mBealtaine 2018. Roimhe sin, foilsíodh tuarascáil i mí Eanáir 2015. Tá sé soiléir le fada an lá go bhfuil gá le hAcht nua. Tá sé soiléir le fada an lá go bhfuil teipthe go huile agus go hiomlán ag na scéimeanna teanga agus go bhfuil gá le beart práinneach a dhéanamh ó thaobh na Gaeilge de. An féidir leis an Aire Stáit a rá an mbeidh an Bille foilsithe amárach? Cén uair a thiocfaidh an Bille os comhair na Dála? An mbeidh sé os comhair na Dála an tseachtain seo chugainn?

Deputy Seán Kyne: Ó thaobh an eolais atá agam, beidh an Bille foilsithe amárach. Is é an plean atá againn, ón gcrúinniú a bhí ag an gCoiste Gnó ar maidin, ná tús a chur leis an Dara Céim den Bhille an tseachtain seo chugainn, ag tosú ar 9.30 a.m. maidin Dé Céadaoin. B'fhéidir go mbeidh muid ag teacht ar ais i mí Eanáir chun an Dara Céim a chríochnú. Beimid ag cur tús leis an Dara Céim an tseachtain seo chugainn. Tá a fhios agam an frustrachas atá ar an Teachta agus urlabhraithe eile don Ghaeilge agus don Ghaeltacht agus an bhrú a chur siad orm, ar fheidhmeannaigh mo Roinne, agus ar an Taoiseach le déanaí. Táimid ag teacht chun deireadh an chéad chéim den phróiseas. Beidh an Bille foilsithe amárach.

Deputy Catherine Connolly: Fós tá beagáinín neamhchinnteacht i gceist. Táim ag glacadh leis go mbeidh sé foilsithe amárach agus go mbeidh sé os comhair na Dála an tseachtain seo chugainn don Dara Céim. Tá ráflaí ann go bhfuil an Bille thar a bheith lag. Níl mé róthógtha

le ráflaí ach táim ag éisteacht le daoine ar an talamh. Ní raibh muid ró-uaimhianach nuair a d'fhoilsigh muid an tuarascáil. Chuir muid béim ar an ngéarchéim atá ann ó thaobh na Gaeilge agus ar an ngá le beart a dhéanamh agus le spriocamanna. Luaigh an tAire Stáit an 20%. Tá sé sin, ar a laghad, ag teastáil ach tá sé ag teastáil laistigh de thréimhse áirithe gairid. Is cuma liom an mbeidh dhá bhliain, trí bliana nó cúig bliana i gceist ach caithfidh go mbeidh spriocdháta agus spriocamanna sa Bhille chun aitheantas a thabhairt don ghéarchéim a bhfuil muid ag iarraidh déileáil leis. An féidir leis an Aire Stáit a chinntiú go bhfuil, ar a laghad, spriocdháta sa Bhille?

Deputy Aengus Ó Snodaigh: Tá ceist an-ghairid agam. Fáiltím go mbeidh an Bille foilsithe amárach, ar deireadh thiar thall. Cén fáth nach bhfuil sé foilsithe inniu? Cad é an mhoill? An mbeidh an Bille foilsithe as Gaeilge amháin nó le meabhrán as Gaeilge amháin? Foilsítear Billí eile i dteanga amháin. An mbeidh sé aistrithe go Béarla? An é sin an mhoill atá ann?

Deputy Seán Kyne: Bhí mé i dteagmháil le m'oifigigh ar maidin. Is é Tithe an Oireachtais a fhoilsíonn Billí. Tagann an Bille ó Oifig an Ard-Aighne. Bhí teagmháil idir Tithe an Oireachtais, Oifig an Ard-Aighne agus mo Roinn. Táim dóchasach go bhfoilseofar an Bille amárach. Teastaítear an Bille sa teanga náisiúnta sa chéad áit ach teastaítear leagan Béarla freisin. Níl Gaeilge ag chuile dhuine sa Teach agus caithfidimid seans a thabhairt do chuile dhuine é a léamh chun go mbeidh tuiscint acu ar na pleananna atá againn.

Ó thaobh sonraí an Bhille, beidh chuile dhuine in ann é a léamh thar an deireadh seachtaine. Níl spriocam luaite sa Bhille. Táim in ann é sin a rá. Sílim go mbeidh sin á phlé againn ar an Dara Céim agus sa choiste Oireachtais. Rachaimid tríd agus chasfaimid le heagraíochtaí ó thaobh na ceiste sin. Ní aontóidh chuile dhuine sa tír leis an sprioc de 20%. Caithfidimid smaoineamh ar na rudaí sin agus an rud ceart a dhéanamh ó thaobh an rud atá muid ag iarraidh a dhéanamh, is é sin, níos mó daoine le Gaeilge a fháil sa tseirbhís phoiblí. Sílim go bhfuil ceart ag daoine seirbhísí a fháil trí mheán na Gaeilge sa Ghaeltacht agus taobh amuigh di.

Acting Chairman (Deputy Eugene Murphy): In line with Standing Order 40, Deputy Durkan has been granted permission to ask Question No. 10 on behalf of Deputy Heydon. The Chair will allow that. With regard to Question No. 8, however, I had no request from Deputy Naughton or any officer of the House to allow Deputy Durkan to ask it. Therefore, I am not allowing him to do so but he may now proceed with Question No. 10, in the name of Deputy Heydon.

Heritage Projects

10. **Deputy Martin Heydon** asked the Minister for Culture, Heritage and the Gaeltacht the funding available for built heritage projects in County Kildare in 2020; the drawdown of funds for such projects in 2019; and if she will make a statement on the matter. [51904/19]

Deputy Bernard J. Durkan: This question seeks to ascertain the funding available for the built heritage projects throughout County Kildare that have requested funding, and the extent to which it has been drawn down.

Deputy Josepha Madigan: It is fitting that Deputy Durkan is taking Deputy Heydon's question because they share the same county.

12 December 2019

My Department provides financial support for the protection of heritage buildings and historic structures through two grant schemes - the built heritage investment scheme, BHIS, and the historic structures fund, HSF - which are generally administered by the local authorities. On 14 November, I launched the 2020 BHIS and the HSF and announced combined funding of almost €4.3 million.

Applications under the BHIS are assessed by the local authorities and awarded funding with the approval of my Department. Kildare County Council has been allocated €79,000 under the 2020 BHIS, the same amount as was allocated and drawn down in 2019.

There is no specific county allocation for the HSF. Applications are short-listed by local authorities and then assessed by a panel of experts, including officials of my Department. In 2019, three projects were put forward to the Department for consideration. Following assessment, one project, Newbridge College clock tower, Junior House, was approved, to the value of €25,000. This has been drawn down.

Both the BHIS and the HSF are administered by the local authorities and are now open for applications until 31 January 2020. Full details of the schemes are on my Department's website.

On 28 November, I announced funding of €1 million for the historic towns initiative, which my Department runs in conjunction with the Heritage Council. The initiative is a fund for the heritage-led regeneration of historic towns with an indicative minimum population of 1,500. This initiative is now open for applications and would, of course, include many Kildare towns. Projects under the historic towns initiative vary greatly from town to town but have to date included the upgrading of historic shop fronts as well as the regeneration of built heritage sites.

Deputy Bernard J. Durkan: I assure the Minister we have an abundance of suitable heritage and built heritage sites throughout County Kildare, north, south and central. I thank her for her detailed reply.

Is the existing funding still available and can it be increased to accommodate further enthusiasm for making applications under the various headings referred to?

Deputy Josepha Madigan: The funding cannot be increased for next year but I appreciate the Deputy's interest in it. There is €79,000 in the fund. In 2019, there were a number of grants for Kildare under the BHIS. The recipients were Church of Ireland, Kilberry; St. Michael's Church, Athy; Johnstown graveyard and church; Sean Chill, Donaghcumper, Celbridge; Church of the Holy Saviour, Narraghmore; Ard Na Gréine, Canal View, Sallins; 7 Canning Place, Newbridge; Leixlip Boathouse, Leixlip; Pebble Hill House, Maynooth; Riverstown House, Kildangan; Grattan Vault, Celbridge; Mill Cottage, Sallins; and the thatched cottage in Thomastown. I announced the BHIS and HSF on 14 November 2019. They will operate again in 2020, with total funding of up to €4.3 million across the country.

Deputy Bernard J. Durkan: I fully support and encourage the Minister to proceed in that general direction in the hope there will be an increase in the number of applications under the various headings for the coming year and that she will find it possible to extend the fund in every way possible to cover the important historic and heritage venues all over the county. These have played a major role in our nation's history. They include the building in which we sit, Leinster House, as well as Carton House and various other houses throughout County Kildare.

Deputy Josepha Madigan: As I mentioned regarding climate action, it is important that we

protect our archaeological and built heritage. Many people are not aware that it will be affected by climate change. The heritage section of my Department is very aware of that, however. We are also fund up to 500 projects under the built heritage grant scheme, which will be open through the local authorities in 2020. In addition, we will publish the national heritage plan and hold a heritage forum in Dublin Castle. We will continue to support the Office of Public Works, with which we work closely in tandem in respect of conservation projects at our national monuments and historical properties. Blueways are of great interest in County Kildare, in particular the Barrow blueway, which will be funded and will bring significant economic and social benefits to the county. There is much support in Kildare for the project and we are very pleased to bring it forward under the remit of Waterways Ireland.

Departmental Advertising Data

11. **Deputy Niamh Smyth** asked the Minister for Culture, Heritage and the Gaeltacht the amount spent in 2019 on social media and digital advertising; and if she will make a statement on the matter. [52153/19]

Deputy Niamh Smyth: I would like to know the amount of money spent by her Department on social media and digital advertising. I ask the Minister to make a statement on the issue.

Deputy Josepha Madigan: I am advised by my Department that the expenditure on social media and digital advertising engaged in by my Department to date in 2019 is €79,673, which relates primarily to the Creative Ireland programme, in addition to spending by Culture Ireland. This figure does not include the social media costs for the promotion of Cruinniú na nÓg, for which a detailed breakdown is not yet available. The Creative Ireland programme, with which Deputy Smyth is familiar, is a culture-based programme designed to promote individual, community and national well-being. The vision of the programme is that every person in Ireland should have the opportunity to realise his or her full creative potential. As such, a comprehensive and multi-platform information and citizen engagement campaign is in place to build awareness and understanding of the programme's aims and objectives. These are to enable the creative potential of every child; enable creativity in every community; invest in our creative and cultural infrastructure; and develop Ireland as a centre of creative excellence and as a creative and cultural nation. We also want to encourage participation in cultural and creative activities, with a particular focus on Cruinniú na nÓg, a festival for children and young people, which was held in June this year, as well as to support, enable and achieve maximum citizen engagement. To do this, it is essential for the programme to use a diverse range of communication channels and platforms to inform, encourage and promote participation in creative activities, as these are vital to our individual and societal well-being.

Expenditure in 2019 to date included €76,506 for social media content, including research, image sourcing, short films and scheduling of social media posts. Under Global Ireland 2025, the Government's strategy to increase the impact of Ireland's global footprint, a conference was organised by Culture Ireland on 24 January 2019 to explore how best to promote Ireland's culture worldwide.

Deputy Niamh Smyth: That figure of €76,000 is staggering and, as the Minister said, it does not include costs associated with Cruinniú na nÓg. I have no doubt the figure for promotion by the Department using social media will exceed €100,000. It goes without saying that social media has an important role to play in highlighting the cultural, creative and artistic heri-

tage activities taking place throughout the country. We all know and accept that. There has, however, been controversy regarding how much the Department is spending on social media, particularly during the first year of the Creative Ireland programme. I have been at the roadshows, which place great emphasis on media, digital media and filming. I question that.

I ask the Minister to give us a breakdown of the spending and to what exactly what it relates. I have received information in respect of spending through a request under the Freedom of Information Act, and the table provided to me shows that, from January to July 2019, bigO media provided social media services and was paid an average of more than €6,000 per month. Thereafter, TWB provided social media services to the Department and was paid an average of more than €8,000 per month. The Minister can correct me if I am wrong, but these payments seem to be for the operation of the Department's Twitter, Facebook and Instagram accounts. Do these costs include the promotion of social media content?

Deputy Josepha Madigan: To be clear, the Department has developed its own social media platforms to showcase its work. This is separate from the work undertaken by Creative Ireland and Culture Ireland. Returning to Deputy Smyth's comment regarding Creative Ireland, more money was spent in the first year to create awareness of Creative Ireland in general. However, spending has tapered off significantly since then.

On the Department's social media use, greater use is being made of the Department's Twitter account, which has grown strongly, with 8,346 followers at the end of November. A Facebook account was launched in mid-May of this year and has 2,368 followers. The Department also has an Instagram account, which was launched in mid-May and now has 1,521 followers. These accounts have been developed at no cost. The social media presence and its management are undertaken by the Department's in-house communications and press office team, which has five staff who also look after the traditional press office duties. Content is also supplied by staff across the Department who are engaged in the day-to-day work of the culture, heritage and Gaeltacht divisions.

Deputy Niamh Smyth: The Minister's answer raises the question as to why an expense has been incurred in contracting in external companies. If we look at the social media output of the Department in November, Instagram had four posts, Twitter had 15 tweets, 11 retweets and one comment, six replies to tweets and seven retweets. There were five posts on Facebook from original content and two posts highlighting articles. That is a small number of posts and a low level of activity for one month. I have no doubt that a professional level of skill is needed for creating online content. I have my own Twitter and Facebook accounts. The Department should undertake these activities in-house and should not need outside companies. I ask the Minister to comment.

Deputy Josepha Madigan: I have already addressed that. As I mentioned, these accounts have been developed at no cost. The social media presence and its management are undertaken by the Department's in-house communications and press office team of five staff. They also look after the traditional press office duties. Regarding social media, I am not an expert, although I have someone separately in my own sphere who does my social media, but the issue is quality not quantity. Stating how many posts there have been is not relevant to engagement or reach. It is always about quality and not just constantly putting up different posts.

The use of social media, however, is of importance to the Department given the nature of its work. The mission of the Department is to promote, nurture and develop Ireland's arts,

culture and heritage, to support and promote the use of the Irish language and to facilitate the development of the Gaeltacht and the islands. Social media gives us an opportunity to offer a unique window into the richness and variety of our culture and gives easy access to information on galleries, museums and events taking place locally. On heritage, social media helps to give the public knowledge and opportunities to experience our nature parks and our nature resources and waterways. It also builds awareness and knowledge of our national heritage and biodiversity and raises the appreciation of the Irish language.

Turf Cutting

12. **Deputy Denis Naughten** asked the Minister for Culture, Heritage and the Gaeltacht the status of the relocation of turf cutters; and if she will make a statement on the matter. [51119/19]

Deputy Denis Naughten: I know this is an issue close to the Acting Chairman's heart. In 1996, the then Minister for Arts, Culture and the Gaeltacht, Michael D. Higgins, signed into law the designation of bogs which led to the ban on turf cutting. Some 23 years later, only 9% of those who sought to be relocated have been relocated. A massive 70% of those turf cutters who sought relocation are still without any plan to provide them with an alternative turf bank.

Deputy Josepha Madigan: Deputy Naughten and the Acting Chairman have significant experience in this particular area.

Significant efforts have been made by the State to resolve the issue of the protection of Ireland's raised bog special areas of conservation and natural heritage areas within the framework of the EU habitats directive, including the establishment of a long-term compensation scheme for affected turf cutters.

The cessation of turf cutting compensation scheme was established in 2011 for active turf cutters arising from the cessation of turf cutting on raised bog special areas of conservation. It was extended in 2014 to include natural heritage areas. This scheme is applicable to turf cutters who have been affected by the designation of raised bogs as special areas of conservation and natural heritage areas and who fulfil the qualifying criteria of the scheme. It comprises a payment of €1,500 per annum, index-linked for 15 years, or relocation, where feasible, to a non-designated bog, together with a legal agreement payment of €500.

Up to 2,569 applicants are regularly receiving compensation under the scheme. Of these, 263 have applied for and are awaiting relocation to a non-designated bog. The relocation of turf cutters to a non-designated bog is not always straightforward. Notwithstanding this, progress in relocation has been achieved in several cases. Some 72 turf cutters from 11 different raised bog designated areas have been relocated to non-designated bogs. A further four relocation sites in counties Galway, Roscommon and Westmeath which could accommodate up to 55 turf cutters have been developed by the Department. These are due to be operational from 2020. Relocation sites for a further six special areas of conservation have been identified by the Department and are at various stages of development. These could accommodate a further 50 turf cutters. All of these sites together could accommodate almost 180 of the 263 cutters who expressed a relocation interest. The Department is still investigating suitable relocation sites for seven raised bog special areas of conservation.

In addition, within the framework of the National Raised Bog Special Areas of Conserva-

tion Management Plan 2017-2022, the Department is considering the available options in terms of relocation and the provisions of the habitats directive to provide for turf cutting in certain areas of raised bog special areas of conservation. Some 14 sites are under consideration for the possible application of Article 6 of the directive.

Deputy Denis Naughten: While I accept significant efforts have been made to protect bogs, with all due respect, the reality is that little effort has been made to date in actually relocating turf cutters. This is the first test of the just transition programme. At the formation of the Government in May 2016, 68 turf cutters were being accommodated with alternative sites. To date, 72 have been relocated. That is one turf cutter for every year since the Government was formed. Does the Minister believe it is good enough that only four additional families have been relocated over the past four years?

Deputy Josepha Madigan: Deputy Naughten referred to the just transition programme. He is familiar with it from his former ministerial portfolio. As part of this programme, on Monday, 11 November, I visited the midlands and met stakeholders, together with the Deputy and the Acting Chairman.

Under the cessation of turf cutting compensation scheme, 150 qualifying applicants from counties Galway and Roscommon have applied for relocation to a non-designated bog within medium range. Up to 37 applicants from designated sites in these two counties have been relocated. One of the designated sites straddles counties Mayo, Sligo and Roscommon. In addition, a further three relocation sites for qualified applications from designated sites in counties Galway and Roscommon, which would accommodate up to 35 turf cutters, have been developed by the Department and are scheduled to be operational from next year.

Deputy Denis Naughten: Up to 61 families, 8% of the total, who expressed an interest in relocation have thrown in the towel as they have been waiting a long time. That is because of the failure to deliver on relocation alternatives for people. The result for those people is that they are now being penalised by the State. The State has failed to provide an alternative site. Now, it deducts from their compensation payment the cost of the turf delivered to them already. I believe that is wrong. Will the Minister treat these people fairly and pay them their just and fair compensation without any deductions? It might take some of the pressure off the relocation needed across this country.

Deputy Josepha Madigan: I note the Deputy's comments. At all times we will try to treat people fairly and with just compensation. The scheme was established in 2011 for active turf cutters arising from the cessation of turf cutting on raised bog special areas of conservation and was extended in 2014 to include natural heritage areas. This scheme is applicable to turf cutters who have been affected by the designation of raised bogs as special areas of conservation, as well as natural heritage areas, and who fulfil the qualifying criteria of the scheme. It comprises a payment of €1,500 per annum, index-linked for 15 years, or relocation, where feasible, to a non-designated bog, together with a legal agreement payment of €500.

While these qualifying applicants are waiting for relocation sites to be investigated, they may, on an interim basis, opt for the annual payment of €1,500 or opt to receive an annual supply of up to 15 tonnes of cut turf delivered to their homes. Of the 2,569 applicants regularly receiving annual payments under the scheme, 263 have applied for relocation to a non-designated bog. There are other affected turf cutters who may qualify under the scheme but have not yet applied. It remains open for these turf cutters to apply and opt for relocation to a

non-designated bog if they wish.

Question No. 13 replied to with Written Answers.

National Raised Bog Management Plan

14. **Deputy Denis Naughten** asked the Minister for Culture, Heritage and the Gaeltacht her plans for the rehabilitation of bogs; and if she will make a statement on the matter. [51118/19]

Deputy Denis Naughten: The Minister visited the midlands recently with the Minister for Communications, Climate Action and Environment, Deputy Bruton. One of the issues raised directly with her by union representatives, as well as by myself, Deputy Eugene Murphy and others, was the need to ensure local staff will be involved in any work on the rehabilitation of bogs. Will the Minister update me on what progress has been made to ensure that those staff losing their jobs in Bord na Móna will be involved in the rehabilitation of the bogs?

Deputy Josepha Madigan: A key element of the National Raised Bog Special Areas of Conservation Management Plan 2017-2022, approved by the Government and published by my Department in December 2017, is to maintain active raised bog habitat and restore degraded raised bog habitat to active raised bog habitat. The national restoration programme for Ireland's raised bog special areas of conservation and natural heritage areas is contained within this plan. It was intended to restore all designated raised bogs within three cycles, with the first cycle operating for the duration of the management plan.

This programme can now be accelerated due to the announcement in budget 2020 of €5 million for peatlands restoration. This funding will allow for restoration measures to be undertaken on approximately 1,800 ha in 2020 on up to nine raised bog designated sites across seven counties and the installation of an eddy covariance flux tower on a representative bog to directly observe the exchanges of gas, energy, and momentum between the ecosystem and the atmosphere. The flux tower will directly measure the carbon, water, and heat flows between plant communities and the atmosphere.

Some 23 other raised bog designated sites have been identified for restoration works over the next number of years under the programme. Restoration plans for each of the 53 raised bog special areas of conservation have been drafted to be developed further in partnership with stakeholders including landowners and local communities. Site-specific restoration plans for the raised bog natural heritage areas are currently being developed by the Department using the most up-to-date scientific methodologies available and best practice models gained from other restoration projects.

I was in the midlands on 11 November, as was said earlier. We hope there will be 100 jobs created there. This has gone out to tender. There will be jobs like tree felling and scrub clearance, as well as for machine operators, engineers, hydrologists, ecologists and dam installers. Some of these are non-technical jobs for people who are not trained in those areas.

Deputy Denis Naughten: The announcement made regarding the closure of the two peat-fired power stations in the midlands is the equivalent of Google shutting up shop in Dublin. That shows the scale of the impact on the economy locally. We need assurance that we can create jobs locally in bog rehabilitation. I need an assurance from the Government that this will be

made a priority and we will not see these jobs coming from other parts of the country.

12 o'clock

Deputy Josepha Madigan: Obviously, we cannot say if some of the workers can work for the National Parks and Wildlife Service on bog rehabilitation as the tender has not been completed yet. The contract for peatlands work will need to be awarded following a competitive tender process to be managed by the National Parks and Wildlife Service. There are a number of jobs there and Bord na Móna will need to apply like any other party. We hope it will be in a position to do so and that it will be successful in its application.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Dara Calleary: Anyone who listened to Tommy Meskill's interview with Johnny Downey on "Morning Ireland" this morning will have been very moved. Jack Downey, Johnny's son, was 19. He was an accounting student. His father said he loved GAA and he loved life. He was not a drug taker; indeed, his father said he would not even take an Anadin. One day last August he left home at 10.30 a.m. and at 9 p.m. Johnny and Elaine received a phone call that Jack had been admitted to Cork University Hospital.

When Jack was leaving that morning, his father told him to be careful and he responded, "Ah sure, I was there last year. I'll be fine." It was only his second concert. He made one mistake and the consequences were absolutely catastrophic. His death has had a profound effect on his family and his community. Johnny spoke this morning about something we need to ask people to do this Christmas: parents need have the conversation about drugs with their teenage children. I know it will be a very difficult conversation for some parents to have. It would be much more difficult to get the phone call that Johnny and Elaine got on that Friday evening about their beloved Jack.

Taking a chance cost Jack his life. What Johnny and Elaine want - what we all want - is that there be no more Jacks and that nobody else has to walk the walk that they are walking at the moment. It must have taken enormous courage for Johnny to do that interview with Tommy Meskill this morning. He is not looking for attention or glory; he just wants parents to have that conversation. It has never been as important to have that conversation.

Health Research Board, HRB, figures for drug-related deaths in Ireland in 2017 show that more than one person a day is dying related to drugs. Deputy Curran has highlighted this issue for many years and the position is getting worse. The availability and potency of drugs is getting worse. It is no longer just a city issue; it is in every community. The Government is not responding and there is legislative inaction.

Would the Tánaiste agree that we need to review the licensing of concerts to ensure that those who promote concerts are made to take responsibility for illegal drug availability at those concerts, just as they must take responsibility for security and alcohol? Is it not time to clamp down on drug availability at concerts?

Given those HRB figures, the increasing availability of drugs in our communities and the involvement of children as young as ten selling drugs, is the Government losing the fight against drugs?

The Tánaiste: I thank the Deputy for raising the issue. I did not hear this morning's interview, but I am sure it was heartbreaking. Any parent's worst nightmare is for a child not to come home in those circumstances. The Government absolutely recognises that we have a major challenge, as so many other countries have, to respond in a substantive way to drug use. The number of deaths linked to cocaine use and poisoning has increased, as has the number linked to the use of heroin and other drugs, sometimes prescription drugs. Alcohol is also a significant killer.

We have a comprehensive national drugs strategy. It is broken into various elements, including promoting health and well-being. The Department of Education and Skills, the Department of Health and the HSE are involved. From a policing perspective the issues the Deputy has raised are pertinent. The Garda Síochána is active in this area. We have increased its capacity in terms of drugs response and we have increased garda numbers.

Having said that, particularly those of us living outside Dublin will have seen an increase in the availability of illegal drugs on the streets of our cities and towns. The Government is constantly looking to improve the response on that.

I can speak to the Minister responsible and come back to the Deputy on concert licensing. That can be looked at if the Deputy believes it would be helpful. We need to give a very clear message to parents and families that the Government wants to support them. As the Taoiseach said yesterday, we need to be tough on crime and also tough on the causes of crime in terms of the illegal drugs trade. We also need to raise awareness more effectively than we have been able to do among young people of the dangers of illegal drug use, given the tragedy that so many families have faced not just in 2017, but also in 2018, for which we do not yet have figures.

Deputy Dara Calleary: I reiterate the HRB figures. A total of 786 people died from drug-related causes in 2017. Those are the ones that are registered and that we know about. It is essential for the Government to strengthen the legislation on the availability of drugs at concerts and large gatherings. Promoters are making considerable money on these concerts and it is time for them to know there are consequences and to accept responsibility for those consequences.

The Tánaiste mentioned those of us living outside Dublin. Senior gardaí are saying we risk losing an entire generation unless we get to grips with the drugs problem. The slogans are all very welcome, but we need action on the ground, including extra gardaí in the drugs units. Mayo, one of the biggest counties in the country, has only five gardaí in the drugs unit. More resources need to be put in there. The Government is diminishing the incredibly important work of our regional drugs and alcohol task forces. They have not been given sufficient budgets. The proposal on the table is that they be recentralised, meaning that their reach into communities will be weakened. We never needed them more in communities than we do now. They need to be properly resourced and given the powers to do what the Tánaiste mentioned: building awareness and giving warnings in communities.

It is time for the Government to get serious about drugs. It is time for the Government to take it on and give it the attention it needs, and not lose a generation.

The Tánaiste: The Government is already very serious about drugs, which is why we are

trying to break this enormous challenge into its component parts, including providing more services for homeless people who are affected by addiction, putting in place injection centres for people to inject safely rather than potentially poisoning themselves with overdoses or with dirty needles. These are difficult challenges the Government is determined to take on. We are also providing extra healthcare drug-treatment opportunities for people trying to wean themselves off addiction. That is what we are doing at that end of the spectrum.

On the recreational side, which in some ways is an inappropriate description of drug use in night clubs, parties, concerts and so on, we have put many extra resources into An Garda Síochána in this area. The Garda has implemented the national drugs strategy training programme for members of the force working in drug units within communities. They have trained 60 extra Garda members since the programme commenced, which only commenced last year. From a policing perspective and from an awareness, health and addiction management perspective we are putting significant resources into the different elements of this problem, which are complex.

An Leas-Cheann Comhairle: I thank the Tánaiste.

The Tánaiste: The truth is that every country in the western world is struggling with these issues, but we will continue to put more resources and change the law where necessary.

Deputy Pearse Doherty: Yesterday, Premier Lotteries Ireland Limited, the private operator of the national lottery confirmed that €180,000 in prize money was left out of three scratch card games over the last number of years. Two of these scratch card games, each called “Congratulations” and sold at €5 per card, were missing three of the top prizes, each worth €50,000. The other game was missing a top prize worth €30,000. This is a total of four jackpot prizes missing in three games, games that have resulted in scratch card sales of more than €20 million for that company. It has also emerged that one of these games was left on sale for six weeks after the issue became known to the operator and the company.

I want to be clear that I have nothing against the lottery. I play the lottery in the knowledge that many of the proceeds go into charitable causes and community projects, which is very welcome. I also do it in the knowledge that the lottery is a form of gambling that requires proper regulation and robust legislation to underpin it. I put it to the Tánaiste that it is very hard to believe that three games operated by Premier Lotteries Ireland had four jackpot prizes missing and that this was due to human error or some improbable misfortune. In one of these games, the number of prizes was designed to be no less than 976,500. The probability that out of all those prizes it was the jackpot prize that would be missing is nearly one in one million. The probability that out of all the prizes four jackpot prizes across three games would be missing, involves a lot of zeros. The probability is one in 25 million billion. The numbers simply do not stack up and serious questions need to be answered by Premier Lotteries Ireland, by the Regulator of the National Lottery and by the Government.

The national lottery was privatised in 2014 by Fine Gael and the Labour Party at a price of €400 million. We were told that the licence was sold to pay for the national children’s hospital among many other capital projects, some of which we still wait to see. We now know that this price will not even cover a fraction of the cost of the national children’s hospital. Since the private operator was given the license, the number of retail outlets where games are sold has escalated beyond any expected proportions. There are now more than 2,000 further retail outlets, which is an increase of 56% since it was privatised. Unclaimed prizes are pumped into advertising and promotion instead of going to charitable causes where they should be going.

We can see this in relation to the numbers of shops and games.

Those who buy a scratch card or lottery ticket do not do so in the hope of winning the €3 or €5 prizes. They do it to win the biggest prize. A private operator, however, that deals in odds every day, managed to leave out the four top prizes, against astronomical odds. The legislation around this is completely flawed. This private operator writes its own code of conduct and sends it to the regulator for approval.

An Leas-Cheann Comhairle: The Tánaiste to respond please.

Deputy Pearse Doherty: This private operator can recommend to the regulator how much they can be fined for a breach under the legislation.

An Leas-Cheann Comhairle: The Tánaiste to respond.

Deputy Pearse Doherty: The legislation needs to be changed. I ask the Tánaiste to support my call for the regulator to appoint an investigator-----

An Leas-Cheann Comhairle: Deputy, please.

Deputy Pearse Doherty: -----which he has the power to do under the legislation, to investigate this matter thoroughly so we can have confidence in our system.

An Leas-Cheann Comhairle: Members will need to keep control of their time.

The Tánaiste: I thank the Deputy for raising this serious issue. Deputy Doherty is not the only Member to raise it. Deputy Michael McGrath has also raised the matter.

For the record I will outline how this works. The operator of the national lottery, Premier Lotteries Ireland, PLI, has found that four top prizes were not included for players to win in three of the 178 scratch card games it has offered since taking over the licence in 2014. The four prizes together are worth €180,000 and represent some 1.36% of total prize funds of those three scratch card games. These omissions were discovered through an internal review of all national lottery products over the last six weeks, and we are told they were caused by human error. Lotto, Euro Millions, Daily Millions, digital games and all other national lottery products were unaffected by these errors. The Regulator of the National Lottery was promptly notified of the review and has been updated regularly since.

There are real questions to answer here and the Deputy has pointed to some of them. At a minimum, the regulator and the operator should come before an Oireachtas committee to explain what has happened. I am certainly not against the idea of an independent investigation with regard to how this could have happened. The integrity of the lottery system is hugely important given how valuable it is to the many good causes it funds.

The Government has an open mind around getting to the bottom of what actually happened in this case. I do not believe it is acceptable to simply dismiss this as human error at some point in the management chain. We are certainly open to what the Deputy has called for. The Government, however, needs to have a fuller understanding of the appropriate course of action to get to the detail of what went wrong to ensure the public can have full confidence in the lottery system that so many people play on a daily and weekly basis.

Deputy Pearse Doherty: There absolutely must be serious questions asked and answers

given. We have written to the Oireachtas committee. It is not a case of whether the representatives should appear. The operator and the regulator must attend before the committee. They have a legal responsibility and a legal obligation to appear when they are requested to do so.

This situation seriously dents confidence in the lottery. For every approval sought from the regulator for a scratch card game, the national lottery produces the odds at which a person can win a €3, €5, €20 or a top prize. This is what their game is; it is about the odds. We are asked to believe that human error resulted in something that has odds of happening of one in 25 million billion. It is unbelievable for us to be able to accept that. Moreover, when this was found out the operator continued to sell these tickets.

The private company that operates the national lottery has made enormous profits off the back of these three games, sales of which were in excess of €20 million. Yet, there is no talk from the operator of actually refunding any of those profits back to consumers or to good causes.

There is also a serious issue with regard to the regulator. The Regulator of the National Lottery has a team of ten people. Yes, the regulation is flawed and I ask the Tánaiste to look at that, but the regulator only has one responsibility-----

An Leas-Cheann Comhairle: The Tánaiste to respond please.

Deputy Pearse Doherty: -----which is to regulate one company. When she appeared before an Oireachtas committee in 2018 the regulator told us that the Regulator of the National Lottery has access to all the systems and all of the real-time data. Still, the regulator did not uncover this issue. There is a serious question around the role of the regulator when punters have been scammed to a level such as this.

The Tánaiste: It is important, from a public confidence perspective, that people realise why this is so significant. Since 2015 lottery sales have generated €855 million worth of funding for good causes.

Deputy Joan Burton: We know that.

The Tánaiste: Many people do not, which is why it is important to outline it.

Deputy Joan Burton: Obviously the Tánaiste does not.

The Tánaiste: This funding has provided critical investment in so many areas in communities such as sports, culture, health, youth services and community development. This is why the integrity of this system needs to be protected. The Government is looking at how best to do that. This is why we have an open mind to what the Deputy has suggested today.

Deputy Pearse Doherty: Revoke its licence and take it back into public ownership.

The Tánaiste: We want to get the regulator and the operator before a committee to answer direct questions. If necessary, we will then ensure an independent investigation to get to the bottom of this in a credible and transparent way. That needs to be done and the Government will ensure it will be.

Deputy Maureen O'Sullivan: On Tuesday, in an exchange in the House, the Taoiseach referred to the UN human development index ranking, which had Ireland in third place for quality of life. It was calculated using the three categories of health, education and income.

The statistics were life expectancy of 82 years, 18.79 expected years of schooling and gross national income of €55,659.68. There has been growth in the quality of life in Ireland since 2012. Then we come to the statistics we get in reply to questions. I will take housing as an example. We have statistics such as 64,000 new homes being delivered, 26,000 on site, a further 30,000 with planning permission and 75,000 families removed from consistent poverty. This brings to mind the clichéd phrase regarding statistics of lies, damned lies and statistics. I came across an interesting definition of statistics that is quite relevant to my question today. The definition is that statistics are like a bikini as what they reveal is interesting but what they hide is vital. Statistics reveal interesting information to answer questions but what they hide is the reality. Understanding this reality is vital to direct policies and strategies. What is hidden is the reality of life and the impact of not having a home, whether people are in emergency accommodation, sleeping rough, in overcrowded unsuitable accommodation or in direct provision. What is also hidden is the impact and reality of inequality.

I refer to two reports and I do not expect the Tánaiste to have heard of them. They were done by All Together in Dignity. These are *The Hidden Dimensions of Poverty* and a study on living in the shadows of socioeconomic deprivation. They came from conversations with people who are living with the reality of poverty. They speak about suffering mentally, emotionally and physically. They speak about institutional and social maltreatment, discrimination and disempowerment. This should not be happening in Ireland, a country that has wealth, a relatively small population, resources, investment and employment. It is great to celebrate coming third but it is nothing to celebrate for those I have mentioned. Coming third cannot allow us to be complacent and we have to be driven to ensure all can enjoy the quality of life that has Ireland in third place. It is vital that we consider a different ideology, different principles and a different philosophy and that we are driven by the values that direct our overseas development aid so that coming third applies to everybody. There is a need for a radical shift. Quality of life begins with a home.

The Tánaiste: Of course any broad assessment of statistics and drawing conclusions from it will hide tragic cases and inequality in certain sectors. It is also worth saying that statistics do not lie. We have made extraordinary progress in this country since 2012. It is important to recognise this. Of course we need to focus on things we have not done yet but if we look at the CSO figures in the survey on income and living conditions and the statistics from 2013 to 2018, inclusive, we see genuine progress in reducing poverty levels, reducing deprivation levels, increasing nominal income and a reduced number of people at risk of poverty. This is true. It is progress and it should be recognised.

We have seen huge numbers of people being taken out of the risks and pressures of being unemployed. The figure has fallen from 15% unemployment to below 5% unemployment. During that period, the Government continued to increase the rates of minimum wage to try to make sure that as the country can afford it everybody benefits from a rising tide. This is what we have been trying to do.

This does not suggest we do not still have significant challenges and housing is at the heart of this, in terms of ensuring we facilitate enough homes being built at affordable prices for people to be able to access them, and for those who cannot afford to buy their own homes or rent their own properties that the State can intervene to support them in having a home of their own. We are doing this. We are not where we need to be yet. We need to complete approximately 35,000 housing units a year in Ireland. This year, the figure will be approximately 22,000. We are still increasing our output by more than 25% a year, which is significant. This year, as we

have said over again, we will add an extra 10,000 social housing units to the social housing stock.

If we take my city as an example, in Cork in 2014 there was one social house under construction for Cork City Council. There are currently 1,000 on site under construction. This is the change we are making and this is the pace that needs to continue for the next few years to make sure we get up to providing at least 12,000 extra social housing units a year and we provide thousands of affordable houses and cost rental and increase the housing output so the people to whom the Deputy referred who are, at the moment, in very pressurised and difficult conditions, with some of them in emergency accommodation, can get into homes of their own.

Deputy Maureen O’Sullivan: I will always acknowledge progress but that progress is not being applied very widely. I will give a particular example. We all know Brother Kevin Crowley of the Capuchin day centre. Last Saturday night, he was out on O’Connell Street at the GPO with a group singing carols from 8 p.m. until 10 p.m. At 10 p.m. on Saturday he made his way to a fundraising event for the Capuchin day centre organised by the Oireachtas ushers. A man in his 80s should not be in a position of having to do this. We know the number of people he feeds every day, with approximately 600 or 700 people coming in and approximately 1,500 food parcels going out. This should not be happening in a country that is wealthy. This is my point. Yes, progress is being made but it comes from a philosophy and ideology that does not take everybody into account. Yes, we have quality of life. All of us here have quality of life and we are looking forward to a good Christmas but we must be directed, and our policies and strategies have to be directed, towards those who are most in need and this is not happening.

The Tánaiste: I absolutely accept that a core responsibility of Government is to ensure there is a safety net for people who, for whatever reason, find themselves without a home, without income and often with many other challenges, from addiction to family break-up to all sorts of individual personal challenges. This is why we work with people such as Brother Kevin, who is a great person and there are many others like him, who are working for people who are very vulnerable. We spend more than €160 million a year working with organisations to provide homeless services in better emergency accommodation while we help people transition back into a home of their own. There are far too many people homeless in Ireland. We know this. The way to solve it is to continue to improve the quality of the supports available in emergency accommodation. The core way in which this will be solved is to increase significantly the supply of social housing, affordable housing and affordable rental. All of these are happening. They cannot happen quickly enough but they are happening at a pace that the Government will continue to prioritise.

Deputy Michael Collins: In the programme for Government of 2016 many promises were made in the area of education. The Government said it was committed to delivering a school capital investment programme for extensions and refurbishment to cater for additional school places. It also stated significant funding has been secured as part of the capital plan. To the people of Bandon and its surrounds these promises were false and misleading.

On 22 February 2018, in answer to my question, the Minister for Health, Deputy Simon Harris, who was standing in for the Taoiseach, stated he was pleased to be able to respond positively to my request and that the Department of Education and Skills approved permanent accommodation for St. Brogan’s college in Bandon comprising four mainstream classrooms and two resource teaching rooms. He stated it had been given the green light with funding from the Department of Education and Skills and the Government. He said he was very pleased this was

the case. It is now two years on and not a shovel has been turned on this project. The parents of secondary school going children in Bandon and its surrounds are furious as 220 pupils applied for entry in 2020 to the excellent St. Brogan's college, which will be pushed to the extreme to take 118 children. This will leave more than 100 children without a place. The only co-educational secondary school in Bandon is Hamilton high school which is full to capacity and has refused dozens of children entry in September 2020. Parents who live next to the schools and parents who are within walking distance of either school have had their children refused entry as the schools are already operating at over-capacity. These parents are not taking this sitting down. At a meeting on Monday night, they told me they are being advised to educate their children at home or to take them to a secondary school in Cork. These parents will not accept this. They have had their children in schools in Bandon from preschool through to national school and for dozens to be told there is no second level school place for their child is unacceptable. They are angry, and rightly so.

We need a short-term solution and a long-term solution. The population in Bandon is expected to grow out to 2025. The Department of Education and Skills has been caught napping as there is no long-term plan for Bandon and, shockingly, no short-term plan either, with promise after promise having been broken, leaving people in an unprecedented crisis. The Department of Education and Skills needs to carry out an immediate assessment of educational needs for a fast-growing Bandon. It needs to consult urgently with second level schools in Bandon and to consult with the community and parents, and to do so urgently. The long-term plan must be a new, standalone community-type college for Bandon, similar to those which exist in Kinsale and Skibbereen. Bandon needs this school and it needs it urgently. This is the long-term plan. The short-term plan to cater for the children excluded to date in Bandon is temporary classrooms at St. Brogan's college and Hamilton high school. This is by no means a perfect solution as St Brogan's college, which was built to cater for 400 children, is now catering for over 600 students and it may have to cater for more than 700 in light of the crisis unfolding for so many families.

Hamilton high school is at over-capacity and there has been no future vision for educational need for Bandon school-going children for decades. I have been raising this issue in the Dáil since I was elected in 2016. I have raised it every year at every opportunity, including twice in the past three weeks. I know of the pain parents are suffering. Can the Tánaiste tell me today that every child who has been refused entry to St. Brogan's college or Hamilton high school, Bandon will be educated, as they have been all their lives, in Bandon from September 2020?

The Tánaiste: I thank the Deputy. This is an issue that has been raised this week by Deputy Murphy O'Mahony and Senator Tim Lombard as well. Capacity is not an issue for the vast majority of post-primary schools and schools can enrol all pupils that are seeking a school place. Where issues exist, Department of Education and Skills officials actively engage with all the relevant parties to resolve them and will do so in regard to Bandon. The Department is aware that enrolment issues have arisen in a number of areas in regard to post-primary school places for September 2020, including in west and east Cork. To plan for school provision and analyse the relevant demographic data, the Department divides the country into 314 school planning areas and uses the geographical information system, using data from a range of sources, to identify where the pressure for school places across the country is likely to arise. With this information, the Department carries out nationwide demographic exercises to determine where additional school accommodation is needed. Major new residential developments in a school planning area have the potential to alter demand in that area. As part of its demographic ex-

ercises, the Department engages with local authorities to obtain the up-to-date information on significant new residential developments. This is necessary to ensure that school infrastructure planning is keeping pace with demographic changes as there is a constantly evolving picture with planning for new residential accommodation.

On Bandon, as the Deputy will be aware, there are three post-primary schools servicing the Bandon school planning area: Bandon grammar school, which is fee-paying, an all-girls secondary school, and, as mentioned by the Deputy, St. Brogan's college, which is coeducational. The Department has approved capital funding for St. Brogan's college, Bandon to expand school capacity significantly. This permanent extension of four classrooms and other support rooms has been delayed as planning permission has been appealed. It is now envisaged that construction will commence on site in quarter 2 of 2020, with the school accommodation becoming available in 2021. In the interim, the Department has provided grant aid for the rental of four prefabricated units and these are currently in use. Officials from the Department are continuing to actively liaise with the school principals in Bandon to ensure that every child will have access to a physical school place in 2020.

Anyone who is giving the advice that parents should be home schooling or sending their children to Cork city for a school place is not giving good advice. This is a problem that should be, and will be, sorted between the Department of Education and Skills and the school principals involved to ensure that every child in Bandon has a school place to go to.

Deputy Michael Collins: I thank the Tánaiste for his reply. As I said earlier, the people of Bandon are rightly angry. Year after year there has been under-investment in their town. The flood relief scheme is now under way, long after the destruction of business properties and many hard working people having been put out of business. The southern by-pass remains unfinished despite Government promises that it will be finished. If the plan for the proposed northern relief road goes ahead it will bring chaos to Bandon businesses and motorists.

The Tánaiste mentioned in his reply that the lack of school places may be resolved in 2021. School enrolment for September 2020 is the focus of parents in Bandon. The parents have been told to educate their children at home or to take them to Cork to be educated. I have met the parents, who have told me that is what they are being told. This is not acceptable. The anger among parents is palpable, as they know promises made are not being delivered at huge cost to their children's education. The four prefabs already provided are not sufficient to cater for the children who need places in September 2020. Will the Tánaiste ask the Minister for Education and Skills to visit Bandon and meet the parents, allay their fears and assure them that the problem will be sorted by September? On behalf of the worried parents in Bandon, will they be able to have their children educated in a Bandon secondary school in September 2020?

The Tánaiste: I have already answered "Yes" to the Deputy's question. I know Bandon well. It is a great town and we should not be talking it down. The Government is investing in Bandon and will continue to do so. There is a particular problem in regard to post-primary school places. The Government has committed to investing in a permanent solution but it will not provide significant accommodation until 2021. I reiterate that officials from the Department continue to actively liaise with school principals in Bandon to ensure that every child will have access to a physical school place in 2020, which is the issue raised by the Deputy. As stated earlier, we will resolve the issue through the use of temporary accommodation while the permanent building project proceeds and is, hopefully, completed in 2021. In the meantime, we need to ensure that parents can get the answers that they need for September 2020. The Department

is committed to doing that.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Dara Calleary: This morning, *thejournal.ie* reports that Ireland's only paediatric pain consultant, Dr. Kevin McCarthy, has handed in his notice and said that the service is completely unsustainable. He has been highlighting a number of issues for some months now. This issue was highlighted to the Minister for Health in October. This is an incredibly important service. Every year more than 75 new children access the service to manage the most unimaginable pain. How has the Government allowed this situation to get to the point where parents are being left in the dark about treatment plans for their children and where Children's Health Ireland is saying it will try to fill the position next year? What will be done for parents whose children are in chronic pain now and why was this situation allowed to develop?

The Tánaiste: I am slow to comment on the decision of any one individual to leave his or her job. I do not know the circumstances around that. If a vacancy is created, it will be advertised quickly so that we can get somebody else in that role, providing important services. I do not want to go into the details around why one person has decided to step down. My understanding is that he is a very good person but I do not think it is appropriate for me to go into details when I do not have facts.

Deputy Pearse Doherty: Many thousands of families across the State are still experiencing mortgage distress. Many of us in this House know some of these families. The Tánaiste will be aware that vulture funds swooped into this country, the banks and the Government having rolled out the red carpet to them. They have bought up tens of thousand of distressed loans from banks. My legislation, the No Consent, No Sale Bill, which was passed with the approval of the Dáil on Second Stage, is being blocked by the Government and indeed by Fianna Fáil on Committee Stage. This Bill would prevent the sale of mortgages to vulture funds without the consent of the homeowner.

We have been told that all of the protections go with the sale of the loan. That was never the issue. The issue is that these vulture funds only have a short-term interest. This morning we learned how one of the funds, Cerberus, has hiked up interest rates on these distressed borrowers. Their interest rates are now over 5%. The interest rate for new customers in this State is just over 3% while in Europe, the average is below 2%. It is absolutely scandalous that vulture funds can do this. The reality is that if these funds want to increase it by another 1% or 2%, there is nothing that this House can do. We need to prevent the sale of these loans to vulture funds in the first place.

What response does the Tánaiste have to the fact that the vulture funds that his Government welcomed so much into the country are now punishing the same families by hiking up their interest rates? Can he reconsider his Government's opposition to my legislation, which would prevent these sales in the first place?

The Tánaiste: I am not sure that the Deputy's legislation will actually do that. I refer the Deputy to the detailed parliamentary question that the Minister, Deputy Donohoe answered on this issue last week which is a useful piece of information. I repeat the point that whether one

is a financing agency which has purchased a distressed loan book, or a bank in Ireland, one is subject to the same codes and rules, enforced by the Central Bank, that are there to protect consumers in both circumstances.

Deputy Pearse Doherty: That is absolute gobbledygook.

An Leas-Cheann Comhairle: I call Deputy Howlin.

Deputy Brendan Howlin: I ask the Tánaiste-----

The Tánaiste: The Government does not set interest rates.

An Leas-Cheann Comhairle: Deputy Howlin has the floor and must be given an opportunity-----

Deputy Pearse Doherty: The Government can actually decide not to sell the loans to the companies in the first place.

An Leas-Cheann Comhairle: The Deputies can discuss this matter outside but Deputy Howlin has the floor.

The Tánaiste: These loans have been sold already.

Deputy Pearse Doherty: The Government is spending hundreds of thousands of euro of taxpayers' money to block that legislation. These families now-----

The Tánaiste: The Deputy's legislation does not solve this.

Deputy Pearse Doherty: It does solve it. It stops the problem in the first place

An Leas-Cheann Comhairle: I call Deputy Doherty to restrain himself. I call on both the Tánaiste and the Deputy to restrain themselves. Deputy Howlin has the right to pose his question without interruption.

Deputy Brendan Howlin: I understand the Tánaiste has just responded that he does not want to comment about an individual leaving his position. Chronic pain is a shocking thought for anybody but it is particularly acute for children. We had one paediatric pain consultant in the State who has now stepped down from his post. Quite frankly, it is not an acceptable comment to simply say that we will advertise the post.

Deputy Dara Calleary: Hear, hear.

Deputy Brendan Howlin: There are 75 children a year using the service. One can imagine their attitude and concerns facing into Christmas. I ask him to reflect further on this, as we need to have a response for those families this side of Christmas. Will he speak with the Minister for Health to ensure that some provision, comfort and succour is given to those families, who are facing the prospect of an indeterminate future without a facility that has given relief to their children in recent times?

The Tánaiste: I will speak to the Minister. The reason I responded in that way to Deputy Calleary is because I only learned about this issue this morning on my way in. In the case of something like this, it is important that one gives an informed response. If one does not have the information, it is difficult to do that.

Clearly, where families have children under the care of an individual who is stepping down, there will be a need for a proper transition plan for them to ensure, in particular in the area of pain management, that they are getting appropriate and professional care. I will speak to the Minister for Health and ask him to come back to both Deputies who have raised this question.

Deputy Thomas P. Broughan: The Tánaiste was pursuing some efforts to realise a two-state solution in Israel-Palestine. We had meetings here and I know he has been in the area. Are those efforts abandoned now, given that the Israelis are now heading into their third general election in a very short time or are they still ongoing? What is the possibility? The reality is that we need to have and should work resolutely for a two-state solution.

The Tánaiste: I thank the Deputy for this question. As people will know, I have a lot of interest in this issue. I was in Israel and Palestine last week and met all the of the key political players there, from the Israeli Prime Minister to the Palestinian President. I subsequently asked for and got a debate at the Foreign Affairs Council, FAC, this week on how the European Union can collectively protect our own stated position in the Middle East peace process, which is to promote and protect the capacity to negotiate and deliver the two-state solution that is fair to both Israelis and Palestinians. We have also agreed that there will be a more comprehensive debate at the FAC meeting on 17 January, specifically on the Middle East peace process and the role of the European Union, in the context of trying to protect a two-state solution as a viable option. This is in the face of what many people would regard as the creeping annexation of the West Bank due to expanding settlements, as well as on the back of the risk of annexation directly of parts of the West Bank, in particular the Jordan Valley, which Prime Minister Netanyahu has spoken of on more than one occasion. That, for the European Union, and certainly for Ireland would be a totally unacceptable and illegal course of action. There needs to be a significant deterrent from the European Union to ensure that that does not happen because that would effectively end the capacity for a Middle East peace process to deliver an acceptable outcome to both sides.

Deputy Mattie McGrath: The programme for Government is strong in its support for agri-industry. The Road Safety Authority, RSA needs to be reined in somewhat. I know of a contractor in west Tipperary who has been pulled in by the RSA and by An Garda Síochána twice and has been asked to have his trailer tested. He went to different test centres but the people there had never heard of such a test. He drove last week to Waterford city to a test centre, only to be told that it could not test his trailer because it was not covered under statute or any regulation. This is happening on a widespread basis. There was no equipment to test the trailer at the test centre in Waterford. This is unfair to a contractor trying to keep jobs and carry on his business and not to be obliged to travel to the city of Waterford only to be told that no such test exists. It is unfair that people are being victimised and intimidated.

An Leas-Cheann Comhairle: We have got the Deputy's question which is very specific, so the Minister for Transport, Tourism and Sport may come back and deal with this.

The Tánaiste: The RSA has a job to save people's lives and we should support it in doing so.

Deputy Seán Kyne: Hear, hear.

An Leas-Cheann Comhairle: I call Deputy Coppinger to speak now.

Deputy Ruth Coppinger: I wish to raise a very important issue with the Tánaiste on the

minimum wage. As he is aware, his Government did not give an increase this year. There are many groups of workers who are facing into Christmas in dire stress while living on the minimum wage. There is one group that is working in community centres, and he may have seen their plight highlighted. They have a real difficulty as they have no pay scale, so their pay never goes up. If the Government does not give an increase, they are living at a deficit to the previous year because of the cost of living. They are told that their employer is the local community centre but Pobal and Fingal County Council actually pay the wages. Where do they go? Is the Tánaiste going to look into this situation whereby the whole community sector actually will get the increase that it needs to pay the full rate of the minimum wage? All workers should be paid the same but the community employment, CE, workers with whom these workers work are getting paid more. Can the Tánaiste sort out this inequality and low pay?

An Leas-Cheann Comhairle: If the Tánaiste does not have the detail perhaps he might ask the relevant Minister to reply.

The Tánaiste: The Government wants to apply the recommended increase for the minimum wage and subject to getting clarity on Brexit, we will do that. We always said that we will follow the recommendations of the Low Pay Commission to introduce what I believe is the fifth increase in the minimum wage over the last eight to nine years.

An Leas-Cheann Comhairle: In the interests of fairness, I have a note of those Deputies who raised questions on Tuesday and Wednesday. I will first call on those Deputies who did not speak on those days, the first of whom is Deputy Burton.

Deputy Joan Burton: I raise the announcement yesterday by the Minister for Children and Youth Affairs, Deputy Zappone, that she will shelve the section of the Adoption (Information and Tracing) Bill, which is currently before the Seanad, on the right of adopted people to access their files and information relating to the circumstances of their birth and adoption. The Minister is failing to provide a basic human right, namely, that to access one's personal information, which is set out in human rights declarations and has been available in most common law countries for more than 50 years.

Was this a general Government decision or a personal initiative of the Minister? A great deal of progressive legislation has been worked out among all the parties in the Chamber. We have agreed on divorce, marriage equality, abortion and transgender rights, but adopted people and their birth mothers will all be dead by the time the Government takes any action for them.

The Tánaiste: I will ask the Minister to revert directly to the Deputy, who I know takes an interest in the area. My understanding is that the Minister has legal advice that suggests some protection for birth parents and the constitutional right to privacy must be reflected in the legislation, which she is trying to balance with the rights of adopted people to accessing information-----

Deputy Joan Burton: Adopted people have rights, not a balance.

The Tánaiste: They do have rights, which is what the Minister is trying to legislate for-----

Deputy Joan Burton: She has thrown out the legislation.

The Tánaiste: -----to ensure we maximise the application of those rights. She has not thrown out the legislation.

Deputy Declan Breathnach: On page 109 of the programme for Government, there is a commitment to protecting farm payments. Many farmers have rung my office, and I am sure the offices of many other Deputies, in a distressed state, waiting on their payments that were due in September. Will the Tánaiste give a commitment that the moneys will be paid before Christmas? Farmers in County Louth were assured by the Department of Agriculture, Food and the Marine that under a new pilot satellite scheme launched this year, they would not be victimised as a result of their involvement in it, but that is what is happening. It is unacceptable. If a commitment is not made to the Animal Collectors Association on payments supposed to be made in September, the prices for the collection of fallen animals will double in the new year.

The Tánaiste: The Minister of State, Deputy Doyle, answered a question on the matter yesterday. A total of 90% of the payments have been paid to date. Having been Minister at that Department, I know that if there is a delay in respect of a small percentage of payments, there is a normally good reason for that. The Minister of State has agreed to follow up on the matter to try to ensure that the remaining payments will be made as quickly as possible.

Deputy Niall Collins: I join in the congratulations and welcome to the people who were conferred with Irish citizenship at the ceremony held in Killarney this week. I raise the issue of the cohort of undocumented people who live in Ireland. The Migrant Rights Centre Ireland has stated that up to 26,000 people have been living undocumented for many years in the country. They are rooted in their communities, they contribute to the economy and the vast majority work, yet they are undocumented. We make a big case every year for the undocumented Irish in the US and I have raised the issue with the Tánaiste on many occasions.

The Minister for Justice and Equality, Deputy Flanagan, who I am glad to see is here and will be able to respond, launched a scheme but it was narrow and provided only for student visa overstayers from the years 2005 to 2010, inclusive. Only 2,153 people have achieved a pathway to regularisation through the scheme. Has the Minister any plans to introduce a scheme that will broadly address the large cohort of 26,000 people, including their family members, who are in the country, and give them a pathway to regularisation? There was recently a public meeting in Limerick on the issue and approximately 250 people turned up. They came from throughout the country to speak about it and we have an obligation to them to address it.

Minister for Justice and Equality (Deputy Charles Flanagan): The Deputy raised an important issue. In the first instance, it is important that we gather appropriate data to allow us to make informed decisions. I would be happy to engage further with the Deputy on the issue. Whatever avenues are looked at, we need to be conscious of our national legislation and our EU obligations in this regard.

Deputy Denis Naughten: The EU green deal cannot become the yellow deal for rural Ireland, with farms overgrown with ragwort, gorse or fir bushes. This is now a possibility because EU climate policy does not reflect scientific evidence. We must dramatically reduce CO₂ but we need a different approach from the CO₂ equivalent concept, particularly for methane from cattle. I ask that Ireland urgently take the lead at EU level to ensure there will be a robust, science-based green deal to replace the current, flawed policy, which is a political rather than scientific solution to climate change.

The Tánaiste: We have responded positively to the announcements of a new EU green deal. It will require a response from every EU member state that is more ambitious than anything we have planned for, but that is the way the world is going and we need to follow that.

Having said that, rural Ireland and agriculture need to transition in the context of the climate challenge, but can do so and grow and expand at the same time. That is our current agricultural policy and it will continue to be. Ireland has an obligation to be a leader in this area in the EU, given the size of the agricultural sector versus other sectors from an emissions perspective in our economy, as the Deputy will know better than most, in light of the Ministry he previously held. We need to bring about change but we need to work with farmers to do so. That will be a big part of the next round of the CAP negotiation.

Deputy Michael Lowry: Gardaí in Tipperary are trying to cope with a significant increase in the level of rural crime. In Fethard, there have been five robberies and incidents in recent months. It is farcical that the CCTV in the town was promoted and funded by an agent of the State but an argument has gone on for months as to who should be in possession of the data. This means that raiders can come and go from Fethard but even though the cameras, technology and hardware are in place, there is nobody to read the monitors. When will this bureaucratic nonsense stop and this ridiculous situation be brought to a close?

Deputy Charles Flanagan: CCTV is important for communities in the protection of people from harm. I am pleased to announce an extension of the current scheme to next year. Grant aid is available and moneys have been drawn down.

The Deputy mentioned a particular case in Tipperary. My understanding is there is a need for further engagement between Garda headquarters and local gardaí, given that it is a Garda operational issue. I hope that the matter can be resolved and I have every confidence it will be. I would be happy to communicate further with the Deputy early in the new year.

Deputy Willie O’Dea: The Tánaiste will be aware of the campaign that was extended for many years by victims of abuse in primary schools, and that the Government appointed an adjudicator, a retired High Court judge, Mr. Justice Iarfhlaith O’Neill, who issued a recommendation many months ago. Is he aware that at the time Mr. Justice O’Neill made his statement, the Government committed to resolving the problem quickly? Several months have passed, the initial campaign lasted for several years and some of the victims have died, while many are in poor health. Since Mr. Justice O’Neill’s report was published, there has been nothing but obfuscation, dither, delay, prevarication, excuses and constant references to the Attorney General.

For how much longer will the Government stand in the way of these people’s quest for justice?

I o’clock

Could the Tánaiste tell me when the Minister for Education and Skills will honour his commitment to meet a representative group of ex-pupils from Creagh Lane school in Limerick?

The Tánaiste: My note says that the review is ongoing. The Department of Education and Skills is committed to reviewing the *ex gratia* scheme in conjunction with the Office of the Attorney General. Given the complexity and sensitivity of the issues involved, careful deliberation is required before proposals can be finalised and brought to the Government. I will raise this matter with the Minister for Education and Skills and I will come back to the Deputy directly on it.

Deputy Brian Stanley: The programme for Government contains a commitment to bring about sustainability in the beef sector. According to leaked documents from the supermarket

industry, which contain startling information, supermarket chains are taking up to half of the retail price in profit. They have average profit margins of between 20% and 45% on fresh meat and fresh beef, of between 30% and 33% on round roast beef and of 34% on a leg of lamb. Three supermarket chains are in a dominant position because they control 75% of the market. We have spoken previously about processors. The Tánaiste will know from his former role as Minister for Agriculture, Food and the Marine that one big player, in particular, is dominating the processing end of things. The three leading supermarket chains that control 75% of the market are making profits. Meanwhile, the farmer who has the animal for two or three years makes a loss of up to 60 cent per kilogram. The supermarkets are making up to 50% profit. This is a ludicrous situation. I put it to the Tánaiste that we need legislation on price transparency. I would be happy if the Government and other Opposition parties would support the Bill I have tabled in this regard. It would bring the supermarkets into the price transparency loop. The retailers need to be brought into the beef task force immediately. There needs to be transparency about the prices and the margins they are getting for their produce.

The Tánaiste: We both know that the beef sector needs to change. That must be brought about through the beef forum or the beef task force. It would be very helpful if all players were involved in contributing to the beef task force as a way of ensuring this country's beef sector has a sustainable future. Dealing with retailers is not as straightforward as the Deputy might suggest. Retailers purchase for multiple markets and not just for the Irish market. Some 90% of Irish beef has to find a consumer and a buyer outside of Ireland. Many of these things need to be done at EU level, or else at a level that is agreed between retailers, producers and processors. It is a complex discussion. Given the scale of the beef sector in Ireland, we need all players to contribute constructively to a beef forum that is looking to restructure this industry in a way that will allow primary producers of beef to gain a fair margin for the work they do.

Deputy Pat Buckley: This question relates to the programme for Government. The Retention of Records Bill 2019 is due to come before the Dáil. I am trying to track down a definitive date for the Bill to come to the floor of the House.

The Tánaiste: My understanding is that the Bill is on Committee Stage. The legislative process is under way.

An Leas-Cheann Comhairle: I have called all of the Deputies who had not been not in. A number of Deputies have been in once, if not twice. I will start the list. I may have to cut it off. I ask each Deputy to take into consideration that there are other Deputies behind him or her. I remind Deputies of the need for brevity.

Deputy Margaret Murphy O'Mahony: The programme for Government contains a commitment to keep people in their homes for as long as possible. It is obvious that the provision of home help services is of assistance in this regard. The ongoing problems with such services have been raised with me all the time since I was elected. This is becoming a significant problem as we approach Christmas. People have come into my office in tears because they have been told they will not get any home help from Christmas Eve until 3 January. People who work as home helpers have told me that they are willing to work over the period in question. What is the real story here? How can people be left without home help for so long over Christmas?

Deputy Martin Kenny: On the same issue, the community healthcare organisation, CHO, in the north west, namely, CHO 1, has received a small increase in funding under the winter scheme that is being rolled out to try to relieve the bed blockers in many of our hospitals. They

cannot get out because no home help services are available to them in their homes. People are coming into my office - I am sure they are coming into every office around the country - to say that they are on waiting lists to get home help. The small increase in funding that was provided for in the budget is not nearly adequate to deal with this problem. As we enter into the Christmas period, the Government needs to allocate more money for the home help service across the entire country.

The Tánaiste: That is exactly what we are doing. An additional investment of €52 million is being made to bring the total funding for home supports next year to €487 million. That will deliver 19.2 million hours of home support in 2020. This represents an increase of 1 million hours on this year's target. Any regional management issues that are encountered as these funds are allocated can be raised with the Minister. The Government has made a significant financial commitment to increase the number of home support hours that are available across the country.

Deputy Eugene Murphy: I would like to ask the Tánaiste about safety on the N5 national primary route. I acknowledge that work has commenced on the new section of the route between Ballaghaderreen and Scramogue. That is welcome because it will improve safety. We still have a significant issue with safety along the N5. Recently, an articulated lorry ended up in the back windscreen of the car of a lady who had just picked up her four children from school in the village of Tulsk. That is how close it was. Luckily, nobody was hurt. I can show the Tánaiste photographs of this incident if he wishes. I appreciate that this is not his area of responsibility. He and his staff have been helpful with these issues in the past. As this road will be so busy over the next week, I would like the Tánaiste to ask Transport Infrastructure Ireland, TII, to consider the installation of temporary lights over the next couple of days to avoid injury or death. The safety issue along there is absolutely outrageous.

The Tánaiste: I will ask the Minister for Transport, Tourism and Sport to revert to the Deputy.

Deputy Bernard J. Durkan: The promised legislation about which I would like to ask is the patient safety Bill. Will the Bill in question come before the House before the end of this session or in the next session?

The Tánaiste: The Patient Safety (Notifiable Patient Safety Incidents) Bill 2019 is on the agenda for this afternoon.

Deputy Bernard J. Durkan: I thank the Tánaiste.

An Leas-Cheann Comhairle: I ask Deputy O'Loughlin to be brief and to think of her colleagues who would like an opportunity to ask questions today.

Deputy Fiona O'Loughlin: I have to refer to the problems in Naas hospital yet again. There were 21 people on trolleys at the hospital last night. This is one of the highest figures in the region. There were 24 people on trolleys the night before. One gentleman of my acquaintance presented himself at the hospital at 3 p.m. yesterday with signs of a stroke, but he was not seen until 9.30 a.m. today, or more than 18 hours later. This is an absolute disgrace. In May, I highlighted the fact that the admissions unit at the hospital is closed, which is adding to these problems. How many of the 190 beds that were announced yesterday will be in Naas? What will happen to the elderly people who are having to stay on trolleys for over 18 hours? We all know that someone who presents with the signs of a stroke needs treatment straight away.

The Tánaiste: I understand the Minister, Deputy Harris, has visited Naas hospital in the last couple of days.

Deputy Bernard J. Durkan: He has.

Deputy Fiona O'Loughlin: He did not invite me to meet him.

The Tánaiste: That is a separate issue. I will ask the Minister to come back to the Deputy on the specifics of the question.

An Leas-Cheann Comhairle: I ask Deputy McConalogue to think of his colleagues behind him.

Deputy Charlie McConalogue: I would like to ask the Tánaiste about the Government's position on the national effort to make progress on the undocumented in the United States. This effort is being made against a difficult political backdrop at present. Many people in County Donegal and every other part of the country have loved ones who have been abroad for many years and are unable to come home. This problem becomes particularly acute when Irish people who are living overseas lose close family relatives in Ireland. I know it is a difficult situation at the moment. The Government needs to ensure every effort continues to be made to try to make progress in this regard. I ask the Tánaiste to give the House an update on the state of play with regard to the efforts he is making as Minister for Foreign Affairs and Trade.

The Tánaiste: We are trying to make progress on the E3 visa process. I am sure the Deputy is familiar with this facility, which is available to Australian nationals. It enables them to get visas to work and live in the United States. There is an allocation each year. We are working with friends in Congress and the Senate to try to allow Irish people to use unused visas, of which there are between 3,000 and 4,000 and sometimes more each year. We are trying to progress legislation that would give Irish people who want to travel to the United States the opportunity to be able to do so with the new visa entitlement, with reciprocal arrangements for US citizens who want to come to Ireland. That is the area where we can make progress in the short term but there is a broader challenge of the thousands of undocumented across the US who are concerned about their future. We continue to raise the issue but immigration is a hugely divisive issue on Capitol Hill. It is, therefore, difficult to get the legislative change that we would like to see in the short term.

An Leas-Cheann Comhairle: Before we move on, I will give priority to Deputies Crowe, Brady, McLoughlin and Fitzpatrick, who I did not reach today, on Tuesday. I do not like carrying over speakers but we have a lot of business to do today. I am not setting a precedent.

Broadcasting (Amendment) (Protection of Journalism) Bill 2019: First Stage

Deputy David Cullinane: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Broadcasting Act 2009 to make it a breach of contract or licence under the Act to prohibit a member of the National Union of Journalists from communications media for reason or reasons of occupation, employer, or employment status.

I will share time with Deputy Crowe who is a co-signatory to the Bill. This legislation is in response to the blacklisting of journalists by Communicorp Media. In October, Deputies from all parties signed a joint letter to Communicorp Media urging an immediate end to the ban from its radio stations of certain journalists, including the highly respected and award-winning journalists, Tom Lyons and Ian Kehoe. The initiative had the support of all party leaders, including the Taoiseach. Three months on, however, nothing has changed. The Broadcasting Authority of Ireland, BAI, has not made any significant move to address the issue and it is clear that only a change in law will change anything.

The Bill proposes to make it an offence to ban a journalist who is a member of the National Union of Journalists, NUJ, from the airwaves for reason of occupation, employer, company or employment status. We limited its scope to members of the NUJ for a number of reasons. As we do not have a legal definition of “journalist” in law, to apply the legislation to journalists more broadly could open broadcasters to the possibility of court cases being taken by any person who uses the label “journalist”. This could result in frivolous cases being taken that are designed to punish broadcasters for what might be a genuine reason for not including a person on a show. Limiting the scope of the Bill to NUJ members creates a certain standard or threshold as to who can or cannot avail of the legislation, if passed. The second reason is that we believe in trade unions and that all journalists should be in the NUJ and trade unions. People are stronger for being members of unions and the legislation supports this.

It is very important that this Bill passes. We cannot have certain media outlets banning journalists because they do not like what they have to say or because of who they work for. That is not how journalism or broadcasters should work. Every broadcaster has a responsibility to be fair and impartial, even if it is privately owned. That is not the case in this scenario. We hope to move the Bill during Private Members’ time.

Deputy Seán Crowe: I am introducing this Bill with my colleague, an Teachta Cullinane, to ensure that journalists are not discriminated against while doing their job for reasons of professional affiliation or status. The Bill amends the Broadcasting Act 2009 to make it a breach of contract or licence under the Act to prohibit a member of the National Union of Journalists from communications media for reason or reasons of occupation, employer, company or employment status. It is a timely Bill as we have seen increased attacks on the rights and freedoms of journalists worldwide. In the past five years, the Council of Europe’s platform to promote the protection of journalism has reported 256 serious violations of press freedom in the member states of European Union, including the murder of 14 journalists. The murders of Daphne Caruana Galizia in Malta in 2017, the rape and murder of Viktoria Marinova in Bulgaria in 2018, and the murder of Ján Kuciak and his fiancée in Slovakia in 2018 dramatically raised public awareness in the European Union of the twin crises of journalist safety and impunity for the murders of journalists.

All of us here can remember the murder of Veronica Guerin in 1996. Her killing reverberated around the country, led to convictions and the creation of the Criminal Assets Bureau. Ireland needs to be a global leader in protecting media freedoms. We need to stand up for media freedom and the rights of journalists at this crucial time for independent reporting. We can start with this Bill and ensuring that broadcasting organisations cannot discriminate against journalists simply because of their professional affiliation. We cannot sit back and allow the current situation to continue, where journalists from certain newspapers and media companies are banned from appearing on the radio stations of one of the biggest media organisations in the country simply because their multimillionaire owner is angry and upset at the coverage he

receives from these newspaper and media companies. This is positive and proactive legislation to address discrimination and I call on all Deputies to support it when it comes before the Dáil.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Trade Union Bill 2019: First Stage

Deputy Mick Barry: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Trade Union Acts 1871 to 1990 to remove restrictions on trade union members engaging in strike action and industrial action.

The Bill seeks to amend the Industrial Relations Acts. It is said that the toughest, harshest anti-trade union laws in Europe are those in the UK. This is a legacy of the Thatcher era and the anti-union legislation from the 1980s, which was copper-fastened by the Blair Governments of the 1990s. Last summer, however, when the courts here blocked Ryanair pilots from striking, the courts in the UK did not block strike action by Ryanair pilots there. The anti-union laws in Ireland would give those in the UK a run for their money. The Industrial Relations Act was introduced under a Fianna Fáil Government by the then Minister for Labour, Bertie Ahern, in 1990. It was opposed by the left but supported by the leadership of the Irish Congress of Trade Unions, ICTU, and sold to it on the grounds that it avoided the worst excesses of the anti-union legislation being introduced at the time in the UK. That legislation now puts up obstacle after obstacle to workers and trade unions in standing up and fighting for their rights and conditions.

Anti-union legislation has been used in recent times not only against Ryanair pilots but also against National Ambulance Service Representative Association, NASRA, ambulance paramedics, Tesco workers and many others. The Bill seeks to amend the legislation to restore rights to workers and trade unionists and to reduce the power imbalance between capital and labour. Trade union legislation in Ireland effectively bans political strikes. Would the Dunnes Stores anti-apartheid strike of the mid-1980s or the PAYE tax protests of the 1980s be possible under the current trade union legislation? I think not. There are current issues on which trade unionists and workers are hampered from campaigning by this legislation. Strikes against sexism and racism and strikes for action on the climate and housing emergencies would all run smack bang into the Industrial Relations Act 1990. Injunctions are regularly taken out and granted by the courts against workers fighting for their rights. The idea of solidarity action, as pioneered by Connolly and Larkin, that an injury to one is an injury to all and that workers should take

action where necessary in support of other workers, is illegal under the current legislation. For instance, Tesco workers were pressurised not to picket outside their places of employment but, instead, to stand outside the shopping centres where the shops are located. I could give many other examples. This Bill seeks to restrict the grounds upon which an employer may obtain an injunction against workers or trade unions fighting for their rights.

The Bill also aims to cut out State interference in trade union affairs. Under the 1990 Act, a secret ballot must be held before industrial action can be taken and one week's notice of such action must be given to the employer. During the summer, we saw how this provision was interpreted by the courts in the Ryanair case, where the judge refused to accept a sworn affidavit by a trade union official that the ballot had been conducted in the proper fashion. In effect, the union was asked to give over the names of its members, in a public fashion, to a notorious anti-union employer which granted trade union recognition only when it came under pressure to do so in a previous case. That is completely unacceptable. Unions should be permitted by law to organise their own ballots. Whether those ballots are held in secret or openly is a matter for the union. This is the spirit of the Bill, namely, that workers and unions should decide such matters, not the State.

An Leas-Cheann Comhairle: Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Estimates for Public Services 2019: Motion

Minister for Communications, Climate Action and Environment (Deputy Richard Bruton): I move the following Supplementary Estimates:

Vote 6 - Chief State Solicitor's Office (Supplementary)

That a supplementary sum not exceeding €5,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Chief State Solicitor.

Vote 7 - Finance (Supplementary)

That a supplementary sum not exceeding €21,200,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster-General's Office, for certain services administered by the Office of the Minister and for payment of certain grants.

Vote 9 - Office of the Revenue Commissioners (Supplementary)

That a supplementary sum not exceeding €4,104,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Revenue Commissioners, including certain other services administered by that Office.

Vote 12 - Superannuation and Retired Allowances (Supplementary)

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for pensions, superannuation, occupational injuries, and additional and other allowances and gratuities under the Superannuation Acts 1834 to 2004 and sundry other statutes; extra-statutory pensions, allowances and gratuities awarded by the Minister for Public Expenditure and Reform, fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; fees to Pensions Authority and other professional fees, miscellaneous payments, etc.

Vote 17 - Public Appointments Service (Supplementary)

That a supplementary sum not exceeding €470,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Public Appointments Service.

Vote 20 - Garda Síochána (Supplementary)

That a supplementary sum not exceeding €17,500,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Garda Síochána, including pensions, etc.; for the payment of certain witnesses' expenses, and for payment of certain grants.

Vote 24 - Justice and Equality (Supplementary)

That a supplementary sum not exceeding €33,300,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Justice and Equality, Probation Service staff and of certain other services including payments under cash-limited schemes administered by that Office, and payment of certain grants.

Vote 26 - Education and Skills (Supplementary)

That a supplementary sum not exceeding €68,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Education and Skills, for certain services administered by that Office, and for the payments of certain grants.

Vote 28 - Foreign Affairs and Trade (Supplementary)

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Foreign Affairs and Trade and for certain services administered by that Office, including grants and contributions to Inter-

national Organisations.

Vote 29 - Communications, Climate Action and Environment (Supplementary)

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Communications, Climate Action and Environment, including certain services administered by that Office, and for payment of certain grants.

Vote 30 - Agriculture, Food and the Marine (Supplementary)

That a supplementary sum not exceeding €19,424,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Agriculture, Food and the Marine, including certain services administered by that Office, and for payment of certain grants and subsidies and for the payment of certain grants under cash-limited schemes and the remediation of Haulbowline Island.

Vote 31 - Transport, Tourism and Sport (Supplementary)

That a supplementary sum not exceeding €10,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Transport, Tourism and Sport, including certain services administered by that Office, for payment of certain grants and certain other services.

Vote 32 - Business, Enterprise and Innovation (Supplementary)

That a supplementary sum not exceeding €1,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Business, Enterprise and Innovation, including certain services administered by that Office, for the payment of certain subsidies and grants and for the payment of certain grants under cash-limited schemes.

Vote 35 - Army Pensions (Supplementary)

That a supplementary sum not exceeding €1,900,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other Military Organisations, etc., and for sundry contributions and expenses in connection therewith; for certain extra-statutory children's allowances and other payments and for sundry grants.

Vote 37 - Employment Affairs and Social Protection (Supplementary)

That a supplementary sum not exceeding €100,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Employment Affairs and Social Protection, for certain services administered by that Office, for payments to the Social Insurance Fund and for certain grants.

Vote 38 - Health (Supplementary)

That a supplementary sum not exceeding €338,055,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Health, and certain other services administered by that Office, including grants to the Health Service Executive and miscellaneous grants.

Vote 40 - Children and Youth Affairs (Supplementary)

That a supplementary sum not exceeding €15,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2019, for the salaries and expenses of the Office of the Minister for Children and Youth Affairs, for certain services administered by that Office and for the payment of grants.

An Leas-Cheann Comhairle: Does the Minister wish to comment on the proposals?

Deputy Richard Bruton: I am just moving the motion.

An Leas-Cheann Comhairle: In that case, I call Deputy Cowen.

Deputy Barry Cowen: I welcome the opportunity to discuss these proposals, even if the Government would rather we did not do so.

An Leas-Cheann Comhairle: There is 45 minutes set aside for the debate.

Deputy Barry Cowen: In case the Minister does not know, these are Supplementary Estimates for public services to authorise the relevant Departments to spend more than was budgeted for in budget 2019. My party will be abstaining on the motion. Fine Gael likes to tell itself and the country that it is responsible in its management of the public finances, but the facts are clear and they tell a much different story. This year, the Government has gone over budget to the tune of nearly €634 million. Since 2012, Fine Gael has overspent on budgets by a total of some €6.9 billion. In 2018, the Department of Health alone needed an extra €654 million; this year, it has gone over budget by €330 million. The Fiscal Advisory Council gave a stark warning recently regarding the Government's handling of the public finances, observing that without the temporary element of corporation tax receipts, Ireland would potentially be in breach of the fiscal rules. The council's report further states that the Government has allowed spending to drift upwards in recent years, especially in 2018.

All of this overspending is being paid for by an explosion in corporation tax, which we all know is temporary in nature. Of the €11 billion or so taken in corporation tax, 45% comes from just ten multinational groups. If those companies leave the State, there will be a massive hole in the public finances. The Taoiseach has told us that this hole would be filled by property-related taxes such as stamp duty. Have we learned nothing from the past? It is extraordinary that the Taoiseach seems to be suggesting that a house construction boom may be necessary to plug the hole in the public finances that a fall-off in corporation tax would leave. The Government does not seem to understand that making permanent expenditure commitments on the back of receipts that may prove temporary leaves us extremely exposed. That applies to stamp duty receipts as it does to corporation tax from multinationals. In addition, we have seen massive overspends on projects such as the national children's hospital and the national broadband plan.

Fine Gael is adept at throwing accusations at Fianna Fáil. It is past time that Members op-

posite had a good luck in the mirror and recognised that they must investigate the risks they are taking as a consequence of their approach to managing the public finances. The Government must address the sorry slide that has continued over the past eight to nine years.

An Leas-Cheann Comhairle: With the permission of the House and Deputy Pearse Doherty, who is due to speak next, I call the Minister of State, Deputy O'Donovan, to make a statement on the proposals before the House.

Minister of State at the Department of Finance (Deputy Patrick O'Donovan): I apologise for being delayed in getting to the Chamber for the debate on this motion. The Revised Estimates Volume 2019 sets out total net voted expenditure for the year of €53.9 billion. On budget day, the requirements for a number of Supplementary Estimates for 2019 were set out in the 2020 expenditure report. The total amount proposed in respect of substantive Supplementary Estimates amounts to €634 million. This is below the €660 million estimated requirement set out on budget day and reflects certain minor expenditure developments in the intervening period. In total, 13 substantive Supplementary Estimates and technical Supplementary Estimates are required in 2019.

As set out in the 2020 expenditure report, there will be a 100% Christmas bonus for social welfare recipients in 2019. Approximately €17 million of that amount will be paid from the Social Insurance Fund and this element will not require a Supplementary Estimate. However, a Supplementary Estimate of €100 million is required by the Department of Employment Affairs and Social Protection to meet the Exchequer element of the bonus.

The justice Vote group requires Supplementary Estimates of €51 million in total. Of this, €17.5 million is required for the Garda Vote as a result of security costs associated with the visits of President Trump and Vice President Pence. Further to this, just over €33 million is required for the Department of Justice and Equality Vote due to pressures relating to the provision of asylum seeker accommodation.

The 2020 expenditure report set out the requirement for an additional €335 million for health services in 2019. In addition, the amount being provided today includes a further €3 million in respect of Brexit-related health infrastructural costs. The additional funding being provided for today accounts for 2% of the original overall net health allocation for 2019. In comparison, a 4.4% increase above the original overall net allocation was provided to the health sector last year by way of a Supplementary Estimate.

A Supplementary Estimate of €4 million is being provided to Revenue to meet costs related to Brexit infrastructure at the ports and Dublin Airport.

The Department of Agriculture, Food and the Marine will receive a Supplementary Estimate of just under €20 million primarily in respect of Brexit infrastructure. In addition, the reallocation of resources in the Vote will ensure that provision is made for all expenditure pressures, inclusive of the rural development programme. It is expected that this amount will be offset by higher than anticipated EU receipts.

As set out in the 2020 expenditure report, there are various pressures on the Education and Skills Vote, necessitating a Supplementary Estimate of €68 million for 2019. This relates primarily to pay and pensions pressures, as well as school transport costs.

As in previous years, the increase in the defence Vote group ceiling, required to accommo-

date the Supplementary Estimate for army pensions, is expected to be offset by underspends elsewhere in the Vote group.

There are several other substantive Supplementary Estimates required, including €21 million for the Department of Finance in regard to the settlement of aviation-related legal cases, as well as €10 million of additional funding for the Department of Transport, Tourism and Sport. The Chief State Solicitor's office requires a Supplementary Estimate of €5 million due to higher than anticipated legal fees arising from a number of long-running court cases. There are also pressures arising in the Department of Children and Youth Affairs in respect of the Child and Family Agency, requiring a Supplementary Estimate of €15 million. Due to pressures on both pay and non-pay administrative costs, an additional €470,000 is required by the Public Appointments Service.

Finally, several technical Supplementary Estimates are required this year, including for Vote 12, superannuation and retired allowances. This is required to provide for €5 million of potential additional costs relating to public service pensions that will be offset by additional receipts. Other technical Supplementary Estimates were required by the Votes for the Department of Business, Enterprise and Innovation, the Department of Communications, Climate Action and Environment and the Department of Foreign Affairs and Trade. As is usual, it is expected that there will be savings in some areas across the system which will partially offset the Supplementary Estimates.

The additional expenditure provided by way of Supplementary Estimates amounts to 1.2% of the net voted expenditure allocation for the year. This represents a responsible approach towards ensuring that public services are adequately funded to meet Government's key social and economic objectives of protecting the vulnerable in society and creating the conditions to support growth in employment.

Deputy Pearse Doherty: The Estimates presented before the House today make a complete and utter mockery of the budget process. Today, in less than 45 minutes, the House is deciding to allocate an additional €634 million of expenditure which was not accounted for in the Government's budget. That is the equivalent of the unallocated amount in any of the budgets we have dealt with in the last several years. When we do that there is a lead-up process, with three days of discussion before budget day. This really clarifies that this Government is completely out of its depth when managing the public finances. Deputy Cowen asked if the Government had learned anything from the mistakes and disasters of the previous Fianna Fáil Government. It appears that it has not. We still have budgets that run way beyond what is projected. This underlines the fact that the Government is not budgeting adequately in some areas. It is not just me who has said this. The Irish Fiscal Advisory Council, IFAC, has repeatedly criticised the Government, saying its projections for expenditure in certain Departments lack credibility and are unrealistic. Here we are again today, looking at a Supplementary Estimate for the Department of Health which totals €338 million. This is akin to what happened last year. The Department has seen an average overrun of €500 million in each of the last five years. We were told that one of the measures introduced in the bright new dawn of the confidence and supply agreement between Fine Gael and Fianna Fáil would be credible budgeting for health. However, Fianna Fáil has supported every single budget here and has kept the Minister for Health in office. Unfortunately he only exists as Minister for Health because of the support of the Fianna Fáil Deputies.

The Government is treating the public finances in an inappropriate manner. It expects to

come before this House and ask us to approve, in less than an hour, expenditure of almost €750 million which was not budgeted for. Where does that money come from? It comes from unsustainable medium-term and short-term resources represented by corporation tax booms. The Economic and Social Research Institute, ESRI, has highlighted the folly of depending on this type of tax to pay for recurring current expenditure, which Sinn Féin has warned of for many years. Our view is that the current boom in corporation tax windfalls must be invested in the long-term security of our State by meeting our needs in housing, telecommunications, roads and physical infrastructure. The Government is using these resources, which are unsustainable in the long term, to fill holes in the health budget. Users of the service do not see any benefit or enhancement as a result of the additional resources the Government puts in.

The reality behind these figures is the dysfunction in how the Government deals with funding the HSE and the health service. As a result of not funding this service properly, we now have a situation where people who can be cared for at home at a fraction of the cost are in acute hospitals. Well-paid and well-educated consultants cannot carry out operations and procedures because there are no recovery beds for their patients. Professionals are not able to carry out their work because of a lack of hospital capacity. Consultants are being paid astronomical figures as locum staff because hospitals are not allowed to employ full-time HSE consultants. The same applies for nurses. The result of this lack of prudent financing and proper budgeting and the failure to allocate proper resources to the Department is huge underinvestment.

It is clear that the Government has learned nothing from the past and the mistakes of Fianna Fáil. The only difference is that Fine Gael is not taking dodgy donations from a Galway tent. When it comes to relying on unsustainable tax revenues to fund repeating expenditure, the Government has learned nothing.

Deputy Joan Burton: I refer to the distress caused by this Government in the areas of health and housing. It is really shocking to read the figures in relation to the Department of Health where yet again the Government has introduced a Supplementary Estimate plus other funding of almost €500 million. The Minister for Health has failed to fulfil his responsibility. Despite the fact that the total expenditure on health is now around €17 billion, the Government seems to lack the competence to address the services in our crowded hospitals, the children without pain relief and the multiple other problems that afflict the health service. The vast overruns entertained by the Government in its management of the national children's hospital project have caused complete dysfunction in other areas of the health sector which now lack vital funding.

Incredibly, despite the spending listed in this year's budget there will be no increase in pensioners' incomes next year. There will be no increase in retirement pensions, the invalidity pension or the blind welfare allowance. I could name 28 social welfare payments which have seen no increase. There were four or five small changes to social welfare and other weekly payments. It is an astonishing failure of performance. The Government should not think that pensioners and other social welfare recipients will forget it, particularly when the Government constantly talks in stellar terms about statistics showing we are the third richest nation in the world or the European country with the most money. Despite this, we cannot increase social welfare payments by €5 a week. That is really distressing. This is the first time this has happened since 2014, when there was a very clear resumption of social welfare increases, including the restoration of the Christmas bonus which Fianna Fáil had abolished.

The Minister of State has come here with the Government accounts. We still have not received any serious explanation in accounting terms of how €24 million paid in taxes by airlines

was refunded and recorded as consultancy fees. Could the Minister please explain how such a misstatement of accounting information was included in the Supplementary Estimates? I still have not heard an explanation that satisfies me. As somebody who has worked in the accounting field, I must confess that I no longer believe the health accounts. IFAC did not disagree with me when we discussed that a week ago.

What I will say next provides a stark contrast. I was in the Phoenix Park last night with the OPW which, with Fáilte Ireland, spent €400,000 on a consultancy exercise on the park that repeated one that had been done previously and added nothing new to what we know about the Phoenix Park, its protection and significance. Up the road in Mulhuddart community centre, a group of workers are paid salaries with a contribution of funds from Pobal. Pobal will not pay them the minimum wage. We have no explanation as to why Pobal as an entity is not funded to ensure that community workers who are working hard in local communities are not paid at least the minimum wage. Could the Minister of State, Deputy O'Donovan, give me an answer to that question?

Further up the road in Huntstown and Hartstown, a sum of approximately €300,000 would enable essential fire safety repair works to be carried out. Instead, the OPW and Fáilte Ireland were able to spend €400,000 on consultancy - we do not know the reason for that - on the Phoenix Park, while up the road vital community centres and crèches may be closed because the Government cannot find a way to fund Pobal to carry out the necessary works for fire safety purposes in two community centres. That is due to the incompetence of this Government. To be perfectly honest, people cannot understand the sums, yet the Government fails to deliver.

Deputy Thomas P. Broughan: Fourteen months ago, in the run-in to budget 2019, I advocated additional new net policy spending, including new revenues, especially for the Departments of Health, Education and Skills, Housing, Planning and Local Government, Justice and Equality, and Children and Youth Affairs. However, the Fine Gael and Fianna Fáil austerity Governments since 2008 have resolutely refused to fund essential services for people across all those and other sectors of government. Once again, we need large Supplementary Estimates, in this case of €634 million, just to fund the crucial day-to-day operations of hard-pressed Departments and the HSE.

Mr. Paul Reid, CEO of the HSE, told the Oireachtas Joint Committee on Health in early October that he thought the HSE could break even this year because he had instructed HSE managers to limit overspends by curbing staff levels, overtime and the spend on agency staff. Members know that for the past nine or ten months Mr. Reid and the Minister for Health, Deputy Harris, have imposed an embargo on the recruitment of additional staff to provide desperately needed therapies and hospital operations. Despite those measures, we now see in the Supplementary Estimates that Vote 38 needs an additional €338 million for 2019. The bulk of this funding seems to be needed for HSE health and social care services and primary care reimbursement services. At a meeting of the Joint Committee on Health yesterday, Mr. Reid said the overrun at the end of September was almost half that of the same period in 2018 and that the HSE workforce of 138,080 represented 119,473 whole-time equivalent staff. The question we must ask is why Mr. Reid and the HSE board only recently submitted a service plan for 2020. How can we allocate budgets in this House if the HSE and its chief executive do not give us a service plan for the next calendar year? That seems to be an incredible anomaly.

The key problem with supplementary budgets and overruns in the health area is that we know there are horrendous waiting lists for acute hospital treatment. Yesterday, Deputy Mi-

cheál Martin referred to there being 200,000 children on waiting lists for health services. It appears that the 2019 and 2018 budgets and previous austerity budgets did not realistically allocate the necessary funding for health, social care and disability services. Does the 2020 HSE service plan, which the Minister and the Cabinet now have, remotely meet the delivery costs of those services or will this Dáil or probably the next Dáil have to revisit Vote 38 for a Supplementary Estimate in autumn 2020, or perhaps much earlier due to Brexit?

The Committee on Budgetary Oversight has been raising anomalies in Vote 38 for the past three years. Dr. Seán Healy of Social Justice Ireland, in a presentation, drew attention to what we all know are the predictable shortfalls in health expenditure. Two or three years ago, the shortfall was more than €800 million. This means the health service had almost €1 billion less than was needed to operate. The Irish Fiscal Advisory Council and the Parliamentary Budget Office, PBO, have both drawn attention to the same situation. IFAC defines a prudent fiscal policy as one “where net policy spending growth does not exceed sustainable growth in revenues”, but that does not preclude ensuring we have sufficient revenue in our budgets in this House to run a modern, universal and quickly accessible health service.

As colleagues have said, budget 2020 was a regressive, standstill budget for citizens on social protection benefits, assistance and pensions. We might as well not have had a budget, especially for lower paid workers generally. The payment of a Christmas bonus, which I understand amounts to €100 million net in the books, cannot erase the cynical failure by this “Varadkar” Government and its imposition of possible disorderly Brexit costs entirely on the most vulnerable citizens. In terms of transparent management of the public finances, we should decide on Christmas bonuses for the following year and provide for them in the main budget. We should stop this messing and pretending year after year.

In education, an additional €68 million has been provided. The PBO has drawn attention to the demographic bulge, which is moving on from primary to post-primary level. It will possibly peak in 2025 and then move on to third level. I advocated at the Committee on Budgetary Oversight that the additional teachers who may be released by the changes in the demographic bulge should be used to dramatically reduce the pupil-teacher ratio. I welcome that the Committee on Budgetary Oversight has been engaging with larger Departments and that the focus of the committee early next year, prior to the general election, will be on accurate forecasting and management of demographic factors. That is the key point. The committee is rightly concerned about the use of outdated demographic projections in budget 2020 and the need for budgetary allocations to accurately reflect demographic pressures. I hope we will have that and the additional spending that is essential. Perhaps this will be one of the last years we have this kind of charade and we can consign the annual Supplementary Estimates to history and instead have realistic annual budgets year in and year out.

Minister of State at the Department of Finance (Deputy Patrick O’Donovan): I thank the Deputies who contributed to the debate. I regularly attend Question Time with the Minister for Public Expenditure and Reform, Deputy Donohoe. I read all of the parliamentary questions that come in from other areas. Every day, a new demand for spending is made in the House. In one day, the demands made in just one group of parliamentary questions clocked up hundreds of millions of euro. On the one hand, I understand that people question the process. Some people might oppose a Revised Estimate even if they sat at a Cabinet table where that was the norm. The reality is that demographic changes and pressures arise across sectors every year. That is nothing new. It is also not new that a Government would enter into pay agreements with sectors that must be realised, as happened in health and education.

I have sat in the House beside the Minister, Deputy Donohoe, when he was repeatedly asked if we would guarantee the Christmas bonus. The Christmas bonus costs €279 million. Deputy Broughan is correct and I share his view that we should pay it. That is why it is in the Supplementary Estimate today. On the one hand, there is opposition to a Supplementary Estimate being presented and, on the other hand, Members present a litany of demands for additional expenditure. Previously, we were not able to introduce a €5 increase in social welfare payments across the board. Deputy Burton will be aware that this would cost €300 million. If we were to do that today, we would have a Revised Estimate of upwards of €1 billion. We simply did not have the money to do so this year but we hope to be able to introduce such an increase in the future.

Every single day we come into the Dáil we hear about demands across the health spectrum, in particular in acute care. We have changing demographics. Thankfully, people are living longer. We have burgeoning problems in health. We are trying to recruit additional staff. Even in my area in Limerick we see the opening of additional beds. That cannot happen unless money is available to do it. Sometimes money is not available. At the start of the year, the Minister said there would probably be a need for €660 million and the total requested today is €634 million. This format is nothing new. The Deputies who have questioned the Supplementary Estimates have been around this House much longer than I have. They know that when one is setting out a budget, one does not have a telescopic view to the end of December as to the potential pressures that will arise. Those pressures have to be paid for, however. Is anybody really suggesting we should not pay the increases factored in by way of pay agreements and that may not have been envisaged at the start of the budgetary cycle? Is anybody really saying the €335 million to go into the healthcare system should not be invested because of the pressures? Is anybody really suggesting an additional €68 million should not be invested in the education system to address a range of demographic issues, such as the recruitment of additional teachers, changes in pay for teachers, the recruitment of additional special needs assistants and the changing of school transport. Those of us from rural areas know how difficult it is to get transport for children. Changes were made this year in this regard. It all costs money.

At the same time, Deputy Broughan is right about the future reduction of the pupil-teacher ratio. I hope that will continue. That costs money also.

This is nothing new. It is to be noted that the funding, €634 million, is less than that for 2018 and about at the level for 2017. It is really a little disingenuous to say this is something new and that it suggests the Government is not in command of its brief. This is the Government responding to pressures that have arisen throughout the year that have to be paid for. We have to pay for these things. We cannot just ignore the fact that there are pressures concerning various elements of expenditure. We are not ignoring the fact that there are areas of under-expenditure. There is under-expenditure that can be factored back in.

There are greater levels of detail. I cannot really comment on the constituency issues raised but I am sure the relevant Ministers will be more capable of answering the questions. I can guarantee, however, that if the State agencies referred to a while ago did not respond positively in engaging with the communities being engaged with, we would have something else to say. Every day I come in here, I listen to questions for the Minister for Public Expenditure and Reform. Sometimes Members make demands as if there were an out-of-control taxi meter while, at the same time, they criticise the fact that we are today looking for an additional €634 million. In the round, everybody accepts that these things have to be paid for.

Votes put and agreed to.

Messages from Select Committee

Acting Chairman (Deputy Declan Breathnach): The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Migration of Participating Securities Bill 2019 and has made no amendments thereto.

The Select Committee on Finance, Public Expenditure and Reform, and Taoiseach has completed its consideration of the Investment Limited Partnerships (Amendment Bill) 2019 and has made no amendment thereto.

Estimates for Public Services 2019: Message from Select Committee

Acting Chairman (Deputy Declan Breathnach): The Select Committee on Education and Skills has completed its consideration of the following Supplementary Estimate for public services for the service of the year ending 31 December 2019: Vote 26.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

Acting Chairman (Deputy Declan Breathnach): I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Robert Troy - to discuss the provision of facilities for an MRI scanner for Midland Regional Hospital, Mullingar; (2) Deputies Thomas P. Broughan, Gino Kenny, Ruth Coppinger, Marcella Corcoran Kennedy and Mattie McGrath - to discuss improvements in the diagnosis and the treatment of endometriosis; (3) Deputy Frank O'Rourke - to discuss the advancement of housing development on vacant lands at Hazelhatch, Celbridge; (4) Deputy Noel Rock - to discuss extending the north-east inner city initiative to Ballymun; (5) Deputy Seán Crowe - to discuss the threat of rising insurance costs to small businesses, community centres and childcare providers; (6) Deputy Mary Butler - to discuss the stoma clinic service at University Hospital Waterford; (7) Deputy John Brady - to discuss manning levels in the fire service in Bray, County Wicklow; (8) Deputy John Lahart - to discuss the relocation of Firhouse Educate Together secondary school for 18 to 24 months; (9) Deputy Paul Murphy - to discuss the recent report on relationships and sexuality education in primary and post-primary schools; (10) Deputy Carol Nolan - to discuss delays in the issuing of tree-felling licences; (11) Deputy Charlie McConalogue - to discuss measures taken to reopen the live crab export market to China; (12) Deputy Aindrias Moynihan - to discuss the provision of the new Garda station at Macroom; and (13) Deputy Pat The Cope Gallagher - to discuss the registration of Little Learner's Montessori, Glenties, County Donegal.

Rent Freeze (Fair Rent) Bill 2019: Second Stage (Resumed) [Private Members]

Acting Chairman (Deputy Declan Breathnach): I must now deal with a postponed division relating to Second Stage of the Rent Freeze (Fair Rent) Bill 2019, taken on Tuesday, 10 December 2019. On the question, “That the Bill be now read a Second Time”, a division was claimed, and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 83; Níl, 36; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Aylward, Bobby.</i>	<i>Bailey, Maria.</i>	
<i>Barry, Mick.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Breen, Pat.</i>	
<i>Brassil, John.</i>	<i>Brophy, Colm.</i>	
<i>Breathnach, Declan.</i>	<i>Bruton, Richard.</i>	
<i>Broughan, Thomas P.</i>	<i>Burke, Peter.</i>	
<i>Browne, James.</i>	<i>Cannon, Ciarán.</i>	
<i>Buckley, Pat.</i>	<i>Carey, Joe.</i>	
<i>Burton, Joan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Butler, Mary.</i>	<i>Coveney, Simon.</i>	
<i>Byrne, Thomas.</i>	<i>Creed, Michael.</i>	
<i>Cahill, Jackie.</i>	<i>D’Arcy, Michael.</i>	
<i>Calleary, Dara.</i>	<i>Doherty, Regina.</i>	
<i>Casey, Pat.</i>	<i>Donohoe, Paschal.</i>	
<i>Cassells, Shane.</i>	<i>Durkan, Bernard J.</i>	
<i>Chambers, Jack.</i>	<i>English, Damien.</i>	
<i>Collins, Joan.</i>	<i>Farrell, Alan.</i>	
<i>Collins, Michael.</i>	<i>Flanagan, Charles.</i>	
<i>Collins, Niall.</i>	<i>Harris, Simon.</i>	
<i>Connolly, Catherine.</i>	<i>Heydon, Martin.</i>	
<i>Coppinger, Ruth.</i>	<i>Humphreys, Heather.</i>	
<i>Cowen, Barry.</i>	<i>Kyne, Seán.</i>	
<i>Crowe, Seán.</i>	<i>Madigan, Josepha.</i>	
<i>Cullinane, David.</i>	<i>McLoughlin, Tony.</i>	
<i>Curran, John.</i>	<i>Mitchell O’Connor, Mary.</i>	
<i>Doherty, Pearse.</i>	<i>Moran, Kevin Boxer.</i>	
<i>Donnelly, Stephen.</i>	<i>Murphy, Eoghan.</i>	
<i>Dooley, Timmy.</i>	<i>Naughton, Hildegarde.</i>	
<i>Ellis, Dessie.</i>	<i>Noonan, Michael.</i>	
<i>Ferris, Martin.</i>	<i>O’Connell, Kate.</i>	
<i>Fitzmaurice, Michael.</i>	<i>O’Donovan, Patrick.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Phelan, John Paul.</i>	

<i>Fleming, Sean.</i>	<i>Ring, Michael.</i>	
<i>Funchion, Kathleen.</i>	<i>Rock, Noel.</i>	
<i>Harty, Michael.</i>	<i>Ross, Shane.</i>	
<i>Haughey, Seán.</i>	<i>Stanton, David.</i>	
<i>Healy, Seamus.</i>		
<i>Howlin, Brendan.</i>		
<i>Kelly, Alan.</i>		
<i>Kenny, Gino.</i>		
<i>Kenny, Martin.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>Martin, Catherine.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Michael.</i>		
<i>Mitchell, Denise.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Munster, Imelda.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Catherine.</i>		
<i>Murphy, Eugene.</i>		
<i>Murphy, Paul.</i>		
<i>Naughten, Denis.</i>		
<i>Nolan, Carol.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Reilly, Louise.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>O'Sullivan, Maureen.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Broin, Eoin.</i>		
<i>Ó Caoláin, Caoimhghín.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Laoghaire, Donnchadh.</i>		
<i>Ó Snodaigh, Aengus.</i>		
<i>Pringle, Thomas.</i>		
<i>Rabbitte, Anne.</i>		

<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Shortall, Róisín.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanley, Brian.</i>		
<i>Tóibín, Peadar.</i>		
<i>Ward, Mark.</i>		

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

Question declared carried.

Sitting suspended at 2.10 p.m. and resumed at 2.50 p.m.

Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Order for Second Stage

Bill entitled an Act to provide for the mandatory open disclosure by health services providers of certain incidents occurring in the course of the provision, to a person, of a health service; to provide, in the interest of the common good, for certain restrictions on the use of the information provided in such disclosures that are made in accordance with this Act and of any apologies made in the course of such disclosures and the use of any other information relating to the open disclosure provided, and apology made, after the notifiable incident disclosure meeting; to make provision for procedures in respect of clinical audit, and the data obtained in clinical audits; to provide for the notification of certain incidents to certain persons; to amend the National Treasury Management Agency (Amendment) Act 2000; to amend Part 4 of the Civil Liability (Amendment) Act 2017; to amend the Health Act 2007 to provide for the application of standards set by the Health Information and Quality Authority to private hospitals and for the Minister to prescribe certain health services as a prescribed private health service; and to provide for related matters.

Minister for Health (Deputy Simon Harris): I move: “That Second Stage be taken now.”

Question put and agreed to.

Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Second Stage

Minister for Health (Deputy Simon Harris): I move: “That the Bill be now read a Second Time.”

I am pleased to have the opportunity to introduce the Patient Safety (Notifiable Patient Safe-

ty Incidents) Bill 2019. On 3 December last, the Government approved the publication of this Bill. I believe strongly that this legislation heralds a new era for the health service. This House will be familiar with some of the issues that have arisen within our health service in recent years that have, quite rightly, led to demands for improvements in patient safety. Any patient safety incident significantly affects patients' lives and impacts on their families. Quite often, that pain is compounded by poor communication.

I think today of people like Róisín and Mark Molloy, incredible patient advocates who lost their baby, Mark, in the Midland Regional Hospital, Portlaoise. They advocated so much for open disclosure. I also think of the incredible Vicky Phelan. These are people who have been kept in the dark about their own healthcare or that of a loved one. They have led us on the road to today and I formally thank them here on the floor of Dáil Éireann today. I also want to send a message to our doctors, clinicians and all those working in the health service. This legislation is not about a blame culture or finger pointing. It is about supporting those people in doing their jobs and about creating a culture in the health service where open disclosure and transparency are the norm. I know there are concerns and I can understand why.

When it comes to open disclosure, we must all become better at responding when things go wrong. Let us be honest. In every health service the world over, things will go wrong. What matters is how the health service responds and deals with situations when those mistakes and errors happen. We have now seen several good examples of responding when things go wrong, but this House and the media must also reflect on our reactions once the news of such incidents breaks. I believe we will succeed in creating the kind of culture we desire, but it will, inevitably, mean that more incidents will be discovered and disclosed. This means a more balanced analysis will be required in future. If mandatory open disclosure becomes the norm, and it will under this legislation, that will mean that, quite rightly, we will be hearing about more patient safety incidents. We need to debate that as an Oireachtas, a country and a health service in a balanced way and in a way that recognises that identifying errors and putting up one's hand and saying "I made a mistake, I got it wrong, I am sorry and here is the learning" is actually a good culture to embed in our health service.

The Patient Safety (Notifiable Patient Safety Incidents) Bill 2019 is part of a programme of legislative changes and policy initiatives being taken by my Department to improve the ability of our health service to anticipate, identify, respond to and manage patient safety issues. I hope the Bill will also change the culture within the health service. This Bill provides for a number of patient safety priorities, including mandatory open disclosure of serious patient safety incidents. It also provides for the notification of those reportable incidents to the relevant regulator, and it is an important point that the regulator has to be notified, the use of clinical audit to improve patient care and outcomes and, importantly, the extension of the remit of HIQA to private hospitals. That is something for which there have been calls for many years and it will now happen in this legislation.

This Bill is divided into eight Parts, with 54 sections and two Schedules. The first Part, preliminary and general provisions, covers sections 1 to 4, inclusive. Section 1 contains standard provisions setting out the Short Title of the Bill and arrangements for its commencement on a phased basis. Section 2 deals with the interpretation of the Bill. It defines the meanings of some of the terms used for the purposes of the Bill, including "apology", "health practitioner", "health service", "notifiable incident", "open disclosure of a notifiable incident", "patient" and "relevant person". Section 3 provides the definition of a "health service provider", which encompasses a wide range of providers of health services, public and private. Section 4 deals

with expenses.

Part 2 sets out the framework for mandatory open disclosure of a notifiable patient safety incident. Section 5 places an obligation on the health service provider to make an open disclosure when satisfied that a notifiable patient safety incident has occurred. Section 6 places an obligation on a health practitioner, when he or she has formed the opinion that a notifiable incident has occurred, to inform the health services provider of the incident. Section 7 is a key section in that it establishes the obligation of mandatory open disclosure. This section requires that a health service provider must make an open disclosure to the patient concerned where a notifiable patient safety incident has occurred. If the patient has died or there are concerns regarding the capacity of the patient, however, this section also recognises that it may be more appropriate to make the disclosure to another relevant person. Section 8 is also a key provision of the Bill and provides for the Minister for Health to make regulations prescribing additional patient safety incidents as notifiable incidents. This is an important function. We do not want to have to come back to primary legislation every time we need to add to the Schedule of what is a patient safety incident. Having that flexibility through regulation to be able to revise that list is a practical way of ensuring we can keep this legislation relevant and up to date as our health service continues to evolve.

All notifiable patient safety incidents, whether listed in the Bill or prescribed in regulations, are subject to mandatory open disclosure and must be notified by the health service provider to the appropriate regulator. This section is intended to ensure that the list of notifiable patient safety incidents subject to mandatory open disclosure can, as I have said, be kept up to date on an ongoing basis. The section gives the Minister wide scope to prescribe further patient safety incidents as notifiable incidents, bearing in mind the learning from incidents that have occurred in the Irish health service or internationally, as well as learning from advances in clinical practice.

In prescribing new patient safety incidents as notifiable incidents, the Minister of the day must have regard to a number of matters, including the nature of the incident; the consequences for the patient; and the need to obtain and disseminate information regarding an incident so as to prevent or lessen reoccurrence. Section 9 provides that when a health service provider engages in open disclosure in accordance with the Act, the disclosure, including an apology, shall be treated as an open disclosure of a notifiable patient safety incident.

Section 10 sets out that the information and apology given at an open disclosure notifiable patient safety incident meeting shall not: constitute an express or implied admission of fault or liability; be admissible as evidence of fault; invalidate insurance; constitute an express or implied admission, by a health practitioner of fault, professional misconduct, poor professional performance, unfitness to practise a health service, or other failure or omission in relation to notifying a notifiable patient safety incident.

3 o'clock

The purpose of these legislative protections, which are very much in line with international experience and best international practice, is to encourage an environment of open disclosure by ensuring that information relating to notifiable patient safety incidents can be disclosed by health practitioners and health service providers without fear of liability. It is a shame that, on many occasions, in the health service and in many other walks of life when something goes wrong, the first place the public service can run to is a lawyer. That is the culture we are trying

to change. We are trying to create a safe space in which somebody can come forward and admit an error happened. As Dr. Scally said in his report, we must acknowledge the error, apologise for it, mean it and learn from it. That is at the core of what mandatory open disclosure has to be about. That is why these protections are in the legislation. The following terms are also defined in this section: “clinical negligence”; “clinical negligence action”; “medical defence organisation”; and “professional indemnity insurance”.

Section 11 provides that a health service provider must set out in writing its procedures for making open disclosures of notifiable patient safety incidents to patients. Section 12 addresses openness and transparency and sets out that both health service providers and health practitioners, when making an open disclosure under this Bill, must provide all relevant information to the patient, or his or her relevant person, and, where appropriate, any other health service to address the consequences of that incident.

Part 3 addresses the procedure for making an open disclosure of a notifiable incident. It is one matter to practise open disclosure. How open disclosure happens is equally important. I have met patients who have been openly disclosed to but in a less than satisfactory manner. Section 13 requires that an open disclosure must be made on behalf of the health services provider by the principal health practitioner. If the principal health practitioner is not available, or not in a position to make the open disclosure, the health services provider will identify an appropriate health practitioner to make the disclosure.

Section 14 requires the health services provider to take all reasonable steps to make the disclosure to the patient and-or his or her relevant person as soon as practicable, having regard to the circumstances of the notifiable patient safety incident. Section 15 details matters to be addressed by the health services provider before making the open disclosure of the notifiable patient safety incident. These matters include the appropriate time, given an assessment of the circumstances; to whom the disclosure should be made; the making of an apology; the complexity of the information; the assignment of a designated person to liaise with the patient; and preparing a statement in writing about the incident.

Section 16 provides for the designation by health services providers of a person to act as a designated contact person for the patient or family in relation to the open disclosure. Section 17 requires that the open disclosure meeting will be held in person, unless the patient and-or his or her relevant person requests that it be held by telephone or other method of communication. Again, this shows the patient-centred approach.

Section 18 requires the health services provider to make arrangements for the open disclosure meeting with the patient and-or his or her relevant person. This includes the information that must be given orally at the meeting and in writing within five days of it. This is important as somebody could be at a vulnerable stage of his or her life. The person would be going into a meeting with much information coming at him or her. This measure of a recap of that information in writing is important. This information must include names of the persons present at the meeting; a description of the incident concerned; the manner in which the incident came to the notice of the health services provider; the physical and psychological consequences of the incident for the patient; the treatment and care plan for the patient relating to any of the consequences arising out of the incident; actions, policies or procedures proposed or that have been taken by the health services provider to address the incident; and any apology to be made to the patient.

Section 19 makes it clear that a patient may choose not to participate in the open disclosure of a notifiable incident or may decline to accept written information regarding the incident. However, the patient may change his or her mind within five years from the day of refusal and request the health services provider to make the open disclosure. The provider is also required to keep a record of the refusal.

Section 20 requires a health services provider to take all necessary steps to contact a patient to arrange an open disclosure meeting. If a health services provider is unable to make contact with a patient, it must set out in writing the steps taken to establish contact. If the patient is later contacted, the health services provider must proceed to hold an open disclosure meeting.

Sections 21 and 22 contain provisions relating to a health services provider holding additional meetings with the patient and/or his or her relevant person to provide information that may not have been available originally. Section 23 provides that a patient, or relevant person, who attended an open disclosure meeting may, at any time, can make a request to the designated person for clarification about the information provided. The clarification should be provided orally at a meeting and in writing as soon as practicable, either by the health practitioner who previously made the open disclosure or an appropriate alternative person, if necessary.

Section 24 sets out that a provider must provide the patient with a written statement on the incident either at the relevant meeting and not later than five days from the day on which the meeting was held. Section 25 details the records that must be maintained by the health services provider about a notifiable patient safety incident. The Minister may also prescribe in regulations the format of records to be kept and maintained.

Part 4 addresses the notification to certain regulatory bodies of notifiable incidents. Section 26 is the interpretation section for Part 4. Sections 27 to 29, inclusive, set out that a health services provider under the remit of HIQA, the chief inspector of social services or the Mental Health Commission, as appropriate, will make a notification as soon as practicable and not later than seven days from when the provider is satisfied that an incident has occurred. The notifiable incidents are those specified in Schedule 1 and those specified in regulations to be made under section 8. The notification must include the name of the health services provider; the type of incident that has occurred; the date the notifiable incident came to the notice of the health service provider; any action that is being taken, or is proposed to be taken, to prevent a reoccurrence, or mitigate the consequences of any similar incident and for the purposes of sharing the knowledge and learning arising from it.

Section 30 provides that the method for making notifications to the bodies will be by means of the National Treasury Management Agency incident management system. Section 31 provides where a notifiable patient safety incident is reported to the relevant regulatory body, the regulator may request further information from the health services provider. Again, we are trying to learn from more than just individual incidents. If HIQA or the Mental Health Commission has to be notified of these incidents, it will create a wealth of information about patient safety standards across our health and social services.

Section 32 provides that the regulatory bodies may share information on these incidents with other health regulatory bodies, as well as with coroners, for the purposes of the safety of patients and if the information relates to the function of the relevant body. Section 33 clarifies that information relating to these notifications, including further information or sharing information, will not constitute an express or implied admission of fault or liability; be admissible

as evidence of fault; invalidate insurance; or constitute an express or implied admission by a health practitioner of fault, professional misconduct, poor professional performance, unfitness to practise a health service, or other failure or omission relating to notifying a notifiable patient safety incident.

Section 34 provides, in respect of a notification made under Part 4 to a regulator, that the Freedom of Information Act 2014 will not apply to a record of or relating to that notification. Again, the purpose of these legislative protections, in line with international experience, is to encourage health services providers and health practitioners to comply with this requirement to notify the regulators of notifiable patient safety incidents without fear.

Part 5 addresses clinical audit. Section 35 deals with the interpretation for Part 5 and contains definitions of the terms “clinical audit”, “clinical standard”, “clinical guideline”, “aggregated data” and “clinically-led”. Section 36 provides detailed definitions of the terms “clinical audit” and “clinical guideline”. The definitions of “clinical audit”, “clinical standard” and “clinical guideline” are key to this Part in that a health services provider or a health practitioner who undertakes and publishes an audit may only seek protection from the Freedom of Information Act 2014 in respect of a clinical audit that has been conducted in accordance with the definitions in this Bill.

Section 37 details how a clinical audit to which this Part applies should be carried out. It should be collected solely for the purpose of improving patient safety and quality improvement, and published as aggregated information. Section 38 provides that a record of a clinical audit, a component of or information provided in respect of a clinical audit, to which this Part applies, is exempt from the Freedom of Information Act 2014. Section 39 contains legislative protections on clinical audits, in similar terms to sections 10 and 33.

Part 6 deals with the amendment of the Act of 2007 in order to extend HIQA’s remit to the private hospital sector, a long overdue measure. Section 40 amends the definitions section of the Health Act 2007 to reflect the requirements of this Bill. Section 41 amends section 8 of the Health Act 2007 to allow for HIQA standards to apply to both public and private healthcare services. Section 42 deals with investigations by HIQA where the agency believes there is a serious risk to the health or welfare of people receiving a particular service. Investigations may be carried out by HIQA on its own initiative or where required by the Minister for Health or Minister for Children and Youth Affairs, as the case may be. This section amends section 9 of the 2007 Act to take account of the investigations into services provided by private healthcare providers.

Section 43 amends section 10 of the Health Act 2007 to enable HIQA to set standards for the private healthcare sector. Section 44 amends section 12 of the Health Act 2007 to include private healthcare providers as being among the bodies which HIQA may require to provide information or statistics in order to determine the level of compliance by these organisations with standards set by HIQA. Section 45 amends section 73 of the Health Act 2007 to also apply to premises owned, used or proposed to be used by a private hospital or a prescribed private health service. Section 46 amends section 78 of the Health Act 2007 so that HIQA may publish a report relating to the monitoring of compliance with standards by private hospitals. Section 47 provides that the Minister may prescribe, by regulation, a health service to be a prescribed private health service for the purposes of this legislation.

Section 48 repeals section 100 of the Health Act 2007, an aspect of the Act that has not

proven to be necessary during the period of the Act's operation.

Part 7 addresses the offences and penalties. Section 49 sets out that a health service provider which fails to comply with the obligation to make an open disclosure of a notifiable patient safety incident, without reasonable excuse, shall be liable on summary conviction to a class A fine. A health service provider which fails to comply with the obligation to report a notifiable patient safety incident externally to the appropriate body will be liable on summary conviction to a class A fine. In many situations where patients are harmed, the error or mistake occurred because systems were not in place to support the healthcare practitioner or team in identifying and avoiding that error. For this reason, in this section the consequences for failing to comply with mandatory open disclosure and notification are placed on health services providers.

Part 8 deals with miscellaneous and general matters. Section 50 provides that the Minister for Health may publish guidelines on the operation of, and compliance with the Bill and regulations made under it. Section 51 provides that the Minister has the power to make regulations for any matters prescribed or to be prescribed in the Bill. Section 52 amends section 11 of the National Treasury Management Agency (Amendment) Act 2000 in order that the National Treasury Management Agency may provide the incident management system as the means of making the notification regarding a notifiable incident to the regulatory bodies.

Section 53 provides for the amendment of the Civil Liability (Amendment) Act 2017 in the manner specified in Schedule 2. Section 54 contains the savings and transitional provisions. Where a health service provider makes an open disclosure in accordance with Part 4 of the Civil Liability (Amendment) Act 2017 of an incident which would be a notifiable incident under this Bill before then coming into operation of this legislation, Part 4 of the Act of 2017 shall continue to apply to that open disclosure.

In Schedule 1, Part 1 includes a list of 12 unintended or unanticipated notifiable patient safety incidents that are of a very serious nature and which mostly fall into the category of preventable incidents. In Schedule 1, Part 2 includes a notifiable incident for situations in which a baby is referred for therapeutic hypothermia. This is included as an indicator for neonatal conditions, for example. As outlined, under section 8, the Minister through regulations will have the power to designate, on an ongoing basis, additional incidents as notifiable patient safety incidents for which mandatory open disclosure is required. Schedule 2 deals with amendments to the Act of 2017. This Schedule details the amendments to the Civil Liability (Amendment) Act 2017, in order to align with this Bill.

In the time available I have endeavoured to take Members through as much of this very comprehensive Bill as I could. It deals with a number of important aspects of patient safety priorities, including mandatory open disclosure of serious notifiable patient safety incidents, external notification to the regulator, provisions regarding clinical audit, and for the first time the extension of HIQA's remit to the private healthcare system.

I am confident that the Bill will bring significant improvement in patient safety and quality. I commend the legislation to the House and I look forward to a detailed and robust scrutiny of the Bill, and hopefully its swift passage in coming weeks as we try to finally get this much-needed legislation on the Statute Book.

Deputy Stephen Donnelly: Fianna Fáil will be supporting this long-overdue legislation which underwent scrutiny at the Oireachtas Joint Committee on Health last year. Patients must

be able to trust that they are getting from their doctors the full facts about their own medical tests and conditions, including any adverse events and errors that have happened. Those doctors and healthcare professionals must feel free to be able to share this information with patients and to do so without fear of legal consequences.

The Bill represents a serious, healthy and necessary legal change for the environment in which our healthcare professionals will be working. However, it has taken far too long for the legislation to come before the House and does so in the final few months of this Dáil. In 2016 when the Taoiseach was Minister for Health he said he would not introduce mandatory reporting. This was in spite of his promising in 2015 that he would do so. Until the CervicalCheck crisis arose, the Minister, Deputy Harris, had decided to introduce voluntary open disclosure rather than the mandatory scheme outlined in the Bill. The HSE published its disclosure guidelines in 2012 and its national healthcare charter from that year states: “Patients can expect open and appropriate communication throughout their care, especially when plans change or if something goes wrong.”

We are finally debating this Bill four years after the then Minister and now Taoiseach boasted about preparing a wide-ranging package of patient safety measures when it came to disclosure and eight years after the then Minister, Senator Reilly, promised a patient safety authority that was never established. There has been a complete lack of urgency from successive Fine Gael-led Governments when it comes to open disclosure and patient safety.

It is critical that patients know the full facts and we all know this did not happen in the case of CervicalCheck. We have all pointed criticism at CervicalCheck, some of which is very necessary. It is worth acknowledging that no other country even tried to do what CervicalCheck tried to do with its historical audit in looking back at every case and telling the women affected. Ireland is the only country where an attempt was even made to communicate with the women. There was some limited implementation of this in the British National Health Service, NHS, but it does not exist anywhere else.

However, it did not reach the bar it set for itself and as we all know many women were very badly let down. In most cases the information was communicated to the doctors, but for a variety of reasons outlined in the Scally report and through debate over the last year and a half, we know that much of this critical information was not communicated to women or their families. It should have happened and this legislation will help ensure it happens in the future.

We know about the cases from the 221+ group. However, the Royal College of Obstetricians and Gynaecologists, RCOG, review has revealed many more women who did not know. With her permission the case of Ms Bernadette Kiely has been referenced openly in this Chamber previously. In this case a CervicalCheck audit had found discordance. None of this was communicated to Ms Kiely. She was not included in the 221+ group as she should have been. Just as worryingly, when she got her RCOG review results which found the discordance and referenced the CervicalCheck audit, she then approached the HSE and asked to join the 221+ group but was told she could not. She only got her patient files when her solicitor acted on her behalf. Even now they have not been provided with all the relevant files.

I have read through the file in detail and believe she is unambiguously entitled to the *ex gratia* payment of €20,000. However, when Ms Kiely and her solicitor asked that she be eligible for the payment, she was told by the HSE that she was not entitled to it. She was then told to find whatever receipts she could from her previous medical care, including drugs and that if she

could pull these together the HSE would reimburse her. We have a long way to go in full open disclosure and in reacting properly to women who have not received disclosure.

Three days ago, in a clinic in Wicklow I met a lady who was part of the RCOG review and where discordance was found. She came to me because she is still completely at sea. She does not know if she is entitled to the €20,000, which I think she should be. I believe they all should be entitled to that even though we read in the newspapers that they are not. Although she has not been told about any previous CervicalCheck audit, the discordance was found from a 2014 smear test, which indicates to me there probably was an audit. She said she is now required to fill out sheaves of paper and forms and has not got the support she needs.

I am not making any political points here; we all want what is best. However, we need to do much better in supporting these women in open disclosure and critically in supporting them after open disclosure. Over many years we have all dealt with heartbreaking cases of people who have fought the system and, in many cases, lost because the State wields the threat of legal action and legal costs like a weapon against largely defenceless citizens. In denying them access - I have met, as the Minister may have done, parents whose baby died during childbirth. Audits were conducted and there was a thorough look back at what happened. Errors were found but all of this was hidden and kept from the parents. To this day, those parents are struggling to get justice.

These cases are extraordinary and they are not just on the medical side. In this House, we tend to focus on the medical side but we must take a broader view. For several years, I have been dealing with the case of a social worker employed in child protection who was asked to do something in a case. The expert had clearly said this should not be done and the social worker raised a flag and said he was not comfortable doing it. The HSE set out to destroy this guy. It brought him to the High Court and the legal costs in the case reached the point where he was going to lose his house. He ended up having to leave the service and the country. All he was doing was trying to protect a child and follow the expert advice that had been given. I wrote to the director general of the HSE and said I wanted this case investigated but he refused. I also wrote to the Office of the Ombudsman asking to have the case investigated. It also refused to do so on the ground that it was a child protection issue and informed me that I should contact the Ombudsman for Children. I met the Ombudsman for Children who said the case did not warrant an investigation. The HSE, having destroyed a good man for protecting a child, refused to investigate, as did the Ombudsman and the Ombudsman for Children. This is the reality for those who see something wrong and refuse to act in a certain way because they do not want to create a patient safety incident. The case I raise is a live one. We need to look at our hospitals and medical care and also social care.

It is critical that clinicians feel they are legally protected. Based on the conversations I have had with clinicians, they do not feel protected at the moment. I am aware that amendments will be made to the Civil Liability Act. We must engage in great detail with the clinicians. They must be assured that they have legal protections and we must ensure that resources are in place. This will require training and may require other supports. Counselling may be required for patients and their families and also, in many cases, for the clinicians. These can be very difficult things for people to do.

Whatever process is put in place, it should be at an appropriate level of administration. There is a real fear that clinicians, in trying to comply with this law, will be buried in paperwork and red tape. They need to spend most of their time keeping people well and treating patients

who are sick. Of course they must do what is prescribed in the Bill but we cannot bury them in red tape. We need standardised and simple processes where the right information can be communicated to the right people and organisations without giving rise to an onerous burden of red tape.

State agencies will also need additional resources. A great deal of new information will go to HIQA, the Mental Health Commission and perhaps other State agencies. These bodies will have to investigate and get involved, as they should. That is one of the reasons we are doing this. For them to do that, however, they must have additional resources. We cannot have circumstances where sensitive and important information begins to make its way to our regulators and statutory agencies, including safety agencies, if they do not have the professionals they need to go in and investigate and work with our hospitals, healthcare providers and patients to make sure these things are acted upon and improvements are made.

I welcome the additional powers being given to HIQA in respect of private hospitals. By and large, our private hospitals are pretty good. They put in place their own rigorous safety processes and audits, often with independent and international oversight. It is right and proper that the State's regulatory and safety agency can investigate any of the private hospitals in the same way as it can investigate public hospitals.

I do not have a copy of the Minister's speech. With regard to open disclosure, he spoke of clinicians now being able to stand up and say they made a mistake, got something wrong, fell short and apologise for doing so. I encourage the Minister to look to his Government on this and lead by example. The Select Committee on Health met last week when it was asked to approve an additional €338 million for health. We got the relevant information late on the night before the meeting. Members were in the Chamber voting at the time and discussed the Supplementary Estimate at 9 a.m. the following morning. The previous year, we received the information at 10 p.m. on the night before the committee meeting. One of the most important roles of the House is to interrogate money. The reality is that the information we got was not what was needed, did not have the detail we needed and we got it on the evening before a 9 a.m. meeting had been scheduled to discuss it. If we are to have open and full disclosure, we must lead by example. The information has to be given out in a more timely manner. The Minister could also lead by example. The Minister and I had a back and forth discussion in the committee on cost overruns and parliamentary questions. In a non-adversarial way, I put it to him that perhaps he would like to correct the record with regard to responses he had given to Deputy Cowen. He refused to do so and ended up having to correct the record in the Chamber.

Deputy Simon Harris: I chose to correct the record in this House.

Deputy Stephen Donnelly: Perhaps we could have a bit more open disclosure from the Government and maybe we could be more accepting of that in this House when Ministers have to come in here to correct the record. The Government must lead by example. All Members must lead by example. If we are to require healthcare professionals across Ireland to stand up and do the right thing, to be honest and to hold their hands up and say they got something wrong, we must also do so.

I will conclude on a political point. The greatest source of patient safety incidents is not our clinicians but the crises that are unfolding in our healthcare system today. Yesterday, RTÉ reported that two patients had waited three weeks on trolleys at Limerick University Hospital. Elderly men and women are waiting for days on trolleys. Safe staffing levels have not been

met. Diagnostic suites are not open when our clinicians need them. Our GPs do not have the resources they need. Our public health nurses are stretched extraordinarily thinly. If we preside over a public healthcare system in which, through no fault of their own, our healthcare professionals are understaffed, overworked and stressed out of their minds, then it is the Government that is the single greatest source of failures in patient safety, not clinicians. While it is not part of this legislation, we should reflect on the fact that while we ask our healthcare professionals to put their hands up and admit errors, perhaps this Government should put its hands up and apologise to healthcare professionals for putting them in that position in the first place.

Deputy James Browne: I welcome the very important Patient Safety (Notifiable Patient Safety Incidents) Bill 2019 or, to put it in layperson's terms, the mandatory open disclosure Bill. It is long overdue but it is now very welcome. I am glad to see that patients will be entitled to get the full facts about their medical tests, conditions and medical information. They need to be able to trust that they will get that information.

The proposed legislation represents a cultural change for the hospital, medical and clinical sectors. It is also a legal change. There needs to be leadership within the HSE to drive this change. Other policies and laws which were changed in the past were not implemented in the manner they should have been.

As Deputy Donnelly stated, in 2016 the then Minister for Health, the Taoiseach, Deputy Varadkar, stated that he was opposed to mandatory reporting. In 2012, the national healthcare charter was published and contained open disclosure guidelines, but it was never properly or fully implemented.

The Bill aims to ensure that the health service learns from its mistakes and errors in order to prevent them from being repeated. It is also about the right of patients to know about their own bodies, medical conditions and bodily integrity. The World Health Organization has stated that one in ten hospital patients experiences harm, but at least 50% of these cases are preventable.

It is questionable whether we would be introducing mandatory open disclosure were it not for the CervicalCheck scandal. In May 2018, the emergence of a failure to disclose to affected women the results of a cervical screening audit led to widespread and very understandable anger. Women had been badly let down. In his report, Dr. Gabriel Scally made clear his view that the system for dealing with medical errors in Ireland was "not fit for purpose". Dr. Scally went on to say that patients in particular were left with no other option but to pursue legal action "to find out the truth of what went wrong". "Until that changes", he added, "we are not going anywhere". Litigation is the only option. As a barrister, I have represented a number of patients in medical negligence cases. I know what it is like, as a member of a small legal team, to go up against the might of the legal apparatus of the HSE. I have seen cases where people who had suffered serious medical negligence in heartbreaking and stressful circumstances were willing to settle their case early because they were simply unable to deal with the stress of a court case. Yesterday, I said in a discussion on the perjury Bill that the vast majority of people in this country never go to court. The vast majority of those who do go to court find it extremely stressful and do not want to be there. To face the might of those legal teams is quite phenomenal.

Dr. Scally went on to say the current system is deeply flawed. The legal system takes an error and converts it into an injustice and then converts that into a financial sum. Even then, it is for the lucky few who are able to withstand the might of the HSE legal system and can afford their own lawyers or can get lawyers willing to take on the case on a no foal, no-fee basis. Dr.

Scally also said the failure to inform patients about errors in their treatment in CervicalCheck were catastrophic and the catastrophe came about when rushed and botched attempts were made to disclose, as some of those disclosures were made in an appalling way.

Today is the UN's universal health coverage day and it calls for all citizens to be provided with affordable and quality healthcare. It is very apt that the Bill is being discussed today because it is about quality healthcare. We cannot have quality healthcare without patients being informed about the healthcare they are receiving.

I want to touch on a very particular aspect that is not specifically dealt with in the Bill, as far as I can see, but it is an important matter in terms of disclosure. We have a record in recent years of appointing unqualified non-specialist doctors to work as consultants who are not trained to take up these roles. They have not taken on leadership training and they are not on the Medical Council's specialist register but they are treating patients who are not aware that the people holding themselves out as consultants are not qualified. The vast majority of patients simply take a consultant at his or her word. When they hear someone is a consultant they believe that person has been through all of the necessary training. Many people would be very surprised, very hurt and very concerned if they realised the consultant treating them was not on the specialist register and had not completed specialist training. As a senior nurse said to me, one day a junior doctor needs a nurse to help him or her put a needle into an arm and the next day that doctor is leading an entire medical team in a hospital. This is simply not acceptable. This is a real patient safety issue. Where a non-specialist doctor is acting as a consultant is it not, *prima facie*, a safety issue? Under one interpretation of the Bill should those consultants who are not on the specialist register be compelled to inform the patient of this? In December 2017, the Minister said this probably should be the case and I would like to hear his views on it.

I welcome the Bill. It is overdue and I am glad to see it is now happening.

Deputy Martin Kenny: I welcome the opportunity to speak to the Bill. I will speak to the various sections, starting with the overarching agenda of the Bill setting out the legislative framework for reporting notifiable patient safety incidents.

Mandatory open disclosure has been a significant public concern for some time, not least since the CervicalCheck scandal. A policy of mandatory open disclosure of specified serious patient safety incidents should form the cornerstone of our health service. We need a clear and consistent approach to open disclosure for health service providers, for those working in our health service and for patients. Sinn Féin has always been in favour of mandatory open disclosure and has argued in the Chamber and in the committee rooms for legislating for mandatory open disclosure.

In recent years, we have had many instances that have reinforced the need for open disclosure. It is unfortunate that these instances have been the catalyst for this part of the Bill. The CervicalCheck scandal showed the limitations of a process of voluntary open disclosure. Telling the truth where there is a patient safety incident should be mandatory and legislatively underpinned. Nobody believes the health service can be run without error or risk but people demand that it show compassion and be truthful and honest. Oftentimes in the health service this has not happened. It did not happen in the cases of Vicky Phelan, Emma Mhic Mhathúna and others affected in the past. It did not happen in the case of Alison McCormack when she had her breast cancer misdiagnosed. It did not happen when there were errors leading to baby deaths and injuries in Portiuncula Hospital and it did not happen when errors led to the deaths

of babies in Portlaoise hospital.

In order for open disclosure to work it must be mandatory and it must be legally underpinned. In the past few decades there has been recognition throughout the world of the importance of open disclosure in medical incidents. Medicine has evolved and so too must the way in which we report harm or error. It can no longer be an act of goodwill; it must become a system of meeting the expectations of transparency and accountability.

In one case of which I am aware, a couple whose baby did not survive had at least a dozen meetings with personnel from the HSE to try to get answers. In the end, they met with what they felt was such stonewalling that they went to a solicitor, who told them the only way to ever get answers is to go the legal route. This is a very poor reflection of the health service. These people were not interested in that. They just wanted to know why there had been no 20-week scan and why the woman was not treated appropriately when she was sent to a Dublin hospital. They just wanted answers but those answers were never given. The only way they could try to get answers was to go down the legal route. This is a very unfortunate reflection. This is what has been happening in the past 12 months. We do not have to go back years to find such a case. It is here and now and we must recognise this.

In the British system, driven by events such as those which occurred at the Mid-Staffordshire NHS Foundation Trust from 2013, new standard NHS contracts require all NHS and non-NHS providers of services to NHS patients to comply with a duty of candour in reporting patient safety incidents. In 2007, New South Wales Health in Australia defined open disclosure as the process of providing an open, consistent approach to communicating with the patient and the patient's support person following a patient-related incident.

While the Bill will entail mandatory open disclosure, it is important that we reinforce or help cultivate a culture in the health service where admitting something has gone wrong is not considered a sign of weakness or an admission of guilt. This is the most important part. Human beings make mistakes. The biggest problem we have is that every time there is a small incident there is an immediate rush to cover it up, then a rush to cover up the cover up and then to cover up that cover up with another cover up. This has been the systemic problem we have had not just in our health services but our justice system. It is in so many places and in so many parts of our Government structures throughout the State. A notion almost prevails in all professions that we are better off ignoring or denying our mistakes or errors and living in the hope that no one notices. This belief, if such a culture exists in our health services, needs to be countered right now. This is not about admitting guilt or weakness; it is about doing the right thing.

The amendment to the Health Act 2007 to extend HIQA's remit to private hospitals is eminently sensible, and like all sensible matters in our health service it should have been done long ago. HIQA's healthcare team already does a great deal of work in promoting quality in healthcare services in our public and voluntary hospitals. Private hospitals provide a significant amount of healthcare in the State and, therefore, it is important that HIQA can inspect them to ensure they meet the same national standards.

There are aspects of the Bill that will have to be teased out and will need further work and some amendments on Committee Stage. We hope the Minister will attend and work constructively with all members of the committee when that time comes. I am sure he will, as will all members.

Deputy Bernard J. Durkan: I am delighted to have an opportunity to speak on this very important legislation. I hope it serves the purposes for which it is intended. I hope it will improve the standard of care and attention available to all of our constituents throughout the country, that it will safeguard hospital staff themselves and protect them so that mistakes that might be made and things that might have been overlooked will not be overlooked in future, and that the quality of services provided will be acknowledged and universally applied, without exception.

I am a Member of the House and I was a member of a health board and hospital visiting committees. Over the years, we have all seen incidents that could have been prevented. We have also seen very expensive cases that end up in court where it is alleged, and proved in some cases but not in others, that something went wrong and a mistake was made. It is important that a mistake is acknowledged, but that does not always address the impact of the mistake on the victim, in particular where a victim has died. As I said, this is important legislation. It is important to acknowledge that one can err but in these circumstances the error can be serious and have long-lasting or permanent consequences for the victim.

Reference was made to accident and emergency departments throughout the country. I agree that they are not operating satisfactorily and are not sufficient to meet market requirements. The population of Ireland has increased by 500,000 over the past ten years, be that through immigration or emigration. All of these people require services of one kind or another and, thus, there is an additional burden on the system. Demand has increased and our health service is demand-led. It is unacceptable to say that demand was anticipated to be X, Y or Z at a particular time of the year but that, unfortunately, it turned out to be greater than anticipated. We must properly anticipate demand. We have no choice but to do so. As I said, our service is demand-led and, as such, we have to make provision for it.

At a meeting of the Joint Committee on Health earlier this week, I made the point that it is incumbent upon us when identifying the budget for the health services to also predict what contingency might be required. We know that a contingency will be required so we make provision for it. If the contingency is not spent it can be carried forward to a subsequent year to the benefit of patients and the quality of their treatment. It is distressing for patients admitted to hospital to be on hospital trolleys for lengthy periods. Obviously, patients who are admitted are unwell. A person who is fit and waiting for minor medical attention in an emergency department for a long time will find the experience extremely boring, annoying and distressing but for the person who is ill, the experience is ten times worse.

In terms of recovery, the health service still has a way to go. I do not apportion blame for this to any particular Minister. I deal with opposition in committee as it arises, and I do so on a fairly regular basis. It must be recognised that there are some things we cannot do without advance monetary provision. Whether we do so, however, is up to us. There is a hue and cry when it comes to over-expenditure. The modern way is to criticise over-expenditure and so on. That is unfair. There is no need for over-expenditure if the level and extent of funding required for the service throughout the year is properly identified. This is how expenditure was managed previously. It is only in recent years that the sticking plaster came on stream. It is a bit like a footballer clearing a ball that is about to go into the net into the feet of an incoming forward who buries it in the back of the net. Nowadays it is an emergency reaction all of the time, which does not make for good, quality services.

At a meeting earlier this week, we heard about constant queues and confusion in waiting

areas in a number of hospitals. There are beds available, adjacent to and within those hospitals. In some cases, there are wards that have been closed and beds decommissioned. This should not be tolerated at a time when patients are waiting lengthy periods for treatment. By way of example, a child with autism, who is volatile and whose reaction can be sudden, injured himself during a breakdown and was taken to the local emergency department. One does not have to be a medical professional to know that the child required immediate medical attention but despite having waited some time in a very crowded area, he was left untreated and the parents took him home and returned the following day, when they again had to wait for a lengthy period to have him seen. This is the daftest situation I have ever come across. There is no excuse for it. Service providers operating at the coalface and presented with such a situation must have the means to deal with it properly, effectively and efficiently to the satisfaction of the patient. In the case of a patient who has a condition that renders him or her incapable of understanding what is happening, we have a special responsibility. As politicians we need to ensure that such cases are dealt with not when people have time but immediately. We need to ensure that provision is sufficient to ensure that when such cases arrive at emergency departments they are dealt with immediately.

I hope that this legislation will have an impact on the way in which we deal with those cases and that it will enhance and give prestige to our health service. We have some of the best medical professionals in the world in this country but we do not appear to be able to retain them. The more we criticise the service, the worse it gets. When staff are demoralised they question being asked to perform tasks for which they do not have the resources. It is easy for the system to blame others. It needs to look inwards and determine what is required in monetary terms to do the job. In regard to the overcrowding in our emergency departments countrywide, perhaps a troubleshooter should be appointed to identify and investigate the bottlenecks and logjams in terms of throughput of patients, the cause of the slowdown in the system and how it can be addressed. It is possible to do all of this, but it is not being done. There is passive acceptance of an inferior service which is threatening patient safety.

In regard to mental health patients, there is need for an awakening to their plight and for them to be attended to efficiently as they may not always understand what is happening to them. In some cases it may be their first experience or they may have had many experiences. If we do not do something about it, then the good name of the hospital, the institution, the GP or whatever it is, is in danger of being damaged.

Many medical professionals from all over the world are willing to come here if we want them but we will have to pay a price. We do not have to pay New York prices every time. There are those who say that we do but that is not necessarily the case.

We have to be inventive in the way we deal with the throughput. This has to be done quickly and safely.

The other issue, which is main purpose of this Bill, is to admit our mistakes and to make a decision. We often hear of a case being settled without acceptance of liability. That may well be the case. It is very easy for me to criticise a medical professional in a crisis moment and to say it should not have happened. We know it should not happen but whether my criticism will solve the problem remains to be seen. What I do know is that insofar as we can, we have to be open with the public. When we know that something has gone wrong, we have to be willing to say we are sorry, this did happen and should not have happened, and we admit it. Failure to admit in those circumstances only drags on and multiplies the legal costs many times. That

should not be allowed to happen because it is not in the interests of the services, the institutions involved, or our staff.

We have much to do in this particular area but we can do it if we apply ourselves to it.

I will also mention the alacrity with which it is generally accepted, in Murphy's law, that if it can go wrong it will go wrong. It does not have to be that way, as long as we are absolutely certain that we have done the best we can and have put in place, as best we can, the necessary resources to deal with the situation. That also eliminates from the whole scenario the fact of there being mitigating factors, what they were, and was it because we did not have resources. There should never be an accident or incident in a hospital where the resources were inadequate. We cannot provide a health service on that basis. We have to provide a health service that is reliable, that protects people's health, the public, the institutions and the State, all of which have a common interest in this particular situation.

I am aware of situations in the past where patients have not been given the information or where the relatives and family have not been given the information and where they had to fight for it. That should not be the case any more than the CervicalCheck system should not have been the way it was. I am aware there were mitigating factors, in that it was not a diagnostic system but was a system that had a 70% to 80% accuracy rating. It was held afterwards in court that women should have been told at an earlier stage and if they had been told at an earlier stage, there might have been the possibility of a different outcome. This is always very hard to determine but it is not very helpful to the patients and their families. It is not very helpful if there is a doubt about it. It is the doubt that undermines the integrity of the system. That doubt should not be there. It is important for us all remember that we can criticise those working in that system as much as we like, but if the system itself has only a 70% to 80% accuracy rating, then we need to acknowledge that from the outset. We must recognise that it is not a gold standard and was never going to be one. The presumption that it was a gold standard is wrong. It may be convenient for us at a given time to say that X, Y and Z took place and should not have taken place. We know that things happened that should not have happened. The system, however, was in operation for quite a while. The Minister, the staff, and the clinics have been blamed. This has happened, however, with the benefit of hindsight. Remember, the system has been in operation for several years and without a doubt identified and averted the deaths of hundreds of women. The issues involved were identified long beforehand in order to be able to take corrective action. This could only be done with a 70% to 80% accuracy rating. That does not change. It could be 90% one day in one group of patients, depending on their particular state and the degree to which their system was coping with what was an onslaught. The incidence of cancer-creating conditions might never be detected and there have also been situations where that has happened.

All of a sudden, we became 100% accurate, and on that basis everybody is condemned. I am fully aware of the fact that people who worked in that system became extraordinarily frustrated because no matter what they did, they could not do anything right. Day after day, something else popped out of the woodwork to prove that they were wrong again. As long as we go down that self-righteous road in the health services in the determination of what is right and what is wrong, we always will have that problem. Misdiagnosis is one thing but a system that has only a 75% to 80% accuracy rating is a totally different thing. It is not a firm diagnosis at all. As a result, we need to be cautious about who we blame and how we blame them.

We must also acknowledge the benefits accruing to the health of the women of the country

from that system, even though there were some tragic oversights leading to loss of life and serious illness that did occur and perhaps should not have occurred. Hopefully, the revised system will address that to a far greater extent and we will not have to revisit this.

In the short time remaining to me, I will mention another matter. We all deal with cases of emergencies, and for some unknown reason, the public believes that we have a responsibility in the matter and should respond to some things from time to time about which people are not getting a resolution from the system. We should do this and be doing that on a fairly regular basis. In order to keep in touch with the issues that affect those who are patients, medical professionals, coming through the system, or whatever, we need to be regularly involved. It is only then that we will know what we are talking about.

We will learn, as time goes by. The one question that is put again and again to politicians is whether they are medical professionals, having expounded on a theory with which somebody may disagree. My response to that question is that I am not, but that I do not have to be to be able, within reason, to identify something obvious, as any human being can. I may say there is something wrong with that unfortunate person and we need to do something about him or her. If something is not done and something goes wrong, it will be asked of me why I did not do something about it and did not respond. I will be asked why did I not stand up and take my responsibilities seriously. Incidentally, I am not touting for business, but in 90% of the cases of that nature that I have dealt with, I was right.

There is a need to be vigilant at all times. I am not criticising the medical profession or any of the other professions but it must be always remembered that when a member of the public, a patient in these circumstances, feels that something is wrong, they usually know. The response will depend on the way they describe it and hopefully, if the member of the public describes it well and we respond to that, then something can be done about it.

4 o'clock

Deputy Michael Harty: On the mandatory open disclosure of specified serious patient incidents, we should add other patient safety incidents by regulation. It is important that we separate serious and less serious, or minor, incidents. Notification can be made to HIQA, the chief inspector of social services and the Mental Health Commission. In that regard, there should be a common database among the three of them in order that each can see what the others have been notified of. It is important that specific regulations and sections on clinical audit have been included. We will discuss many such issues in detail on Committee Stage early next year.

It is essential that open disclosure be mandatory, as was identified in A Programme for a Partnership Government. The Civil Liability (Amendment) Act 2017 maintained voluntary disclosure and the Joint Committee on Health accepted the advice of the Chief Medical Officer at the time that it was the most appropriate course of action, even though it was in contradiction to the programme for Government. It is essential that we are moving to a mandatory process, which has come on foot of Dr. Gabriel Scally's report on CervicalCheck and the deficiencies in the CervicalCheck audit process. It will put an additional onus on health professionals and health service providers, which is only right, and I am glad that it will include private hospitals as well as public, voluntary and HSE-run hospitals. It should be extended to other healthcare facilities, which could be added by regulation. Many other healthcare facilities should be included in the Bill, given that they have great potential to harm patients if they are not properly regulated. There need to be clear guidelines on how mandatory disclosure will operate and a

comprehensive training process within the HSE and for health professionals - doctors, nurses and other allied professionals - on how open disclosure is to be delivered. There needs to be appropriate governance of how all of that is managed. It is important that patients and the medical profession have confidence in the process and that they believe that mandatory open disclosure will not expose them to unnecessary risk.

On the definition of serious incidents, I acknowledge there will be many types, most of which will have caused harm but others may not. They may have been near misses, or may have had the potential to cause harm but did not do so, or may have been averted before harm could develop. It is important that the health service and health professionals learn from such incidents too, and I hope to explore that on Committee Stage.

The disclosure of a serious incident should not apportion blame or guilt. Many issues are multifactorial, and while they relate to health professionals' actions, many other factors can affect adverse incidents. They may relate to excessive workload, the hours that doctors, nurses or other health professionals work, or the supports they are offered within the health structure. Such factors also need to be recognised within the legislation.

If a health professional has acted negligently, the matter cannot be decided by open disclosure but rather by the regulatory body that regulates the profession or it will be up to the courts to decide. There are protections in respect of open disclosure whereby information delivered within the process is not admissible in legal proceedings. That is important to give health professionals the confidence to engage in open disclosure. Serious adverse incidents are often a failure of a team, management or the structure of the HSE, and are not necessarily solely attributable to the health professional involved.

Doctors and patients must have confidence in the system and each health group, following the HSE's devolution through Sláintecare, should have a dedicated open disclosure unit that would involve the appropriate people - perhaps the CEO and certainly the clinical director of the hospital group - if adverse incidents happen within the community. There should be a clear line in the Bill on responsibility and on who is to make the open disclosure, to give clarity. The issue came starkly to light in respect of CervicalCheck, where there was a failure to identify who was responsible for making the open disclosure to the women being audited. That was the failure of CervicalCheck, as Dr. Scally identified. There needs to be specific training of HSE management and clinical directors on how to deliver mandatory open disclosure. It should be integrated into undergraduate training because few health professionals will get through their career without being involved in an adverse incident in some way or another. It is important that they recognise that it has happened, their responsibility for it and their responsibility to make a mandatory disclosure about it. It should be ingrained in our educational system.

There need to be supports not only for patients and their families in respect of open disclosure but also for health professionals who may have been involved in an adverse incident. In many such incidents, it is not the case that there has been negligence but it can be a career-defining moment for many health professionals. Being involved in an adverse incident may end their career or give them serious psychological issues to deal with, for which supports are needed. I mentioned excessive working hours, poor working conditions, a lack of staff, overcrowding and excessive workload, all of which are part of our health system. We need to recognise that and take it into account in respect of adverse incidents. Management should also be involved in taking some responsibility for them, not least if there are shortcomings such as those I outlined.

The current system of litigation following adverse incidents is not appropriate. There needs to be a move towards no-fault compensation within our health system, especially when it relates to audit or vaccination, where healthy people are asked to get involved in a health service for their own good. Should there be an adverse incident in either such scenario, a no-fault compensation scheme is important to remove the adversarial blame culture that has built up within the health system. Patients want an explanation and recognition for what has happened, to ensure that it will not happen to anybody else, to get reasonable compensation if they have been damaged, which is where the no-fault compensation scheme would apply, and to avoid adversarial, lengthy, stressful proceedings, which can take years, do not do anybody any good and cost a fortune. It is important that we do not fall into an element of defensive medicine and the medical profession should not be forced into it. We have to guard against that in respect of open disclosure. There has been a definition of absolute confidence. Medicine is not an exact science and it is difficult to be absolutely confident in every decision one makes. Following agreed protocols gives the health professional some protection but he or she must nonetheless deliver a service on clinical judgment. In my experience, the act of making an apology is empowering for the professional. It is important to the person who has been damaged, but it is empowering for the professional because it takes pressure off them. It also takes pressure off the patient who has been adversely affected. I think it is part of what we should be educating our medical and nursing students for.

Deputy Denis Naughten: As I am the final speaker before the Minister brings this debate to a conclusion, perhaps I can be facilitated with a new slot rather than having to share Deputy Harty's slot. I do not intend to speak for much more than ten minutes, but it might be best to make arrangements just in case.

Acting Chairman (Deputy John Lahart): We can be flexible.

Deputy Denis Naughten: On 18 January 2016, to the shock of many people, myself included, the then Minister for Health and current Taoiseach, Deputy Varadkar, issued a statement to the effect that it would be counterproductive to enshrine open disclosure to patients in legislation. This was the position of the then Minister and of the Department of Health. It represented a major U-turn on the policy that had been pursued up to that point by the then Minister and his predecessor, Senator James Reilly. On 27 January 2016, in response to that announcement, I dusted off a Bill I had been working on and introduced it in the Chamber on First Stage as the Health Disclosure Bill 2016. The aim of the Bill was to provide for mandatory reporting of patient safety incidents. The introduction of legislation in this area was one of my key demands during the negotiations on a programme for Government later in 2016. Forty-four months later, after a lot of persistence, the Minister, Deputy Harris, has brought the Patient Safety (Notifiable Patient Safety Incidents) Bill 2019 before the House. In fairness to the Minister, I must acknowledge his support.

I put it to those who have often criticised the usefulness of new politics, and indeed the usefulness of the participation of Independent Deputies in government, that this legislation is one of many examples of the real difference that many of us have made over the last four years. This legislation will make a real and fundamental difference to the delivery of our health service and the impact of that service on patients. Open disclosure will be embedded in legislation and will become the bedrock of patient safety. I was determined to change this law because, in my dealings with my constituents, I had come across many cases of people being treated appallingly by the health profession. In the four years since I proposed the Health Disclosure Bill 2016, the cervical cancer scandal has reinforced the fundamental need for laws of this nature.

When I was introducing the Bill in question in January 2016, I referred to a recent - at that stage - “survey of doctors conducted by the Medical Council [which] showed that only half would report instances of significantly impaired or incompetent colleagues”. I suggested that this was “a damning indictment of the profession and of the culture” that existed in the profession at the time. I continued:

Where there has been irreversible health damage, we need to admit mistakes. We need to outline what we can do to alleviate or rectify the problem and to ensure that if compensation is required, this compensation is paid over without this policy of defence and denial, which exists within our medical profession at the moment.

Sadly, we have seen a reflection of that policy in the cervical cancer scandal. Dr. Gabriel Scally has described the culture within the medical profession. The failure to tell patients the whole truth in a timely manner can be attributed, at least in part, to an attitude of “doctor knows best”. During the cervical cancer scandal, there were disgusting attempts to play down the seriousness of the debacle that was unfolding. All of this can be attributed to the culture that existed within the medical profession.

Neither medicine nor midwifery is an exact science. Sometimes the professional judgment of a doctor or a midwife is wrong. This does not mean a person is a bad doctor or a bad midwife. It means that he or she called it wrong. The nature of medicine means that it involves judgment calls. When a mistake is made, it does not necessarily mean that there is negligence. I remind the House that every three minutes, a patient is injured in our health service. This equates to 438 patients a day. A small fraction of these incidents - approximately 60 - end up with a complaint to the HSE and far fewer end up in litigation.

This legislation will radically change the culture within our health service. It is about doctors telling patients that there has been an unexpected outcome and explaining the reasons for that outcome. I know from my dealings with families and patients that it is important for them not just that the mistake is admitted, that an apology is made for it and that measures are put in place to rectify it, but also that they are told what steps will be taken to make sure no one else goes through a similar experience and the mistake is not repeated.

Section 18 of the Bill before the House sets out the structure within which notifiable incident disclosure meetings will be performed. I suggest it is imperative that every patient will have an opportunity to bring a third party with him or her. This needs to be written into the legislation. It is not provided for in the Bill as it stands, but it must be provided for. Section 18 provides that the health services provider will set out the relevant information in a manner that it “considers appropriate”. The person or patient may not have the understanding to appreciate the significance of what is being said to him or her. It should be possible for such a person to have someone else with him or her. It is imperative that this is enshrined in law.

I would like to mention something that will be important during the enactment of this legislation, which I warmly welcome. I welcome the broad thrust of it and the detail of it. This Bill is very similar to the legislation I outlined in 2016. I fully support it. I would like the change I have mentioned to be made on Committee Stage. That is one side of it. The other side is the follow-through. We will apologise to patients. We will tell them what has gone wrong. We will tell them what we intend to do to ensure this does not happen again. We will report it to the authorities. However, what will we do to rectify the situation?

I will give the Minister an example that pertains to the Department of Health. He is well aware of this situation. In fairness to the HSE, when a mistake was brought to its attention, it held up its hands and issued an apology to the families of 49 children who were misdiagnosed by the audiology service in counties Roscommon and Mayo. Credit is due to the health service, the Minister and the HSE for contacting those involved to apologise to them. The difficulty is that the system has fallen down with the follow-through on that. That is the next issue that will need to be addressed. In fairness to the HSE, it has now put in place all the health support services that the families of these children have sought. However, the ongoing battle faced by the families as they deal with the Department of Education and Skills on this matter is horrendous. The Department is not providing anything in addition to what is provided to every other child. It is not prepared to make a special case for these 49 children.

I would like to elaborate on the frustrating thing about all of this. Not one of the parents with whom I have been dealing wants to submit a claim. The parents just want the cases of their sons and daughters to be rectified. I have advised them to go through the State Claims Agency because the system we have at the moment sadly means that this is the only way they will be able to move these cases along. For the life of me, I cannot understand why we cannot put a small amount of money aside to provide the intensive support needed by these 49 children now. The State Claims Agency approach that is being pursued instead involves not admitting anything and getting others to prove their case in court. The families in counties Roscommon and Mayo will prove their case in court. When these children are aged 17 and 18 years, they will receive substantial funds and compensation because of what has been done to them, but that is not much good to them if they cannot function in society. Does it not make much more sense to put a small amount of money aside now and provide the intensive support to those children so that they can fully function in our society in coming years rather than waiting until the end of a long and protracted legal process?

The Minister will know that I must raise the matter of no-fault compensation schemes. It has been ongoing, like medical disclosure, for a long time. It is another commitment that is enshrined in the Programme for a Partnership Government. Deputy Harty has already raised it specifically in relation to vaccinations. There is a culture of denial in this country that vaccines in a very small number of cases will cause a severe adverse reaction, yet the State is not yet prepared to acknowledge and accept that even though every other member state in the European Union has such a compensation scheme in place, while we do not. We are forcing those families to go through the legal process to prove beyond reasonable doubt that their child has been damaged by the administration of a particular vaccine. This failure and gross negligence on the State's part in this area is undermining the credibility of our vaccination programme. We are not prepared to admit that there will, in a very small number of cases, be a severe adverse reaction to the administration of a foreign body into a child. By admitting that we can at least move forward and explain to parents that there is a small risk but that there is a far greater risk if they do not vaccinate their child. It is very hard to make that argument when the State continues to bury its head in the sand, as does the medical profession, and they claim that it is 100% safe. No foreign body injected into any human being is 100% safe. It cannot be. Just like the issue before us, it is not that doctors are negligent, it is that adverse reactions happen for one reason or another with the very best medical professionals in the world. Let us accept that it happens and move forward from there. We are doing it with doctors here now, but not with vaccines and that has to change. The matter is exposed by this Bill.

I acknowledge a significant inclusion in this legislation. Private hospitals now come under

the remit of HIQA. This was a gaping hole in the regulatory regime here. Sadly, there were incidents in the past relating to private hospitals. Their inclusion in this legislation is very warmly welcomed insofar as it goes. It is very comprehensive. The one weakness that I want to see changed in it is that relating to a patient advocate.

I reiterate that we must introduce a no-fault compensation scheme for the administration of vaccines and end the situation where the families of children affected are forced to go through the courts. The State has admitted liability in the past. Dr. Michael Woods in 1982 offered £10,000 to 16 families where, on the law of probability, someone was damaged by the three in one vaccine. We were able to do it in 1982 but since then we have brushed it under the carpet and denied it ever happened. That must change.

Minister for Health (Deputy Simon Harris): I thank Members for their comprehensive contributions and the wide support for the legislation. There will be detailed scrutiny of it at the Select Committee on Health in the new year and there will be an opportunity to fine-tune the legislation and tease out, discuss and debate a number of the issues. It is heartening for patients and staff across the health service to see that cross-party support for the Bill, which I genuinely think is landmark legislation. That is a phrase we use a lot in this House but I believe it is true of this Bill. It is an issue which Deputy Denis Naughten has championed for many years. He and Deputy Harty made very strong representations on it during the negotiations for the Programme for a Partnership Government, but before that there was his own legislation, so I thank him for helping us get to this point.

I am taken with the comments of many Members, including Deputies Harty, Naughten and Browne, on the Bill being very welcome but also on the need to see it alongside significant reform that is necessary in the legal area. We know our system is far too adversarial at the moment and that far too many people end up on the steps of the High Court who have no wish to be there. They are often people who have been victims of something that went wrong in the health service, they have been traumatised, they or their loved one is in pain or sometimes they have been bereaved. Generally, they want answers, open disclosure, which this legislation provides, but they also want, where necessary, a mechanism to be supported or compensated in a way that does not involve lengthy trips to the High Court where the only people who benefit are the legal professionals. It is very costly for the Exchequer, and can be very difficult, painful and lengthy for the citizen and every day solicitors and barristers get wealthier on the back of it. That needs to change. I have some good news to share with the House. Deputies will be aware that Mr. Justice Charles Meenan has been doing some work on tort reform to fulfil the commitment in the programme for Government. We set up a group to review the area and examine the idea of a no-fault scheme. The initial report is due to me very shortly. I will definitely receive it this side of Christmas. I cannot pre-empt its contents but I am very hopeful and expect to be in a position to bring forward proposals to act on its recommendations early in the new year. I would be happy to provide a briefing to Members of this House once I have received the report.

I very much take the point made by Deputy Harty and others on the importance of resourcing and training our staff, clinicians and the people on the front line, as well as our health service managers on this legislation. It has been a policy of the health service for many years, definitely since 2013, to have open disclosure yet as we know it has not happened. It is not that those working in the health service are bad people but legal protections were necessary. Also, we need to train, support and resource people in doing that. We will have a chance to tease it through and discuss how the legislation should be implemented in a very practical sense on Committee Stage. The Deputy is correct that, as we set up the structures to deliver Sláintecare,

there is a chance to embed the legislation as core business of the health service, which it is. One of the very appealing things about the way we have drafted the legislation is the fact that there is such a clear obligation on the health service provider in reporting and ensuring the open disclosure takes place. What it will mean in a practical sense is that for the hospital manager or CEO it will be a very important part of their day-to-day job, and as important as finances or access issues in the hospital, because if something goes wrong, they are the people who will be directly answerable under the health service providers' obligations under the law.

Deputy Durkan raised a wide range of issues relating to the health service, particularly around the need to recruit and retain more doctors. I fully agree with that. Yesterday, at the Joint Committee on Health, I said that I had no confidence in some of the work practices in place. I was returning to a phrase used by Deputy O'Reilly when questioning me. She was putting the words of the Irish Hospital Consultants Association, IHCA, to me. I wish to make clear that I have every confidence in our brilliant doctors, who work extremely hard. However, it is and will remain my view that we cannot be confident that some of the work practices we see as part of private practice in public hospitals are serving patients well, nor indeed the clinicians who are dedicated to the public health service. I intend to bring forward proposals shortly which will offer to pay consultants an awful lot more to work in the public health service, the key point or rub being that it must be in the public sector. I stand over my comments that in a situation where our public hospitals are under pressure, it is inexcusable that we would allow public beds to be used for private medicine. It is an issue we need to work on and there is a near cross-party consensus on which we can base that work. It is a thorny and difficult issue but one we must tackle.

Deputy Browne and others asked about the specialist register and the safeguards that will apply. The HSE has put in place arrangements to manage and supervise consultants who are not on the specialist register and ensure that any such appointments occur only where they are critical to support the delivery of essential services and with the approval of senior HSE management. That has been necessary in certain instances to fill vacant posts and ensure service delivery. The HSE has established a medical workforce and patient safety oversight group to agree and oversee implementation of a number of actions relating to this issue. I will keep interested Deputies up to date on that.

Reference was made to the Civil Liability (Amendment) Act 2017. That legislation was designed to facilitate a voluntary approach, but the word "voluntary" was used with reference to whether clinicians choose to avail of the legal protections offered by the Bill. I am conscious that the chief medical officer is not here and cannot speak in this House. I wish to make clear on his behalf that it was never his view that disclosure should be voluntary. Deputy Harty acknowledges that much work was done in considering and scrutinising these issues. During the passage of that Bill, which was prior to the emergence of the CervicalCheck debacle, I undertook to return to the House with legislation to provide for mandatory open disclosure in line with the programme for Government. That undertaking is realised in the legislation before the House today.

Deputy Naughten made a valid point, which he has raised in reference to several Bills, about the importance of people being able to take somebody with them to meetings at which important matters are being discussed. I will reflect on his comments. My understanding, from engaging with my officials, is that this matter is covered by the relevant person clause in section 5(1) of the Bill. The relevant person may be a family member and it is a patient's choice as to whether he or she will have such a person in attendance. However, if there is a need to make

12 December 2019

the position clearer, I am happy to work with the Deputy to ensure it is explicit, in accordance with the expressed intention of the legislation.

Deputy Naughten referred to audiology services and acknowledged the work that has been done in this area. I will convey in the clearest possible terms the issues he vocalised in regard to the education part of those supports to the Minister for Education and Skills. I understand the Deputy has been in contact with the Minister on this matter. Either the Minister, Deputy McHugh, or I will revert to him as soon as possible.

This is significant legislation and its significance becomes more apparent when it is considered alongside the range of measures that have been taken in recent years to improve patient safety. The establishment of the national patient safety office in my Department is one such measure, and that office is now playing a key role in ensuring patient safety issues are constantly on the agenda when new policies and legislation are brought forward. The new system of publication of maternity reports on a monthly basis is helping to give a more transparent picture of what is going on in our maternity services. This is particularly important given the tragic issues that arose in the past. Last month, Ireland's first ever national patient advocacy service was established, funded through my Department but entirely independent in its functioning, and offering a website and dedicated helpline. It allows people with a complaint about the health service to access a qualified person who will advocate on their behalf and steer them through what can sometimes be a confused complaints system by making it simpler and easier to navigate. Notwithstanding these developments, we have much more work to do in this area.

Finally, I thank the patient advocates who have agitated in a positive way on this issue, in some cases for many years. I think of Róisín and Mark Molloy who came to see me when I became Minister for Health and with whom I have since met on several occasions. They had already been to see several previous Ministers at that stage. They are incredible people in terms of their kindness and their desire for improvements in the system. They have played a constructive role in that regard despite the huge adversity they faced and the personal trauma and devastation of losing baby Mark.

Deputy Denis Naughten: Hear, hear.

Deputy Simon Harris: They know the importance of mandatory open disclosure. I think of people whose names are familiar to us all, such as Vicky Phelan, Lorraine Walsh, Stephen Teap, the people involved in the 221+ group, and the many others whose names are not known publicly but who have come to see us at our clinics and in our offices over the years to make the case for changes in this area. There is an onus on us, early in the new year, to get the Bill to Committee Stage, under the chairmanship of Deputy Harty, and through all Stages. Whatever length of time this Dáil has left, we should embrace the new politics and try to get this legislation onto the Statute Book.

Question put and agreed to.

Patient Safety (Notifiable Patient Safety Incidents) Bill 2019: Referral to Select Committee

Minister for Health (Deputy Simon Harris): I move:

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

Question put and agreed to.

Racism Affecting Ethnic Minorities in Ireland: Statements

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

I welcome the opportunity to debate this important issue. Racist incidents can gain momentum quickly, in particular because of the extra oxygen provided by social media. Their effects can be devastating on individuals and can last a lifetime. The majority of Irish society has been remarkably open and welcoming to migrants and, over the past two decades and more, we have welcomed people from across the world.

The ESRI's latest monitoring report on integration, which I published in November 2018, confirms the diversity of Ireland's population. Some 17% of people living here were born outside Ireland and many have been given the opportunity to acquire Irish citizenship. Ireland is one of 13 EU member states that offers citizenship where an applicant has been resident for five years, and one of 16 member states permitting dual citizenship. Approximately 120,000 people have received Irish citizenship since 2011, with the latest cohort participating in moving ceremonies this week in Killarney. This represents more than 2.5% of the total Irish population. Those lucky enough to attend citizenship ceremonies see at first hand the joy migrants feel on becoming Irish citizens.

I reported last week to the UN's Committee on the Elimination of Racial Discrimination, CERD, in Geneva on the actions Ireland has taken since 2011 to promote equality and combat racial discrimination. The Government supports CERD's work to create a world where all can enjoy opportunities, free of discrimination on the basis of race, ethnicity or nationality. The report to CERD set out the range of measures the Government and its predecessor has taken to strengthen the rights infrastructure in order that it can challenge racism more effectively. The Irish Human Rights and Equality Commission Act 2014 introduced the equality and human rights positive duty. Public bodies have a duty under section 42 of the 2014 Act to have regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of service users and staff. Public bodies must set out in their statements of strategy how they intend to fulfil this duty. As such, the legislation provides structural underpinning for action by public bodies on equality, human rights and the combatting of discrimination, including racism.

In parallel, An Garda Síochána has undertaken reforms to strengthen its capacity to respond to the needs of minorities. In October 2019, the Garda Commissioner and I launched the Garda Síochána diversity and integration strategy for 2019 to 2021. The themes of the strategy focus on protecting the community, developing robust data systems, and upskilling the police force to

understand the needs of diverse communities and respond to crimes perpetrated against them. The strategy includes a working definition of hate crime, in line with international best practice, aimed at enhancing positive engagement with persons from minority groups and diverse backgrounds.

The Garda national diversity and integration unit, GNDIU, is monitoring the reporting and recording of all forms of hate crime on PULSE, the Garda recording system. I also commend the Garda Commissioner, Mr. Drew Harris, on An Garda Síochána's recent decision that, subject to operational, and health and safety obligations, its policy on uniforms is being updated to take account of religious and ethnic requirements in order to encourage candidates from minority communities. An Garda Síochána is allowing the wearing of the turban for members of the Sikh community and the hijab for members of the Muslim community.

The Government recognises the need for further action to combat racism. I have established an anti-racism committee which will be chaired by Professor Caroline Fennell of UCC. It has a mandate to review current evidence and practice and make recommendations to Government on how best to strengthen its approach to tackling racism. The committee will be a broad-based partnership of State and non-State actors, including employers and unions, religious, sports, arts and community groups and media organisations. Its purpose is to develop an understanding of the nature and prevalence of racism in Ireland today and to work towards achieving a social consensus on actions required on the part of the member organisations and others. The committee will hold its first meeting in January 2020 and I have asked for it to submit its first report to the Government within three months.

The threat of racism is not experienced by migrants only. Travellers and other ethnic minorities can experience racist incidents in our society and have done so. The Government has worked actively to promote opportunities for Travellers and to recognise their rights. As I reported to CERD last week, the landmark development has been the recognition of Travellers as an ethnic minority. Those members of Dáil Éireann who were present on the night of 1 March 2017, when the then Taoiseach, Deputy Enda Kenny, made the statement recognising Travellers as an ethnic minority, will agree that it was a truly memorable event, with all political parties united in support of the Taoiseach's statement. Recognition of Traveller ethnicity has been a symbolic step forward in the State's acknowledgement of the uniqueness of Traveller identity and culture and generates mutual understanding and respect between Traveller and non-Traveller communities. Recognition of Travellers as an ethnic minority will not remove overnight all of the obstacles that have prevented them from experiencing full equality within Irish society. However, it has created a strong platform of respectful dialogue and pathways towards equality for Travellers. It demonstrates the commitment of the Government towards recognising the contribution that Travellers have made to Irish society and culture and removing the barriers that have limited their opportunities.

The Government has worked actively to address structural issues facing minorities. To ensure a whole-of-government approach to delivery, it has adopted a strategic approach to policy on migrants, Travellers and Roma people. The migrant integration strategy, which I launched in February 2017 and which runs from 2017 to 2020, provides the framework for action to support migrant integration. It commits public bodies to take action on employment, education, access to public services, political participation and immigration. It requires all public bodies to mainstream integration issues into their work. It includes specific actions to tackle racism, from the review of hate speech legislation to requiring local authorities to remove racist graffiti and to ensure that there is migrant representation on joint policing committees. I chair the strategy

committee, which includes representatives of NGOs and public bodies and meets quarterly to monitor implementation of the strategy and to press for delivery of specific actions.

The National Traveller and Roma Inclusion Strategy 2017-2021, NTRIS, which I launched in June 2017, is also a whole-of-government strategy aimed at improving the lives of the Traveller and Roma communities. The NTRIS has focused in particular on education, recognising the linkage between educational attainment and life opportunities. A two-year pilot project has been established in Galway, Dublin, Wexford and Cork to target attendance, participation and school completion in specific Traveller and Roma communities regionally. An additional €500,000 was provided to my Department in budget 2019 to support this vital initiative, bringing total expenditure on the pilot to €2.2 million. As such it provides an important example of how the strategic approach enables Departments, agencies and NGOs to work together to tackle structural issues. All the Traveller NGOs are represented in the implementation of NTRIS and they are making very important inputs into the work of the strategy.

I strongly believe that one means of combatting racism is the development of community initiatives which bring communities together in support of integration and diversity and, most importantly, allow people to get to know one another. To this end, I launched the communities integration fund in 2017. This fund supports local initiatives by migrant and non-migrant groups to promote integration. Some 124 organisations received funding from this initiative in 2019. Initiatives are being funded which are explicitly intended to challenge racism at grass-roots level. I have also sought to strengthen the participation of community groups in welcoming refugees to Ireland. I was inspired by the community sponsorship model developed in Canada, whereby local communities sponsor refugee families to settle in their towns and villages. When I visited similar projects in the UK, I saw at first hand how integration outcomes are improved for refugees when communities and neighbours take part in the resettlement process. Following a successful pilot programme in Meath and Cork, I formally launched Community Sponsorship Ireland on 15 November this year. I invite colleagues in the Oireachtas to acquaint themselves with this programme and to act as leaders in their own communities by helping to bring refugee families from Lebanon into their communities and by using this initiative to help them resettle. Community Sponsorship Ireland is a fantastic programme that is really positive and really works. Not only do the refugee families benefit hugely from it, local communities and sponsors also tell me they get huge personal satisfaction from involvement in this programme.

Combatting racism involves the broader public as well as the Government. As the Irish proverb says, “Ar scáth a chéile a mhaireann na daoine”; people live in one another’s shelter. I believe that strengthening communities to work together to promote integration will build the capacity within our society to recognise the common need for shelter and belonging, and so will challenge racism and protect the rights of minorities.

I also wish to commend the communities and leaders across the country who have set up friendship groups and welcome groups linked to accommodation centres. The most recent of these are in Borrisokane, Ballinamore and Ennis. People who came in from outside and are now living in the communities are experiencing a very positive welcome. Last Friday I met public representatives and civic leaders from Borrisokane. I was really moved by their initiative, their commitment and their welcome for the strangers in their midst. I saw the same in Ballinamore. They had many challenges. We met and we listened, and the community has now come together. The same has happened in Ballaghaderreen and Wicklow. Throughout the country, such centres work extremely well when local people get involved. When they get to

know migrants, they really embrace and welcome them. We want to see more of that.

Deputy Fiona O'Loughlin: Ireland has built its tourism industry and even its identity around the concept of the welcome. Our fáilte is world-renowned but there has been precious little of the céad míle fáilte in our public discourse recently. Unwarranted attacks on asylum seekers and people from sub-Saharan Africa, as well as unfounded inferences and accusations not based on fact, were made in this very Chamber only weeks ago. I want to look at racism today as something that starts from the top and can seep and spread into all aspects of Irish life. We, the legislators and public representatives, must not only guard against racism but must become the champions of the oppressed and those who are discriminated against, the new citizens of our country experiencing vile abuse on a daily basis. We must say, quite simply, that this has to stop. We should strive to make that concept, that image, that open-hearted gesture we are so famous for, and make it central to who we are. We should extend our fáilte to everyone and make tolerance and compassion our only standard when it comes to dealing with others, no matter what their background, origin, race or colour. As HG Wells said, "Our true nationality is mankind." It is who we are at our core. We are all human, enduring the same struggles and successes and striving towards the same goals - to be safe, to be healthy, to work and contribute to society and for our families to do the same.

There is a phrase creeping into our discourse; the "white Irish". I abhor and refute the notion that somehow there is one type of Irish person who means more than another. The Minister of State referenced the ceremony in Killarney this week at which 2,000 people from Poland, the UK, Nigeria and all over the world were made citizens of our Republic. It is not in our remit or power to tell these new citizens they are lesser citizens than others.

I do not need to remind a single person in this House or anyone who is listening of our history, our well-trodden path of emigration to countries all over the world. When we were hungry, or rather starving; when we were poor; when our pockets and wallets were empty and there was no prospect of work; when we had no hope of ever being able to afford a house in our glorious Republic; when our system failed us as citizens; when we faced discrimination; when our language was taken away from us; and when we came out of jail as political prisoners and were told to take the boat, that is what we did. We took the boat and later the plane. We looked up from our misery and woes and remembered who we were and who we still are; citizens of Europe and citizens of the world.

Those before us, whose shoulders we stand on, took the bravest step any person can take.

They left their worlds, lives, homes, security, culture, and families. They left so much behind them and ventured out into this brave new world, this great unknown, this adventure of a lifetime. In many instances, they found what they were looking for, in America, Canada, Australia and in England. In countries all over the world, the Irish arrived and the Irish thrived. This story of emigration, of leaving our home behind us and arriving in a new country, is more than something we are familiar with; it is scored into our DNA, it is written in our very bones. It wrings the heart of every parent who witnesses their child walking through the departure gates of airports to new lives far away from our tiny island home.

If we lose sight of our history, we will forget who we are. We are a nation of adventurers, travellers, migrants, emigrants and immigrants, a nation of millions who were brave enough to leave their misery behind them and leave in search of a better life. Just as we left, so too have all the diverse nationalities who are arriving daily on our shores. Instead of judging, we must

welcome. Instead of bad-mouthing them, we must listen to their stories and discover who they are. Instead of meeting those people with unfounded fears, we must meet them with tolerance and acceptance, compassion and humanity.

Ireland is now a diverse and multicultural country. There is no such thing any more as white Irish. The growing diversity in our population has sadly been matched with a growth of racial intolerance, violence, and discrimination. As I mentioned at the beginning of my contribution, we have seen inflammatory remarks made in this very Chamber and from candidates running for office. For that reason, as public representatives, we must be absolute and vigilant in our leadership on this issue. We must be absolutely intolerant of intolerance. We must be the watchdogs on unsuitable language. It is imperative that we lead the way for all of society.

More effort must be put into integration. We must act now or it will be too late. I commend Fáilte Isteach, a programme of Third Age, which is run by Áine Brady, CEO, a former Member of this House. It has 132 branches and 1,100 trained tutors who are all volunteers. They are doing incredible work, which is recognised across Europe. The programme provides training in Germany and Italy. If we are not proactive in recognising Ireland's new-found diversity and celebrating it, there is a danger that we will witness segregation and tension, which we see at the moment among our nearest neighbours. We are not doing enough to integrate newly arriving migrants into society. Ireland's national action plan against racism has not been renewed or updated since 2008.

Ireland is one of the only western democracies that relies on the wider criminal law system, rather than specific hate crime legislation. The Bill I introduced in 2016 passed Second Stage three years ago, but the Government has refused to issue a money message to allow it to progress. As the Minister of State, Deputy Stanton, is aware, that failure to introduce hate crime legislation was the subject of much criticism from the UN when Ireland's progress on eliminating racial discrimination was before the Committee on the Elimination of Racial Discrimination last week. I am aware the Minister of State was present. Our own agencies are doing Trojan work in the field of combatting racism but they also have plenty of criticism to levy at the Government for its inaction on this issue and its failure to promote integration and inclusion in society. The immediate issues affecting people who are subjected to racism include hate speech and crime, inequality in the workplace, homelessness and education. This gap in legislation has been highlighted by many, including the Garda Síochána and legal practitioners. A number of high-profile cases of hate crime highlight the pressing need for legislation to address the issue. I welcome the recent decision of An Garda Síochána to introduce a working definition of "hate crime", but much more needs to be done. The most basic support the Garda requires is effective legislation through which perpetrators can be prosecuted.

Homelessness is an issue that has been much debated in this Chamber in recent weeks. I wish to highlight the challenges faced by families of Roma and African descent, as such people often find it impossible to secure any accommodation on the private rental market. Last weekend, in a sermon delivered to mark the beginning of Advent, Dr. Diarmuid Martin said that he was "horrified" to find racism among believers in the church. He said:

I think of the emergence of a new language of racism, at times understated in its expression but just as nasty in its effects on men and women who need our help, our care and our respect. I am horrified to find traces of such racism among believers. The terms 'refugee' and 'asylum seeker' should only arouse heartfelt concern in the Christian heart.

There is a staggering dearth of leadership on this issue from our political masters, and it is incumbent on the Government to lead. There are many steps the public can take in terms of reporting hate crime and people must do that. It is not enough to clap ourselves on the back when the Irish Naval Service rescues emigrants in the Mediterranean. It is not enough to be shocked when we hear of people dying while they are being smuggled. It is not enough to shed tears at the sight of dead children like Alan Kurdi on the beach, because they were drowned while fleeing persecution. We need to do more. We need to tackle racism collectively, as a society. We must find it in our hearts to extend the welcome that was extended to the emigrating Irish all over the world. We must accept the diversity of our society and always remember acceptance of other cultures is not a denial of our own.

Deputy Martin Kenny: Tonight's statements on racism are very apt and are a positive opportunity for us to say something loud and clear and for those of us in public life to put ourselves into a leadership position. It is also important for communities that we make it clear that racism should not have any place in society at any level. People often point to the far right as being the problem and suggest that a distant, elusive group is behind it all. I know there is some truth in that, and some groups are active on social media but what I fear more than the far right is the near right, the nice sensible people in areas where a number of people of foreign origin live or work who have a terrible attitude to them based on their race. I recently spoke to someone about migrants coming to an area and he said, "God knows what kind of people would come here". I asked him to repeat it slowly. He started with "God knows". There is a reference to God but at the same time the phrase is used as a means of somehow denigrating other human beings. That is something that flies in the face of everything that so-called Christians are supposed to believe in. Sometimes I find it very hard to understand all of that.

Fear is one of the factors at the core of the issue - fear of the stranger. If one is afraid of something, it is a very short distance to hate. That is the problem we have. This is always about fear. If one looks at any of the stuff being peddled by the people on the far right to whom we referred, it all has a sense of fear attached. It has a fascist element as well. Fascism is a well-organised minority controlling the disorganised majority. We have a little bit of that across the entire country. I do not wish to be overly political but we must understand that whether it is in a rural or urban area, if communities feel they have been left behind that is fertile ground for such people to spread their message. I refer to an area where a family has a child with autism and an SNA cannot be provided in the school, where their neighbour is on a waiting list for a hospital operation and the woman down the road has some other issue concerning lack of access to a State service. Such places are fertile ground for right-wing people who say the foreigners will come in and they will get everything.

5 o'clock

People are inclined to believe and embrace that. That is one of the difficulties we have. All the years of austerity in this country have led to some of this. We have to be responsible and understand that. We have to understand that people's sense of outrage over having been left behind in so many ways - and they have been - has led to circumstances that are fertile for many to carry on with this kind of nonsense. They are at it everywhere. The years of austerity and the annoyance with the Government cannot in any way be underestimated as reasons we got into these circumstances. They should not be but that does not mean we cannot change, show leadership and work to make things different.

Let me refer to the activity we see, particularly on Facebook and other social media, re-

garding the Irish being almost some kind of super-race. I hear it talked of. One of the fascist statements I read more than any other implies we are great people, we went to every corner of the world, we built America, we did this, that and the other, and we are so great we should dominate. That is the message being circulated. It is a racial message. It is also said that we should take our proportion of people. It is only in the context of race that people talk about proportionality. They do not talk about it in any other context. If a large factory were to open up in a town and 500 young workers were to come to the area, people would not say, "Oh God, we could not possibly put up with that." It would not be said it is out of proportion. The people would welcome what was happening. It is only when it comes to race that the argument I have mentioned arises. The argument needs to be called out clearly. Many who use it do not understand or know it is a far-right argument. The near right take it up and we have to be careful in this context.

It is important to understand the types of migrants we have coming to Ireland. We have, of course, asylum seekers, or those who are fleeing persecution and war in many countries around the world. They apply for asylum and enter an asylum process here. We have an international obligation to ensure that we provide for them and that the State provides for them adequately. It is vital that we do this. Of course, many of us have a difficulty with the direct provision system and the way it has evolved over the years, and many of us want to see it come to an end, but we need to see a better system put in place, not no system. We need to work on that. The justice committee launched its report on this issue this morning and while it has pointed to many of the difficulties, it has also pointed to many of the ways forward.

Another set of people who come here comprises refugees, as mentioned by the Minister of State. I refer to programme refugees who have already been processed and who come here, who live in communities here, and who are welcomed and are very easily integrated into the communities because the locals know they are coming on a permanent basis. They are different from the asylum seekers, who are not coming on a permanent basis.

Migrant workers, or migrant immigrants, were mentioned by other Members. I have two nephews, both of the same age, 18. Both are the sons of economic migrants. One is the son of an economic migrant who lives in a little place in upstate New York called Mahopac. His father is my brother and he went to the United States as an economic migrant over 20 years ago. He had no papers but stayed, worked, found his way and managed, as did thousands of others. My other nephew is the son of a man from North Africa who came to Ireland as a young man over 20 years ago. He fell in love with my sister and they got married. The marriage did not last very long but that is life. Shafik is a magnificent young man. He recently won a Naughton scholarship and is doing a degree course in UCD. He got the highest points in the leaving certificate examination in County Leitrim.

The economic migrants coming to this country, or any country, bring great opportunities and advantages. International economic studies have shown that countries that take migrants in, be they illegal or legal, benefit from having them. This is because the migrants come with the sense of wanting to do better. They come from a place that is worse so when they arrive here and see opportunity, they grasp it and run with it. They make sure they deliver for themselves and their communities. They send money back to where they came from, just like we did everywhere we went.

The issue of racism is a vital one to address. How do we know a racist? When we go down the street and meet a garda wearing a uniform, we know he or she is a garda. When we

meet a priest with a round collar, we know he is a priest. Racists wear no uniform and have no distinguishing marks. We only know them by the language they use and the context in which they use it. The context is vital. In recent times, there was a candidate in an election here who used language that I certainly considered to be racist. The language was used in the context of an election campaign so it was not used by accident. It was not something said long ago on a night out or something. It was very deliberate. If this is going to happen, we need to be very careful. Nobody coming into this House should use that type of language.

We have to understand that we have an opportunity as leaders of a nation that has gone to every corner of the world and looked for a welcome. Everywhere we went, our people looked for a welcome. They might not always have got it in the way they liked but they went looking for it. In most places, they did get it, in fairness. They went to England. Most of the people we know in our lives are children of economic migrants who went to other countries to try to do better and came back here and prospered.

We have a significant obligation but also a great opportunity to make this country better. Making it better will involve ensuring that we rid ourselves of this kind of language and hate speech, as well as the ideology behind it. I refer to the ideology that somehow, me and mine are better than somebody else. We are not; we are all equal. That is what we need to drive home very strongly, both from this House and everywhere else.

The issues of asylum seekers and asylum-seeker accommodation are one of the spark points. If we are to deal with it properly, we have to come up with better strategies on how to circulate information and get communities into a mode of greater acceptance and understanding. I do not believe, however, that people deserve to be somehow consulted differently about one colour or a people as if it were different from any other. I am referring to the notion that we have to consult people because they happen to be more vulnerable. We do not have to. We have to accept. We have to understand that the compassion we have should be without limits and that our generosity should not have conditions if we truly are a nation that is going to look to a better future.

This debate is commendable, worthy and worthwhile but it focuses attention only on the work we need to do. We certainly have an awful lot of work to do to progress our society to where it needs to be.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy. Well said. There is time for only one more speaker as we must move on to the Topical Issue debate. We need to keep that in mind. I call Deputy Brendan Ryan.

Deputy Brendan Ryan: Racism should not be allowed to take root in our society. It is not inevitable and we must act to stamp it out, especially in our politics. Our equality laws prohibit discrimination against employees and customers based on several grounds, including race. The level of formal reporting of racist discrimination is not high but it would be a mistake to believe that means there is no racism in Ireland. On the contrary, from talking to organisations such as Migrant Rights Centre Ireland or Nasc, it is very clear that many experience casual racism as part of their experience of living in Ireland. People who are black or women who wear a Muslim headscarf are more likely to be singled out for verbal or physical abuse. Unfortunately, however, too many people have become used to experiencing low-level abuse and they do not routinely report it to the Garda or other authorities.

It is suggested that some minorities do not have confidence in public authorities to deal seriously with these incidents, which is something we need to address. The iReport website allows people to report racism but it cannot give us anything like a full picture of what is going on. The Police Service of Northern Ireland has detailed statistics on racist incidents. We should provide whatever resources are necessary to make sure the Garda has the same detail in our own official crime statistics in order that we can target responses in areas that are most affected.

Several reports have made it clear that racist incidents, including violence against ethnic minorities, are a real problem for our society. For example, Reports of Racism in Ireland was published by the Irish branch of the European Network Against Racism last year. It documents 256 incidents over a six-month period, including 23 assaults, 35 cases of ongoing harassment and 113 cases of online hate speech. This is the second highest level of incidents since the organisation began collating data in 2013. Dr. Lucy Michael, lecturer at Ulster University, has found that the same pattern exists in Ireland as elsewhere regarding “extraordinary violence against minorities”.

From 1998 until 2008, we had the National Consultative Committee on Racism and Interculturalism. The Government of Fianna Fáil and the Green Party, however, cut all funding to that agency, leading to its closure. We have perhaps been too complacent, as we did not seem to have the problems relating to racism and the far right that exist in other European countries and elsewhere. We clearly have a real problem with racism and it is about time we took it more seriously. One way to improve the situation, and to better hear the voices of the people directly affected, would be to restore a publicly funded organisation to promote interculturalism and to challenge racism. The National Consultative Committee on Racism and Interculturalism received funding of €562,000 in 2007. If that modest level of funding could help make a difference, we should establish a similar body that could draw on international best practice for this kind of work.

Migrant workers play an essential role in the context of our economy and our public services. Unfortunately, many of those working for low wages are foreign nationals. There are groups of workers in agriculture, fisheries and food industries, and in hospitality, who are often employed on contracts which make them vulnerable and whereby their right to work is tied to a single employer. This means that they may not report abuse for fear of losing their right to work and live here. It is well known that in some industries individuals are blacklisted if they speak out and we have all heard of those cases. This is an issue which the Migrants Rights Centre Ireland, among others, has documented over time.

The Labour Party regards the exploitation of migrant workers as an example of institutional racism. As a society, we cannot turn a blind eye to sections of our economy in which most workers are migrants. If we are serious about stopping racism, we must end the exploitation of migrant workers. One in eight people living in Ireland was born in another country. These people are now part of our society. One in seven of our children and young people has one or both parents from another country, and one in 20 is visibly different because they come from African or Asian backgrounds. We should not make the mistake of assuming that everyone who looks a bit different is automatically a migrant. We have second, third and fourth generation Irish people, who just happen to have an ancestor who came from elsewhere, just as millions of people around the world have Irish ancestors. Ethnic diversity is a permanent feature of modern Ireland and it is something we should celebrate alongside our ancient traditions. My constituency of Dublin Fingal has a wonderful variety of people from all over the world. The mix of cultures and traditions makes a positive contribution to our society and our modern Irish

culture.

Politicians from all parties need to take a leadership role in respect of diversity. Sadly, a new toxic racism has entered our politics. A candidate in the presidential election made disparaging comments about Travellers and then certain candidates in the recent by-elections also made comments. Some protests against asylum seekers have been orchestrated by small groups of activists rather than local people. We now have genuinely far-right political parties and individuals spreading all kinds of lies and misinformation that is toxic, racist and totally unacceptable. Outrageous claims have been made, including about Islamists having training camps in the Dublin Mountains. These obviously false claims act as a smokescreen to cover up other lies. One such claim is that all Muslims support Islamic terrorism, which is just outrageous. It is one that sticks in the minds of some people, however.

The recent by-elections have made it clear, I hope, that the public does not support racism entering our politics. Some countries have avoided the rise of far-right racist parties in their political systems. It is not inevitable, therefore, and it can be stopped. It is much harder, however, to get rid of these parties if they gain a foothold. The answer is relatively simple, because nothing is completely simple. If every political party in the present Dáil is genuinely opposed to racism, then we must agree two simple things. Firstly, we must have zero tolerance of any racist candidates in any of our parties and, secondly, we must agree that we will not co-operate with or normalise any political party or independent politician trading on racism or xenophobia. As public representatives, we must show leadership on the issue of racism, diversity and interculturalism and the best way we can do that is by freezing out all politicians who seek to bring racism and racist lies into our politics.

Saincheisteanna Tráthúla - Topical Issue Debate

Garda Stations

Deputy Aindrias Moynihan: The need for a new Garda station in Macroom has been well established for a number of years. There was a threat to walk out of the station in 2010, health and safety reports were critical of the building and it has been on the Government's building programme for many years. In 2014, Government representatives were even promising that the station would not be allowed to slip behind. While the station in Macroom is on the building programme, no advance has been made since the land purchase concluded nearly four years ago. That is because Macroom has been bundled in with Clonmel and Sligo and it has had to wait for them to catch up. The Office of Public Works, OPW, confirmed earlier this year that those land purchases were concluded for the last of those stations. There is no reason now for any further delay.

The building is an old Royal Irish Constabulary barracks and it is showing its age. Reports have indicated the difficulty people have working there and it is also unsatisfactory for the public going in to use the station. It is very limited from the point of view of privacy, for example, if someone is going in to report an incident or getting documentation signed. Imagine as well someone trying to bring a buggy in. The space is limited and tight, especially if anybody else is

in the reception area. Locals should have access to a station that is up to standard and they also want to know that their gardaí have the best resources available to them.

I have highlighted this situation with various Ministers and in parliamentary questions in recent years. The Cork county joint policing committee has also highlighted the need to advance Macroom's new Garda divisional headquarters but it feels there is constant fobbing off. The new station is in a bundle with Clonmel and Sligo and those land purchases needed to be concluded. As stated, however, the OPW has confirmed that those land purchases concluded in the spring of this year so that should not be a reason for any further delay.

The new site in Macroom also accommodates a fire station, and the county council has been trying to get information on the shared entrance. That has caused a delay on advancing the fire station as well. As I said, the new reorganisation of Garda divisions has identified Macroom as the new divisional headquarters. This should surely increase the status of the station and add greater urgency to the new build. I commend the staff working there who are delivering a top-class service from what is an unsuitable and cramped building.

The building is not, however, the only challenge. I draw the Minister's attention to the number of gardaí stationed in the town. Many people are concerned that the station is understaffed. The Garda Representative Association has been vocal on the matter, pointing out how it is not unusual for the station to be closed in order to deploy a two-person car to adequately respond to calls. There have been eight retirements from the west Cork Garda division in the past year but no new gardaí were assigned in the two most recent recruitment drives. While there are demands from many quarters for additional gardaí, Macroom and the west Cork division need particular attention.

The Macroom station project is bundled with those relating to Sligo and Clonmel. This has caused delays, even though a site in Macroom has been available for the past five years. The National Development Finance Agency, NDFA, has been examining the public private partnership, PPP, option for funding for over a year at this point. It needs direction from the Department of Justice and Equality to prioritise the projects it wants to advance. Has the Department identified the priority projects? Has the bundle of which Macroom is a part been identified as a priority? There has been a site available in Macroom for over four years. There has already been a considerable delay and it is now time for this project to be progressed.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank Deputy Aindrias Moynihan for raising this matter. I am aware of the Deputy's consistent interest in the provision of a new Garda station in Macroom. I appreciate the reason he has raised the matter again today.

The OPW has responsibility for the provision and maintenance of Garda accommodation. As a result, all works to the Garda estate involve close co-operation between the OPW and the Garda authorities. We all want fit-for-purpose facilities for Garda members and staff, as well as for the members of the public interacting with them. It is precisely for this reason that significant investment is being made by the Government in the Garda estate. The scale of what is involved in this task should not be underestimated. There are over 560 Garda stations across the country. A significant number of these are old buildings. Good progress is being made in addressing issues in the Garda estate, as well as expanding it to cater for the ongoing growth in Garda members and staff. This is being made possible through the Garda building and refurbishment programme for the period 2016 to 2021. In addition to that ambitious programme,

other major works now ongoing to the Garda estate include the development of a new facility at Military Road, Dublin, the major refurbishment of Fitzgibbon Street station, Dublin, the pilot Garda station reopening project and the construction of the new Garda station at Macroom.

The construction of the new Garda station at Macroom is to proceed on the basis of a major PPP project which was decided to be formed as a bundle also including construction of new Garda Stations in Clonmel and Sligo. I accept the process has been more protracted than any of us would have wished. As the Deputy will recall, there were difficulties in acquisition of the sites for development of some of these stations. Those difficulties have been resolved. Since then, all relevant stakeholders have been engaging together in an attempt to progress the matter as quickly as possible. I do not have any details on the fire station but I would be happy if the Deputy gave me a separate note on that. I would not like to see any other extraneous issues coming in at this stage to impact on the progress for the Garda station. I acknowledge the work of An Garda Síochána, the OPW, my Department and the NDFA, the procuring authority for PPPs.

This is a complex process but it is vital to get the projects right at the planning and design stage. This has taken some time. This work is important. Macroom has been chosen by An Garda Síochána to be the new divisional headquarters for Cork county under the new model. Clearly, the design and construction of the station will have to allow for a station of sufficient size and facilities to serve that purpose. This work is being progressed as a priority by all concerned. I understand the level of frustration the Deputy feels. I want matters to proceed as quickly as possible. We must allow the experts, in particular in the OPW and the NDFA, to progress this properly and in such a way that the station that is built at the end of the process is one which delivers good value for public money, is fit-for-purpose for gardaí, Garda staff and the public interacting with them. Every effort is being made to progress this issue, working to improve conditions and facilities at the station.

I am happy to engage further with the Deputy on this matter when we resume after the Christmas break.

Deputy Aindrias Moynihan: Gabhaim buíochas leis an Aire as an tuarascáil mar gheall ar stáisiún Gardaí Maigh Chromtha.

As the Minister indicated, this station will be the new divisional headquarters in Cork county. That should add further energy to advancing the project. The OPW has a central role in advancing the new station and the bundle. However, the NDFA will be looking for direction from the Department of Justice and Equality. It is important it is clarified with the NDFA that this station is a priority project and there should not be delays with it.

The Minister pointed to the idea of value for money from bundling stations. However, construction costs have increased in the past several years but Macroom has been effectively parked up for the past four years. This means that the opportunity of getting better value for money is actually slipping away.

I am also conscious that the Anglesea Street Garda station in Cork is also being advanced. Will he clarify if that will have any impact on either moving forward or delaying the Macroom Garda station bundle? Macroom has been ready with a site for over four years. It already has had a building that is unsuitable and the staff based there continue to endure it. Will the Minister agree it is time to move this project along?

Deputy Charles Flanagan: I cannot disagree with the Deputy. In fact, a week does not go by without this issue being raised directly with me by my colleague beside me, the Minister for Agriculture, Food and the Marine, Deputy Creed.

We are in a period of major reform of our policing services. The implementation of the new policing plan is exciting. It will transform An Garda Síochána. We have the budget to ensure that this can be the case. I am fully committed to proceeding with the major investment programme to deliver new stations and modernise older stations. One of these is Macroom. It is included as a Garda priority in the building and refurbishment programme. If the Deputy wishes that I would decouple Macroom from the bundle, I regret that it may well be unhelpful in the delivery of the project.

Deputy Aindrias Moynihan: I did not ask for that.

Deputy Charles Flanagan: Every effort has been made with the appropriate agencies involved. I met them during the year. There has been a resolution of some legal and conveyancing issues which were giving rise to a delay. I will meet the entire team early in the new year. In the interim, I understand that the Office of Public Works and Garda management are taking steps to improve conditions and facilities in Macroom station and I would be happy to engage further in the new year.

Deputy Aindrias Moynihan: I am not asking for Macroom to be decoupled.

Deputy Charles Flanagan: That is fine.

Felling Licences Applications

Deputy Carol Nolan: Following many phone calls and contacts, I am delighted to get the opportunity to raise this urgent matter with the Minister this evening. Many farmers, forestry contractors and sawmills operators are very concerned about the ongoing delays with tree felling applications. The capacity to fell trees if and when necessary is vital to farmers being able to maximise productivity and land use. There is serious concern among farmers, forestry contractors and landowners about the unacceptable delays in getting these felling licences. Many of the people affected have long-term investments and are frustrated by the ongoing delays. They cannot plan for the future because of the uncertainty.

As the Minister knows, the midlands region has already been badly hit with recent announcements of job losses in Bord na Móna. This time next year almost 2,000 jobs will be lost. I am calling on the Minister to act swiftly to ensure that this matter is brought to a head. We cannot be hit again with the loss of jobs in sawmills because obviously the farmers supply the raw material to the sawmills. They do not know if they will be able to keep on the same number of workers with the current delays. I ask the Minister to ensure that is dealt with as soon as possible. The midlands region would be hit again as well as many sawmills throughout the State.

How big is the backlog in felling licences applications and when will it be cleared? I understand that some of the delays in issuing these licences have been due to serial objectors. The legislation dealing with this matter needs to be changed. We cannot have serial objectors lodging objections, which are negatively impacting on farmers, contractors with significant investments, sawmills and local economies in rural communities. We need a mechanism to deal with

that because we cannot jeopardise employment in rural counties.

I understand that there was some engagement last week between the stakeholders and the Department. What was the outcome of that? I also understand that the Minister of State, Deputy Doyle, commissioned a review on the matter. What was the outcome of that review? Has any plan been drawn up as a result of it? I again appeal to the Minister to ensure that every action possible is taken to clear the backlog, which will have a detrimental effect on rural communities and the rural economy.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): I thank Deputy Nolan for raising the issue of forestry licences and for her general support for the forestry sector. I am aware of the delays being experienced by applicants for licences. I would like to give some background to the issues.

All forestry licences issued by my Department are subject to public notification and consultation, and possible third-party appeal. As the planning body for forestry applications, we have an obligation to ensure that all licences are issued in accordance with relevant environmental legislation. The relevant legislation is subject to continual change as result of case law interpretation and our procedures must change in tandem. Furthermore, decisions are subject to appeal to the independent Forestry Appeals Committee. Some appellants have won appeals by challenging the Department's procedures. These cases have required the Department to change procedures involved in assessing forestry licence applications.

The appeals are connected to our appropriate assessment procedure. Article 6.3 of the habitats directive requires that where a plan or project is likely to have a significant effect on a Natura site, either individually or in combination with other plans or projects, it must undergo an appropriate assessment of its implications for that Natura site. The forestry inspectorate has been implementing an appropriate assessment procedure established in 2013. However, as the Forestry Appeals Committee has identified issues with the procedure and as recent European case law is interpreted within Irish courts, changes to the procedure have been made. My Department has taken a number of steps to help deal with these changes, including engaging the services of external environmental consultants to assist with the necessary revision of the appropriate assessment and the delivery of training for forestry inspectors. We are also recruiting additional ecologists to join our forestry inspectorate.

A major triage operation is also ongoing to categorise the large number of files currently on hand for consideration by the in-house ecology team. The purpose of this process is to categorise files for further action and to advance each to appropriate assessment determination stage using external ecological consultants.

Forestry licences continue to be issued, albeit at a slower rate than would be expected. However, it has been a good year overall for felling licences and to the end of November my Department had issued just over 4,000 tree felling licences, which is still higher than any previous year and is 10% higher than the total for last year. This week, for instance, we will issue around 100 felling licences.

The Forestry Appeals Committee is an independent body but I understand that it is now starting to hear appeals on cases on my Department's new procedures. We keep the resources of the Forestry Appeals Committee under review in the event that additional resources are needed.

I am fully aware that this situation is causing difficulties, especially for landowners and

forestry contractors. I appreciate that whether it is for afforestation, forestry roads, thinning licences or clear-fell, licensing has implications throughout the supply chain. I assure the House that departmental officials are actively working towards alleviating the current temporary disruption. I believe the robust and workable system now being put in place will result in an improved licensing system of benefit to all stakeholders.

Deputy Carol Nolan: I thank the Minister for his response. The whole appropriate assessment procedure sounds extremely bureaucratic and long-drawn out. Can any intervention be made to try to shorten that process? Other jurisdictions, including the North, have a different system with a shorter waiting period. To the best of my knowledge the Department makes the decision. Is there any way for this process to be looked at? How long will it take to clear the backlog? I again stress that it is urgent. I hope the Minister will make an appropriate intervention to try to deal with the matter.

Deputy Michael Creed: I have attended a number of meetings involving departmental officials and various stakeholders. The Minister of State, Deputy Doyle, who has lead responsibility in the forestry sector, is daily involved in trying to bring together all the threads to find a resolution to the issue. It is a complicated matter that is further complicated by case law which has effectively meant we have had to rebuild our licensing system to take account of the successful challenges either at Forestry Appeals Committee level or in the courts, whether domestic or European. We have had to take into consideration domestic court rulings, European Court of Justice rulings and Forestry Appeals Committee results in rebuilding a licensing system that we believe is now sufficiently robust. The ultimate determination of that will be in the current consideration by the Forestry Appeals Committee of the licences that have been issued under the new regime. We expect results from that imminently.

This is a complex area and I wish there were a simple solution to it. Regrettably, complex issues sometimes require complex solutions. It involves appropriate assessments. It is a system somewhat similar to the system for aquaculture licensing, with which the Department has experience. It involves the same principle of appropriate assessments, Natura sites, etc. We have some experience in the area and it is complicated. We are recruiting additional staff in the ecological services area to assist with the processing of those licences. I appreciate the independence of the Forestry Appeals Committee. Should we get successful outcomes imminently from the consideration of current licences, we will have a clear pathway to finding a resolution and having confidence that the system we have rebuilt is sufficiently robust. It will then be a question of getting as many appeals through the forestry appeals procedure as possible. We are acutely aware of this issue on which we have engaged with all the stakeholders along the supply chain. Given our targets with regard to afforestation and climate change, we want to deal with afforestation, road building, thinning and clear-felling. Forestry employs a large number of people, including private contractors and those working in sawmills. It is a very important industry in rural Ireland and we are doing everything to resolve the issue. I thank the Deputy for raising the matter.

Fire Service Staff

Deputy John Brady: In February 2005, the retained firefighters in Bray fire station staged a day of protest over major concerns they had about the operation of the service in the area. They had a number of concerns, including the vetting of calls. One of the main concerns was the

manning levels in the station. Bray fire station is a two-pump station, which means there should be 15 firefighters but there were only ten at that point. Two years later, on 26 September 2007, two of the firefighters who had taken part in the day of protest died in the line of duty serving the community of Bray. Sub-officer Brian Murray and firefighter Mark O'Shaughnessy died fighting a serious fire in the Little Bray area. Prior to his death, Mr. Murray had said that unless the serious issues in the fire service were addressed, lives would be lost. Little did he know that two years later he and one of his colleagues would lose their lives.

Fourteen years after the protest at Bray fire station and 12 years after the deaths of Brian Murray and Mark O'Shaughnessy, there are still very serious issues with the fire service in Wicklow. A recent response from the chief fire officer in Wicklow, Mr. Aidan Dempsey, shows that the current manning level in Bray fire station is ten firefighters, of whom two are on long-term sick leave. A service that is supposed to have 15 firefighters has only eight firefighters to provide cover for a population of nearly 40,000. In the case of an emergency call-out requiring a two-pump turnout, which Bray is supposed to provide but cannot do so owing to a lack of staff, the retained firefighter service in Greystones must be dispatched to Bray. This takes additional time and leaves the whole Greystones and Kilcoole area without a service if an emergency occurs. The management of the fire service in Wicklow is playing a dangerous game with people's lives. Lessons have clearly not been learned from the horrific events of 2007 that saw two families lose their loved ones.

There are serious issues with the operation of the retained service in Bray. New recruits cannot be retained because the station is so busy as to make it virtually impossible for a firefighter to hold down a full-time job and be on call at the same time. In addition, the housing crisis makes finding accommodation within a five-minute radius of the station, as required, a major challenge. The population of Bray and north County Wicklow is expected to increase considerably in the next two or three years. The area also has a high number of high-risk building, such as nursing homes. The only way to protect lives and address the serious problems in the fire service in Wicklow is to provide a full-time fire service in the Bray area. We have, however, a crazy situation in which 30 separate fire authorities operate in the State, each of which is managed and funded by a local authority.

Despite needing a full-time fire service, Bray does not have one because Wicklow County Council cannot afford to provide one. What will be done to immediately address the serious problem with manning levels in the fire service in Wicklow? We need a full-time fire service in the Bray area based on need and risk as opposed to what can fit into the local authority's budget. This can only be achieved when the Government implements the findings and recommendation of the 2002 Farrell Grant Sparks report to create a national fire authority. Only then will we have a properly funded fire service that does not have to rely on resources from financially stretched local authorities. When will the findings of the Farrell Grant Sparks report be implemented?

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank Deputy Brady for raising this issue in which he has had a long-standing interest.

I thank all our fire fighters throughout the length and breadth of the country and acknowledge their hard work, service and commitment. Last Friday, I was fortunate to attend a service marking the 20th anniversary of the opening of my local fire station. Firefighters do tremendous work and the Government is committed to supporting the fire services and the essential and invaluable services they provide in any way we can.

With regard to the fire service in Bray, the provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of fire station premises, is a statutory function of individual fire authorities under the Fire Services Acts 1981 and 2003. Under section 159 of the Local Government Act 2001, each local authority chief executive is responsible for the staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. It is, therefore, a matter for each individual chief executive to apply for sanction from the Department and, once approved, to recruit and assign staff to specific divisions within the relevant organisation. In the case of Bray, responsibility lies with Wicklow County Council. The Department of Housing, Planning and Local Government supports fire authorities through setting general policy, providing a central training programme, issuing guidance on operational and other related matters and providing capital funding support for equipment and priority infrastructure projects.

A risk assessment completed by the council in March 2019 in relation to the level of staffing at the fire station found that almost half of the firefighters in the station had been recruited relatively recently. For safety reasons, therefore, and to allow the firefighters time to gain experience, a decision was taken by the council not to recruit further new firefighters for the station at that time. Bray fire station currently has a crew of eight and is operational as a station with one fire engine. I am informed that there have not been any issues turning out a full crew to all incidents and there has been no impact on public safety as a result of that reduction. This is due to the fine work of the personnel in Bray fire station, which is augmented as and when required by colleagues in the station in Greystones nearby. It should also be noted that further back-up is available to Bray, if required, from the two full-time crews in Dún Laoghaire, which is also relatively nearby. The additional recruitment of firefighters for Bray fire station is scheduled to commence again in January 2020, which is just a number of weeks away.

Deputy John Brady: I thank the Minister for her response, which clearly outlined all the issues and problems we have. Fire services are the responsibility of local authorities as opposed to a national fire authority. We need one body to implement policy and address the needs of an area based on risk.

I outlined all the difficulties with the fire service in Bray. These problems did not emerge in 2018 but go right back to 2005 when firefighters in the town took it upon themselves to walk out of the station because of manning levels. The number of firefighters was low at that stage and 14 years later, here we are with the same problems, issues and concerns. Nobody is questioning the skills, training and expertise of the firefighters. It is the State that is failing by not putting in place what is needed. We need a national fire authority. Retained fire services might have been suitable in rural areas 30 or 40 years ago but the Bray fire station was built in the 1980s to accommodate a full-time fire service. It was seen as a need back then. The population in Bray has greatly increased since that time and is due to increase even further with more risk of dangerous buildings, high-rise buildings and nursing homes, as I outlined.

We need a full-time fire service in the area because of the challenges that retained firefighters must endure daily to get to the station. When they are in their workplace or home and the alert goes off in their pockets, they have to battle through congested traffic in their own cars and they are not allowed put on sirens or flashing lights to get to the station. They face massive challenges. There are also the restrictions that they must live and work within a five-minute radius of the fire station. These are the reasons that new recruits cannot be retained. It is why there were retirements last year and there will continue to be retirements because of the pres-

tures and constraints faced by recruits and existing firefighters.

The State must live up to its responsibilities and implement the key recommendations of the Farrell Grant Sparks report of 2002, including the establishment of a national fire authority, removing the need for the local authority to come up with the more than €1 million needed to establish a full-time fire service in Bray. That needs to be based on risk and it can be brought forward only through a national fire authority. It is time to get serious or we will be dealing with more tragedies.

Deputy Regina Doherty: I hear the Deputy's concern and he is genuinely very passionate about this. Wicklow County Council tells me it had to make the decision last year to stop some recruitment intended to try to bring the level back up to what it had been a number of years ago, which was twice as many manning the station as there are now. It has ten and probably should have proficiency of six or seven more. It will recruit again in January and I hope it is not too long before the Deputy sees a full complement of staff. As the Deputy said, when the stations where we live were built we were living in the sticks. We cannot really call Bray or Ashbourne the sticks any more. We now live in the metropolitan district of the greater Dublin area. The Deputy is probably right that the fire stations need to be manned to reflect changes in population increases over the time since they were established.

School Accommodation Provision

Deputy John Lahart: I thank the Minister for attending. I understand the Minister for Education and Skills cannot attend and I am okay with that such is the urgency of this issue. I am delighted to have a Cabinet-ranking Minister present and she might bring back the concerns of the local community on this.

Knocklyon, Firhouse and Ballycullen are growing areas. The Department of Education and Skills decided to provide a 1,000-pupil, post-primary school in the area and patronage was granted to Educate Together. The school is to be called Firhouse Educate Together secondary school. It applied for planning permission a year ago on a site that was turned down pretty dramatically. The Department is in search of a site for the school and, to the best of my knowledge, has located one off the Old Court Road in Ballycullen. Coincidentally, last Friday week I visited the school and met the Minister's colleague and my constituency colleague, the Minister for Children and Youth Affairs, Deputy Zappone. Where the school is housed at present is between two new schools. These are Firhouse Educate Together national school and Gaelscoil Na Giuise. We were given a guided walk between the two school buildings. What we saw, and the Minister, Deputy Zappone, can testify to this, was a thriving, creative and incredibly impressive learning and teaching environment. Everybody we met, from Claire Matthews, the principal, to the students, secretarial staff and all the ancillary staff, made it an incredibly happy school environment.

Yesterday, the principal emailed me to say that since we met last Friday week, the Department had been in touch with the school with a proposal for the school to move to temporary accommodation in Citywest for a period of between 18 to 24 months, depending on the length of time needed to acquire its permanent site and construct a section of a permanent building to house the students. The Minister was speaking about the old days. Citywest is 10 km or 11 km away. That is ten or 11 Dublin kilometres at peak time. The Department may as well try to move the school to Dawson Street or Kildare Street. That is the length of the distance and the

dramatic impact it would have.

This would be disastrous for the school community. It would no longer be situated in the community. It would need to bus the students from the general Firhouse and Ballycullen area out to Citywest at peak time and bus them back in the afternoon. It is a very far from satisfactory arrangement. The Department is willing to fund the buses but there would be so many challenges regarding the health and safety of the students, never mind concerns about sustainability and the environment, which are no longer secondary issues.

Considering the level of need the school has among the student body it would result in an added layer of significant stress for the students and the team on a daily basis. It would be such a dramatic dislocation of a school that is just breathing in its first air and taking its first steps in the community in permanent buildings that it neither owns, occupies nor has a right to. Dislocating it from the community in very dramatic circumstances removes the type of oxygen that a post-primary school needs to survive, thrive and establish itself.

The Department shared this news with the school community and I will speak about that in my second contribution. At the particular meeting with the parents following the meeting with the Department, the principal had to tell the departmental officials that perhaps it was not the right time for Firhouse Educate Together secondary school if viable accommodation cannot be found in Firhouse, and that perhaps closing the school is the only option.

I stand by the school, the staff, the students and the local community. It is one of the most exciting educational initiatives to take place in the community. A 1,000-pupil, post-primary school is a significant educational footprint. To dislocate it and suggest it ought to be relocated 10 km away will kill it. It is that simple and there is no argument. I would like the Minister to convey this to the Minister for Education and Skills.

Deputy Regina Doherty: There is no point in me reading out the history of the school that the Deputy already knows because he outlined it very eloquently. It is a real pity the planning application for this much-needed and wanted school was upscuttled because it is diverse and slightly different from what we have had in the area previously. The temporary accommodation that was sorted out for recent years set the school in train to be able to move into its new site. The Deputy is well aware as to why that temporary accommodation is no longer viable from this year. This is a pity. I hear the Deputy's distress and I will certainly pass it on.

I must also tell the Deputy that in the past week a number of other sites have been identified by the patron body, Educate Together, and they are being actively pursued because of all the reasons the Deputy just cited. Nobody wants to see the school not come to fulfil its ambition. It is a great new start for the area and for the patron body. I suggest we just sit tight to explore the alternative arrangements offered to see whether any of them are viable. Alternatively, the only suggestion is the home identified in Citywest, although it is not ideal, to try to ensure the school opens its doors to new pupils in 2020. I will definitely pass on all the Deputy's concerns and heartfelt angst on where we are right now.

Deputy John Lahart: Does the Minister's official response name the locations being considered?

Deputy Regina Doherty: No.

Deputy John Lahart: I thank the Minister for her sympathetic response. I will feed it back

12 December 2019

and acknowledge the fact she will go back to the Minister. Citywest is also in my constituency. The Minister of Education and Skills should be aware that never mind that the site to which the school is proposed to be moved is 10 km away, it also creates difficulties for Citywest. Firhouse Educate Together national school and an education and training board national school occupy a temporary building while they await permanent buildings, which are almost complete. It is owned by NAMA and is earmarked as temporary accommodation for Citywest post-primary school, the patron of which has yet to be decided and that process is ongoing. This creates double the difficulties, never mind the distance.

I am heartened to hear that alternatives are being actively considered. I wonder about the dramatic meeting that departmental officials felt they had to have with the Educate Together post-primary school in Firhouse. It is clear from what the Minister said that these options are being considered by Educate Together.

6 o'clock

I hope the Department engages quickly with those concerned. Firhouse-Ballycullen-Knocklyon is a rapidly growing area and it needs an alternative post-primary school. The area is currently served by four fine post-primary schools, including Sancta Maria college, Coláiste Éanna, St. Colmcille's community school and Firehouse community college, all of which are fine, excellent schools but Educate Together represents a different offering to the local community, building on the Educate Together and gaelscoileanna options already available to parents. It provides the choice in education for which we all yearn.

I am grateful that the Minister, Deputy Doherty, will bring my concerns to the attention of the Minister, Deputy McHugh, as a matter of urgency. I look forward to his reply and some good, positive news before Christmas for the community in Firhouse, Ballycullen and Knocklyon.

Deputy Regina Doherty: I will, of course, bring the Deputy's concerns to the attention of the Minister, Deputy McHugh. Lest I did not give him the correct information earlier, the suggested alternative was made by the patron body, not anybody else. It is being actively pursued by the Department. This is not the first time something like this has happened. It happened in my own constituency in 2007. Where there is a will to facilitate, there is always a way. I very much hope and trust that will happen in this case. I will ensure the Minister, Deputy McHugh, communicates with the Deputy on the matter.

Teachtaireacht ón Seanad - Message from Seanad

Acting Chairman (Deputy Bernard J. Durkan): Seanad Éireann has passed the Housing (Regulation of Approved Housing Bodies) Bill 2019, the Landlord and Tenant (Ground Rents) (Amendment) Bill 2017, and the Industrial Development (Amendment) Bill 2019, without amendment.

Pensions (Amendment) (No. 3) Bill 2017: Second Stage [Private Members]

Deputy Willie Penrose: I move: “That the Bill be now read a Second Time.”

I welcome the opportunity to speak to the Labour Party’s Pensions (Amendment) (No. 3) Bill 2017. I welcome my colleague, Deputy Brendan Ryan, who has been pivotal in bringing forward this legislation, which, I hope, will pass Second Stage and progress onwards.

The Labour Party will always support the right of every person to a decent pension and a secure retirement. As a party we made this crystal clear at a recent conference in Mullingar, County Westmeath. Specifically, the Labour Party is committed to pausing the proposed rise in the pension age to give society more time to adjust. It is important to reiterate this as often as necessary given the Government’s failure to listen, which was notable last week in the Dáil. The Taoiseach is on the Dáil record in regard to his opposition to our proposal to prevent a rise in the pension age. In short, he says that is unsustainable. This is despite the fact that, as I pointed out, Ireland has the youngest population in Europe and the third highest fertility rate in the EU. In 50 years’ time Ireland will still have the lowest proportion of older people in the EU, with approximately 20% fewer than the EU average. Consequently, the percentage of national income spent on public pensions will rise by only three percentage points from its 2016 base of 8% over the next half a century.

In many respects, we should have one of the lowest pension ages in the EU, but the opposite is true. The Minister, Deputy Regina Doherty, might respond that we have previously subscribed to this proposal but as circumstances change we are entitled to change our minds. If we become fastidious and stuck, nothing will get done. We should not become so blinkered that we are not prepared to admit we were wrong. The Government intends to push ahead with the increase in the pension age to 68 by 2028. In contrast, the average EU pension age will rise to 66 years of age by the middle of the century. Many people who have already made 40 or more years of social insurance contributions - the way things are going probably 50 years in some cases - are being forced to retire at 65 years of age due to their contracts of employment. They are being forced to sign on as jobseekers, when this patently is not the case. Moving the retirement age to 67 in 2021 would create a two-year pre-retirement waiting period, which is simply unnecessary at this time. This pre-retirement limbo is clearly not what the changes to the retirement age were intended to do. I accept that. Society needs more time to adjust, so that contracts of employment will more routinely allow people to work beyond 65 years of age. This is now in process, such that this adjustment to stall the increase in pension age might not be a long-term measure.

The Social Insurance Fund pays for pensions, which will have a surplus of nearly €4 billion by the end of this year. According to the Government, it will cost €250 million every year we delay, so we can afford to postpone raising the pension age any further at this point in time. We can see this attitude again with the issue of defined benefit pensions, an issue of equal importance, which I bring before the House in this Bill. There are more than 700 defined benefit pension schemes in the State, covering more than 100,000 people, yet there is a fundamental problem with the regulation of defined benefit schemes, one that this Government has failed to legislate on for nearly four years. The Minister, Deputy Doherty, knows the extent of the problem and she is working on the issue within the Department. One sometimes has to overcome obstacles. The essence of achievement is to overcome those who are always baulking at making progress. The schemes are essentially designed to guarantee pension benefits on the

basis of agreed levels of contributions from employers and workers. However, the regulations that are currently in place are such that employers can unilaterally withdraw from the funding of schemes, even in situations where they are financially well capable of continuing to support their operation. How is it that two parties can enter an agreement on an issue as important as a pension scheme and one side can pull out, very often for spurious reasons, at a time of its choosing?

We saw the consequences of this in 2016 with the pension crisis for workers in Independent Newspapers. It is worth recalling that case. In 2016, management of Independent Newspapers informed the trustees of the defined benefit scheme that it would cease making contributions to the schemes, leaving the trustees of the schemes in a situation where they might have been forced to wind up the scheme, leaving hundreds of active members with substantially reduced pension benefits and the real potential for cuts to existing pensions being paid out. In light of this controversy the Government promised to bring forward legislation to strengthen the rights of workers in defined benefit schemes and to fully clarify the responsibilities of employers. The heads of a Bill were published by the then Minister for Social Protection, Deputy Varadkar, but we have seen nothing from Government since then despite numerous promises that the required legislative changes were pending.

It is rumoured that a small number of powerful employers are opposed to any change and they have been actively lobbying Government to prevent the necessary changes from being brought forward. I can assure the Minister that this issue has not gone away. Deputies O’Dea and Brady have introduced Bills along the same lines. I anticipate that they will be supportive of progressing this Bill to Committee Stage and onto the Statute Book. I do not mind who brings forward amendments, as long as what we have at the end of the day is a positive legislation for workers concerned. When one considers that, why would any worker, after hearing of the cases outlined, take the risk of entering such a scheme when his or her rights and lifetime savings might be drastically cut at any time in the future? This Government should be seriously worried about the precedent these cases have set, and the potential consequences for the 100,000 or more citizens who are saving for their pensions through these schemes. Deputy Brendan Ryan, who represents the very large area of Fingal, spoke about this at a parliamentary meeting. He has a background of working in industry.

Let us be clear about what the Government is doing. It is deterring workers from saving for their retirement, when it should be doing the exact opposite. We all know, including Deputies and spokespersons who are here, how to solve this issue. We are not trying to reinvent the wheel.

We should look at our neighbours across the water in the UK. They may have got a lot wrong with the Brexit crisis from our perspective, but we could learn a thing or two from them as regards this issue. In the UK, the law prevents solvent companies from walking away from their obligations to their employees’ occupational pension scheme. This should be the standard practice, but the pensions regulation regimes in Ireland and the United Kingdom have diverged in many respects, and particularly as to this essential aspect.

Accounting standard FRS 102 requires an employer to recognise its liabilities to a pension scheme in its own financial statement. Yet removing those liabilities from the employer’s own accounts can have a transformative effect on the company’s accounts. The problem here is that an employer’s obligation to its pension scheme is not governed by statute law but by the terms of the pension trust deed which the employer will itself have drawn up. As a result, it is rarely

a binding obligation. The employers are, therefore, in the dominant position. Most direct benefit trust deeds allow the employer to wind up its pension scheme and to cease contributions, while ignoring any deficit in the funding of the scheme and the resulting inability to pay out the benefits originally promised.

As I mentioned, there are 700 defined benefit pension schemes in the State, covering more than 100,000 people. This will only continue to grow, so we cannot allow this uncertainty to continue. The reality is that the solution has been gathering dust on the Minister's desk for more than two years. There are at least three Bills that I am aware of.

In 2018, the Government's Roadmap for Pensions Reform promised clear action on this matter. In particular, the Government committed that by the first quarter of 2018 it would have advanced legislation to give effect to new controls on the funding of these pension schemes. However, we are now at the end of 2019 and we have heard of no positive action in this regard from the Government.

I have been contacted by the Irish Congress of Trade Unions, which has told me in no uncertain terms that it supports the legislation that I am bringing forward this evening and of its frustration with the lack of progress on this important policy matter. It sees my Bill as an effective means of giving workers in defined benefit schemes the comfort that their pension savings are protected. It is time we stopped talking and took some action on the issue. This Labour Party's Pensions (Amendment) (No. 3) Bill 2017 does just that. Some of the other parties also have great ideas and there is no reason we cannot amalgamate and debate them all on Committee Stage.

The Long Title of the Bill reads "An Act to amend the Pensions Act 1990, and to provide for related matters." Specifically, section 1 amends Part IV, the funding standard, of the Pensions Act 1990, by inserting a new section 44A, dealing with employers' obligations in relation to deficiencies in the funding standard. Under this Bill, the new section will apply to relevant defined benefit schemes which are being wound up where the employer concerned is not insolvent, and the scheme does not satisfy the funding standard. To clarify, where the section applies, an amount sufficient to enable the scheme to satisfy the funding standard is deemed to be a contract debt - that is the essential thing - due from the employer concerned to the trustees of the scheme.

In addition, a scheme would be deemed to be wound up where the employer takes any step under the rules of the scheme, other than paying into its resources an amount sufficient to enable the scheme to satisfy the funding standard, which would be clearly exempt, that enables the employer, in accordance with generally accepted accounting principles or practice, to remove recognition of current or contingent liabilities towards the scheme from the employer's own financial statement.

The question of insolvency under the Bill is to be determined in accordance with the Protection of Employees (Employers' Insolvency) Acts 1984 to 2012. This section does not prejudice any other right or remedy which the pension trustees may have in respect of a deficiency in the resources of a scheme, and it ensures that the stated provisions apply to defined benefit schemes that came into operation before its commencement.

This is the least we should expect from employers engaged in such schemes. They should not renege on their responsibilities. When they are solvent, why should they run away from

their responsibilities? We have to curtail that emerging trend, which will develop further unless we take action. That is why I am proposing this Labour Party Bill in good faith to resolve, or certainly tackle, this issue for once and for all.

I hope everyone in the Chamber will listen to our call and take clear action by supporting this Bill's passage through the House. As I said, I am aware that Fianna Fáil, through Deputies O'Dea and Lahart, and Deputy John Brady of Sinn Féin, have drafted significant Bills in this area, which I acknowledge. On Committee Stage, we can look at amendments that might be necessary to strengthen this Bill. Our party is obviously willing to do so. This is above politics; this about protecting workers' rights and the legitimate expectations of workers who have made a contribution in anticipation of a pension at the end of their working life. This working period is being stretched out because, thankfully, people are living longer. This is an opportunity for us to grasp the nettle, progress this Bill to Committee Stage and get it onto the Statute Book. It is an issue workers and the Irish Congress of Trade Unions are watching carefully. Deputies Brady and O'Dea and myself have met them. They are aware of the situation and are eager that this is progressed. They has been patient but their patience can only last so long.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I thank Deputy Penrose because I know and appreciate he is acting in good faith and I know exactly what he is trying to do in respect of this Bill. I hope he appreciates that both I and the Government share his concerns. The overriding priority for the Government is to provide additional protections for pensioners and members of pension schemes to ensure the future viability and sustainability of the defined benefits, DB, pension system and to ensure continuing trust in the pensions system as a whole. However, the Government opposes this Private Members' Bill as it has already committed to bringing forward legislation in this area and for the reasons I will set out now.

It is essential that any new measures are carefully considered and recognise the current pension landscape in Ireland. When imposing a statutory duty on employers, it is important to ensure that a balanced, proportionate approach is achieved and that unintended negative consequences do not unknowingly arise.

Under existing pensions law there is no legislative obligation on the employer to make any contributions to a scheme. Nor is there an obligation on an employer to provide notice to members or consult in advance of ceasing contributions that they may already have been making.

As the House is aware, the general scheme of the Social Welfare and Pensions Bill 2017, now the Social Welfare, Pensions and Civil Registration Bill 2017, was published in May 2017 and contained a number of key measures relating to DB pension schemes. Unfortunately, a number of provisions could not be brought forward on the initial Second Stage reading of the Bill. However, I have announced that I am committed to bringing them forward on Committee Stage. Those provisions will, among other things, ensure that an employer cannot walk away at short notice from a pension scheme it is supporting, by providing for a 12-month notification period. In addition, where a scheme is in deficit and no agreement is reached on resolving it, these provisions will enable the Pensions Authority to make a funding obligation direction specifying payments to be made by a sponsoring employer to the pension scheme within a specified time period.

In short, these amendments will act to support existing provisions in our current Pensions Act and will encourage employers to ensure that schemes are well-funded and managed. Given

the need to achieve a balanced and resilient solution, it has been necessary to consult with and obtain numerous legal advices from the Office of the Attorney General in respect of various aspects of this policy. That work is under way.

As Deputies will know, the Government's Roadmap for Pensions Reform that I published in February 2018 commits the Government to advancing the Social Welfare, Pensions and Civil Registration Bill and I will do that once I receive necessary legal clarifications.

This Private Members' Bill, introduced by Deputy Penrose, proposes to insert a new section 44A to impose obligations on employers as to deficiencies in the funding standard by providing that, in certain circumstances, a debt can be placed on the employer which may be recouped by the trustees in a court of competent jurisdiction. It sets out that the new section shall apply where a relevant scheme, that is, a defined benefits scheme, is being wound up and where the employer concerned is not insolvent, and the scheme does not satisfy the funding standards. It provides that an amount sufficient to enable the scheme to satisfy the funding standard is deemed to be a contract debt due from the employer concerned to the trustees of the scheme. It sets out, for the purposes of the section, the circumstances in which a scheme is deemed to be wound up and an employer insolvent. It does not prejudice any other right or remedy the pension trustees may have in respect of a deficiency in the resources of a scheme and it applies to defined benefit schemes that came into operation before its commencement.

I reiterate I recognise that the intent of the Bill is to protect the pension benefits of scheme members but there are a number of reasons for opposing the Bill. Before outlining them, it is important to state the decision to wind up a scheme is generally a matter for the trustees, and while in some cases the Pensions Authority may direct trustees to wind up a scheme, it is not necessarily the decision of a company, solvent or otherwise, to do so. The trustees of a scheme have a fiduciary duty under trust law to act in the best interest of all the scheme members.

The reasons for opposing the Bill include that it seeks to place the full obligation on the employer for any funding deficit in a scheme. Defined benefit pension schemes in this country are voluntary tripartite arrangements among employees, employers and trustees. Accordingly, they depend on the willingness of employers and employees to contribute to, and maintain schemes for, all their members. Ultimately, the responsibility rests with the parties for ensuring that the scheme is properly managed and funded to meet the promised level of benefits set out in the first instance. The Bill fails to take account of the individual circumstances of defined benefit pension schemes and the implications arising for sponsoring employers of such schemes.

More fundamentally, the text of the provisions set out in the Bill are so narrow in focus that they cannot be considered to fulfil its purpose. For example, it seeks to address cases solely where a defined benefit pension scheme has been wound up, by reference to the specific meaning given to the term "wind up" set out in the Bill. As a result, it will not ensure the provision of ongoing adequate funding and support to schemes by sponsoring employers.

In addition to applying only in a wind-up case within the meaning of the term specified in the Bill, the provisions will also only address cases where a scheme is in deficit. Accordingly, it will have no effect in cases where a scheme satisfies the funding standards but fails to provide any additional protection to scheme members of such defined benefit pension schemes. By contrast, the Social Welfare, Pensions and Civil Registration Bill 2017 includes provisions that will ensure ongoing support by sponsoring employers in addition to facilitating early dialogue between the employer and trustees to resolve any funding deficit and to oblige employers who

intend to cease making contributions to their scheme to provide a minimum notification period of 12 months before they do so.

The narrow focus of the Bill is further reinforced by the manner in which the provisions specifically link a scheme wind-up to changes in the employer's accounting treatment of the scheme. This is a relatively rare occurrence and in any case does not represent the wind-up of a scheme in the true sense, as a change in the accounting treatment would not mean that the scheme would cease to operate with the resources distributed to its members. The linkage to the accounting treatment of a scheme renders the Bill incapable of having the widespread impact envisaged. The wind-up scenario proposed in the Bill relates to the manner in which sponsoring employers of defined benefit schemes represent the scheme on their balance sheet as per relevant accounting standards. Such standards, however, have no relevance in pensions legislation and the circumstances proposed in the Bill could not be viewed as a wind-up under such legislation.

Irrespective of how sponsoring employers of defined benefit schemes represent their schemes on their balance sheets, such schemes are defined benefit schemes under pensions legislation and as such are required to meet the funding standard requirements in any event. The funding standard is how Ireland meets its EU legal requirements in respect of technical provisions for pensions. Consequently, as matters stand, where a defined benefit scheme fails to satisfy the relevant funding standards, that is, where the scheme is in deficit, action is required by the trustees of the scheme to restore the scheme's funding position, such as by agreeing and submitting a funding proposal under section 49 of the Pensions Act. As the Bill places a full obligation for a scheme deficit on the sponsoring employer, it completely bypasses existing mechanisms and processes contained in the Pensions Act, such as the development of funding proposals.

The Bill fails to recognise the position of bona fide employers who have over many years provided significant support to their pension schemes. If, at some future point, a deficit should arise in a scheme through no fault of a sponsoring employer that has maintained support, it is questionable whether it is justifiable, reasonable or equitable to place the full responsibility for addressing the funding deficit on such an employer.

The Bill also fails to take account of, or have due regard for, the circumstances of individual sponsoring employers and the negative consequences that may arise for them and their employees, contractors and creditors from placing a full obligation on them to fund the scheme deficit.

The Bill proposes that an employer's insolvency shall be determined in accordance with the Protection of Employees (Employers' Insolvency) Act 1984, as amended. It is understood, however, that the Act would not necessarily cover all insolvent employers. In brief, that Act provides for the payment of certain moneys, such as unpaid wages, holiday pay and pension contributions, due to employees of a company where those payments or contributions remain unpaid at the date of insolvency. If, however, a company had paid any and all payments due to employees as of the time of insolvency, no applications for payments under the Act would or could arise. Accordingly, an insolvent company as I described would not be identified as such by the provisions of the Bill and, therefore, a debt could not be placed against that insolvent employer.

The Bill sets out in subsection (3) that the proposed new section 44A would not "prejudice any other right or remedy the trustees have in respect of a deficiency" in a scheme. The consequence of the Bill, however, would be to place an obligation on the employer for the debt

in respect of the full scheme deficit, irrespective of any existing provisions under the Pensions Act. Given that the Bill bypasses existing provisions of the Act, it is difficult to ascertain how subsection (3) could be read or interpreted harmoniously with the other provisions of the Bill or the existing provisions of the Act.

While the Bill is well-intentioned, it lacks proportionality as it would place the full obligation for a scheme deficit on the sponsoring employer and does not take into account the ongoing support that employers have provided to their schemes, or the dialogue and engagement such employers have with trustees and scheme members to address funding deficits. The need to support further any such dialogue and engagement will be provided for in Committee Stage amendments to the Social Welfare, Pensions and Civil Registration Bill 2017. For the multiple reasons I have outlined, the Government will oppose the Bill before the House.

Deputy John Lahart: Deputy Penrose noted that my colleague, Deputy O’Dea, has tabled a Bill on the same matter. The Deputy mentioned my name, too, but in the context of this issue, I am his master’s voice to Deputy O’Dea. It would not be within my grasp to produce a pensions protection Bill with a level of detail that could stand up to the same kind of scrutiny as a Bill that Deputy O’Dea is capable of producing. Deputy Penrose’s Bill is the Pensions (Amendment) (No. 3) Bill, while Deputy O’Dea’s is the Pensions (Amendment) (No. 2) Bill. Nevertheless, we will support the Bill before us. I note the Minister has left the Chamber.

I wish to make a couple of points on behalf of my colleague, Deputy O’Dea, as well as some personal comments that any Deputy might make. They relate to the importance and integrity of a person’s pension. In the lifetime of this Dáil, which is approaching four years, there have been multiple examples of employees who sailed along in their professions and lives on the understanding that when they retired, there would be a pot to which they had contributed generously, only to discover the shocking news that it did not exist. It is difficult to find an analogy for it but one might say it is like a passenger on a jumbo jet knocking on the cockpit door, only to discover there is nobody there and that the passenger is alone. It must be truly devastating to discover that the basis for one’s future after retirement has disappeared. I accept what the Minister stated about Ireland being full of examples in industry of great employers who have provided great pension schemes and delivered on them with integrity to their employees. Many of them who would be known to me managed to achieve longevity and ended up retired for longer than they had worked for. They continued to receive the benefits to which they and their employers had contributed over the years.

I thought it was interesting that the Minister spent the bulk of her response criticising Deputy Penrose’s Bill without really outlining, other than in very brief terms, where the Government is on this issue. Amendments will be considered when we move on to Committee Stage of the Government Bill. In my relatively recent and naive experience, this Dáil will not last long enough for the Government’s proposals, which have been in front of us since 2017, to be considered. It is an indictment of the Government’s attitude to this matter that it will not be resolved in any concrete or full way before we go to the country. The issue of defined benefit schemes will drift on into the next Parliament. Deputies Penrose and O’Dea have been pointing to the Government’s tardiness and lack of urgency with regard to this issue, which is extremely urgent for the public.

Fianna Fáil has proposed the Pensions (Amendment) (No. 2) Bill 2017 as a means of addressing this issue. Our comprehensive Bill has been passed on Second Stage and is now being held up by a money message. I have no doubt that a similar fate may await the legislation that

Deputy Penrose has brought before the House this evening. I am aware that the Deputy is not seeking another mandate in this House. I admire his energy, dynamism and interest in producing and presenting legislation before the House. Many colleagues of mine on this side of the House are admirers of the Deputy. It is a credit to him that at this potentially late stage in the lifetime of this Dáil, he continues to be determined to drive meaningful legislation through this House.

We are supporting the Bill before the House. Deputy Penrose has said that he is open to amendments. Equally, Deputy O’Dea is open to amendments in the case of his Bill. We will make any necessary amendments to both Bills on Committee Stage to ensure they are as robust as possible. Our Bill provides for an appeals mechanism that may be used when a pension is being wound up by the trustees of the scheme. Furthermore, our Bill compels the Pensions Authority to conduct a study of how liabilities are calculated and to report back to this House within six months. We have some reservations about the UK model. Such matters can be thrashed out on Committee Stage. The purpose of our Bill, like Deputy Penrose’s Bill, is to ensure employers meet their obligations in respect of defined benefit schemes when such schemes are being wound up.

A couple of points need to be made because they were not addressed by the Minister. The Government has failed to address this issue. Almost three years have passed since the general scheme of the social welfare and pensions Bill 2017, which ultimately became the Social Welfare, Pensions and Civil Registration Bill 2017, was published. It contained a number of measures relating to defined benefit pension schemes. Even though the Second Stage debate on the Social Welfare, Pensions and Civil Registration Bill 2017 concluded on 4 October 2017, which is more than two years ago, and Government approval for additional provisions in the Bill was finalised 18 months ago, nothing has happened since. Deputies on this side of the House believe the Minister has sat on her hands. She has failed to tackle this issue for once and for all. Nothing she has said today gives us the impression that the matter will be brought to a conclusion soon. It seems to Opposition Deputies that this is another case of the Government making announcements but not actually delivering.

Deputy Penrose made a number of points that I do not want to repeat for the sake of repeating. There is one point I would like to reinforce, however. The Deputy is particularly passionate about the closure of defined benefit pension schemes by large solvent companies. This phenomenon needs to be addressed. In Ireland, we have seen a number of cases in which profitable companies that pay dividends have decided to wind down defined benefit pension schemes to the detriment of members of the scheme. This is the kind of stuff that happened at the turn of the 20th century, in an era before we had trade unions and workers’ rights. At that time, we had not achieved gains like moves towards equality, improvements in labour laws and protections for people against big corporations. As we approach 2020, it is hard to believe we are fighting once more to prevent some corporations from getting their grubby hands on what is not rightfully theirs.

I emphasise that some companies have been great employers in this country. I do not know whether they are still great. In Dublin, Guinness offered the Rolls-Royce of pension schemes and looked after its workers exceptionally well. That is certainly what I would have reckoned over the years. It was a model scheme. Many other employers did likewise and continue to do likewise. All companies must be compelled to treat the members of their pension schemes in an equitable manner. Deputies O’Dea and Penrose have introduced legislation to ensure healthy companies cannot avoid their responsibilities to pension funds that are in crisis. The issue of

employer responsibility is a central part of the Fianna Fáil legislation and of Deputy Penrose's legislation. I apologise to Deputy Brady for omitting to include him in my comments. He was out of my line of sight. I know he is supportive of the efforts that are being made in this regard.

More and more companies, including profitable companies, are deliberately choosing to wind up defined benefit pension schemes. The Minister is allowing them to walk away from these debts, which is not something that is permitted in other jurisdictions. There can be no justification for this. It would be a bad day if we were to seek to justify it. It has become part of the lexicon to say that this happens. It has been part of the conversation. If this Government is to have any legacy as it comes to the conclusion of its term in office, it must make right the most unjust scenario in which people can write off these debts, take what is not rightfully theirs or deny others what it rightfully theirs, thereby leaving ordinary small people to pick up the remnants of these pension schemes as they try to survive into what ought to be their comfortable retirement years. I do not want to use a cliché by referring to "twilight years". The Government must correct this wrong by making it impossible for ordinary people to be at the mercy of people who do not play to the same kind of rules as everybody else. Ordinary people depend on this House to make the rules for them, to protect them and to ensure their futures are secure.

Deputy John Brady: I welcome the opportunity to speak on this important legislation. Previous speakers have alluded to the fact that it is one of three Opposition pensions Bills that have been introduced, primarily due to Government inaction, to deal with this serious situation. Deputy Penrose's Bill is being discussed this evening. Deputy O'Dea's Bill is waiting alongside a Bill in my name. During Questions on Promised Legislation yesterday, the Labour Party leader, Deputy Howlin, asked the Taoiseach if he would be supporting this Bill. The Deputy opened his contribution by citing legislation that has been introduced in England to make it illegal for solvent companies to move away from their pension obligations. The pensions Bill in my name contains a similar provision, but the Bill before the House does not, unfortunately. I hope to propose an amendment in this vein if we have an opportunity to do so on Committee Stage.

The real nub of the issue we need to tackle is the need to prevent companies from walking away from their pension obligations to their workers. We need to stop solvent companies, many of which are very wealthy, from renegeing on their pension obligations and walking away from the pension commitments they have made to their employees who have paid into pension schemes for many years. Ultimately, it is the employees who suffer. The Taoiseach spoke about job losses and putting companies out of business but we need to tip the balance back in favour of the workers who suffer in the scenarios that are becoming more common - the move from defined benefit schemes to defined contribution schemes and the closure of defined benefit pension schemes. Instead of looking at the impact on big business, the Government should be looking at the impact on workers. The Social Welfare, Pensions and Civil Registration Bill 2017 was referred to Committee Stage on 4 October 2017, more than two years ago. At that time the Minister stated on the record that necessary amendments relating to DB schemes were being drafted by her Department and the Office of the Attorney General, which were to be ready and brought to Committee Stage that autumn. Since then we have heard about the delay in bringing forward these amendments due to their technical and complex nature. I find this hard to believe. At the same time, companies close their DB schemes whenever and however they feel like it. What the Minister and the Government did in 2017 was send out a signal to all companies looking to wind down their schemes that now was their opportunity to do so because it was possible that it would bring forward amendments. The Government gave them over two years to do what they

liked, and they are doing it because they can, given that no legislation protects pensioners when profitable companies decide to stop paying into their pension funds.

We saw the outworking of that in 2017 when Independent News and Media attempted to cease making contributions to its DB scheme. The latest of these schemes to close was Irish Life, the State's largest pension provider. Not only was the scheme not in deficit, it had a huge surplus of more than €200 million. The Government is sitting back and allowing workers to be left high and dry by large employers who are profitable and solvent but who no longer want to carry the risk of a DB scheme on their books. Instead, they want to put all of the risk on the employee and the Government stands by and do nothing while the company walks away. This has gone on far too long.

We have had issues with pension pots in Aer Lingus, Ryanair, Irish Life, Independent News and Media and, in all cases, the workers' pensions are at stake. Rather than concerning ourselves with how wealthy companies can afford to sustain their DB schemes, we should ask why the Government is letting them walk away.

We need to rebalance the scales. We need to ensure that where workers enter into pension schemes in good faith and make their contributions, their pension pot, at the very least, is protected and guaranteed. Otherwise why would anyone enter into a DB pension scheme?

The Government needs to stop hiding behind the difficulties in drafting amendments to offer protections to scheme members and get on with doing it. Although the majority of employers want to do the right thing by their employees' pension scheme, the Government has a responsibility to protect the small minority of employers who may be content to put their employees' pension pot at risk. We know that in England increased protections for DB pension scheme members were introduced while at the same time being able to balance the protection of members' benefits with the sustainability of the employers business, in recognition of what the Government is telling us, that DB scheme liabilities can be expensive for some employers. That is the balance that we have to strike here. If it can be done in England, then it can also be done here. The Government needs to take this issue head on before any more workers lose out, through no fault of their own. We need to stop employers taking the decision to renege on their pension obligations and where there are deficits in DB schemes, we need, where the employer is solvent, to put it up to that employer to keep their commitment to workers.

Sinn Féin will support the Bill. We will look to strengthen it and if given the opportunity on Committee Stage, we will bring forward amendments. We can bring in robust legislation that will protect workers and their pensions. It is shameful that the Government has allowed two years to elapse and put so many workers pensions at risk, giving the signal to employers that now is their opportunity to get out if they wish. The Opposition has three Bills before the House and I am delighted that Deputy Penrose's was chosen to proceed. We need to move to Committee Stage as soon as possible. We owe it to the workers and the pensions pots that they paid into in good faith over many years.

Minister of State at the Department of the Taoiseach (Deputy Seán Kyne): I am responding on behalf of the Minister, Deputy Doherty. She understands the intention behind the Bill is to alleviate the issues that are continuing in defined benefit schemes. She and the Government share Deputy Penrose's concern on this area. There is a danger of unintended consequences in any legislation. It is essential that any proposed changes be carefully drafted and analysed in order that a fair, balanced and proportionate approach can be achieved, especially

when considering imposing a statutory duty on sponsoring employers of DB schemes.

I would like to reiterate some of the points made earlier by the Minister. While the Bill may be well intentioned, it lacks proportionality as it seeks to place a full obligation on the employee for any funding deficit in a scheme. As the Minister stated, DB pension schemes in this country are voluntary tripartite arrangements between employees, employers and trustees. It is important to take account of the individual circumstances of DB pension schemes and the implications arising for sponsoring employers of such schemes. This Bill does not recognise the position of employers who have, over many years, provided significant supports to their pension schemes and fails to take account of the circumstances of the individual sponsoring employer and the negative consequences that may arise for that employer, its employees, contractors and creditors, from placing a full obligation to fund the scheme deficit.

The purpose of the Bill is to address situations where a DB pension scheme is being wound up, as set out in the proposed provisions. However, as the Minister outlined, the text of the provisions is so narrow in focus that they cannot be considered to fulfil this purpose and will not ensure ongoing, adequate funding and support is provided to schemes by sponsoring employers.

The Bill will only address circumstances where a scheme is in deficit and it will have no effect in cases where a scheme satisfies the funding standards and fails to provide any additional protection to scheme members of such DB pension schemes. The provisions of this Bill specifically link the wind-up of a scheme to the manner in which sponsoring employers represent the scheme on their balance sheet as per relevant accounting standards. A change in the accounting treatment of a scheme does not mean that the scheme would cease to operate with the resources distributed to its members.

Regardless of how DB schemes are represented on the sponsoring employers' balance sheets, under pensions legislation, such schemes are DB schemes and, as such, are required to meet the minimum funding standard requirements. Where a DB scheme fails to satisfy the relevant funding standards, action is required by the trustees of the scheme to restore the scheme's funding position such as agreeing and submitting a funding proposal under section 49 of the Pensions Act. This Bill places a full obligation for a scheme deficit on the sponsoring employer and it completely bypasses these existing mechanisms and processes in the Pensions Act.

Unlike this Bill, the Social Welfare, Pensions and Civil Registration Bill 2017 includes provisions that will ensure ongoing support by employers and early dialogue between them and trustees to resolve a funding deficit, and it also includes provisions to oblige employers who intend to cease making contributions to their scheme to provide a minimum 12-month notification period. Other provisions will enable the Pensions Authority, where a scheme is in deficit, to make a funding obligation direction specifying payments to be made by a sponsoring employer to the pension scheme where no agreement was reached, within a specified time period, to resolve that funding deficit.

These amendments, which will be brought forward on Committee Stage, will act to support existing provisions in the Pensions Act and will encourage employers to ensure that schemes are well funded and managed. I assure the Deputies that the Government is very conscious of the issues raised in this Bill and DB pension schemes generally. I hope that Deputies now have a clearer understanding why the Bill is being opposed.

Deputy Willie Penrose: I thank all who contributed, particularly Deputies Lahart and Brady.

I assure Deputy Brady that I have no problem accepting the amendment he has spoken of to strengthen the Bill. We all have one common objective - there is no one-upmanship - which is ensuring that this achieves the very noble objective of protecting employees. What I have heard from the Minister is an employer's charter. It was like something that had come from IBEC. In fact, IBEC would not have written it so well. I agree that there are many great employers who go above and beyond the call of duty in fulfilling their obligations and responsibilities in terms of pension schemes. This Bill is not intended to deal with those types of employers, because they are already meeting their obligations. As the Minister correctly noted, there are many employers who were supportive of schemes over many years and paid out to employees under them. Those schemes did not go into deficit or are unlikely to go into deficit in the future and they are not the object of this Bill.

The Minister and Minister of State, or the person who wrote their speeches, have deliberately misconstrued the objectives of the legislation I have brought forward, which should, of course, be read in conjunction with the pensions legislation that is already in place. It proposes to insert a new section 44A into the 1990 Act and it should be construed in conjunction with the other provisions of that Act. In what way does my proposal come into conflict, as the Minister suggested, with various aspects of the existing legislation? That is a novel proposition and one I have not previously encountered in almost 28 years in the Dáil. As I said, this Bill will be read in conjunction with other legislation, and a court seeking to construe the law would look at the whole legislative framework. I am merely seeking to insert a new provision in the existing legislation in the same way that Deputies Brady and O'Dea are proposing to do in their respective Bills. In short, we are seeking to amend the Pensions Act to address its lopsided provisions.

I accept the Minister's point that pension provision involves a tripartite arrangement comprising the employer, employees and trustees. However, one group, the employees, is in an inferior position in that three-legged stool. When things become difficult and there is any smell of trouble, employers are in the dominant position and will gather up their forces and run for the hills. I am talking about solvent employers, some of whom were named by Deputy Brady and me. None of them is on the margins of viability. In fact, they are the wealthiest of the wealthy. I salute Alan O'Leary and Ray Mitchell, the SIPTU representatives who represented their members in Ringaskiddy and Little Island in the negotiations with Pfizer. After a solid engagement and with the company's intention being to move from defined benefit to a defined contribution scheme, even on a going forward basis, the workers held out and won a battle. One must salute SIPTU and the other unions that are fighting on behalf of their members. I understand Unite is negotiating on behalf of employees in Irish Life. We should salute all trade unions. If they were not there, we would be looking at a steamroller going over all the rights of workers.

My essential purpose in bringing forward these proposals is to protect people who are vulnerable and not in a dominant position. The Minister has spent a lot of time consulting on these matters. It seems the Attorney General's office has been extremely busy, which is a good thing. I reiterate that this Bill is aimed at dealing with healthy and profitable companies that seek to walk away from their liabilities, responsibilities and obligations. We have heard a litany of reasons from the Minister and Minister of State as to why the Bill should be rejected, most of them from the employers' perspective and with little recognition of the situation of employees.

As I said, I would accept any reasonable amendment, including that suggested by Deputy Brady. There was reference to the situation in the UK. It is important to note that when it comes to workers' rights, that country is not as advanced as we are in some respects. Workers in this country have secured many rights since we joined the EU in the 1970s. I salute all of the

workers involved in that fight down through the years. I recall that council employees like my late father had to cycle 10 or 12 miles a day in the course of their work. The first break they won in the 1970s was to reduce that requirement to 5 miles. If there was a need to travel more than 5 miles, they could get a lorry with a cover on it. They were simple rights but, like all rights, they were hard won. That is why we should never look to trample workers' rights but instead make sure to protect them.

A pension is a very hard-won right. In some cases, it is earned by people working in difficult, hazardous and demanding jobs, both mentally and physically. When they reach the end of the line in terms of their working life, they should at least be able to enjoy their retirement years with some degree of comfort. Instead, some of them are having to see the dividends of their work being enjoyed by company shareholders. Then, to add insult to injury, the workers are left carrying the can when their employer winds up a solvent scheme or fails to make the appropriate contributions to ensure it remains solvent. What I am seeking with these proposals is to effect a recalibration of rights, obligations and responsibilities. I will be happy to accept amendments from any of my colleagues in the Opposition who wish to bring them forward. I know that any such proposals will be reasoned. I have seen Deputy Brady's Bill and have no problem with its provisions. I am proposing that we work together to ensure that we end up with legislation that is focused on the protection of workers. When one looks at what was proposed by Independent News and Media, for instance, the net effect was simply to enable shareholders to profit while employees were to have their pension entitlements reduced. Fortunately, a resolution was reached in that case and I salute all involved for achieving it. People such as Séamus Dooley and others in the National Union of Journalists, NUJ, who have represented their members well, were extremely concerned at the time about that development. We should commend everybody involved in those negotiations.

I accept the Minister of State, Deputy Kyne, is standing in for the Minister. Deputy Brady is correct that we are worn out. Our eyes are out on sticks. I wish to highlight the dilatory and tardy way in which the Minister addressed these proposals. I introduced the Bill in October 2017, two years and two months ago. I accept that this is a complex area and that issues might arise. I am not so dumb in terms of appreciating the difficulties, but two years and two months is taking the biscuit. There has been no urgency at all. Instead, we have had a lethargic, apathetic response from the Government. All of us here on this side of the House want this issue addressed once and for all. For that reason, I will press on with this, with the support of Fianna Fáil and Sinn Féin and perhaps other Members. Let us get the Bill to Committee Stage.

It is time to cut out the nonsense because the longer these provisions are delayed, the greater the incentive for more companies to avail of the opportunity that exists. There is a big hill close to where I live called Laragh Hill. I think there is a place called Laragh in Deputy Brady's county as well. The saying at home is that something is as wide as Laragh Hill. In other words, one would get two buses across it. There is an opportunity for certain employers to drive a coach and four through the rights for which workers have fought. We cannot allow that. Other Members will be able to do something about this, but it is probably my last opportunity to present a Bill in the House and I am delighted to have it. This is a fundamentally important issue concerning the protection of workers' rights. If progress is not made on the issue, many Members will be back here looking to address it. As an experienced politician who has met a lot of people in his time, I know that Deputy Durkan will have to look at the issue again in this Chamber. However, there is no need for anyone to come back to address it. We have the chance to resolve it by way of the two or three Bills that have been brought before the House.

12 December 2019

Let us do it now.

Question put.

Acting Chairman (Deputy Bernard J. Durkan): In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Wednesday, 18 December 2019.

The Dáil adjourned at 7 p.m. until 2 p.m. on Tuesday, 17 December 2019.